



**fidh**



## **WOMEN AT WORK**

**Systematic violations of labor rights  
in the construction and garment  
sectors in Bangladesh**



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## Acronyms

ADB	Asian Development Bank
BCWS	Bangladesh Center for Workers Solidarity
BEPZA	Bangladesh Export Processing Zones Authority
BGIWF	Bangladesh Garment Industrial Workers Federation
BGMEA	Bangladesh Garment Manufacturers and Exporters Association
BILS	Bangladesh Institute of Labor Studies
BLA	Bangladesh Labor Act
BKMEA	Bangladesh Knitwear Manufacturers and Exporters Association
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
BNBC	Bangladesh National Building Code
DIFE	Department of Inspection for Factories and Establishment
EPZ	Export Processing Zones
EU	European Union
EBA	Everything but Arms
GBV	Gender-Based Violence
GDP	Gross Domestic Product
GSP	Generalized System of Preferences
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labor Organization
JICA	Japan International Cooperation Agency
MWB	Minimum Wage Board
NGO	Non-governmental organization
NISHC	National Industrial Safety and Health Council
NTC	National Tripartite Committee
NTPA	National Tripartite Plan of Action
RCC	Remediation Coordination Cell
REHAB	Real Estate & Housing Association of Bangladesh
RMG	Ready-Made Garment
RSC	RMG Sustainability Council
SCF	Social Compliance Forum
TCC	Tripartite Consultative Council
WWA	Worker Welfare Associations

# 1. Introduction

The Rana Plaza disaster in 2013, which resulted in the deaths of 1,135 people - mostly garment workers and women - and injuries to more than 2,500 others, marked a turning point in the attention paid worldwide to the garment sector and the working conditions of garment workers in Bangladesh. In its aftermath, laws were reformed, companies were put under tremendous pressure to improve monitoring of their supply chains, and bilateral and multilateral development partners incorporated benchmarks in their trade deals.

However, despite these efforts, progress has been slow and numerous violations linger under the surface. While some aspects of the sector have been reformed, the change has been far from widespread and permanent. Unfortunately, the events during the past 18 months have shown that reforms have been inconsistent, at best, and have done little to affect long-standing and systemic changes.

In January 2019, over 5,000 garment workers in Bangladesh were fired by their employers after participating in protests to demand higher wages. The protests came on the heels of a rise in the minimum monthly wage from BDT 5,300 (USD 62.42)<sup>1</sup> to BDT 8,000 (USD 94.22) – a far cry from the BDT 16,000 (USD 188.44) labor rights activists and union leaders say is necessary to have a decent life in Bangladesh.

Meanwhile, the rapidly booming construction sector has received little attention from the international community, despite being host to widespread and systematic human rights violations - from gender discrimination, dangerous workplaces, and child labor.

## 1.1 Objectives

This report aims to explore the overall situation of women working in the ready-made garment (RMG) and construction sectors in Bangladesh, including the extent to which their treatment is in conformity with existing laws, the rights abuses they face, and to identify areas where reform is necessary. This report also aims to analyze the socio-economic situation of women workers in these two sectors - their health, living and workplace conditions that define their daily lives, and the gender-based discrimination and violence to which they are subjected in the workplace. The goal of the report is to contribute to a growing movement being mobilized in support of workers and labor rights in Bangladesh, and to pressure the government of Bangladesh and the international community into taking immediate and effective action to protect the rights of workers across different sectors of the economy.

## 1.2 Methodology

This report was based primarily on qualitative information collected from both primary and secondary sources. Primary information was collected through field visits, four focus group discussions, and individual in-depth interviews with women workers in the RMG and construction sectors. One hundred female workers were interviewed: 22 in Dhaka, 14 in Narayanganj District, and 14 in Gazipur District for the RMG sector; and an additional 10 in Dhaka, 15 in Narayanganj District, 15 in Gazipur District, and 10 in Munshiganj District for the construction sector. These specific locations were selected because they are the most important hubs for the garment and construction sectors. Workers interviewed for the RMG sector were between the ages of 18 and 40, while workers in the construction sector were between the ages of nine and 60.

Interviewees were arranged through Odhikar's network and selected based on age, living conditions, and the level of compliance with worker rights in the factories where they worked. The interviews were conducted in Bangla, using open-ended questionnaires. All interviewees were informed of the

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1. Exchange rate USD 1 = BDT 84.9050, as per conversion rate in January 2020; <https://www.xe.com/currencyconverter/convert/>

purpose of the research and granted consent to Odhikar in order to use their testimonies. However, most of the RMG workers interviewed requested that the names of the factories where they work be withheld due to concerns of reprisals.

Ten supplementary interviews with representatives of non-governmental organizations (NGOs), labor rights activists, labor law lawyers, and other stakeholders were conducted in Dhaka. Odhikar researchers also reviewed reports from varied sources, including from published and non-published research documents, civil society reports, journal articles, and media reports, as well as relevant national and international legislation and policies.

Finally, information for the report was also drawn from Odhikar's monthly human rights reports, which include sections on the situation of labor rights and human rights defenders (HRDs), particularly their ability to exercise their rights to freedom of expression and freedom of association and peaceful assembly. The reports are based on daily monitoring of reports in the media of incidents of human rights violations against workers and related impunity, including deprivation of the right to life; termination without due process; violations of the right to security; violations of the right to proper and due wages; violations of the right to health; and violations of the right to form trade unions.



## 2. Background

This report looks at two sectors of the Bangladeshi economy where the labor rights of women are violated with alarming frequency: the RMG sector, which has benefited from high levels of international attention; and the construction sector, where the plight of women workers is often overlooked and ignored. Despite the significant difference in public attention to, and understanding of, human rights violations in the two sectors, they share many similarities and the nature of the violations has had similar effects and repercussions on women's broader role in society. This chapter addresses the legislative framework that governs women's rights in Bangladesh, including domestic and international laws, and labor rights in both sectors.

### 2.1 Women's rights in Bangladesh

Despite important initiatives in recent years to reduce gender inequality, women in Bangladesh remain subjected to systematic and widespread discrimination and violence in all spheres of public and private life. The World Economic Forum's 2020 Global Gender Gap Report, which surveyed 153 countries, ranked Bangladesh in 50<sup>th</sup> place. However, Bangladesh's seventh place ranking in political empowerment overshadows its low rankings on economic participation and opportunity (141), educational attainment (120), and health and survival (119).<sup>2</sup> These rankings indicate that a number of reforms need to be undertaken by the government of Bangladesh in order to ensure that the majority of Bangladeshi women have equal access to employment, resources, and services.

Women in Bangladesh are subjected to a wide range of violations in society and at work on a regular basis. Violence against women remains rife, including: domestic violence; dowry-related violence; rape acid attacks; and sexual harassment.<sup>3</sup> These widespread violations are compounded by the fact that many women in Bangladesh continue to be economically dependent on men in their lives, which is due, in part, to the lack of formal employment opportunities and persistent discrimination in the workplace.

Nevertheless, there is a relatively protective legal framework for women in Bangladesh. The Constitution of Bangladesh, which was adopted in 1972 and amended most recently in 2018, provides fundamental protections against discrimination based on sex (Article 28(1)), provides for equal rights for women in "all spheres of the State and of public life" (Article 28(2)), and promises to "ensure equality of opportunity and participation of women in all spheres of national life" (Article 19(3)).<sup>4</sup> However, these protections, as this report highlights, are rarely implemented.

At the international level, Bangladesh has ratified numerous legally binding treaties, including the International Covenant on Civil and Political Rights (ICCPR), which prohibits gender-based discrimination (Article 25), and the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), which compels Bangladesh, among other requirements, to "pursue by all appropriate means and without delay a policy of eliminating discrimination against women" (Article 2).

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2. World Economic Forum, *Global Gender Gap Report 2020*; available at: [http://www3.weforum.org/docs/WEF\\_GGGR\\_2020.pdf](http://www3.weforum.org/docs/WEF_GGGR_2020.pdf)

3. Odhikar, *Half-yearly Human Rights Monitoring Report: January – June 2018*; available at: <http://odhikar.org/human-rights-monitoring-report-june-2018/>

4. Constitution of the People's Republic of Bangladesh; available at: <http://bdlaws.minlaw.gov.bd/act-367.html>





Woman mixing cement for construction work in Gulshan, Dhaka, in December 2017 © Odhikar

## 2.2 Labor laws in Bangladesh

The Bangladeshi legal framework provides protections for labor rights and worker's rights. The Constitution guarantees the protection of basic rights of workers, by guaranteeing the right to work (Article 15(b)), prohibiting forced labor (Article 34(1)), and guaranteeing the right to form associations and unions (Article 38). It also recognizes the fundamental rights of workers in the workplace through the guarantee of necessary social protections in Articles 14, 15, 20(1), 28, 29, 34, and 38 of the Constitution.

In addition to the Constitution, the 2006 Bangladesh Labor Act (BLA) incorporates a broad spectrum of rights and protections for workers, including women workers.<sup>5</sup> This includes requirements that employers provide all workers with letters of employment, identity cards with photographs, and service books (Sections 5 and 6); the provision of compensation for workers who are laid off or made redundant (Section 16 and 20); procedures for punishment of workers (Section 24); grievance procedures (Section 33); the prohibition of child labor (Section 34); the provision of maternity benefits (Sections 45-50); various articles related to workplace conditions and safety; regulations related to working hours and leave; and provisions related to the payment of wages.

The BLA also provides protections for labor unions. Section 195 outlaws numerous "unfair labor practices," and states that no employer shall "dismiss, discharge, remove from employment, or threaten to dismiss, discharge, or remove from employment a worker, or injure or threaten to injure him in respect of his employment by reason that the worker is or proposes to become, or seeks to persuade any other person to become, a member or officer of a trade union."

The BLA has been amended several times since 2006, notably in 2013 due to international pressure following the collapse of the Rana Plaza complex in Dhaka, in order to bring it closer in line with international laws and standards. However, the 2013 amendments failed to bring the BLA fully in line with international standards, including through the failure to incorporate workers working in: export processing zones (EPZ); non-profit educational and training institutions; hospitals; clinics and medical diagnostic centers; and farms employing less than 10 workers, among others.

