

ILR New Conversations Project



SUSTAINABLE LABOR PRACTICES IN GLOBAL SUPPLY CHAINS

Social Dialogue in the 21st Century

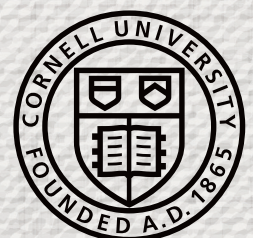
Mapping Social Dialogue in Apparel: **Bangladesh**

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Labor Relations & The Strategic Partnership for
Garment Supply Chain Transformation



Acronyms

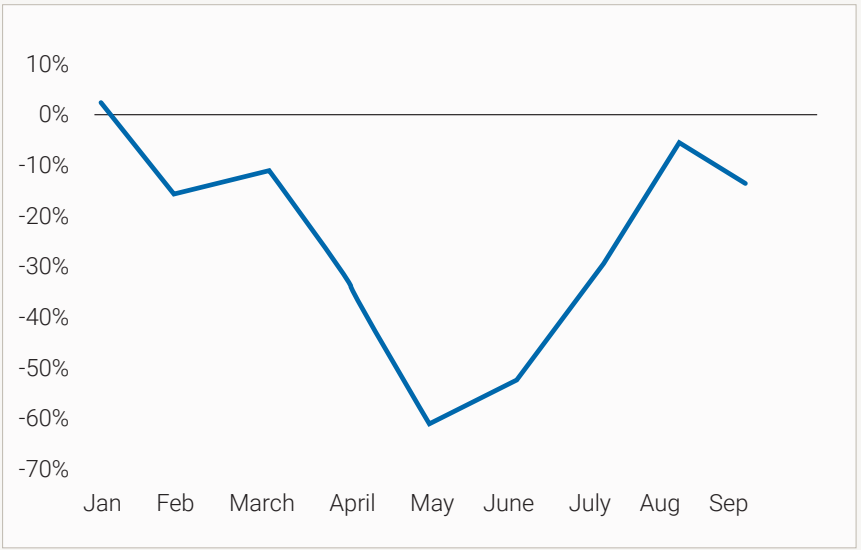
ACT	Action, Collaboration, Transformation
BGMEA	Bangladesh Garment Manufacturers & Exporters Association
BKMEA	Bangladesh Knitwear Manufacturers & Exporters Association
BLA	Bangladesh Labor Act
BEPZA	Bangladesh Export Processing Zone Authority
BNP	Bangladesh Nationalist Party
BLF	Bangladesh Labor Welfare Foundation
BILS	Bangladesh Institute of Labor Studies
CAP	Corrective action plans
CBA	Collective Bargaining Agent
CMC	Crisis Management Committee
CPD	Centre for Policy Dialogue
DIFE	Department of Inspection for Factories and Establishments
DoL	Department of Labor
EPZ	Export Processing Zone
EHS	Environmental Health and Safety
ECD	Early Childhood Development
EWAIRA	EPZ Workers' Welfare Association and Industrial Relations Act 2010
FDI	Foreign Direct Investment
FFP	Food Friendly Program
FGD	Focus Group Discussion
FoA	Freedom of Association
ILO	International Labor Organization
INGO	International Non-Government Organization
IBC	IndustriALL Bangladesh Council
ISI	Import-Substituting Industrialization
ITF	International Transport Workers Federation
ISC	Institute of Sustainable Communities
ITUC	International Trade Union Confederation
IRI	Industrial Relationship Institute
KN	Karmojibi Nari
KII	Key Informant Interview
LIMA	Labor Inspection Management Application
LNGO	Local Non-Government Organization

MoLE	Ministry of Labor and Employment
MWB	Minimum Wage Board
MoU	Memorandum of Understanding
NFTUs	National Federation of Trade Unions
NTPA	National Tripartite Plan of Action
NGO	Non-Government Organization
NUK	Nari Uddug Kendra
NCCWE	National Coordination Committee for Workers' Education
OSH	Occupational Safety and Health
PCR	Polymerise Chain Reaction
R.S.P.	Revolutionary Socialist Party
RMG	Ready-Made Garments
SKOP	Sramik Karmachai Oikko Parishad
SCF	Social Compliance Forum for RMG
SOP	Standard Operating Procedure
SGSF	Sammilitio Garments Sramik Federation
SRS	Safety and Rights Society
RCC	Remediation Coordination Cell
RPCC	Rana Plaza Coordination Committee
RSC	RMG Sustainability Council
SRAMIC	Sustainable and Responsible Actions for Making Industries Care
SBGSKF	Shadhin Bangla Garment Sramik Karmachari Federation
TU	Trade Union
TCC	Tripartite Consultative Council
TCA	Tazreen Claims Administration
TIWMC	Trust for Injured workers' Medical Care
TBS	The Business Standard
USA	United States of America
UK	United Kingdom
WRWC	Workers Representation and Welfare Committee
WWA	Workers' Welfare Association
WFTU	World Federation of Trade Unions
WPC	Workers Participation Committee

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Bangladesh COVID-19 Garment Industry Impacts

State of COVID-19 ¹	<p>As of December 28, 2020,</p> <ul style="list-style-type: none"> Confirmed COVID-19 cases: 509,148 COVID-19 deaths: 7,452 Case-Fatality: 1.5% Deaths/100K Pop: 4.61 																				
Year on year US & EU imports from Bangladesh 2020 vs 2019 show an overall 24% decrease from January to September with a 62% drop in May.	 <table border="1"> <caption>Year on year US & EU imports from Bangladesh 2020 vs 2019</caption> <thead> <tr> <th>Month</th> <th>Percentage Change</th> </tr> </thead> <tbody> <tr> <td>Jan</td> <td>0%</td> </tr> <tr> <td>Feb</td> <td>-15%</td> </tr> <tr> <td>March</td> <td>-10%</td> </tr> <tr> <td>April</td> <td>-35%</td> </tr> <tr> <td>May</td> <td>-62%</td> </tr> <tr> <td>June</td> <td>-55%</td> </tr> <tr> <td>July</td> <td>-35%</td> </tr> <tr> <td>Aug</td> <td>-10%</td> </tr> <tr> <td>Sep</td> <td>-15%</td> </tr> </tbody> </table>	Month	Percentage Change	Jan	0%	Feb	-15%	March	-10%	April	-35%	May	-62%	June	-55%	July	-35%	Aug	-10%	Sep	-15%
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Length of apparel industry lockdown	<p>Countrywide Lockdown: From March 26- 4 April, then extended to 30 May 2020.</p> <p>Factory closure (except factories producing PPE) : 25 March to 4 April, then extended to 25 April³</p>																				
Job losses or workforce capacity reduction percentage	As of 17 September 2020, over 90,000 workers have lost their jobs due to factory shutdowns and terminations ⁴																				
Government support specific to apparel industry	<p>March 2020 stimulus package of Tk 50 billion (USD 590 million) for the owners of export-oriented industries affected by Covid-19. The money is availed as bank loans at 2 percent to help pay worker wages.</p> <p>April 2020: Announced new financial packages worth USD 8 billion, Launched digital wage payment system.</p>																				
Characterization of social dialogue activities	National-level discussions to negotiate factory shutdown, layoffs, wage payment, workers' termination, work-related benefits, and workers' safety largely unilateral. Unions and employers' association pressured on global brands not to cancel work orders. The statutory social dialogue mechanisms did not work properly during the COVID crisis. Bipartite consultation between workers representatives and factory management on reinstatement off terminated workers. However, workers' representatives' proposals hardly considered.																				

1. Data from the Johns Hopkins University Coronavirus Resource Center <https://coronavirus.jhu.edu/data/mortality>

2. Imports refer to imports of products with HS commodity codes 61, 62, 63, and 64. Data from UN Comtrade.

3. <https://betterwork.org/portfolio/covid-timeline-in-bangladesh/>

4. Crisis report September 17, prepared by the Department of Inspection for Factories and Establishments. (DIFE), 2020

1.0 Introduction

The garment industry plays a critical role in Bangladesh's economy. It is not only the largest export industry but also one of the most labor-intensive with an estimated labor force of over 4 million. However, the garment industry has faced a number of labor challenges including the tragic Tazreen factory fire (2012) and Rana Plaza factory collapse (2013) as well as challenges related to freedom of association, wages, and turnover. Most recently, the industry has faced great challenges during the COVID-19 pandemic with global brands and buyers cancelling approximately USD 3 billion in orders affecting the livelihoods of suppliers and millions of workers.

This study is a part of *Social Dialogue in the 21st Century*, a collaboration between the New Conversations Project at Cornell University and the Strategic Partnership for Garment Supply Chain Transformation, which includes the Fair Wear Foundation, CNV Internationaal, and FNV Mondiaal. This report will examine the capacity, strengths, weaknesses, and interactions of trade unions, employer associations, government institutions, civil society organizations, international organizations, and multi-stakeholder initiatives. Furthermore, the report includes an examination of social dialogue during the COVID-19 pandemic.

The report is structured as follows: after the introduction, section 2 provides a general context of labor relations in the garment industry. Section 3 analyzes the domestic legal framework including barriers to freedom of association and collective bargaining. Section 4 examines social dialogue mechanisms and section 5 analyzes relevant stakeholders and their interactions. Section 6 examines the specific cases of the Bangladesh Accord and Alliance. Section 7 analyzes COVID-19 impacts on the garment industry and social dialogue in response to the crisis. Section 8 provides concluding remarks.

2.0 General Context of Labor Relations in the Bangladesh Apparel Sector

2.1 Historical Overview and Context

The apparel sector of Bangladesh grew primarily as an export-oriented industry during the late 1970s and early 1980s, and has boomed over the last four decades. The global economic restructuring and trade liberalization, neoliberal policies, Multi-Fiber Agreement (MFA), government policies etc. have been the driving force for this rapid expansion.¹ From just fifty factories in 1980, the ready-made garment industry (RMG) has jumped to several thousand factories. The sector has extensive contribution to country's GDP (textile and garment sector contributes around 20 percent of GDP),² export earnings (over 84 percent of earnings)³, employment generation, empowerment of women, and overall socio-economic development. Bangladesh's garment industry is the second largest in the world, behind China with most global brands sourcing from Bangladesh.⁴ Yet, the labor relations in the sector have hardly been harmonious since its start.

2.2 Bangladesh Apparel Industry Overview

2.2.1 Government Policies to Attract Foreign Investors in Garment Sectors

Bangladesh's industrial policies have undergone several changes over the past decades. Immediately after independence, the country adopted import-substituting industrialization (ISI) as a means of industrial development. ISI policy had the objective to safeguard the country's infant industries; to reduce the balance of payments deficit; to use scarce foreign exchange efficiently; to ward off international capital market and exchange rate shocks; to lessen fiscal imbalance; and to achieve higher economic growth and self-sufficiency.⁵ In the early 1980s, a moderate liberalization policy was adopted and by the early 1990s, a large-scale liberalization program was implemented.

Recent industrial development policies and interests are in line with pro-market policy where liberalization and the development of the private sector have been given priority. The key strategies for sustainable industrial development include private investment,

1. Shelley Feldman, Historicizing Garment Manufacturing in Bangladesh: Gender, Generation, and New Regulatory Regimes. *Journal of International Women's Studies*, 2009, 11(1): 268–288.

2. BGMEA Website, Retrieved on 7.11.20, from: <http://bgmea.com.bd/bgmea/investment-trade/bangladesh-country-profile/>

3. GoB, Statistical pocket book 2019, (Dhaka: Bangladesh Bureau of Statistics, Statistics and Informatics Division, Ministry of Planning, 2020).

4. Lauren Frayer, "For Bangladesh's Struggling Garment Workers, Hunger Is A Bigger Worry Than Pandemic," NPR.Org, June 5, 2020, <https://www.npr.org/2020/06/05/869486297/for-bangladeshs-struggling-garment-workers-hunger-is-a-bigger-worry-than-pandemi>.

5. Selim Raihan, "Trade Liberalization and poverty in Bangladesh" Macao Regional Knowledge Hub Working Papers, No. 15, December 2008. Retrieved from https://www.researchgate.net/publication/237557350_Trade_Liberalization_and_Poverty_in_Bangladesh/link/00b7d533559f13eab8000000/download

foreign direct investment (FDI) and export diversification. This policy commits to offer and maintain a number of incentives to attract investment in export-oriented industries.

The latest Industrial Policy 2016 welcomes foreign private investment in all areas of the economy and there is no restriction on the amount of share of the investment. Foreign investors are eligible to take advantage of a wide range of generous tax concessions and other fiscal incentives and facilities.⁶

Industrial policy (2016) highlights the importance of skilled manpower to meet the demands of industrial sector. Taking initiatives to create skilled manpower has therefore been set as one of the strategies of this policy. It declares that sufficient training centers would be established to train workers of RMG and other high priority sectors. It also focuses on strengthening apprenticeship activity at factories.

The Government has laid emphasis on a strengthened labor administration in order to enforce the provisions of labor law. To this end, initiatives are going on to strengthen the two labor law implementing bodies of the government— Department of Inspection for Factories and Establishments (DIFE) and Department of Labor (DoL). The number of staff in DIFE has increased with a significant number of inspectors, but the number is yet low considering the size of Bangladesh's RMG industry. The inspectors are responsible for carrying out inspections around all factories and establishments in the country, which are, estimated around 25,000.

The Government has formed different forums to look after the garment sector. These include: Crisis management committee, Social complacence forum for RMG and the National industrial safety and health council, among others. Recently the Remediation Coordination Cell (RCC) has been formed to look after the remediation process for garment factories. The government has also formed the Cabinet Committee on Garments Sector to look after the condition of RMG industry. The committee has formed two task forces. The Task Force in Building and Fire Safety in Ready Made Garments Industry deals with workplace safety issue of the workers. The "Committee on RMG factory improvement", headed by Minister for Jute & Textile, has recommended to protect safe working environment, prevention of accidents and ensure labor welfare in the RMG factories.

2.2.2 RMG Factories and Workforce

The Department of Inspection for Factory and Establishment (DIFE) indicates that there are 5,115 RMG factories operating in the country.⁷ The BGMEA has 4,621 member factories.⁸ According to BKMEA it has 2,299 members.⁹ The total figure, however, does not reflect the factories' joint membership to both organizations due to non-availability of such information. The joint membership implies that the number of total

6. Bangladesh Investment Development Authority (BIDA) website. Retrieved from http://bida.gov.bd/?page_id=2552

7. Labor Inspection Management Application (LIMA), DIFE, Ministry of Labor and Employment, Bangladesh Government, 2020. Retrieved on 15 October 2020, from http://lima.dife.gov.bd/public-report/establishment-listfilter?factory_name=&industry_id=1&license_number=®istration_number=&district=&upazila=&category=&status=11&employee_from=&employee_to=&filter=filter

8. BGMEA Website, Retrieved on 15 October 2020, from <https://www.bgmea.com.bd/home/pages/TradeInformation>

9. BKMEA Website, Retrieved on 15 October 2020, from <https://bkmea.com/bkmea-members/#/>

factories might be less than the reported total number. This also has created some confusion about the size of RMG sector. Noteworthy, the report of the MoLE does not include the factories of EPZs in its estimate. According to the report of Bangladesh Export Processing zones authority, there are 119 garments factories in the country's eight EPZs.¹⁰

RMG factories are concentrated in 7 divisions of the country (except Barisal). According to the Labor Inspection Management Application (LIMA), a total 5,115 RMG factories are distributed in 7 divisions. Dhaka division hosts 4,538 RMG factories representing 88.7 percent of all RMG factories and Chittagong Division is home to 9.8 percent of the factories with a total of 499 factories. Besides this Mymensingh, Khulna, Rangpur and Sylhet Division hosts 49, 17, 7, 1, and 4 factories respectively.

The RMG industry produces different products (e.g. knit, woven). The information is not available that how many woven, knit or sweater factories running in the country. BGMEA data shows that around 40 percent of BGMEA member factories are knitwear and sweater manufactures, and the rest (60 percent) are woven garment manufactures.¹¹

The country's RMG industry employs a large number of workers. According to Bangladesh Bank, there were 4.5 million workers directly engaged in RMG sector in 2019.¹² The BGMEA indicates that there are 4.1 million workers employed in this sector prior to the COVID-19 pandemic.¹³ In terms of gender distribution, most RMG employees are female 60.8 percent are female and 39.2 percent are male, though the female participation is declining in recent years.¹⁴ A total of 29,671 workers are employed in garments Industries in the EPZs, although the information on gender distribution of RMG workers in EPZs is not available.¹⁵

2.3 Overview of Trade Unions

From the beginning of the industry to date, trade unions (TU) have hardly been allowed in this sector. There has been a continuous effort to hold back trade union activities in many ways. Suspension of TU rights under the state of emergency, inhibiting legal provisions, bureaucratic process to form unions, and employers' uncooperative attitudes are responsible for lower level of participation of trade unions in this sector. The first TU federation in the RMG sector was registered in 1983. In the following two years, five federations were registered. After that, for about ten years from 1986 to 1994 no new federation was registered.¹⁶ Moreover, enterprise-level unions in the RMG industries were hardly allowed up to 1997. Only three basic trade unions existed in the RMG sector until 1997.¹⁷

10. BEPZA, Annual Report 2017-18, https://bepza.gov.bd/files/reports/file_1558596027.pdf

11. BGMEA, Ibid

12. Bangladesh Bank, Quarterly Review on RMG: April-June FY'20, Research Department External Economics Division, (2020). Retrieved on 5 November, 2020, from: <https://bb.org.bd/pub/quaterly/rmg/apr-jun2020.pdf>

13. BGMEA, Message from BGMEA President: COVID-19, Industry Response and Support from Honorable Prime Minister. Retrieved on 5 November 2020 from https://www.bgmea.com.bd/home/activity/Message_from_BGMEA_President_COVID_19_Industry_Response_and_Support_from_Honorable_Prime_Minister

14. Staff Correspondent, Woman RMG worker ratio falls amid tech upgradation: survey, New Age, 3 March 2018. Retrieved from <https://www.newagebd.net/print/article/35947>

15. BEPZA, Ibid

16. Jakir Hossain, Mostafiz Ahmed, M. and Md. Aurongjeb Akond, Textile and Garments Sector in Bangladesh: Sectoral Profile and the State of Workers, Rights and Trade Unions, (Dhaka: Bangladesh Institute of Labour Studies, 2014).