5. Bangladesh Labor Act, 2006; available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/76402/110637/F-1265526237/BGD76402%20Eng.pdf>

## Labor Conditions in Export Processing Zones

Labor conditions in EPZs remain governed by the 1980 Export Processing Zones Act and are overseen by the Bangladesh Export Processing Zone Authority (BEPZA).<sup>6</sup> Workers in EPZs are not allowed to form trade unions, although they are permitted to form weaker Workers' Welfare Associations (WWA), under the 2019 Bangladesh EPZ Labor Act.<sup>7</sup>

The Bangladesh EPZ Labor Act was meant to address some of the gaps in the legislative framework concerning EPZs. However, labor leaders opposed the government's decision to bring workers of all EPZs under the new law. Labor leaders argued that the move would deprive workers of their fundamental rights under the BLA and that two types of laws for workers were discriminatory and in violation of International Labor Organization (ILO) standards, including ILO Conventions 87 and 98. Concerns center primarily on the EPZ Labor Law's limitations and restrictions in regard to the exercise of freedom of association and collective bargaining by workers. The EPZ Law deviates from the BLA notably on two important issues: freedom of association, including the right to trade unions, and labor inspections.<sup>8</sup>

Moreover, some of the 2013 amendments to the BLA are problematic, such as the increase in the number of unions required to form a federation of unions from two to five, and the requirement that trade unions constituting such a federation be from more than one administrative division (Section 200). With only eight administrative divisions in the country, this bars a federation of unions in Dhaka, for instance, where a large percentage of RMG factories are located. The amended provision further prohibits federations that include more than one occupation, which hinders cross-industry cooperation and solidarity.

The Bangladesh Labor (Amendment) Act, which came into effect on 14 November 2018, aimed to amend the BLA to further reduce discrepancies between Bangladesh labor standards and international law and was in response to observations by the International Labor Organization (ILO).<sup>9</sup> For example, the Act introduced further restrictions on child labor by eliminating provisions currently allowing children above the age of 12 to work provided that such work is not harmful to their health and their education. However, the Act still allows teens between the ages of 14 and 18 to work in factories, under the same conditions.<sup>10</sup> The Act also reduced the minimum requirement to form a trade union from 30% to 20% of employees in support for the initiative.<sup>11</sup>

The Act also provided expectant mothers with an eight-week maternity leave and other benefits. Although this was an improvement from the previous situation, under which factories were not obliged to provide maternity leave to workers, the law failed to meet the demands of women workers and labor organizations, who had asked for a six-month maternity leave with benefits. Government employees enjoy six months of maternity leave with pay.<sup>12</sup>

6. Bangladesh Export Processing Zones Authority Act, 1980, 26 December 1980; available at: <http://bepza.gov.bd/app/webroot/ckfinder/userfiles/files/The%20Bangladesh%20Export%20Processing%20Zones%20Authority%20Act%2C%201980.pdf>

7. Bangladesh Export Processing Zone Labor Act [in Bangla], 2019; available at: <http://bepza.gov.bd/app/webroot/ckfinder/userfiles/files/Bangladesh%20EPZ%20Labour%20Act%2C%202019.pdf>

8. Banglanews24.com, *Legal analysis: Problems with the new EPZ law*, 27 September 2016; available at: <http://www.banglanews24.com/law/article/55819/Legal-analysis-Problems-with-the-new-EPZ-law>; New Age, *EZs to run under EPZ labour law, not Bangladesh labour law*, 29 September 2019; available at: <https://www.newagebd.net/article/85993/ezs-to-run-under-epz-labour-law-not-bangladesh-labour-law>

9. New Age, *New labour law with fresh facilities for workers gets cabinet nod*, 3 September 2018; available at: <http://www.newagebd.net/article/49745/new-labour-law-with-fresh-facilities-for-workers-gets-cabinet-nod>

10. *Ibid.*

11. Labor rights organizations and trade union leaders wanted to bring down the percentage of workers' participation required for forming trade unions at factories to around 10-15% but accepted 20% following negotiations - Daily Star, *Towards a better labour law – Recent amendments to Bangladesh Labour Act 2006*, 18 December 2018; available at: <https://www.thedailystar.net/law-our-rights/news/towards-better-labour-law-recent-amendments-bangladesh-labour-act-2006-1675000>

12. Daily Star, *Govt to rewrite labour law amid ILO pressure*, 5 August 2018; available at: <https://www.thedailystar.net/business/govt-rewrite-labour-law-amid-ilo-pressure-1616152>

Although the ILO welcomed the government's initiative to review the BLA and the draft EPZ law, the Committee of Experts at the International Labor Conference observed that the Act did not address some of its long-standing concerns.<sup>13</sup> This included, for instance, the minimum support for forming trade unions, when ILO Conventions state that the right to freedom of association cannot be denied based on certain percentages of worker representation.

In 2015, the government introduced the Labor Rules, which provided further regulations regarding workplaces, as well as clarifications to the BLA and its implementation.<sup>14</sup> However, like the 2013 and 2018 amendments to the BLA, some of the provisions of the Labor Rules are problematic, particularly in the area of the right to association. Rule 202, for instance, prohibits any workers' representative from "interfering in the administrative acts of the establishment, interfering in the employment, transfer and promotion of the officers, staff and workers of the establishment, and interfering in the production and normal activities of the establishment." The overly broad and vague language of these provisions provides ample room for employers to infringe on the right to freedom of association and collective bargaining.

In addition to the BLA and the Labor Rules, domestic laws and policies are in place to regulate labor conditions and workplace, including the 2003 Fire Prevention and Fire Fighting Act<sup>15</sup> and the 2006 Bangladesh National Building Code (BNBC), updated in 2014.<sup>16</sup> The Fire Prevention and Fire Fighting Act requires, among others, a certification from the Director General of the Fire Service and Civil Defense that states that plans for commercial buildings respect fire safety requirements before approval is given, while the BNBC provides additional requirements for the construction sector, such as a requirement that bathing facilities connected to running water be provided at work sites (Section 3.14).

At the international level, Bangladesh has ratified 35 ILO Conventions, including seven of the eight Fundamental Conventions.<sup>17</sup> These conventions place obligations on Bangladesh to ensure there are no instances of forced labor or child labor, protect the rights to organize and collective bargaining, eliminate discrimination, and ensure equal remuneration.

Despite a relatively extensive and comprehensive legal framework, women workers in Bangladesh remain poorly paid, face severe labor rights violations, and often do not enjoy their legal rights. For instance, maternity leave is rarely provided, overtime is compulsory, and excessively long working hours create an additional burden on their daily lives. The domestic and international legal provisions enumerated above are largely ignored by both the authorities and employers, and a lack of systemic labor inspections, coupled with widespread impunity within the judicial system, mean that there is often no recourse for women workers whose rights are being violated on a regular basis.

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13. *Ibid.*

14. Bangladesh Labor Act and rules 2015; available at: <https://osmangoni.com/bangladesh-labour-act-and-rules-english-version/> (unofficial English translation).

15. Bangladesh Fire Prevention and Fire Fighting Act, 2003; available [in Bangla] at: <http://bdlaws.minlaw.gov.bd/act-details-900.html>

16. Bangladesh National Building Code, 2014; available at: <https://drive.google.com/file/d/0B544VlyBTeo-bHpaV0F10EdPSVvk/view>

17. ILO, Ratifications for Bangladesh; accessed on 31 May 2020: [https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:103500](https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103500)



### 3. Violations in the Ready-Made Garment sector

Bangladesh's widespread economic disparity, poor governance, and lack of respect for the rule of law contribute to a pervasive disregard for labor rights in the RMG sector. Despite efforts made in recent years to improve the legislative framework [see *Chapter 2 -Background*] and to introduce new guidelines and safety standards [see below, *Chapter 3.1 – Efforts to reform the RMG sector*], many of which came on the heels of the collapse of the Rana Plaza disaster in July 2013, working conditions remain poor in the great majority of factories and workers see their rights denied or ignored on a regular basis. Most of the RMG factories in Bangladesh continue to fail to comply with national and international standards, resulting in frequent workplace violations and numerous injuries and illnesses. This is compounded by an increased repression of freedom of expression, peaceful assembly, and association in recent years in Bangladesh, which has severely limited the ability of trade unions and NGOs to defend and promote workers' rights.<sup>18</sup>

Over the past several decades, the RMG sector has emerged as an important player in the Bangladeshi economy, generating employment and contributing significantly to Bangladesh's gross domestic product (GDP). In 2007, annual export earnings from the RMG sector stood at USD 9.3 billion. In 2018-19, the sector accounted for USD 34.13 billion<sup>19</sup> and the government now aims to reach exports of USD50 billion by 2021.<sup>20</sup> Recent export data shows that the RMG sector in Bangladesh is likely to continue expanding, with Bangladesh currently holding 6.4% of global market share, compared to China's 31.3% share.<sup>21</sup> According to the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), in Bangladesh there are 4,621 RMG factories employing about 4 million workers, 3.2 million (80%) of whom are women.<sup>22</sup>

Despite these impressive growth figures, some 31% of Bangladesh's population of about 164.5 million<sup>23</sup> exist on an income of less than two USD a day – the national poverty line.<sup>24</sup> Although the monthly minimum wage for RMG workers increased to BDT 8,000 (USD 94.22) in December 2018,<sup>25</sup> up from BDT 5,300 (USD 62.42) in 2015 and from BDT 3,000 (USD 35.33) in 2013, this averages to less than four USD a day.

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18. Odhikar, *Half-yearly Human Rights Monitoring Report: January – June 2018*, July 2018; available at: <http://odhikar.org/human-rights-monitoring-report-june-2018/>; FIDH & Odhikar, *Update for the European Union (EU)-Bangladesh Sub-group on Good Governance and Human Rights*, April 2018; available at: [https://www.fidh.org/IMG/pdf/20180419\\_bangladesh\\_eu\\_dialogue\\_bf.pdf](https://www.fidh.org/IMG/pdf/20180419_bangladesh_eu_dialogue_bf.pdf)

19. Dhaka Tribune, *Export posts 10.55% growth, RMG being 85% contributor*, 4 July 2019; available at: <https://www.dhakatribune.com/business/2019/07/04/export-posts-10-55-growth-rmg-being-85-contributor>

20. Inter Press Service, *Bangladesh's Garment Industry Boom Leaving Workers Behind*, 9 February 2018; available at: <http://www.ipsnews.net/2018/02/bangladeshs-garment-industry-boom-leaving-workers-behind/>

21. Dhaka Tribune, *RMG global market share: Bangladesh loses as Vietnam gains*, 4 August 2019; available at: <https://www.dhakatribune.com/business/economy/2019/08/04/rmg-global-market-share-bangladesh-loses-as-vietnam-gains>

22. Bangladesh Institute of Labour Studies, *A Situation Analysis Study - Workers Rights & Gender Based Violence in the RMG and TU capacity to Deal with These*, January 2018; available at: <http://bilsbd.org/wp-content/uploads/2018/01/Workers-Rights-Gender-Based-Violence-in-the-RMG-and-TU-Capacity-to-Deal-with-These-Final-Draft.pdf>

It should be noted that these figures are disputed by certain stakeholders. For instance, the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) has previously reported that the sector employs some four million workers, 80% of whom are women, whereas a 2015 study by the Asian Centre for Development reported that 65% of RMG workers were women. New Age, *Survey reveals female workers in RMG sector 65 per cent*, 13 January 2016, <http://archive.newagebd.net/192796/survey-reveals-female-workers-in-rmg-sector-65-per-cent/>

23. Worldometers, *Bangladesh population*, May 2020; available at <https://www.worldometers.info/world-population/bangladesh-population/>