17. Fair Wear Foundation (2016), Bangladesh Country Study, (2016), 12. Retrieved from <https://www.fairwear.org/wpcontent/uploads/2016/06/BangladeshCountryStudy2016.pdf>

More trade unions in the RMG sector gained recognition after worker struggles to organize. In 1994, workers called a strike for establishing minimum wages and implementing labor laws in the RMG sector. A tripartite committee was formed as a result to review the demands of garments workers, and monitor violation of labor laws. The committee consisted of three workers representatives and three representatives from employers and the government. In 1997, seven trade unions united to form a Grand Alliance under the auspices of the Bangladesh Garments Workers Unity Council. In the same year, a bilateral committee, consisting of representatives from the Grand Alliances of Workers and BGMEA, was formed to resolve factory level disputes relating to wages and other issues between unions and factory managements and was successful in many cases.¹⁸

From 1994 to 2006 Trade Unions in the RMG sector signed seven agreements with BGMEA covering the several rights of workers such as minimum wage, recognition of trade union activities, providing of appointment letter and ID card to the workers, fixing working hours, and ensuring maternity leave and other holidays. A national tripartite agreement was signed between the government, BGMEA and the workers representatives in 2006. It was a major step towards resolving the workers' demands. Most of the demands were afterward incorporated in Bangladesh Labor Act 2006.¹⁹

Opening a new window in the labor relation system in Bangladesh, the Bangladesh Labor Act 2006 has amalgamated the previous 25 labor related laws into a single one. The Act provides a list of activities prohibiting unfair labor practices from both the employer and workers side.²⁰ It also deals with the rights of the Collective Bargaining, even though it does not meet all international standards (for example, requirement of minimum membership of 20 percent of total number of workers for trade union registration), and lack of institutional capacity to implement the Laws.²¹ Only 132 trade unions have been formed in the RMG industries by the end of 2012.²²

Labor relations in the RMG sector has been reshaped after the two major industrial disasters: the Tazreen factory fire and Rana Plaza factory collapse. Following the Tazreen fire in 2012, a framework for the improvement of fire safety in Bangladesh was developed as a form of Tripartite Statement (signed by the government, and workers and employers association) which led to develop the National Tripartite Plan of Action (NTPA) on fire safety for the RMG sector in Bangladesh. The plan shows considerable engagement with and input from unions, brands and retailers as well as development partners. The Rana Plaza disaster in 2013 led to focus again on the poor state of trade union rights implementation in RMG sector as the Bangladesh Accord on Fire Safety did not include provisions on freedom of association. However, the sector saw a significant growth of trade unions, from 132 at the end of 2012 to 543 by 2016.²³

18. Ibid, 18

19. Muhammad Raihan Obaidullah "Challenges and Prospects of Industrial Relations in the RMG Sectors of Bangladesh", (2015), 10-11. Retrieved from ACADEMIA: https://www.academia.edu/20086293/Challenges_and_Prospects_of_Industrial_Relations_in_the_RMG_Sectors_of_Bangladesh

20. BLA 2006, Section 195 and 196.

21. Abdullah Al Faruque, Current Status and Evolution of Industrial Relations System in Bangladesh, (2009). Retrieved from <https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1082&context=inl>

22. Jakir Hossain, Mostafiz Ahmed, M. and Md. Aurongajeb Akond, Idid

23. Jakir Hossain, Mostafiz and Ahmed, Scope and Efficacy of Recently Formed Trade Union in Ready-Made Garment Industry, (Dhaka: Safety and Rights Society (SRS) and ActionAid Bangladesh, 2017), 4.

Labor relations in EPZs is quite different from those outside EPZs. Around 7 percent of RMG workers are engaged in the EPZs, but they are hardly allowed to rights of freedom of association and collective bargaining. At first, workers' representation in EPZ was allowed through the enactment of the EPZ Workers' Association & Industrial Relations Act, 2004. According to that Act, the workers in industrial units within the territorial limits of a Zone shall have the right to form association to engage in industrial relations in the name of Workers Representation and Welfare Committee (WRWC).²⁴ The act provided that only one WRWC could be formed in a Zone and to be in force from November 2006 to October 2008. In 2010, the Act was repealed, and a new act—EPZ Workers' Welfare Association and Industrial Relations Act 2010 (EWAIRA 2010)—was enacted, which permitted EPZ workers to participate in the organizational decision-making in the name of 'Workers Welfare Association (WWA)'.

The Bangladesh EPZ Act 2019 (February 2019) has brought further changes relating to workers representation in EPZ. Earlier, 30 percent workers' consent was required to form a Workers' Welfare Association (WWA). That standard has now been lowered to 20 percent. The amendment also allowed for the formation of WWA federations. The mandatory required consent of the workers for calling strikes and lockouts has also been lowered. Now, workers are able to call strike or lockout with the consent of two-thirds of the workers instead of previous three-fourths. However, these associations even though to some degree have freedom of association but fall short on workers' rights, and are neither registered with the Directorate of Labor under the Ministry of Labor in order to be legally recognized as Collective Bargaining Agent. EPZ Workers' Welfare Associations are registered with the BEPZA, and as such WWAs remain to be an association of workers but not a trade union legally.

The BLA 2006 provides the right of workers to form and join trade unions by their own choice. In contrast, according to EPZ Act, EPZ workers are allowed to join in the WWA of the industrial unit they are working in not by their own choosing. Unlike workers under the BLA, a worker in an EPZ does not have the legal right to file a case challenging illegal termination. The WWAs however are prohibited to join in any other WWAs, and maintain any kind of interaction between and among the WWAs. The requirement of 50 percent WWAs' support to form a federation, embargo on the WWAs joining in other federation, or confederation, or international associations, and lack of bargaining rights of CBA — are violations of international standards on freedom of association and collective bargaining.

24. Jakir Hossain, *Employee Participation in Bangladesh: Legal Stands and Workplace Practices*, (Dhaka: ILO 2012), 27.

3.0 Domestic Legal Framework

The main statutory framework for social dialogue in Bangladesh is the Bangladesh Labor Act 2006 (BLA 2006). The Act includes provisions on freedom of association and collective bargaining. The Act additionally includes enterprise-level social dialogue provisions through mandated committees. These include Participation Committee, Canteen Management Committee, OSH committee, Anti- Harassment Committee. The Act also includes national-level social dialogue provisions through the Minimum Wage Board and Tripartite Consultative Council.

Right to form and join association

BLA 2006 provides the right of workers to form and join trade unions by their own choice. However, persons who has been convicted of an offence involving moral turpitude and unless two years have beyond from the date of discharge shall not be entitled to be, or to be elected as a member or an officer of the trade union.²⁵ The amendments of 2013 and 2018 have not changed this provision.

BLA includes provisions protecting workers against victimization and discrimination related to exercising their freedom of association and collective bargaining rights. These include (a) protection for workers during trade union formation—barred employers to terminate workers while they are in the process of establishing trade union at their workplaces; and (b) strict restriction of transfer of trade union officials—the provision of not transferring the president and secretary of trade union from one place to another without their consent has been extended and made specific.

Trade Union Formation Process: The BLA prescribes a systematic procedure of trade union formation including its registration. According to the provision of the Act, any trade union can apply for its registration to the register of trade unions of the concerned area under the signature of the President and Secretary of the respective trade unions after fulfilling a series of administrative requirements.²⁶

However, conditionality has been imposed in the Act for TU registration. In order to be registered, a trade union must have a minimum membership of 30 percent of the total number of workers employed in the establishment or group of establishments.²⁷ However, the latest amendment (BLA 2006 amended in 2018) has reduced the conditionality. It includes 20 percent number of workers as a prerequisite for getting registration of a trade union.

25. BLA 2006, Section 176 (A) & 180 (1)]

26. [BLA 2006, section 179(1)]:

27. BLA 2006, Section 179 (2)

Freedom to elect union representatives

A change has taken place in this regard through the Labor Act amendment in 2013. Generally, trade unions have the right to draw up their own constitution and rules, to elect their representatives in full freedom and organize their administration and activities and formulate their programs.²⁸ A restriction is imposed in the selection of union representatives. The Act declared that a person would not be eligible to be a member or be selected as officer of a trade union if he is not employed in that establishment.

Through the amendment of 2013, this ban has been relaxed to some extent. Now workers of public sectors shall have the right to choose leaders even from outside of their own establishment.²⁹ This change is discriminatory again, since private sector workers have not been provided with the same opportunity of selecting union representatives from outside their own establishment.³⁰

In another move, the new amendment has tried to increase female participation in the executive committees of the trade unions. Before this amendment, the Act had no provision on participation of women workers in trade unions' executive committees. According to BLA 2006, in the executive committee of a trade union at least 10 percent members would be female if they constitute 20 percent of the total workforce of the establishment where the union would be formed.³¹ Therefore, this amendment seeks to increase representation of female workers in union leadership.