24. New Age, *Survey reveals female workers in RMG sector 65 per cent*, 13 January 2016; available at: <http://archive.newagebd.net/192796/survey-reveals-female-workers-in-rmg-sector-65-per-cent/>

25. Daily Star, *Tk 8,000 a month*, 14 September 2018; available at: <https://www.thedailystar.net/business/news/bangladesh-rmg-garment-workers-minimum-salary-8000-taka-announced-1633342>

Sections 138-149 of the BLA provide for the establishment of a Minimum Wage Board (MWB), with the mandate to recommend minimum wages for workers in particular industries, with consideration to cost of living, productivity, and other factors. The BLA also provides for a readjustment of the minimum wage in a particular sector every five years, “at the directive of the government.” On 14 January 2018, a MWB was established by the government to review the wages for RMG workers. However, it missed its six-month deadline stipulated by the BLA to render an opinion on the minimum wage increase and, on 13 September 2018, the government announced its recommendation for the new minimum wage to be BDT 8,000 (USD 94.22).<sup>26</sup> However, trade union federations for the RMG sector demanded a new minimum wage of BDT 16,000 (USD 188.44) per month in order to adequately cover the rising costs of living in Bangladesh.<sup>27</sup>

### 3.1 Efforts to reform the sector

On 24 April 2013, the five-story Rana Plaza building on the outskirts of Dhaka, which housed several garment factories, collapsed, resulting in 1,135 deaths and over 2,500 injuries. It was the deadliest structural failure accident in modern times and the deadliest garment factory accident ever - and remains so to date. With the factories housed in Rana Plaza producing for well-known international brands, the disaster caused outcry around the world, and in many ways spurred much needed changes in Bangladesh’s RMG sector. However, as this report lays out in this chapter, many of the changes have not resulted in wide-ranging and systemic reforms.

Two months after the collapse of Rana Plaza, on 27 June 2013, the United States (US) suspended Bangladesh from its Generalized Systems of Preferences (GSP) program, the first significant consequence of Bangladesh’s inability to ensure structural safety in the RMG sector. In September 2018, the US government again denied Bangladesh re-admittance to the GSP, citing ongoing concerns over the pace of labor market reforms since the Rana Plaza tragedy.<sup>28</sup> As of the date of publication of this report, the US has yet to reinstate Bangladesh’s preferential trading status. Although garment exports are not eligible for duty cuts under the GSP program, the US is Bangladesh’s single largest export destination, with two-way trade amounting to around USD 9 billion in 2019.<sup>29</sup> Bangladesh is also the third largest RMG product supplier to the US after China and Vietnam.

Instead of following suit, the European Union (EU) kept Bangladesh in its Everything but Arms (EBA) trade preferences scheme. The EBA grants duty free, quota-based access to the EU for exports of all products aside from arms and ammunition. Nevertheless, Bangladesh’s inclusion in the EBA scheme is regularly monitored, and the European Parliament is keeping a close eye on developments inside the country. Three resolutions by the European Parliament, in May 2013, April 2015, and June 2017, have highlighted concerns regarding the lack of progress in guaranteeing workers’ rights in the RMG sector, including those related to their right to freedom of association.<sup>30</sup>

In July 2013, the EU, the US, the ILO, and the government of Bangladesh entered into a joint initiative, the Compact for Continuous Improvements in Labor Rights and Factory Safety in the Ready-Made

26. Daily Star, *Tk 8,000 a month*, 14 September 2018; available at: <https://www.thedailystar.net/business/news/bangladesh-rmg-garment-workers-minimum-salary-8000-taka-announced-1633342>

27. New Age, *Minimum wage board for RMG workers at a crawl*, 19 June 2018; available at: <http://www.newagebd.net/article/43965/minimum-wage-board-for-rmg-workers-at-a-crawl>

28. Dhaka Tribune, *Bangladesh still denied GSP privileges by US*, 14 September 2018; available at: <https://www.dhakatribune.com/bangladesh/foreign-affairs/2018/09/14/bangladesh-denied-duty-free-market-facilities-by-us>

29. Financial Express, *Bangladesh third largest RMG product supplier to US*, 7 March 2020; available at: <https://thefinancialexpress.com.bd/economy/bangladesh/bangladesh-third-largest-rmg-product-supplier-to-us-1583590112>

30. European Parliament, *European Parliament resolution of 23 May 2013 on labour conditions and health and safety standards following the recent factory fires and building collapse in Bangladesh (2013/2638(RSP))*, 23 May 2013; available at: <https://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2013-0230&language=EN>; European Parliament, *European Parliament resolution of 29 April 2015 on the second anniversary of the Rana Plaza building collapse and progress of the Bangladesh Sustainability Compact (2015/2589(RSP))*, 29 April 2015; available at: [https://www.europarl.europa.eu/doceo/document/TA-8-2015-0175\\_EN.html?redirect](https://www.europarl.europa.eu/doceo/document/TA-8-2015-0175_EN.html?redirect); European Parliament, *European Parliament resolution of 14 June 2017 on the state of play of the implementation of the Sustainability Compact in Bangladesh (2017/2636(RSP))*, 14 June 2017; available at: [https://www.europarl.europa.eu/doceo/document/TA-8-2017-0265\\_EN.html?redirect](https://www.europarl.europa.eu/doceo/document/TA-8-2017-0265_EN.html?redirect)

Garment and Knitwear Industry in Bangladesh (known as the Sustainability Compact), which committed Bangladesh to making specific improvements in the areas of labor rights, structural integrity of buildings, occupational safety and health, and responsible business conduct.<sup>31</sup>

Two of the changes and improvements demanded by the US, the EU, and the ILO were the amendments to the BLA in 2013 and the introduction of the Labor Rules in 2015 [see above, Chapter 2 - *Background*). However, as noted earlier, these pieces of legislation are still far from full compliance with international law and standards. In order to try to overcome some of these issues, manufacturers, retailers, and brands have joined together to create a series of legally-binding agreements.

These included the Bangladesh Accord on Fire and Building Safety (referred to simply as the Bangladesh Accord), initially agreed to in 2013, and renewed in 2018 [see box below, *Bangladesh Accord Controversy*], which created a legally-binding framework between trade unions and leading apparel brands to enable independent factory inspections, enhance transparency, and empower workers.<sup>32</sup> Another agreement is the Alliance for Bangladesh Worker Safety, a five-year commitment by a group of 28 North American apparel companies, retailers, and brands to ensure improvements with regards to fire, structural, and electrical safety in RMG factories.<sup>33</sup> The Alliance for Bangladesh Worker Safety, which came into effect in July 2013, ended in 31 December 2018.<sup>34</sup> However, Nirapon, a new self-regulating platform of 21 member brands and over 600 factories, has emerged as a replacement of the Alliance for Bangladesh Worker Safety to oversee building inspection and remedies for listed apparel factories in Bangladesh.<sup>35</sup>

### **Bangladesh Accord Controversy**

The original Bangladesh Accord, which was signed by 222 export-oriented RMG production companies and concerned 1,688 factories in Bangladesh, was implemented through the Department of Inspections of Factories and Establishments (DIFE) under the Ministry of Labor and Employment, which conducted 36,760 factory inspections, monitored remediation processes in 256 factories, held 1,175 safety training sessions, and resolved 375 safety-related complaints between May 2013 and May 2018. When the Accord expired in May 2018, it was succeeded by the 2018 Transition Accord, which entered into force on 1 June 2018, with 190 companies as signatories, and which was meant to continue part of the work of the Accord until 2021, while the inspection and monitoring elements would be transferred to the DIFE.

However, the process has not been without controversy. After a series of court hearings, in May 2019 the Bangladesh Accord signed a memorandum of understanding with the BGMEA, under which the Accord was to cease operations by the end of the year and lead to the creation of the RMG Sustainability Council (RSC), a tripartite compliance and safety monitoring body of the apparel sector, which would inherit the staff and infrastructure of the Accord. The RSC was established in November 2019 with the agreement of brands, union leaders, and factory owners.<sup>36</sup>

The RSC, run by a board composed of representatives of the BGMEA, fashion brands, and national trade unions, is tasked with complementing activities undertaken by the Remediation

31. European Commission, *Sustainable trade: the EU Report Highlights Pressing Need for Further Action by the Bangladeshi Authorities to Improve Labour Conditions in the Garment Sector*, 5 August 2016; available at: <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1533>

32. More information at: Accord on Fire and Building Safety in Bangladesh; available at: <http://bangladeshaccord.org/>

33. The Alliance concluded its activities in December 2018. More information at: Alliance for Bangladesh Worker Safety; available at: <http://www.bangladeshworkersafety.org/en/who-we-are/faq>

34. New Age, *Alliance leaves Bangladesh*, 2 January 2019; available at: <http://www.newagebd.net/article/60547/alliance-leaves-bangladesh>

35. Daily Star, *Factory Safety: Nirapon comes in place of Alliance*, 30 April 2019; available at: <https://www.thedailystar.net/business/news/factory-safety-nirapon-comes-place-alliance-1736800>

36. Daily Star, *RMG Sustainability Council to be formed by Nov 25*, 4 September 2019; available at: <https://www.thedailystar.net/business/news/rmg-sustainability-council-be-formed-nov-25-1795234>

Coordination Cell (RCC), an entity created in May 2017 by the government of Bangladesh, the BGMEA, and the Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA) to manage remediation processes and to coordinate factory inspection.<sup>37</sup>

Numerous civil society organizations expressed significant concerns over these developments, including the seemingly heavy-handed methods undertaken by the Bangladeshi government and by employers' organizations to end the Bangladesh Accord, and the current lack of capacity of the Bangladeshi authorities to adequately and systematically carry out safety inspections in RMG factories.<sup>38</sup>

These agreements supplement the National Tripartite Plan of Action on Fire Safety and Structural Integrity (NTPA), which was set up in July 2013<sup>39</sup> after a series of devastating fires in garment factories in late 2012 and early 2013, as a result of collaboration between the government of Bangladesh, representatives of employers, and workers' organizations with the support of the ILO.<sup>40</sup> Implementation of the NTPA is overseen by the National Tripartite Committee (NTC).<sup>41</sup> One of the main outputs of the NTP has been the development of guidelines for building assessments for existing RMG factory buildings, which provide specific guidance to ensure safety and structural integrity.<sup>42</sup>

These legislative, policy, and normative changes have gone a long way towards establishing a framework within which the RMG sector can operate in Bangladesh. However, there is still a long way to go and the situation of workers, and particularly women, in the RMG sector remains dire, and human rights are violated with alarming frequency.

### 3.2 Violations of labor rights and women's rights in the RMG sector

Despite some improvements after the collapse of Rana Plaza in 2013, including the amendment of labor laws, workers in the RMG sector continue to face systematic denial of their rights, particularly in the areas of payment of wages, overtime benefits, and unsafe working conditions, resulting in recurring workplace accidents and injuries. The order in which the following issues are highlighted reflects the prevalence of these issues in the interviews conducted by Odhikar.