Protection against victimization and discrimination

No employer or organization of employers shall: (a) impose any condition in a contract of employment seeking to restrain the right of a person who is a party to such contract to join a trade union or continue his membership of a trade union; or (b) refuse to employ or to continue to employ any person on the ground that such person is, or is not, a member or officer of a trade union; or (c) discriminate against any person in regard to any employment, promotion, condition of employment or working condition on the ground that such person is, or is not, a member or officer of a trade union ; or (d) 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, or participates in the promotion, formation or activities of a trade union.³² The new amendment of the Act has retained these protections same as these were before the amendment.

However, workers' protection in this regard has been expanded further by the amendment of 2013. Before this amendment the Act prohibited the transfer of President, General Secretary, Organizing Secretary or Treasurer of any trade union from one district to another without their consent. Other office bearers of a trade union were out

28. BLA 2006, Section 176D

29. BLA 2006, Section 180

30. BLA 2006 amended in 2013, Section 180

31. BLA 2006 Amended in 2013, Section 176

32. BLA 2006, Section 95

of this protection. The new amendment extends this protection coverage for all the office bearers of any trade union – “Along with President, General Secretary, Organizing Secretary and Treasurer, any office bearer of the unions should not be transferred without consent.”³³

Formation of TU Federation and Confederation

Trade unions are entitled to form and join in a TU federation and such unions and federations are permitted to affiliate with any international organization and confederation of trade unions.³⁴ This provision of the Labor Act is facilitative for expanding the network of trade unions and bringing and expanding collaboration among the unions.

The latest amendment of the labor act has brought changes and made additions in the precondition of TU federation formation process. Before the amendment, any two or more registered trade unions were allowed to form a Federation. The Act also allowed that at least 20 trade unions formed in different types of industries to jointly constitute a federation on national basis.³⁵ However formation of TU federation at industry/sector level has become tougher after the amendment of 2013. Instead of ‘two or more’ at present at least five or more trade unions are required to form a federation.

The new amendment has not brought any changes in the prerequisite number of unions required to form a national level federation. Furthermore, requirement for formation of national confederation, which was not mentioned in the Act earlier, has been added. According to this addition, at least ten national federations together could form a national confederation.³⁶

Freedom of Association within EPZ

The requirement threshold to form a Workers Welfare Association has been lowered to 20 percent, because of the continuous pressure from international communities such as the EU, Canada, the International Labor Organization and the US. Earlier, 30 percent workers’ consent was required to form a Workers’ Welfare Association (WWA) in a factory in the EPZ.

The amendment also allows the officials of the Department of Inspection for Factories and Establishments to inspect the factories housed inside the EPZs apart from the officials of Bangladesh Export Processing Zones Authority (BEPZA). Previously, only BEPZA officials could inspect the factories. The amendment also allows workers to form WWA federations. The mandatory required consent of the workers for calling strikes and lockouts has also been lowered. Now, workers will be able to call strike or lockout with the consent of two-thirds of the workers instead of previous three-fourths. Workers will be able to write the constitutions of the WWAs in line with the

33. BLA 2006 Amended in 2013, Section 202.

34. BLA 2006, Section 176 C

35. BLA 2006, Section 200)

36. BLA 2006 Amended 2013 Section 200

main labor Act. The election of the executive committees of WWAs will be held within six months of the end of the tenure of a committee, down from one year previously. The law provides the provision of formation of WWAs in new industrial units within three months of their operation.

In spite of such amendment the current EPZs Law hardly allows full freedom of association, including the ability to form employers' and workers' organizations of their own choosing, and to allow workers' organizations to associate with workers' organizations outside of the EPZs.

Collective bargaining

On the right to collective bargaining, BLA provides a number of provisions including on rights to bargaining, scope and procedures of bargaining, procedures of settling industrial disputes, right to strike, workers' protection during lay-off, and tripartite consultation.

A trade union is allowed to work as a collective bargaining agent (CBA) in any establishment. If there is only one trade union in any establishment and it has at least one third of total workers as its members, the union can negotiate a CBA. If there is more than one trade union in an establishment, CBA will be determined through election in the secret ballot.³⁷ The CBA is authorized to (a) undertake collective bargaining with the employer or the employers on matters connected with the employment, non-employment or the conditions of employment; (b) represent all or any of the workers in any proceedings; (c) provide notice of and declare a strike in accordance with the provisions of the law; (d) nominate representatives of workers on the board of trustee of any welfare institution or provident fund and workers participation fund constituted.³⁸ Through the amendment an addition has been made in the Act. At present each employer is required to provide an office-room in his establishment for the elected Collective Bargaining Agent (CBA) as per provisions prescribed by the Rule.³⁹ Therefore this is a positive initiative to facilitate practice of collective bargaining at factory/ establishment level.

A well-structured/designed procedure had been prescribed in the labor Act 2006. This process is valid and effective as well since the amendment of 2013 brought no modification in this regard. If industrial disputes are raised, the employer or collective bargaining agent can settle it by the processes of negotiation, conciliation, and arbitration. Each of these processes is very much time-bound.

- Negotiation: At first the collective bargaining agent shall communicate with other party in writing. Then the recipient party shall take initiative to arrange a meeting for negotiation within fifteen days of the receipt of the communication. If the both parties make a positive solution on the disputed issues, a deed of settlement shall be recorded and signed by the both parties and the copy of the deed shall be forward to the government and the conciliator thereof.⁴⁰

37. Sec. 202.

38. BLA 2006, Section 202 (1), (2), (24)].

39. BLA 2006 Amendment 2013, Section 202

40. BLA 2006, Section 210 (1,2,3)

- Conciliation: If the negotiation fails within a period of one month from the date of the first meeting of negotiation, it shall be forward to the conciliator for the process of conciliation. If the dispute is settled through conciliation the Conciliator shall report it to the government along with the settlement deed but if not settled within 30 days of initiation of conciliation it will be treated as to have failed. However, the consultation may be extended after the period if both parties agree in writing.⁴¹
- Arbitration: If the conciliation also turns into fails, the Conciliator shall try to influence the parties to agree to refer the dispute to an arbitrator. When both parties agree, then the conciliator shall forward the matters to an arbitrator chosen by both parties. Arbitrator shall present an award within thirty days or they may agree upon such further period after the dispute is received. After making award the arbitrator shall forward a copy of it to the parties and to the Government.⁴²

Right to Strike

The scope of practicing the rights of calling strike has become easier after the latest amendment. As per provision of BLA 2006, the CBA may provide a notice of strike or lock out to the other party within fifteen days of the getting of failure certificate from the councilor to mention the date of commencement not to be earlier than seven days and not later fourteen days of serving such notice. But no CBA can serve any notice of strike or lockout if three-fourths of its members do not support it.⁴³ The Bangladesh Labor Act Amended 2013 made easier the pre-condition, which was to call a strike two-third members' support would be needed. The latest Amendment (BLA 2006 Amended in 2018) has changed the provision. According to the Amendment, a notice of strike can be provided with the support of 51 percent members.⁴⁴

The Labor Act not only provides workers with right to strike, but also ensures their right to get protection during strike. The Act prohibits employer or trade union of employers and person acting on their behalf to recruit any new worker during the period of strike.⁴⁵

Participation Committee

According to BLA 2006, every employer is obliged to set up a participation committee at the workplaces where fifty or more workers are employed.⁴⁶ If any establishment has any unit where at least fifty workers are generally engaged, on the basis of recommendation of the participation committee, a unit participation committee may be formed as per law.⁴⁷ The committee shall be composed of employers' representatives

41. BLA 2006, Section 210 (4-b)

42. BLA 2006, Section 210 (4-b)

43. BLA 2006, Section 211(1)

44. BLA 2006 Amended in 2018, Section 211

45. BLA 2006, Section 195 H

46. BLA 2006, Sec. 205. (1).

47. BLA 2006, Sec. 205 (7)].

and workers' representatives and the number of workers' representatives cannot be less than employers' representatives.⁴⁸ The unit committee shall consist of employers' representatives and the workers working in or under that unit.⁴⁹

The BLA 2006 provides that the appointment of workers' representatives must be on the basis of nomination of trade unions of the establishment. The law provision states, "Each of the trade unions, other than the collective bargaining agent, nominating equal number of representatives and the collective bargaining agent nominating representatives, the number of which shall be one more than the total number of representatives nominated by the other trade unions".⁵⁰ However, in the case a trade union is absent in the establishment, workers' representatives for the participation committee shall be elected through secret ballot from the workers working in the establishment and the election will be organized with collaboration of Department of Labor.⁵¹

The committee is entitled to: (a) promote mutual trust, understanding and co-operation between the employer and workers; (b) ensure application of labor laws; (c) foster a sense of discipline and to improve and maintain safety, occupational health and working conditions; (d) encourage vocational training, workers' education and family welfare training; (e) adopt measures to improve welfare services for the workers and their families; and (f) carryout production target, improve productivity, reduce production cost and wastes and raise quality of products.⁵²

In order to perform its functions, the participation committee is required to organize meetings at least once every two months. The committee is required to discuss and exchange views and make recommendations on the selected issues.⁵³ Concerning the decision-making process and implementation modalities, the BLA 2006 has provided that the participation committee shall submit the proceedings of its each meeting to the Director of Labor and the conciliator within a week of the date of the meeting.⁵⁴

Per the BLA 2006, the Government is able to appoint a conciliator for a factory, and the conciliator can be requested for conciliation.⁵⁵ According to the law, the employer and the registered trade union shall take necessary measures to implement the specific recommendations of the participation committee within the period specified by the committee. If, for any reason, the employer or the registered trade union finds it difficult to implement the recommendations within the specified period, they shall inform the committee about it and make all out efforts to implement the same as early as possible.⁵⁶

The objective of the committee is narrow—to inculcate and develop a sense of belonging and commitment among workers. Furthermore, the scope of participation committees discussions is very narrow. Committees are not allowed to discuss wages, overtime rate, and working hours – paramount issues for workers. Additionally, the

48. BLA 2006, Sec. 205 (2 & 3).

49. BLA 2006, Sec. 205 (8).

50. BLA 2006, Sec. 205 (5).

51. Bangladesh Labor Rules 2015,

52. (Sec. 206.1).

53. (Sec. 207.1).

54. (Sec. 207 (2)).

55. (Sec. 210.5).

56. Section 208.2).

recommendations of the committee are non-binding rendering the employees' participation ineffective. In many factories, participation committees exist on paper only. Even where they do function, there is ample evidence of factories ignoring or rejecting workers' recommendations given how these are non-binding.

Canteen Management Committee

The canteen management committee is another forum where social dialogue may be practiced at the factory level. Bangladesh Labor Law 2006 makes it compulsory for employers to form adequate number of canteens, and a canteen management committee where more than one hundred workers are employed.⁵⁷ The main functions of the committee are to determine the foodstuff to be served in the canteen and fix the price of foodstuff.⁵⁸ This provision only applies to employers with more than one hundred workers. The law however lacks specificity in the provision. The processes of formation of the committee and the representation of the workers have not been specified in the existing provision.

OSH/Safety Committee

The OSH committee is another forum for employer-employee relations at the factory level. The Bangladesh Labor Act makes it compulsory in every factory where 50 or more workers are employed to establish an OSH committee with the equal participation of management and union/workers representatives. The committee is responsible for advising management on OSH, assisting management in implementing the act, rules and other regulations on OSH, monitoring the implementation of OSH regulations, organizing training for various groups in the factory, and liaising with management, workers and the Labor Inspectorate to implement the legislation. A study report reveals that majority of the RMG factories (90%) have safety committee.

Anti-Harassment Committee

The High Court Division of the Supreme Court in 2009 issued a set of guidelines defining sexual delinquency to prevent any kind of physical, mental or sexual harassment of women, girls and children at their workplaces, educational institutions and other public places including roads across the country. The HC directed the government to make a law on the basis of the guidelines and ruled that the guidelines will be treated as a law until the law is made. The court directed the concerned authorities to form a five-member harassment complaint committee headed by a woman at every workplace and institution to investigate allegations of harassment of women. According to the HC rule, the majority of the committee members must be women. The extent of formation of such committees in Bangladesh's RMG sector is very limited. Only 4% garment factories have harassment complaint committees despite the High Court directive to such committee in every RMG establishment.⁵⁹

57. Ibid, Section 92 (2b)

58. Ibid, Section 92 (3)

59. Karmojibi Nari, "Monitoring work and working condition of women employed in RMG industries of Bangladesh" April 2019

Minimum Wages Board

According to the Bangladesh Labor Act 2006, the Government must establish a Minimum Wage Board to determine minimum wages for workers in different sectors. The Wage Board consists of a chairperson, one independent member, a member to represent the employers and a member to represent the workers. The Government shall appoint the chairman and the other members of the wages board. The member to represent the employers and the member to represent the workers shall be appointed after considering nominations, if any, of such organizations as the Government considers to be representative organizations of such employers and workers respectively.

At present, the permanent members of Minimum Wage Board are⁶⁰:

- Chairman: Khondokar Hasan Mohammad Firoz, Senior District Judge
- Independent Member: Dr. Md. Kamal Uddin, Professor and Treasurer, University of Dhaka.
- Employers Representatives: Kazy Saifuddin Ahmad, Labor Advisor, Bangladesh Employers Federation and
- Workers Representative: Fozlul Haque Montu, Chairman Bangladesh Jatiya Shramik League

In the last Minimum wage Board for RMG with the four permanent members were: BGMEA president Md Siddiqur Rahman and Jatiya Shramik League women affairs secretary Shamsunnahar Bhuiyan were as the owners' and workers' representatives respectively. In that time, the Chairman of the Minimum wage board was senior district Judge Syed Aminul Islam.⁶¹

60. Minimum Wage Board Website, Retrieved on 28 November 2020, from: http://mwb.portal.gov.bd/sites/default/files/files/mwb.portal.gov.bd/page/e908b473_4b3c_4d97_880a_6cfb1645a11c/2020-02-25-09-46-935d8be3ebae322bace7cb9c05f48729.pdf

61. Staff Correspondent, "Govt forms wage board for RMG workers", New Age, January 15 2018, Retrieved on 30 November 2020, from: <https://www.newagebd.net/article/32553/govt-forms-wage-board-for-rmg-workers>

4.0 Social Dialogue in Apparel Sector

Both bipartite and tripartite social dialogue mechanisms exist in the RMG sector. The formal channels of bipartite social dialogue at the factory level are Workers' Participation Committee (WPC), Safety committee, and Canteen Management committee outside EPZ, and workers' welfare committee (WWC) inside EPZs. The formal tripartite channels of social dialogue outside the factories are Tripartite Consultative Council and Minimum Wage Board. Several ad-hoc based tripartite committees/forums have also been set up at different times to address various labor market issues and implement labor regulations.

The participation committee is considered the foundation for social dialogue at the factory level. PC is a structure where management and workers discuss how to improve the factory, and the role of elected members of PC is to promote consultation and information sharing. They do not engage in collective bargaining and negotiation, as those are exclusive activities for the trade unions. According to worker representatives, the number of elected PCs, while very low compared with the number of factories, are increasing in RMG factories. The employers' unwillingness is the main barriers in formation of PCs.⁶² DoL statistics show that up to August 2020, the number of total participation committees in RMG factories is 1,614. The data reveals that only 32 percent RMG factories have formed PC (as according to DIFE there are 5,115 RMG factories in Bangladesh).

However, the function and legitimacy of PCs raise skepticism, particularly on the quality of discussion and implementation of the decisions made. Overall, there is a 'trust deficit' between the workers and employers, which is the main barriers to form effective and functional PC. For the effective PCs, it is important to ensure fair election, ensure workers' representatives' participation in the discussion making, effective implementation of decision made, follow-up, building trust between workers' representatives and employers and most importantly, the willingness of the factory management to make the committees functional.

There are as many as 11 tripartite committees in the RMG sector including recently formed 20 members 'RMG Tri-partite Consultative Council' (Table 1.2).

62. Key informant interview with Tawhidur Rahman, Former Secretary General, IBC

Table 1.2: Tripartite Committees in RMG Sector

Name of the Committee	Total Members	Representation Status
RMG Tripartite Consultative Council (RTCC)	20	8 from government, and each 6 from workers and employers organization
Tripartite Consultative Council (TCC)	60	20 each from government, workers and employers organizations
Minimum Wage Board (MWB)	6	1 chairman, 1 independent member, 2 employer representative and 2 workers' representative
Crisis Management Committee	10	1 chairman and 3 each member from government, workers and employers
Social Compliance Forum for RMG (SCF)	31	Different ministry and department of government-15, workers organizations-4, employers organizations-4 and from NGOs-3 and International Organizations -4
Task force on Labor Welfare in RMG	11	1 chairman, 5 from Government, 3 from Employers Organizations and 2 from Workers Organizations
Task force on Occupational Safety in RMG	14	1 chairman, 7 from Government, 4 from Employers Organizations and 2 from Workers Organizations
Compliance Monitoring Cell	38	
National Tripartite Committee for the Fire and Building Safety in RMG Sector	16	1 chairman and 5 each member from government, workers and employers
Rana Plaza Coordination Committee (RPCC)	12	Neutral Chair ILO and representative of the Ministry of Labor and Employment; BGMEA, BEF; NCCWE; IndustriALL Bangladesh Council; BILS; IndustriALL Global Union; and nominated brands (Bonmarché, El Corte Ingles, Loblaw, Primark) and the Clean Clothes Campaign.
National Industrial Safety and Health Council	22	1 chairperson and 7 each from government, workers and employers organizations
Source: Jakir Hossain and Afroza Akter, 2016. ⁶³		

63. Jakir Hossain and Afroza Akter, 2016, Ibid.

Both the bipartite and tripartite structures allow workers to participate in information and problem sharing, consultation and negotiation along with the employers and government representatives. Equal membership is available in most of the social dialogue forums, but the influential power of employers' representatives is greater than that of the workers' representatives.