Table 1. Number of deaths and injuries in the RMG sector<sup>43</sup>

	Year(s)										Total
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	
Number of workers killed	33	4	115	1,145	1	0	4	13	2	3	<b>1,320</b>
Number of workers injured	2,389	917	2,773	5,566	745	250	361	362	332	300	<b>13,995</b>

37. The RCC is not mandated to monitor several critical elements, including inspection of boilers, inspection of factories in EPZs, and worker safety complaints, among others. More information at : Clean Clothes Campaign et al, *Bangladesh Government's Safety Inspection Agencies Not Ready to Take Over Accord's Work*, April 2019; available at: [https://cleanclothes.org/file-repository/rcc-report-4-1\\_3.pdf/view](https://cleanclothes.org/file-repository/rcc-report-4-1_3.pdf/view)

38. Clean Clothes Campaign et al, *Bangladesh Government's Safety Inspection Agencies Not Ready to Take Over Accord's Work*, April 2019; available at: [https://cleanclothes.org/file-repository/rcc-report-4-1\\_3.pdf/view](https://cleanclothes.org/file-repository/rcc-report-4-1_3.pdf/view)

39. Ministry of Labour and Employment, *National Tripartite Plan of Action on Fire Safety and Structural Integrity in the Ready-Made Garment Sector in Bangladesh*, 25 July 2013; available at: [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/genericdocument/wcms\\_221543.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/genericdocument/wcms_221543.pdf)

40. ILO, *Tripartite Committee on National Tripartite Plan of Action on Building and Fire Safety for the Ready-Made Garment Sector in Bangladesh*; available at: [https://www.ilo.org/dhaka/WCMS\\_214653/lang-en/index.htm](https://www.ilo.org/dhaka/WCMS_214653/lang-en/index.htm)

41. *Ibid.*

42. ILO, *National Tripartite Plan of Action on Fire Safety and Structural Integrity*, 24 November 2013; available at: [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms\\_614952.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_614952.pdf)

43. Source: Odhikar research.





Women working in a garment factory in Mirpur, Dhaka, in January 2018 © Odhikar

### 3.2.1 Rampant job insecurity

One of the biggest issues faced by women working in the RMG sector in Bangladesh is job insecurity, which effectively discourages them from fighting against the myriad other abuses they face in the workplace, which are detailed further in this chapter. Due to a combination of insufficient legal protections, poor implementation of existing legal protections, a lack of legal documents (such as work contracts) on record, and weak or non-existent trade unions, workers in the RMG sector are often unlawfully terminated/laid off without cause or prior notice.

An analysis of the reasons behind rising incidents of workers' unrest finds that it has been continuously occurring over the years due to: low wages; late or non-payment of wages and benefits, including overtime and festival bonuses; discharge, dismissal, or termination of workers; and closure of factories without prior notice. When workers take part in public demonstrations and rallies to protest, they are often subjected to violence by police and factory goons and can be dismissed or have their employment terminated in reprisal, which is facilitated by the absence of trade unions. In fact, large-scale termination and dismissal of workers, often on a random basis, has become an increasing concern in recent years; according to data collected by Odhikar, 3,540 workers were laid off for a variety of reasons between 2017 and 2019.

On 22 November 2017, workers of two RMG factories in the city of Chittagong – Golden Heights and Alpha Textiles of Sunman Group – held a rally in protest of the termination of workers in the factories, after 60 workers were fired from the Golden Heights factory, situated in the Kalurghat Industrial area of the city, and 234 workers from the Alpha Textiles factory. Workers who were dismissed had not been paid pending wages and dues after being fired. Trade union leaders alleged that the factory authorities had not followed the relevant provision of the BLA while terminating workers, while factory owners reportedly had been unable to pay these pending wages to the workers due to a shortage of funds.<sup>44</sup>

44. Odhikar, *Human Rights Monitoring Report of November 2017*, p.26; available at: [http://odhikar.org/wp-content/uploads/2017/12/human-rights-monitoring-report-November-2017\\_Eng.pdf](http://odhikar.org/wp-content/uploads/2017/12/human-rights-monitoring-report-November-2017_Eng.pdf)

On 12 December 2016, thousands of workers at the Windy Apparels factory, located in the Jamnagar Baron area of Ashulia in Dhaka District, held a protest demanding that the minimum wage be increased from BDT 5,300 (USD 62.42) to BDT 16,000 (USD 188.44). Widespread unrest erupted through the entire industrial area and workers of Windy Apparels, Fountain Garment Manufacturing., Ha-meen Group, Sharmin Group, Setara Group, and The Rose Dresses stopped working. In response, BGMEA declared that 85 factories would be closed until 21 December 2016 and that at least 1,600 workers would be fired. Ten separate criminal cases were filed against 1,500 people, with 150 individuals named as accused in the First Information Report (FIR).<sup>45</sup> After the cases were filed, 22 people were arrested, most of them labor leaders. On 22 December 2016, police stopped a press conference organized by an alliance of 12 garment workers' organizations demanding that closed factories be re-opened. Police also detained labor leader Moshrefa Mishu, who was then taken to the office of the Detective Branch of police and later released after interrogation. In the aftermath of the protests, the General Secretary of the Garment Workers Trade Union Centre, Ruhul Amin, alleged that many workers went into hiding to avoid police harassment and arrest, as police and activists of the ruling Awami League were raiding houses of workers every night.<sup>46</sup>

During interviews conducted by Odhikar, almost all workers expressed dissatisfaction with the way their employment and rights were documented. Although record-keeping through appointment letters, copies of identity cards, service books, and attendance registers are all meant to be standard practice in the RMG sector, workers noted that it was often the case that factory management failed to keep adequate filing and tracking systems and that in many factories, management even failed to issue appointment letters, in violation of both the BLA and Labor Rules. A survey conducted by Manusher Jonno Foundation in January 2018 found that more than 72% of the RMG workers in Dhaka and Gazipur and about 60% workers in Chittagong and Narayanganj did not have any appointment letters or contract.<sup>47</sup>

As a result, it is easy to dismiss workers and they live in fear of being fired from their job from one moment to the next. Workers told Odhikar that even when they do have appointment letters, which are meant to serve as contracts, they are still vulnerable to being terminated, for instance if they protest against the non-payment of their wages on time or demand an increase of their wages. This is exacerbated by a lack of trade unions in many factories. In many cases, workers are vulnerable to being dismissed if they try to establish labor unions or protest against the action – or inaction – of the factory's management. Workers said at least two or three workers are terminated each month, which creates fear and makes workers feel vulnerable.

No provident fund for the workers is schemed and no trade union is allowed in the factory. However, exceptionally, in a very small number of factories, there are policies for the termination of workers with notice and deduction of two months' salary.

Women are particularly vulnerable to arbitrary dismissal. Factory owners are reported to be reluctant to provide maternity benefits to pregnant workers. This includes reports that pregnant women are encouraged to resign before giving birth, so that factories can avoid paying maternity benefits.<sup>48</sup> Pregnant workers are not given any priority or facility in the workplace and they are often verbally harassed by the factory owners and/or management so that they feel forced to leave the factory. They are often denied taking breaks, in contravention of Section 93 of the BLA.

Such physical and mental stress forces many women to resign. Some women interviewed by Odhikar reported that after child birth, women are often not allowed to resume their positions at

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45. *New Age*, 1,600 workers sacked, 1,500 sued, 27 December 2016; available at: <http://www.newagebd.net/article/5661/1600-workers-sacked-1500-sued>

46. Odhikar, *Annual Human Rights Report 2016*, p.29; available at: [http://odhikar.org/wp-content/uploads/2017/01/AHRR-2016\\_Eng.pdf](http://odhikar.org/wp-content/uploads/2017/01/AHRR-2016_Eng.pdf)

47. *Daily Star*, Most garment workers have no contract: Survey, 22 March 2018, available at: <http://www.thedailystar.net/business/bangladeshi-most-garment-workers-have-no-contract-survey-1551637>

48. Article 46 of the BLA provides for 16 weeks (eight weeks prior to delivery and eight weeks after) of fully-paid maternity leave for all workers employed for at least six months.

the factory. The factory owners or management provide various reasons to justify this, including that women who have more children are incapable of handling their workload and that frequent pregnancies are resulting in more payments to women workers who are not working while on maternity leave. Once these workers leave their job, they encounter severe difficulties in finding work in other factories. As a result, they face severe economic hardships, in addition to pressure within the family.

### 3.2.2 Low wages and benefits

As noted earlier, the current minimum wage for RMG sector workers is BDT 8,000 (USD 94.22), since late 2018. The previous minimum wage had been established in 2013, and came into effect at the beginning of 2014, without being adjusted for inflation or the increase in the cost of living in the four years in between. Since 2018, the price of daily essential commodities has significantly increased, especially for food.<sup>49</sup>

Wages are often subject to deductions for accidental property damage caused by the workers in the factory. For instance, workers reported that in some factories, wages are deducted if any machinery is damaged by the worker. In addition, not all factories provide holidays, and wages are deducted if workers take weekends off. This is compounded by a lack of benefits: workers report that they receive no compensation for workplace injuries, and that they are not given medical allowances. Workers also told Odhikar that bonuses, such as festival bonuses, are not always paid on time or not paid in full.

Furthermore, a recurrent issue mentioned by almost all workers interviewed for this report is that wages are very rarely paid on time. Workers also reported irregularities in overtime payment, with three broad areas of irregularities: continuation of overtime for long hours at night; fraudulent practices in recording overtime working hours; and fraudulent practices regarding payment of overtime wages. Women workers have often forced to complete overtime work until 10:00 pm and during emergency shipments, they often need to continue their work throughout the night. In most cases, fewer overtime hours of work are recorded than actual hours worked, according to workers interviewed by Odhikar.

Finally, like with regular wages, overtime payments are not paid on time.<sup>50</sup> Section 102 of the BLA stipulates that the weekly limit of total working hours, including overtime, is not to exceed 60 hours. In addition, Section 108 states that, regarding overtime work, workers are entitled to get allowance at a rate of twice their ordinary rate and dearness allowance<sup>51</sup> and *ad hoc* or interim pay if applicable. However, this is reported to be rarely implemented.

In addition to irregular payment of wages and overtime benefits, workers reported that provident funds are rarely established in factories, and that maternity benefits are arbitrarily curtailed, leading to further economic vulnerability of women workers. This is noted to be particularly problematic in factories that operate through sub-contracts.

### 3.2.3 Gender discrimination

In the RMG sector, tasks are allocated largely on the basis of gender. Workers report three main types of gender discrimination at the factory level.