All the tripartite bodies suffer from inadequate and unskilled staff and logistic support. Irregular meeting of the forums and lack of willingness of designated employers' representatives in attending meeting also hinder decision-making. For example—a national daily newspaper reported that the mid-level officials of BGMEA and BKMEA attended the meetings of govt. task force on labor welfare and occupational safety in RMG instead of the directors of the top apparel bodies. Such mid-level officials could not give decision rather sought time repeatedly causing delay in implementation of various important decisions.⁶⁴

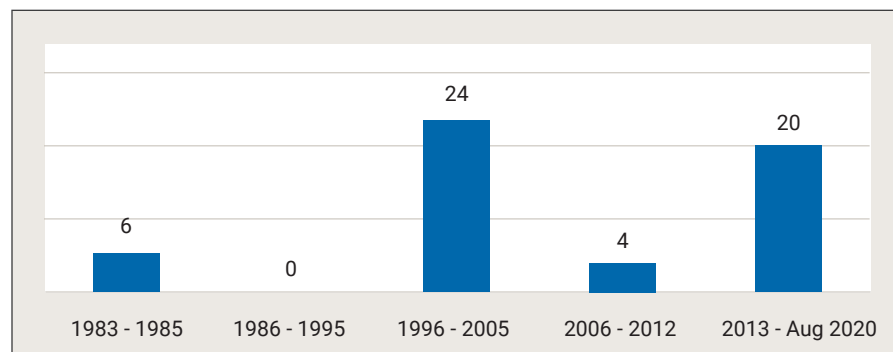
64. Jakir Hossain and Afroza Akter, 2016, Ibid. Cited from Financial Express, 15 February 2014.

5.0 Stakeholders

5.1 Trade Unions

As of August 2020, there are 8,342 plant level trade unions and 33 national federations in Bangladesh.⁶⁵ The RMG sector has 54 industrial federations and 905 basic trade unions.⁶⁶ Trade union federations in RMG sector were first registered in 1983. Up to 1985 only six trade union federations were formed and then for about ten years from 1986 to 1995 no new federation was registered. After a long break, in the next ten years (from 1996 to 2005), 24 trade union federations were registered. After the Rana Plaza disaster, as of August 2020, 20 trade union federations have been registered in RMG sector (Chart 1.1).

Chart-1.1: New Registrations of Trade Union Federations in RMG Sector (in numbers)



Source: Department of Labor 2020.⁶⁷

The number of trade unions in RMG industries substantially increased after the Rana Plaza disaster in 2013. Before 2013, total 132 trade unions were in RMG sector. A total 773 trade unions have been formed from 2013 to August 2020. The highest number of trade union registration has been observed in 2014. In that year, 182 trade unions have been registered (Chart 1.2). But the General Secretary of Bangladesh Mukto Sramik Federation claimed that after 2013 the majority number of trade unions has been formed in small garment factories, not in medium and large factories that have 3,000-20,000 workers. About 90 percent of the trade unions in RMG sector do not belong to any national trade union federation.⁶⁸

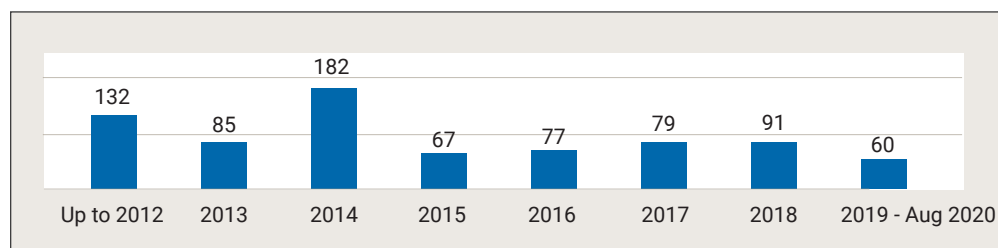
65. Department of Labor (DoL), Ministry of Labor and Employment, (Dhaka, 2020).

66. Ibid

67. DoL, Ibid

68. Bhuiyan, Md. Mojibur Rahman (2017). Time To Strengthen Trade Unions, Daily Sun, 5 May 2017. Retrieved from <https://www.daily-sun.com/magazine/details/224194/Time-To-Strengthen-Trade-Unions>

Chart-1.2: Number of Registered Plant level Trade Unions in RMG Sector



Source: Department of Labor 2020.⁶⁹

The membership status of trade union in RMG sector shows the total number of RMG workers involved in trade unions is 286,351 and there are about 4 million workers in this sector. Thus, the trade union density in RMG sector is 7.2 percent.

Over the last five years, unions have submitted several charter of demands and have signed more than 55 collective bargaining agreements.⁷⁰ A federation leader claimed in a study that in 2013, seven basic unions were registration under his federation. Only two of those have submitted 'charters of demand' to the authority. However, the outcomes of these submissions are not always the same. In one of these two cases, the union has been able to sign collective bargaining agreement with the employers.⁷¹

Political affiliation is a common feature of all national federations. Majority of the federations are affiliated with either the Government or the opposition parties. Some are involved with left political parties due to class characters. Some federations are also found to be independent. The list of national federations and their allies are given below.

Name of Federations	Political Party Allies
Jatio Sramik Federation	Workers Party
Bangladesh Trade Union Kendra	Communist Party
Jatio SramikJ ote	Gono Forum
Bangladesh Jatiyatabadi Sramik Dal-	Bangladesh Nationalist Party
Bangladesh Mukta Sramik Federation	Non partisan
Bangladesh Sramik Kaylan Federation	Jamat- E-Islami-Bangladesh
Jatio Sramik Federation Bangladesh	Workers party
Jatio Sramik League	Awami League
Bangladesh Jatio Sramik Federation	Bangladesh Shomajtantrik Dal
Samajtantrik Sramik Front	Jatio Shomajtantrik Dal

69. DoL, Ibid

70. Department of Labor, Ministry of Labor and Employment, Bangladesh Government, (2018).

71. Hossain and Ahmed 2017, Ibid

Jatio Samajtrantik SramikJ ote	Jatio Shomajtantrik Dal
Jatio Sramik Party	Jatiyo Party

Source: KII with respective federation leaders, and Sayed Sultan Uddin Ahmmmed, Jakir Hossain, and Afzal Kabir Khan⁷²

The above-mentioned political ally is based on the close links with the party in question not of formal ties, as trade unions cannot be directly affiliated with political parties as per law. Interestingly, about one third of trade unions are affiliated to the two political parties - Bangladesh Awami League and Bangladesh Nationalist Party. The ruling party's allied organization Jatio Sramik League patronizes 305 unions which represents 5,34,463 workers, which is over half of unionized workers while BNP has 279 trade unions under its allied organization Bangladesh Jatiotabadi Sramik Dal representing 247,454 workers.⁷³

Obstacles to Union Participation

Legal barriers: There remain many restrictions in the Bangladesh Labor Act 2006 to freedom of association and collective bargaining. One of the main barriers of the union registration process is the minimum 20 percent of workers' membership needed to form a trade union in any establishment and can be dissolved if its membership falls below this level. Another legal barrier is that unions must have government approval to be registered, and no trade union activity can be undertaken prior to registration. Further, the government takes a long time to verify all data before they decide to allow the application.

Membership in a union is restricted by legal provisions stating that only current workers are eligible to form plant level union. This allows challenges to be raised over outside-union organizers organizing a factory. In addition, no more than three unions are allowed in an establishment. There are also barriers to the right to strike: no CBA can serve any notice of strike or lockout if 51 percent of its members do not support it.⁷⁴

Additional legal restrictions are evident in the Bangladesh EPZ Labor Law 2019. The Act ensures workers representation in EPZ with the formation of Workers Welfare Association, but provided the pre-requisite that 20 percent workers consent to be needed for formation of the Workers Welfare Association.⁷⁵ For calling a strike or lockout, two thirds of workers permission is needed. Further, the WWA does not have the same status as union. The EPZ law in itself is conflicting with national labor law. The workers of EPZ are not permitted to join by their own choice in any WWA where they are not working or in any association outside EPZ.

72. Sayed Sultan Uddin Ahmmmed, Jakir Hossain, and Afzal Kabir Khan, Building trade unions unity in Bangladesh: status, (in) effectiveness factors, and future strategies, (Dhaka: Bangladesh Institute of Labor Studies, 2011), p-18

73. DoL,(2020), Ibid

74. Section 59, BLA 2006 Amendment 2018.

75. Bangladesh EPZ Labor Law 2019section 94 (2)

These legal restrictions make it difficult for workers to effectively participate in the governance of their workplace. Workers are often disproportionately victims of acts of intimidation and abuse. Labor leaders cite cases of garment enterprises' managers conducting acts of intimidation and abuse in the wake of labor unrest, including arbitrarily dismissal of workers.

Membership Challenge: When unions are registered, many have limited membership.⁷⁶ Moreover, the unions have difficulty recruiting more workers after their registration. A study reveals that among the five unions of Mirpur, Dhaka, only one union's membership has increased from 250 to 300, after registration. There is a tendency for TUs to go for a minimum requirement rather than a maximum effort for membership. The startling feature is that some union has fewer members than the number they showed during registration.⁷⁷ Many workers feel discouraged about joining unions over fears of losing their jobs. Union leaders explain that even in the post-Rana Plaza period workers are still fearful of joining unions. High turnover of workers also threatens the position of factory unions since they have to continuously meet the membership requirement.