The first type of discrimination is an entrenched gender-based division of labor, where women are generally employed as sewers, helpers or operators (approximately 90%), whereas men are generally employed in the cutting, ironing, and finishing sections. Women are generally represented

49. Independent Bangladesh, *Commodity prices keep rising*, 7 December 2019; available at: <http://www.theindependentbd.com/post/226828>; Daily Star, *Living in Dhaka: People spent 9pc more on rice*, 13 January 2019; available at: <https://www.thedailystar.net/business/living-cost-in-dhaka-rose-6-per-cent-in-2018-1686520>; Financial Express, *High cost of living inflicts the commoners*, 20 January 2020; available at: <https://thefinancialexpress.com.bd/views/high-cost-of-living-inflicts-the-commoners-1579536608>

50. Section 108 of the BLA (Extra-allowance for overtime) states: " (1) Where a worker works for more hours than the hours fixed under this Act in an establishment on any day or in a week he shall, for overtime work, be entitled to allowance at the rate of twice his ordinary rate of basic wage and dearness allowance and ad-hoc or interim wage, if any."

51. A dearness allowance is a term used in certain, primarily South Asian, countries to refer to a cost of living adjustment allowance.

in much lower numbers in supervisory or managerial positions in RMG factories, mainly due to the unwillingness of factory owners to promote women. According to labor rights activists interviewed by Odhikar, very few women are employed as line supervisors or quality controllers in RMG factories, and there are no female cutting masters in any factories. This gender imbalance is particularly visible at the management level. A study released by the Center for Policy Dialogue in March 2018, found that 99.5% of managers and 90.7% of human resources managers in RMG factories were men.<sup>52</sup>

This is intrinsically linked to a second issue that is frequently reported, which is gender-based discrimination with regard to wages. In a survey released in March 2018, the Center for Policy Dialogue noted that monthly wages average were at around BDT 7,270 (USD 85.62) for male workers and BDT 7,058 (USD 83.12) for female workers, excluding bonuses.<sup>53</sup>

Thirdly, workers interviewed for this report reported that there exists frequent discrimination in the attribution of promotions and other benefits related to services, with women reporting that they are less likely to receive promotions and benefits than their male counterparts.

### 3.2.4 Gender-based violence and harassment

Gender-based violence (GBV) and harassment, such as yelling, the use of vulgar language, sexually abusive vocabulary, and body language, are common in RMG factories. According to women workers interviewed by Odhikar, this type of abusive action is used to discipline the workers and to pressure them to meet production targets and deadlines. Women workers reported that in most factories, if production targets are not met, they are verbally abused and harassed on a regular basis by supervisors, line chiefs, and production managers. However, some stated that due to being affiliated with labor organizations or unions, physical abuse has decreased.

A second type of GBV within factories is sexual exploitation, with workers reporting that they are pressured or threatened by factory managers/supervisors into fulfilling sexual demands and that these are widespread practices. Workers report that they are particularly vulnerable to this type of abuse inside the factories at night, especially after the end of the typical work day and when they exit the factory premises to go home.<sup>54</sup> Workers also noted the absence of a GBV prevention committee in the RMG sector, which could monitor these incidents and provide support to victims of GBV.

Sumona (not her real name), a 22-year-old garment worker, worked at the Deko Garment factory in Ashulia, near Dhaka. She reported that the line chief sexually harassed her on various occasions. She avoided him, suspecting that she was at risk of sexual abuse. On the evening of 18 August 2018, the line chief asked to her to go to his house, but she refused. The next morning, she went to the factory and found that she had lost her job. She said: *"I was fired three days before the Eid on 19 August by my supervisor, as I did not agree with the indecent proposal of the line chief. My supervisor alleged that I could not work. But if I could not work, how was I able to work for one year and eight months?"*<sup>55</sup>

Workers are also vulnerable to GBV in public places, particularly on the way to and from the factory. Due to a lack of security and protection measures, many women workers face numerous abuses, including sexual harassment in the streets. This is exacerbated by the factory management, who forces workers to stay at the factories working until late in the night.

52. Center for Policy Dialogue, *Ongoing Upgradation in RMG Enterprises: Preliminary Results from a Survey*, 3 March 2018; available at: <https://cpd.org.bd/wp-content/uploads/2018/03/Ongoing-Upgradation-of-RMG-Enterprises.pdf>

53. Daily Star, *Women losing more jobs to automation: CPD study*, 4 March 2018, available at: <https://www.thedailystar.net/business/women-losing-more-jobs-automation-cpd-study-1543222>

54. Bangladesh Institute of Labour Studies, *A Situation Analysis Study - Workers Rights & Gender Based Violence in the RMG and TU capacity to Deal with These*, January 2018; available at: <http://bilsbd.org/wp-content/uploads/2018/01/Workers-Rights-Gender-Based-Violence-in-the-RMG-and-TU-Capacity-to-Deal-with-These-Final-Draft.pdf>

55. Jugantor, *If you complain, there is no job* [in Bangla], 17 September 2018; available at: <https://www.jugantor.com/todays-paper/features/suranjona/91294>



Mojiron Begum, 35, from Rangpur, lived in Shostapur, Narayanganj, with her son and two daughters. In September 2017, she was working in the finishing section of a RMG factory, a job she took because she was facing financial difficulties. She earned BDT 4,500 (USD 53) per month, along with her overtime wages of BDT 25 (USD 0.29) per hour, if she clocked in any overtime hours. Her rent cost her BDT 2,000 (USD 23.56) per month. Her employer did not offer any mode of transportation and did not provide workers with any compensation during times of emergency. Only in 2016, the factory installed equipment for any accidental incidents. Mojiron said the workers were verbally abused if they did not meet their production target of 200-250 pieces of clothing per hour. Workers were not given overtime wages in accordance with the Labor Code. They were not given any maternity leave and pregnant women were forced to leave the factory. They were not given any holidays apart from weekly holidays and holidays related to festivals. There was no day-care for the workers' children in the factory. The factory did not have emergency staircases. It had no canteen and workers were not given any time off for lunch. There were two toilets for the female workers and one for the male workers. A physician was called and workers were given medicine when a buyer visited the factory. She reported that the factory supervisor behaved badly with the female workers, such as using indecent language and verbally abusing them. They were not allowed to join any trade unions. She felt that there was no job security where she worked.

### 3.2.5 Workplace conditions

One of the biggest concerns with the RMG sector is the lack of adherence to safety standards and otherwise unhealthy working conditions. Workers interviewed by Odhikar reported that the factories where they worked were too hot and humid. They also reported that some factories lacked sufficient light and ventilation and that most were not equipped with fans or other mechanical forms of air circulation.



Women working in a garment factory in Mirpur, Dhaka, in January 2018 © Odhikar

Incidents and injuries in the workplace are frequent, due to various factors, including a lack of adherence to building standards and safety measures. Many factories have narrow passages and workplaces are often overcrowded. According to information gathered by Odhikar, a total of 15 workers were killed by boiler explosions and fires between January 2017 and December 2019, and 155 were injured at the time of fire, due to stampede while the workers struggled to exit the burning buildings and due to the boiler explosions.

Lamia, a 20-year-old woman who worked at a garment factory in Dhaka as a sleeve designer, told Odhikar: *"We do not have enough fans or ventilation in the workplace, neither canteens, nor any clean drinking water available in the factory. The factory authorities do not provide female workers with day care centers or medical services in the workplace, and their behavior with the workers is extremely terrible."*

Workers from factories in Dhaka and Narayanganj interviewed for this report reported that although there was safety equipment in the factories, not all the equipment was in working condition, and that many of the buildings themselves were found to have been either poorly built or not maintained. They reported that not all factories were equipped with fire extinguishers or fire alarms, did not have emergency exits, and workers were not provided any training by management on how to respond or evacuate the building in case of fires.

Workers at the Relief Garments factory in Dhaka's Purba Rampura expressed to Odhikar their grave concerns over the fact that there were no fire extinguishers or other fire safety measures in the factory. The building itself was quite old and there were cracks in the building due to it not being properly maintained. Nevertheless, the workers continued working there, and feared that the building might collapse creating another tragedy like Rana Plaza.

The BLA limits working hours to no more than eight hours per day and 48 hours per week, excluding overtime. However, workers in RMG factories reported that they worked between 12 and 16 hours a day, in violation of Section 100 of the BLA. Furthermore, according to Section 93 of the BLA, there has to be a shelter/rest room for workers in every factory, and factories which employ more than 25 female workers must have a separate shelter/rest room for women workers. None of the workers interviewed by Odhikar indicated that the factories where they worked had such facilities.

Ruma, a worker in a garment factory located in Hajipara, Dhaka, said that her factory runs without adequate facilities for the workers, especially in the areas of health and security. She reported to Odhikar: *"We do not get any medical facility or sufficient water, and the ventilation facilities are very poor without adequate sanitation in the factory. Despite a fire incident at the factory, there are neither fire extinguishers nor any training and workers are not compensated either with regard to workplace injury/accidents [...]. The supervisors are very offensive to the workers, especially women, and wage rates are not equal between men and women. If the production target is not met by the workers, they are abused verbally, and sometimes physically."*

### 3.2.6 Health and sanitation

Healthcare for workers in the RMG sector is a source of serious concern. In many cases, medical attendants lack education in the medical field, as well as relevant skills to address the medical issues in the factories. Workers told Odhikar that in most factories healthcare facilities are actually just for show, that regular physicians are not available, and that only first aid medicine is provided. No medical allowance is given in any factory, and medical services are not provided by the owners. Workers report that they would prefer if medical services were made easily available to them. In many factories, only a nurse is appointed to provide normal nursing services. However, primary healthcare and a few essential drugs are available only in big factories.

The lack of adequate healthcare is compounded by a scarcity of safe drinking water in all RMG factories in which workers interviewed by Odhikar worked. Workers reported that water provided for drinking to the workers is not always safe. Although a few factories have hygienic sanitation arrangements, most factories lack such arrangements and health and hygienic facilities are arranged just before visits to the factories by buyers. Scarcity of safe drinking water, poor ventilation and sanitation facilities, and poorly maintained fire-fighting equipment and fire escapes are all in contravention of Sections 57, 58, and 59 of the BLA.

### 3.2.7 Living conditions

Of the 50 female RMG workers interviewed by Odhikar, most of them are either uneducated or have only studied up to 5th grade, with only a few having studied up to higher classes. Only one Quality Controller was found to have completed her Bachelor's degree. Most join this line of work to help their family financially. Although having to work all day, most women return home to face daily chores, including cooking for the family, taking care of their children, and cleaning.

Workers interviewed by Odhikar mostly lived with three to six other family members in tin-shed rooms in slum areas. Rents varied from BDT 2,000 (USD 23.56) to BDT 4,000 (USD 47.11) and most workers lived 10-15 minutes away from their factories. The conditions or facilities of these places are sub-par, with as many as 10 to 12 families living in one compound and sharing between one and four bathrooms, and stoves for cooking.

A large majority of female workers in the RMG sector suffer from a lack of adequate nutrition due to food costs: most of them reported only being able to afford meat once or twice a month as it was very expensive, and only occasionally ate fresh fish, with the majority of their diet being composed of mashed potatoes, lentils, dried fish, and vegetables.