An additional challenge related to union membership is the low share of dues-paying members. A grim scenario is observed in terms of paid worker-membership under the federations. A majority of the federations do not have worker-members who are contributing financially. It has been found that only a little more than one-third (34.8 percent) of the federation have paying members, and in contrast, about two-thirds (65.2 percent) of the federations do not have this type of worker-members.⁷⁸

Multiplicity of trade unions: Multiplicity of trade unions is one of the great weaknesses to effective trade union in Bangladesh. The majority of the trade unions view each other as competitors rather than complementing each other. As a result of weak strength, trade unions in garments sector are facing a number of problems like increased political influence (majority of trade unions work as a part of political parties rather than worker-representative associations), inter and intra-union rivalries, and unhealthy competition in Collective Bargaining Agent (CBA) election.

International Affiliations or Collaborations

At sectoral level, RMG sector trade unions collaborate with both the National Coordination Committee for Workers' Education (NCCWE) as well as the IndustriALL Bangladesh Council (IBC). The NCCWE is a united platform of 13 major national trade union federations in Bangladesh. It is affiliated with International Trade Union Confederation (ITUC) and World Federation of Trade Unions (WFTU), as well as global union federations of the International Transport Workers Federation (ITF). Meanwhile, the IndustriALL Bangladesh Council—a platform of 20 TU federations, 14 of which are RMG TU federations—is affiliated with the IndustriALL Global Union.

76. Jakir Hossain and Mostafiz Ahmed, *Ibid.*

77. *Ibid.*

78. *Ibid.*

IndustriALL works to strengthen union capacity, respond to labor rights violations, overcome divisions in the union movement, promote sustainable industrial policy, and ensure safe and healthy workplace for workers. IndustriALL was a signatory of the Accord and has mobilized brands and retailers, international TUs and local TUs in Bangladesh to establish RMG Sustainability Council (RSC) for responsible handover of the Accord .

In Bangladesh, IndustriALL supports to its affiliates for organizational development through capacity building training and changing union structure. It works to build unity among the affiliates and building networks of national, regional and international solidarity and organize global campaign in any workers rights related issues i.e. increase minimum wage and setting living wage, and against any unlawful labor practice. Recently IBC affiliate BGTWLF has reached an agreement with Tanzila textile and the BGMEA to reinstate 12 workers who were fired for participating in union activities. It also work with the affiliates union in the textile and garment sector to identify brands and retailers that have failed to pay for orders or exercise due diligence in managing their supply chains, resulting in violations of human rights and core labor standards. ACT⁷⁹ signatory brands have expressed their commitment to maintain responsible business practices and social dialogue with union representatives from IndustriALL Bangladesh Council (IBC) and the Bangladesh Garment Manufacturers and Exporters Association (BGMEA).

The ILO provides technical assistance to trade union organizations to improve the capacity of workers to organize through a workers education program organized in collaboration with the NCCWE and the IBC under coordination with IndustriALL and ACTRAV. The program aims at creating an enabling environment for worker organization and collective bargaining at factory level that would lead to workers participating in occupational health and safety as well as participation committees. Recognizing that the majority of garment workers are women, special emphasis is being placed on training women trade union leaders and organizers on key labor rights. Efforts are also being made to provide unions with the skills to establish collective bargaining agreements for the improvement of working conditions in the RMG sector. ILO is furthermore providing substantial strategic support to build the institutional capacity of NCCWE.

The Better Work Bangladesh (BWB) program also works for promoting sound industrial relations in the garment industry in Bangladesh since 2014. It collaborates with workers employers, government and brands for the improvement of working conditions and competitiveness of the garment industry through assessment, training, advisory work, research and advocacy. Currently the number of BWB affiliated factories is 230, where 530,000 workers are working. As a result of BWB initiatives the affiliated factories have gradually improved compliance with ILO core labor standard: a total 1,400 workers representatives (43 percent women) have been elected in workers-

⁷⁹. ACT is a collaboration of 21 global companies representing a broad range of brands and labels and IndustriALL Global Union representing garment, textile and footwear workers from around the globe. ACT members are working to help transform the way wages and working conditions are currently set in the global garment, textile and footwear sector.

management committees through fair and free elections; 64 percent of female sewing operators were offered a promotion and pay raise; and 5,000 factory managers, supervisors and workers have received training on gender equality, supervisory skill, financial literacy, industrial relations and workplace cooperation.⁸⁰

5.2 Employers' Associations

The Bangladesh Labor Act 2006 ensures the right to form employers' associations.⁸¹ In Bangladesh, the RMG factories are affiliated to two employers' associations—Bangladesh Garment Manufacturers and Exporters Association (BGMEA) and Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA). Approximately 82 percent of all the factories are affiliated to these employers' associations.⁸²

BGMEA is a non-profit private organization representing the readymade garment industry manufacturers and exporters of Bangladesh since 1983. Since its inception, the BGMEA is dedicated to promote and facilitate the apparel industry through policy advocacy to the government, services to members, ensuring garments workers' rights and social compliance at factories. Presently it has around 4,621 members factories representing around 40 percent of knitwear and sweater manufacturers, and 60 percent are woven garment manufactures. BGMEA member factories account for 100 percent woven garment exports of the country and more than 95 percent of sweater exports, while they make around half of the light knitwear exports. BGMEA represent factories that export garment products correspond to 83 percent of all exports of Bangladesh.⁸³

BKMEA represent only the knitwear sector of Bangladesh. It was founded in 1996 as a trade association to facilitate and promote knitwear business. The activities of BKMEA include policy advocacy, training program to raise the productivity of workers and mid-level management, promote workers welfare, and raising awareness of workers and entrepreneurs of knitwear sector on their basic rights. Currently, the BKMEA has 2,299 members.⁸⁴

The employers' associations are the second component of the tripartite system with most of the power and have a significant impact on the garment sector. The interest of the employers association is consistent on the development of the industry and engages in dialogue with buyers; therefore, the employers' associations work as fulcrum of business development. Business associations particularly BGMEA also politically powerful. In the 10th parliament, one third of the parliament members were garment owners⁸⁵ and the claim of trade union leaders is that the number has increased in 11th parliament.⁸⁶

80. Better work Bangladesh website. Retrieved on 25 November, from:

<https://betterwork.org/wp-content/uploads/2020/01/At-a-Glance-Final.pdf>

81. (Sec-176 b, BLA 2006)

82. Calculated from the information of Department of Inspection for Factories and Establishment, MOLE. GOB (August, 2019)

83. BGMEA website. Retrieve on 24 September 2020: <https://www.bgmea.com.bd/home/about>

84. BKMEA Website, Retrieved on 29 September 2020, From: <https://bkmea.com/bkmea-members/#/>

85. UNB, No trade unions in 97.5pc RMG factories: CPD survey, Retrieved from: <https://unb.com.bd/category/Business/no-trade-unions-in-975pc-rmg-factories-cpd-survey/845>

86. Key informant interview with Rajekuzzaman Ratan, General Secretary, Sramik Front

BGMEA has significant influence over the affiliated factories via the arbitration system. BGMEA works as arbitrator to resolve disputes between unions and factory owners when local negotiation fails to come into an agreement. The following table shows the BGMEA activities on arbitration since 2012 to April 2017 (Table 1.1).

Table 1.1: BGMEA activities on arbitration from 2012 to 2017 (up to April 2017)			
Year	No. of dispute	No. of disputes settled	No. of disputes pending
2012	803	789	96
2013	1154	920	317
2014	837	1054	92
2015	959	887	153
2016	1176	1162	120
Up to April 2017	413	279	234
Source: CPD, 2017. ⁸⁷			

The employer associations are involved in various dialogues relating to labor unrest. From 2013 to 2016, 594 incidents of labor-related unrest in the RMG sector were reported in the national dailies. Of these incidents, 20 percent reportedly reached the dialogue stage, and BKMEA was involved in 33 percent of the cases.

5.3 Government Institutions

The Ministry of Commerce, Ministry of Industry, and Ministry of Labor and Employment are the most relevant government institutions to the RMG sector in Bangladesh. The Ministry of Commerce is responsible for policy regulation and implementation around domestic and foreign trade. Its main functions include fixing export targets, and monitoring performance and compliance. The ministry provides policy support towards facilitating and enhancing ready-made garment (RMG) exports, and monitors and evaluates RMG-related export earnings.

The Ministry of Industries is responsible for developing new policies and strategies for the promotion, expansion, and sustainable development of the industrial sector of the country. There are several government initiatives to strengthen the RMG sector including a Social Compliance Forum, a Taskforce on Occupational Safety in RMG, and a Taskforce on Labor Welfare in RMG.