Most families interviewed for the report said they had debts ranging from BDT 30,000 to 100,000 (USD 353.34 to 1,177.79), and only around 10 women reported having small amounts of savings of their own in the form of a Depository Premium Scheme (DPS).<sup>56</sup> For example, 21-year-old Sabita Akhter, an unmarried worker at the Fortuna Garments factory, told Odhikar that she worked solely to provide for her family, which was BDT 100,000 (USD 1,177.79) in debt, and that she could only save only BDT 500 (less than USD 5.89) from her salary for herself each month.

Finally, the accommodation and transportation problems of garment workers, particularly women workers, have yet to be satisfactorily addressed. Almost all RMG workers walk to their workplace as most of the factories do not provide reimbursements for transportation costs or transport allowances. No RMG factory has its own transportation services for workers. In cases in which workers do receive a transportation allowance, it is not enough.<sup>57</sup> As a result, most workers are compelled to live close to their workplace, which increases rental prices and limits options.

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56. In Bangladesh, the Deposit Premium Scheme (DPS) is a special savings plan that allows people to save their money on a monthly basis.

57. International Journal of Research in Management & Business Studies, *Workers' Satisfaction toward RMG Industry in Bangladesh: A Study on Dhaka and Gazipur City*, Vol. 3 Issue 2 April - June 2016; available at: <http://ijrmbbs.com/vol3issue2/akterujjaman.pdf>



## 4. Violations in the construction sector

Although attention to labor rights in Bangladesh has been largely focused on rights violations occurring in the RMG sector, due in part to the tragic collapse of the Rana Plaza in 2013, human rights violations are rife in many other sectors of the Bangladeshi economy. This is the case of the rapidly expanding construction sector, which now employs some 3.5 million workers.<sup>58</sup> These workers are working to develop the country's infrastructure through building roads, bridges, footpaths, flood-resistant infrastructure, shopping centers, educational institutions, hospitals, and clinics, as well as apartment buildings and private homes. Many of these infrastructure projects are funded by international donors, including the World Bank, the Asian Development Bank (ADB), the EU, and the Japan International Cooperation Agency (JICA).<sup>59</sup>

Workers in Bangladesh's growing construction sector work in hazardous conditions with very little or no protection from human and labor rights violations. Although the BNBC stipulates specific working conditions applicable to the construction sector – such as requirements that anyone working with concrete must wear helmets and gloves, and that construction companies are to ensure that any open space that may pose any danger or risks of falling from the floors are to be covered or cordoned off – these requirements are often ignored by both construction companies, who are more interested in ensuring projects are finished quickly, and the authorities, who have shown little interest in enforcing these basic rules.

Work undertaken by construction workers is hard, strenuous, and hazardous, and includes different types of skilled and unskilled work in various trades, such as excavation work, plumbing, masonry, pile-driving, painting, glaziers, electrical work, metal fabrication, roof casting, and more.<sup>60</sup> Construction workers mainly work in three positions according to their trade: head *mistri* (head mason), *mistri* (mason), and *jogali* (helper).<sup>61</sup> Although accurate and up-to-date statistics on deaths and injuries in the construction sector are hard to come by, there are indications that the numbers are likely high. According to the Bangladesh Institute of Labor Studies (BILS), 1,196 construction workers died on the job between 2005 and 2016,<sup>62</sup> while 134, 161, and 143 construction workers died in 2017, 2018, and 2019 respectively.<sup>63</sup>

While the construction sector is a dangerous place for both men and women, the latter, an increasing number of whom are now being employed in the sector, face particular challenges. Most women working in the construction sector are unskilled and employed as *jogali*. They break bricks and stones, do casting, carry construction materials for distribution, and clean construction sites, among other activities. With the nature of these jobs still considered as informal, these workers largely fall outside the regulatory framework and lack legal and administrative protections regarding their most basic rights to fair wages, health, and safety. Moreover, women face pervasive wage discrimination, primarily through receiving lower wages than their male counterparts, which serve to perpetuate discrimination in broader life, according to information collected by Odhikar.

On 21 May 2017, the Ministry of Commerce issued a circular stating that it was compulsory for all building development companies to register with the Real Estate and Housing Association of Bangladesh (REHAB).<sup>64</sup> However, most construction firms continue to be unregistered with REHAB, which further limits the monitoring and inspection of construction sites.

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58. Dhaka Tribune, *Revolutionizing the construction sector*, 13 September 2018; available at: <https://www.dhakatribune.com/opinion/op-ed/2018/09/13/revolutionizing-the-construction-sector>

59. Dhaka Tribune, *ADB to provide \$260m for infrastructure development in Bangladesh*, 17 November 2017; available at: <https://www.dhakatribune.com/bangladesh/development/2017/11/17/adb-provide-infrastructure-development>

60. BILS, *Construction Works in Bangladesh: Situation Analysis of Work, Living Condition and Rights*, June 2011

61. *Ibid.*

62. Daily Star, *Three workers fall to their death*, 9 June 2017; available at: <https://www.thedailystar.net/editorial/three-workers-fall-their-death-1417396>

63. Source: Bangladesh Institute of Labour Studies (BILS). [www.bilsbd.org](http://www.bilsbd.org)

64. Financial Express, *Protecting land owners against developers' exploitation*, 7 August 2017; available at: <https://thefinancialexpress.com.bd/views/protecting-land-owners-against-developers-exploitation-%C2%A0>

## 4.1 Violations of labor rights and women's rights in the construction sector

Bangladesh's geographic particularities, which make the country prone to a variety of natural disasters including cyclones, floods, and river erosion, have compelled many people, especially those from poorer and marginalized sections of the society, to migrate from their districts of origin to bigger cities in order to find work. All the women working in the construction sector who were interviewed by Odhikar said they had relocated from their home districts to their current place of work, for reasons ranging from river erosion and floods to not being able to find jobs to support their families. Although not initially intending to work in the construction sector, the interviewees stated that they turned to becoming *jogalis* (helpers) as a result of not finding alternative employment.



Woman carrying sand for construction work in Gulshan, Dhaka, in December 2017 © Odhikar

Furthermore, all the interviewees stated that they had been married between the ages of 10 and 15, and that they had either never gone to school or only studied up to the primary or secondary level. Most of them stated that they were living in slums in difficult conditions and had only their nuclear family to rely on, having left their districts of origin. Some of them had children as young as six years old reported to be left home alone. Most of them had children who dropped out of school and daughters who were married before the age of 18. Women interviewed reported high levels of domestic violence, and economic pressures resulting from owing dowry payments not only for their daughters, but also for themselves.

Finally, most interviewees reported a lack of control over their own income, either because they were compelled to hand over their earnings to their spouses or did so willingly. The combination of these factors makes women particularly vulnerable to the various labor rights violations enumerated below, and makes the impact of these violations particularly strong.

Kohinoor, 19, was the mother of a three-year-old child at the time of the interview with Odhikar. Having only studied up to grade six, she was married off at the age of 15 and for her marriage, her parents paid BDT 30,000 (USD 353.34) as a dowry, but her father, who was a sharecropper, could not buy gold earrings as he had promised. As a result, Kohinoor was regularly beaten by her in-laws. Three years earlier she, along with her husband, had resettled in Munshiganj town because they could not find any work in their village. Both, working as construction workers, earned a combined BDT 10,000-11,000 (USD 117.78-129.56) per month. Kohinoor earned BDT300 (USD 3.53) per day. She worked casting slabs, carrying loads, and breaking bricks. She said that contractors or other male workers sometimes hurled abusive words to her, but she said nothing back. During the day, she often had to carry heavy loads and, as a result, is in pain in her neck, head, and sometimes her whole body. She took a lot of medicine to relieve the pain. She said that most of the work sites had no toilets or washing facilities, and thus had to ask neighbors to use their toilets. She turned over all of her wages to her husband, and brought her child to the workplace with her.

#### 4.1.1 Recruitment and payment of wages

The recruitment process in the construction sector is very haphazard and informal in nature, with recruitments done through oral contracts. The employers themselves do not recruit workers directly. Instead they hire contractors, who then hire sub-contractors, known as *sardars*, who are responsible for arranging workers for specific work. This process makes the recruitment process more difficult for workers as well as more prone to abuse. Workers are seldom given contracts or employment letters.

In most cases documented in this report, construction workers gather in front of a market place, a specific area on the side of the road, or directly at construction sites to be recruited by a *sardar*. In Gazipur, for example, workers reported that laborers had to wait starting at 7:00am in front of the Eidgah market in Chourasta for *sardars* to hire them. They further reported that while many potential workers come every morning to find work, not all are hired. Furthermore, workers are often forced to pay contractors to be hired at a construction site. As a result, already ill-paid workers are forced to spend a portion of their wages, making it difficult for them to survive.<sup>65</sup>

In some cases, women interviewed by Odhikar claimed that they were victims of sexual exploitation during the recruitment process. Rokeya, a female brick breaker working in Gazipur, told Odhikar that *"in order to get work regularly, sometimes young female workers have to maintain sexual relationship with the sardar."* Workers interviewed by Odhikar also report having to wait hours at worksites to receive their wages. All 50 women workers interviewed by Odhikar, including one minor, stated that although they worked on a daily basis, they were not necessarily paid wages daily or regularly.

Finally, construction workers work an average of 20 to 25 days per month during the dry season, while during the monsoon the average drops to 10-15 days per month.<sup>66</sup> During the rainy season, the construction sector slows and it becomes more difficult for workers to find jobs. As a result, many become unemployed and depend on loans for survival, including from micro-credit organizations or from neighbors or acquaintances. One interviewee, Rashida, 40, originally from Noakhali but working in Munshiganj at the time of the interview with Odhikar, said that during the rainy season, the lack of work meant that she could only work 10 to 12 days a month. As a result, she depended on loans from micro-credit providers to avoid starvation.

65. Daily Star, *Look after women construction workers*, Prothom Alo-Seven Rings Cement roundtable told, 8 March 2018; available at: <http://www.thedailystar.net/city/look-after-women-construction-workers-1545082>

66. Odhikar interview with women construction workers.



### 4.1.2 Gender wage discrimination

On 8 October 2012, the Ministry of Labor and Employment fixed minimum wages for construction workers. Under these new regulations, minimum wages for *jogalis* (under Grade Six of the new schedule) were fixed at BDT 7,800 (USD 91.87) per month or BDT 425 (USD 5.00) per day in cities, and BDT 6,950 (USD 81.86) per month or BDT 375 (USD 4.42) per day in rural areas. However, many workers reported receiving less than the legally-established minimum and women are often paid less than men.

*"We work hard – sometimes we work more than our male counterparts in the construction sites – but we always get less wages than the men. Male workers get up to BDT 400 [USD 4.71] per day whereas female workers get only BDT 250 [USD 2.94] per day. The contractor keeps BDT 50 [USD 0.58] from each woman as a 'service charge' under the pretext that they have given work to women, thus bypassing men,"* said Rekha, a brick breaker from Munshiganj.

Although the exact amount of wages paid depends on districts and specific workplaces and employers, women are regularly paid less than men. For instance, according to interviews conducted by Odhikar, in Dhaka, where male *jogalis* reported earning BDT 450 (USD 5.29) per day, female *jogalis* reported earning only BDT 400 (USD 4.71). The difference was wider in Munshiganj, where female *jogalis* reported earning only BDT 250 (USD 2.94) to a male *jogali's* BDT 400 (USD 4.71).

Employers sometimes justify paying women less than men based on the limitations women have in carrying certain materials. Under Rule 63 of the Bangladesh Labor Rules 2015, "No man or woman can be employed for lifting, carrying or discharging weights with hands or head except the weights that are cited below without using any auxiliary instruments or without taking help from others: a) Adult Male - 50 kilograms and b) Adult Females - 30 kilograms." Despite not being tied to differences in salaries, it is this limitation on weights that can be carried that is used to discriminate in wages.

*"Women are not strong to carry weights like men, so they get low wages. It is not only here, everywhere women get less wages,"* said Ilias, a *sardar* from Munshiganj.

### 4.1.3 Safety and occupational hazards

Despite the fact that construction work is generally hazardous, construction workers are rarely provided with adequate safety gear. Female construction workers are often seen working barefooted or wearing rubber sandals, and many work wearing saris, which provide little protection from injuries. They work under the sun breaking bricks or stones, carrying heavy construction materials without any safety equipment such as gloves, goggles, and helmets. Sometimes they make their own handmade gloves or wrap pieces of cloth around their heads to protect their hands and heads.



Woman removing soil from the construction site of the drainage system in Gulshan, Dhaka, in December 2017 © Odhikar

In 2014, the Department of Community Medicine at Dhaka National Medical College conducted a survey among 134 women workers, 72% of whom were brick breakers and 28% were weight carriers. Sixty-eight of the respondents (58.2%) complained of backache. The majority of respondents complained about dust in the work place, but no workers were provided masks as personal protective equipment (PPE). Seventy-nine (58.9%) of the respondents used PPE, such as self-made hand gloves and folded towels to carry weight.<sup>67</sup>

Morsheda, 30, originally from Sherpur but working in Gazipur at the time she was interviewed by Odhikar, reported that she was severely injured in 2017 when sacks filled with sand fell on top of her body. The *sardar* sent her home in an auto-rickshaw without providing any money for medical treatment. She said: *"I still have severe pain on my body and still I work. I am a poor woman, without working who will give me rice?"*

In most working sites, there are no first aid boxes or facilities available for medical treatment and neither the company nor contractors provide workers money or facilities for treatment, even when they are engaged in risky or hard jobs, such as loading and unloading construction materials, including stones, from ships.

Taslina, 19, a rock breaker in Narayanganj, said: *"We have no money to pay doctor's visiting fees, or for medical tests, so we buy medicine, even antibiotics, just with the suggestion of medicine sellers in pharmacies."*<sup>68</sup>

*"Sometimes, I have to lift 60 kilos, and I feel so much pain. I have to take paracetamol everyday,"* said Batashi, a stone breaker and carrier working in Narayanganj. Similarly, Rashida, 40, a worker in Munshiganj said: *"I face severe back pain as I carry heavy loads. But I still have to work as my husband is sick. So I take paracetamol everyday. I am the only breadwinner for my family of five."*

Moreover, women workers often work more than the legally-mandated hours, without compensation for working overtime. Most begin work at 7:00am and continue until late in the night. Section 109 of the BLA states that "no woman worker shall, without her consent, be allowed to work in an establishment between 10 o'clock at night and 6 o'clock in the morning." But according to Morsheda, there are no fixed hours for construction workers, and they are sometimes compelled to work until 11:00pm without receiving overtime wages, aside from the occasional meager "tip." When asked if she was aware of the legislation regarding working hours and if she complained, Morsheda told that she did not know anything about the law, but she could not refuse to work or risk not being hired next time.

#### 4.1.4 Health and sanitation

Section 91 of the BLA states: "(1) In every establishment, (a) sufficient number of suitable bathrooms and washing facilities with provisions of their maintenance shall be provided for the use of the workers employed therein; (b) such facilities shall be provided separately for male and female workers, and they shall be properly screened; (c) such facilities shall be kept clean at all times and easily accessible. (2) The Government may, by rules, prescribe the standard of such facilities in respect of any establishment." Section 3.14 of the BNBC states that "washing facilities shall be provided at the sites in connection to available running water supply."

While toilets and washing facilities are often available in large construction sites, they are commonly inadequate, unhygienic, temporary, not covered properly and/or not separated by gender. For smaller projects or road construction, toilets and washing facilities are often not available at all. Ninety-five percent of workers interviewed by Odhikar said that they used toilets in neighboring houses after asking the owners for permission, but that the permission was not always granted.

The lack of adequate toilet facilities affects female workers the most. As a result, many women reported restricting the amount of liquids they drink during the day to avoid having to find toilets. Afia Begum, 35, a brick-breaker in Bhasantek, Dhaka, said: *"I work in the Gulshan-Banani area [an*

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67. Journal of Bangladesh Society of Physiologist, *Health Problems among Women Building Construction Workers*, June 2014; available at: <https://www.banglajol.info/index.php/JBSP/article/view/22793>

68. Selling antibiotics to patients without a doctor's prescription violates the National Drug Policy.

affluent neighborhood of Dhaka]. *There are many apartment buildings and each building has security guards and the guards have toilets. So we ask the guards to use their toilets. But we cannot ask them more than two times every 8 or 9 hours of work [...]. I feel very tired every day as I am suffering from urinary tract infections, asthma, constipation, and back pain.*"

The construction sites are often noisy, dusty, polluted, and dirty. Section 53 of the BLA states that "effective measures should be taken to prevent accumulation of dust and fume." However, workers reported that this is not being followed. As a result, construction workers suffer from various work-related health conditions, including breathing problems, hearing loss, and skin diseases.<sup>69</sup>

According to the 2014 study conducted by the Department of Community Medicine at Dhaka National Medical College among 134 women workers in the construction sector, 110 workers (82.1%) had different types of skin problems, 89 (66.5%) had urinary tract infections, 66 (49.3%) complained of constipation, and 24 (17.9%) complained of uterine prolapse. In addition, 117 of the respondents (87.3%) complained of various types of respiratory problems.<sup>70</sup>

#### **4.1.5 Living conditions**

Difficult working conditions and unsafe and unsanitary workplaces are often compounded by unhealthy and inadequate living conditions. Most of the workers interviewed by Odhikar live in slums, or rent small tin-shed or mud houses, where they live with three to seven people.

Female workers live with their husbands, children, and, sometimes, their mother and father-in-laws live in a same room. Moreover, eight to ten families use a common toilet that is often dirty and unhygienic. To keep it clean some landlords take money from each tenant. The room rent is between BDT 1,500 (USD 17.67) to BDT 2,500 (USD 29.44) per month. At the time of the interview with Odhikar, Nurjahan, 50, who was originally from Patuakhali, lived in a mud house in Shimrail, Narayanganj, with a rent of BDT 2,000 (USD 25.55) per month. She shared the room with her son, her daughter-in-law and their two children.

#### **4.1.6 Nutrition and safe drinking water**

All of the workers interviewed by Odhikar reported that they very rarely ate any proteins and ate mostly starches and vegetables. Most of the workers with whom Odhikar spoke appeared pale and malnourished. Rekha, 40, an interviewee in Munshiganj, was a widow and the sole earner for her family of three. She earned between BDT 4,000 (USD 47.11) and BDT 5,000 (USD 58.89) per month. She said: *"The price of rice is so high. If I were to cook a fish or meat one day, then my family would starve throughout the month. So we eat rice, dried fish, lentils, and mashed potatoes and sometimes eggs but we do not eat chicken, beef or fish."*

Together with her husband, Razia, 18, from Narayanganj, earned around BDT 9,000 (USD 106.00) per month, which they used to support their four-year-old son and Razia's mother-in-law. She said that was not enough to properly feed the family, and they only ate proteins once or twice a month.

Workers also report that they do not have access to safe drinking water at most construction sites and are forced to drink water that is meant to be used for construction purposes and is not clean. With few construction sites providing temporary canteens, many workers buy sugarcane juice or *sharbat* (a type of sweet drink) from roadside sellers to keep cool during the day, but those drinks are not always sanitary and may cause further illness. Most of the construction workers bring food (rice and vegetables) with them. According to Section 58(1) of the BLA, "in every establishment effective arrangement shall be made to provide and maintain at a suitable point conveniently situated for all workers employed therein, a sufficient supply of wholesome drinking water."

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69. Daily Star, *Ensuring construction safety in Bangladesh*, 12 October 2017; available at: <http://www.thedailystar.net/round-tables/ensuring-construction-safety-bangladesh-1475314>

70. Journal of Bangladesh Society of Physiologist, *Health Problems among Women Building Construction Workers*, June 2014; available at: <https://www.banglajol.info/index.php/JBSP/article/view/22793>

#### 4.1.7 Children and child labor

Due to a lack of day care facilities, many women bring their small children to work with them. Most of the time, infants are kept under trees or in sheds, if available. Toddlers often roam around their mothers as they work – exposed to pollution, risks of accidents from touching dangerous machines, road accidents, or other risk factors. In other cases, infants and toddlers are cared for by their older siblings if they do not go to school, but, most often, mothers have no other options than to bring them to work.

When asked why she brought her three-year-old son to work with her, Sathi Akhter, 22, a mother of two, said: “My next-door neighbor checks on my six-year-old son two or three times a day as he can eat by himself, but this three-year-old cannot do that – so I have to bring her here.”

Moreover, the construction sector continues to be rife with child labor, with some children as young as nine.<sup>71</sup> This situation is more prevalent outside of the capital and suburban areas. Sometimes, *sardars* arrange for the whole family to work, and children are thus working alongside their parents.

At nine years old, Moushumi does not go to school and is already working in Narayanganj. Her main responsibility is to keep track of, and count, the baskets of stone carried by construction workers on the construction site. The reason for the employer to hire a girl this young is allegedly to prevent any cheating. She is scolded a lot by her employers if she makes any mistakes. Her family consists of: her parents, who both carry stones from ships; her younger brothers, who are two and four years old; and a younger sister. The homeowner looks after her siblings while they are at work. Her parents asked her to work as they have a big loan to pay off, according to her. When asked why she is working, she said: “My parents have a lot of loans because we are poor, but I feel very hot and tired to work here.”

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71. US Department of Labor, Bureau of International Labor Affairs, *Child Labor and Forced Labor Reports – Bangladesh*; available at: <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/bangladesh>



## 5. The impact of COVID-19 on women workers

The novel coronavirus (COVID-19) pandemic and the ensuing lockdown, which was enforced by the government on 26 March 2020 and extended several times until 30 May 2020, heavily affected both garment and construction workers, whose jobs, livelihood, and income became uncertain.

An independent survey conducted from 5 to 13 April 2020 among 159 garment workers showed that 47% of them had not received wages and felt uncertain about their job status.<sup>72</sup> The same study found that half of the respondents did not know whether they still had their jobs after having been furloughed. A majority of the respondents said that they had to compromise on their dietary needs because of the loss of income.<sup>73</sup> On 18 April 2020, labor rights organization Bangladesh Garment Shramik Sanghati said workers from 2,000 factories had not received their wages since the beginning of the lockdown.<sup>74</sup>

RMG factories were set up for emergency product shipments and manufacture of essential products, including face masks and Personal Protective Equipment (PPE) for doctors and health workers.

Despite the government-ordered lockdown, in early April workers were asked by employers to return to work.<sup>75</sup> As a result, on 5 April, hundreds of garment factory workers left their villages on foot or used packed vehicles to go to work in Dhaka and its outskirts, with no room for social distancing and with risks of contracting and spreading COVID-19.<sup>76</sup> This was the second time in a month that the workers had to scramble to their factories in Savar, Ashulia, Dhaka, Gazipur and Narayanganj under dangerous circumstances.<sup>77</sup> In many places, workers blocked the roads and staged protest rallies in front of their factories, alleging that their employers forced them to work without any protection from the virus. Ignoring social distancing orders, the RMG workers held mass protests and created barricades on the Dhaka-Mymensingh highway, including at Chittagong EPZ, Rupganj, Savar, and Ashulia. Thousands of RMG workers protested in Gazipur, Savar, and Ashulia, demanding payment of wages for March 2020. Workers of the RMG factories in various areas also blocked the roads to protest layoffs. Protests also erupted in many garment factories when factory representatives took identity cards from workers.<sup>78</sup>

In April 2020, a total of 444 incidents of labor unrest were recorded in the industrial sector. Industrial Police data showed that the unrest took place in 374 factories, predominantly RMG factories, over unpaid wages and allowances and layoffs. According to Industrial Police data, workers' wages for March remained unpaid in 370 factories, as of 11 May 2020.<sup>79</sup> Some factories resorted to layoffs to avert labor unrest. More than 8,500 workers, mostly RMG workers, in 65 industrial units were dismissed in the country's three industrial zones – Gazipur, Ashulia, and Narayanganj – despite assurances from factory owners that no jobs would be cut during COVID-19.<sup>80</sup> According to the Department of Inspection for Factories and Establishments (DIFE), at least

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72. Daily Star, *Brac Rapid Survey: 47pc garment workers yet to be paid*, 19 April 2020; available at: <https://www.thedailystar.net/frontpage/news/brac-rapid-survey-47pc-garment-workers-yet-be-paid-1894444>

73. *Ibid.*

74. *Ibid.*

75. Reuters, *Thousands of Bangladeshi garment workers ordered home as factories stay closed*, 6 April 2020; available at: <https://www.reuters.com/article/us-health-coronavirus-bangladesh-workers/thousands-of-bangladeshi-garment-workers-ordered-home-as-factories-stay-closed-idUSKBN21N0QU>

76. Daily Star, *BGMEA issues reopen timetable*, 26 April 2020; available at: <https://www.thedailystar.net/frontpage/news/bgmea-issues-reopen-timetable-1896880>

77. *Ibid.*

78. Prothom Alo, *Workers of three garment factories protest in Narayanganj* [in Bangla], 12 April 2020; available at: <https://www.prothomalo.com/bangladesh/article/1650383/>

79. New Age, *RMG wages of March still unpaid in 370 factories*, 12 May 2020; available at: <https://www.newagebd.net/article/106233/rmg-wages-of-march-still-unpaid-in-370-factories>

80. New Age, *Over 8,500 workers dismissed*, 10 May 2020; available at: <https://www.newagebd.net/article/106156/over-8500-workers-dismissed>; New Age, *444 incidents of labour unrests in April*, 1 May 2020; available at: <https://www.newagebd.net/article/105493/444-incidents-of-labour-unrests-in-april>

370 garment factories failed to pay the salaries of their 158,091 workers within 16 April 2020 - a date set by DIFE.<sup>81</sup>

The government allowed factories to officially reopen on a limited scale from 25 April, subject to their compliance with health and safety guidelines. By 3 May 2020, at least 2,592 out of 7,602 factories re-opened across the country. A majority of these factories were BGMEA members. According to Industrial Police figures, 537 factories re-opened in Dhaka, 960 in Gazipur, 651 in Chattogram, 446 in Narayanganj, 107 in Mymensingh, and 104 in Khulna.<sup>82</sup> Workers returned to these factories at their own risk and against the advice from the Ministry of Health that all factories – except those producing PPE – remain closed until 5 May.<sup>83</sup>

According to a report from the Industrial Police, a total of 60 workers in 37 factories had been infected with COVID-19. Most of the infected were workers of RMG factories.<sup>84</sup> According to the BGMEA, at least 55 workers (43 men and 12 women) in different factories had contracted COVID-19, as of 12 May. However, according to the President of Bangladesh Garment Shramik Sanghati reported that 96 factory workers had been infected with COVID-19 as of 7 May, with the tally crossing 100 on 12 May.<sup>85</sup>

Women workers were particularly impacted by the effects of COVID-19. For example, reports emerged of risks of domestic violence against women workers being exacerbated by the restrictions imposed to stop the spread of the pandemic.<sup>86</sup>

Because of the lockdown, women workers in the construction sector, which is grossly undocumented, have been out of work. Jobless construction workers protested to demand food assistance. Many returned to their villages.<sup>87</sup>

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81. Daily Star, *April 16 Deadline: 370 RMG factories didn't pay workers*, 19 April 2020; available at: <https://www.thedailystar.net/frontpage/news/april-16-deadline-370-rmg-factories-didnt-pay-workers-1894441>

82. Daily Star, *Hundreds of RMG workers stage sit in for arrears*, 4 May 2020; available at: <https://www.thedailystar.net/backpage/news/hundreds-rmg-workers-stage-sit-arrears-1899211>

83. New Age, *RMG wages of March still unpaid in 370 factories*, 12 May 2020; <https://www.newagebd.net/article/106233/rmg-wages-of-march-still-unpaid-in-370-factories>

84. New Age, *Unrest in RMG sector continues for wages*, 13 May 2020; available at: <https://www.newagebd.net/article/106309/unrest-in-rmg-sector-continues-for-wages>

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## 6. Conclusion and recommendations

The prevalence of human rights violations in both the RMG and construction sectors points to severe deficiencies in both the legal framework meant to protect workers' rights as well as the implementation and enforcement of existing laws. Although both sectors detailed in this report have been lauded for their impact on job creation – and at times specifically for their role in creating jobs for women, particularly in the RMG sector – a meaningful impact on women's role in Bangladeshi society has yet to be felt. Low wages, job insecurity, and health consequences – all of which are emblematic of both the RMG and the construction sectors – perpetuate widespread inequality and discrimination of women in Bangladeshi society, by inhibiting financial independence and entrenching gender-based discrimination. Despite numerous new laws and amendments to existing laws, and new tripartite mechanisms and policies meant to protect labor rights, particularly for the RMG sector, violations remain rife and workers are left alone to fend for themselves, often unaware of the legal obligations of their employers.

The current labor law is not adequate to address the present needs of workers, particularly women workers. Punishments for labor rights violations are not spelled out under the current legislative framework. In some cases, the law is simply silent, and in other cases, the penalty is insufficient. 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 accountable for conditions in their supply chains. Without effective enforcement of the labor law, workers continue to face unacceptable working conditions and recurrent violations of their rights.

To resolve these multiple issues, it is important that the government take necessary measures to enforce existing legislation and regulations, including through comprehensive and regular monitoring of both factories and construction sites, to ensure that workplaces include sufficient facilities, job security, and guarantees. While the government of Bangladesh has many areas on which it can work on, there is also a significant role for both the private sector and Bangladesh's bilateral and multilateral partners, such as the EU, the World Bank, and individual countries, to play in ensuring that the framework is strengthened and that existing legislation and standards are implemented.

### ***Recommendations to the government of Bangladesh:***

- Ratify ILO Conventions to which Bangladesh has not yet acceded, including ILO Convention No. 138 (Minimum Age Convention, 1973) and ILO Convention No. 183 (Maternity Protection Convention, 2000), and ensure they are fully incorporated into domestic legislation.
- Revise and amend the Bangladesh Labor Act and the Export Processing Zone Labor Act, in consultation with workers and civil society, to ensure provisions related to freedom of association are in line with international standards.
- Amend all relevant laws to ensure labor rights are extended to construction workers, and that employment practices in the sector are formalized.
- Increase the number of labor inspectors and improve the effectiveness of the current inspection and licensing system, including through conducting inspections of construction worksites.
- Bring all workers under national synchronized social security programs.
- Set up a separate pay scale for the RMG sector with a separate wage board to recommend increases of wages in this sector.
- Ensure regular increases to the minimum wage to guarantee wages that reflect rising cost of living.
- Perform regular monitoring of the activities of REHAB and its member companies.
- Establish a National Employment Injury Protection and Rehabilitation Scheme for all workers in Bangladesh.

***Recommendations to the private sector:***

- Employers assume responsibility for their practices' full compliance with labor rights, rights to freedom of association and assembly, and collective bargaining.
- Employers should sign agreements with trade unions and guarantee freedom of association and collective bargaining in all workplaces.
- Employers should undertake comprehensive reviews of their enterprises to ascertain areas of non-compliance with laws and policies and identify safety hazards, and, in collaboration with trade unions, develop and implement a plan of action for addressing the issues identified.
- Buyers should ensure that suppliers are adequately monitored and that factories are in full compliance with national and international standards, and ensure suppliers sign access agreements with trade unions and facilitate workers' rights to collective bargaining.
- Buyers should ensure that their purchasing practices do not contribute towards a lowering of working and employment conditions.
- Employers should provide all workers with fire safety training.
- Employers should establish joint committees on workplace health and safety, and gender-based violence prevention committees.

***Recommendations to development partners:***

- Ensure that bilateral and multilateral trade agreements are conditional on the improvement of labor and human rights standards.
- Monitor the working conditions of the construction workers and safety measures at work sites, and ensure the rights of workers are protected as per the BLA and in compliance with ILO Conventions and international legal obligations.
- Ensure that infrastructure projects funded by loans and grants are implemented with respect to core labor standards and practices, and conduct regular monitoring of work sites to ensure compliance with relevant labor laws.
- Provide technical assistance and capacity building support to labor and trade union organizations.
- Monitor the implementation and coordination of the National Tripartite Plan of Action.
- Support the implementation of the Sustainability Compact to promote improvements in labor rights and factory safety in the RMG sector.



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**Director of publication:**

Alice Mogwe

**Editor in chief:**

Éléonore Morel

**Authors:**

Sazzad Hussain,

Taskin Fahmina

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## CONTACT

FIDH

17, passage de la Main d'Or

75011 Paris - France

Tel: (33-1) 43 55 25 18

[www.fidh.org](http://www.fidh.org)

Twitter: @fidh\_en / fidh\_fr / fidh\_es

Facebook:

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