87. Moazzem Dr Khondoker Golam Moazzem et al., Strengthening-Social-Dialogue-Mechanism-under-Weak-Enabling-Environment-Case-of-RMG-Sector, (Dhaka: CPD, 2017). Retrieved from https://cpd.org.bd/wp-content/uploads/2017/04/_CPD-Bangladesh.pdf

The Ministry of Labor and Employment (MOLE) is responsible for reducing unemployment and poverty through productive employment, maintaining harmonious industrial relations, administering trade union registration or rejection, fixing minimum wages, settling disputes and ensuring workplace justice through Labor Courts. The DoL—one of the government's implementing agencies—is responsible for overall administration and implementation of policies and programs. The department too acts as a conciliator, dealing with labor disputes including strikes and lockouts. MOLE leads the inspecting system for factory and establishment, prosecution against violation of labor law through the Department of Inspection for Factories and Establishments (DIFE). Some recent actions that affect the union power and role in tripartite structure, taken by government, particularly the MOLE is given below:⁸⁸

Formation of Tripartite Consultative Council for RMG Sector: In March 2017, the government formed a 20-member tripartite consultative council with representatives from workers, employers and the government for the country's ready-made garment (RMG) sector. The council reviews the labor situation and its development time to time in the country's RMG sector. It also advises the government to take different measures for developing RMG industrial relations and increasing productivity considering the country's existing overall socioeconomic situation. It makes recommendations to the government about the laws, rules and regulations, policies and plans relating to the labor of the RMG sector.

Promoting Fundamental Rights at Work and Labor Relations in Export Oriented Industries: The government with the technical support of ILO implemented the project 'Promoting Fundamental Rights at Work and Labor Relations in Export oriented Industries in Bangladesh' from 2013 to 2015. The FRLR project aim was to promote better compliance with the international labor standards, particularly fundamental principles and rights at work in the ready-made garments, shrimp processing, and shoe and leather sectors. The specific objective of the project was promotion of labor rights, develop industrial relations; increase the capacity of labor tribunal and BEPZA, and implementation of occupational health and safety program at factory level. The Government of the Netherlands funded the project.

Promoting Social Dialogue and Harmonious industrial Relation in Bangladesh RMG Industry Project: The Government is implementing this project with the technical support from the ILO and funded by the Swedish and Danish governments from October 2015 to December 2020. The project worked to enhance workplace rights and industrial relations in the Bangladesh ready-made garment (RMG) sector. The project intervention is primarily facilitating improved dialogue between employers and workers, particularly at workplace level (MOLE, Annual report 2017-18).⁸⁹

88. Ministry of Labour and Employment, (2018). Annual report 2016-17, and 2017-18, Government of Bangladesh. Retrieved from: <https://mole.gov.bd/site/elibRARY/8791ae3c-0c84-4be9-9985-cd3e8baf83a>

89. GoB, Annual report

5.4 Civil Society Organizations

In Bangladesh, there are many local NGOs that provide support to RMG workers through various means. Some of the NGOs contribute to the development of garment industries through capacity building training, awareness raising, advocacy, campaigning, and research.

Bangladesh Institute of Labor Studies-BILS is the only labor institute of the country. BILS endeavors to uphold the causes of working people and trade unions of Bangladesh. 14 major national level Trade Union federations are associated with BILS. The organization provides support to trade unions' efforts in social dialogue and negotiation for the rights of workers through research, analysis, writing position papers, training, advocacy/campaign and networking. It strives to promote just and worker friendly policies and laws in Bangladesh. BILS contributed on writing the labor law of 2006 that improve the labor system and also engaged on different initiatives relating to further amendment of Law. BILS works to encourage different stakeholders to increase their dialogue. BILS has active representative in various worker related Government Policy Intervention Committee. During the setting of minimum wage in RMG sector, BILS has supported workers representatives through information sharing and conducted research to recommend adequate amount of minimum wage for RMG workers to ensure their decent life.⁹⁰

Karmojibi Nari works with women and women workers to help them realize their human rights, dignity, and labor rights. KN has been working with garment workers since 1996, organizing and empowering them to improve their working conditions. The objectives of KN is to promote women workers' organization, strengthen women workers' leadership skills, reinforce women's participation in trade unions, and advocate to harmonize the existing regulations, amend and/or enact new law and policies well as effective implementation of these legal instruments for the wellbeing of workers.

Awaj Foundation was established in 2003 out of the urgent need to protect workers' rights in the Ready-Made Garment (RMG) sector of Bangladesh. The Awaj Foundation works closely with factory workers, factory owners, employers' organizations, and buyers for the wellbeing of workers in the garment industry. It has a vast reach in the sector, with a network of around 255,719 workers. It raises awareness on the issues facing garment workers, trains workers on their rights and responsibilities under national and international legal frameworks and builds their capacity to take leadership and negotiate for better working conditions.⁹¹

Nari Uddog Kendra— an independent non-profit organization promotes gender equality, human rights and foster personal empowerment of women and girls in Bangladesh. NUK has been working with garment factories since its formation in 1993. It engages to meet the growing worker, consumer and industry concerns about working conditions and human rights in the workplace.

90. BILS Website, Retrieved on 26 July 2019 from: <https://bilsbd.org>

91. Awaj Foundation website, Retrieved on 25 July, 2020, from: <http://awajfoundation.org>

Safety and Rights Society (SRS) is a local not-for-profit organization working to ensure that the overall conditions faced by people at work are decent and in compliance with the law. To improve workplace, the organization undertakes action such as (a) investigating workplace deaths and injuries to understand the causes and circumstances of the deaths and injuries; (b) providing legal assistance to injured workers; (d) undertaking research on human rights, workplace and public safety issues to improve legislation and enforcement of the law; (e) providing training on labor rights and each of their responsibilities; and (f) undertaking advocacy and campaign of different kinds on issues relating to workplace safety and human rights. It works closely with basic trade unions, and mid-level management of the garment and tannery sectors.

Bangladesh Labor Welfare Foundation was established as an NGO in 2001, and promotes the growth of trade unions for the benefit of all working men and women and their families. BLF has conducted different research on RMG sector including “Brand-ed Childhood: How garment brands contribute to low wages, long working hours and school dropout in Bangladesh” and “Mapping study report on Organizing Workers in Keraniganj Apparel Hub, Dhaka, Bangladesh”.

Phulki works to protect the human rights of disadvantaged people particularly women and children. Phulki has been active in Bangladesh since 1991 in childcare and Early Childhood Development (ECD). In partnership with Alliance for Bangladesh Workers Safety, Phulki operates the Amader Kotha (Alliance Worker Helpline) for RMG workers in the Bangladesh ready-made garments sector under the Clear Voice Helpline project. The project working areas include Dhaka, Gazipur, Savar, Narayanganj, and Chittagong.

5.5 International development organizations and INGOs

There are a number of international development organizations and INGOs supporting projects related to the RMG industry. These international organizations collaborate with the different stakeholders such as local NGOs, trade unions, workers, employers, employers’ association and government. For example, ActionAid Bangladesh is implementing “Sustainable and Responsible Actions for Making Industries Care” (SRAMIC) with the collaboration of five partner NGOs (Awaj Foundation, Karmojibi Nari and Safety and Rights Society in Dhaka and Agrajatra and Songshoptaque in Chittagong). INGOs also provide capacity building training to the human resource of local NGOs for smooth implementation of related project activities. They also provide technical support to the affiliated local NGO as their requirement.

The support from developments organizations and INGOs to the trade union includes: capacity building training to union leaders on different issues like leadership, negotiation and facilitation technique, collective bargaining and social dialogue, providing necessary information to trade union leaders or union activists for strengthening their voice in collective bargaining and policy advocacy, and support for fruitful campaigns. However, a significant number of trade unions are not getting such kind of support from development organizations and INGOs. Some initiatives of International development organizations and INGOs for trade unions are presented below.

- The German development organization GIZ provides formative trainings in leadership and social dialogue for workers, in order to empower them of negotiation and management skills that will help them in confrontations with factory owners;
- The ILO works with both workers and employers organizations to promote better compliance with international labor standards, particularly regarding freedom of association and collective bargaining. ILO Bangladesh initiative “Promoting Social Dialogue and Harmonious Industrial Relations in Bangladesh Ready-Made Garment Industry (October 2020 to December 2021)” is working to develop dialogue mechanisms at the workplace level and conciliation and arbitration mechanisms.
- The Solidarity Center educates factory-level unions’ leaders in communication and leadership skills and leading them in gaining experience and confidence in tackling different issues with employers. It assists unions with strengthening internal structures, including achieving gender parity, and gender-responsive collective bargaining agreements to improve wages and working conditions.
- ActionAid Bangladesh has provided capacity-building training to the sectoral trade union leaders on leadership, negotiation, dispute resolution and collective bargaining under its SRAMIC project.
- Mondiaal FNV supports RMG workers and unions of Bangladesh to organize so that they can raise their voice for better working condition. It also works for strengthening social dialogue at sectoral and national level. Mondiaal FNV works in Bangladesh with the collaboration of Local and International NGOs, and labor organizations e.g. BILS and Awaj Foundation, and IndustriAll Bangladesh. Mondiaal FNV also supports effective social dialogue, gender equality and promoting decent work in RMG industries through implementing a project by BILS. IndustriALL is implementing a project—“Organizing workers in the RMG sector in Bangladesh” with support from FNV Mondiaal.
- Friedrich-Ebert- Stiftung (FES), a non-profit German foundation, has been working in Bangladesh from early 2013 to promote workers’ rights and social justice as well as economic development through constructive social dialogue, seminars, research and training.

INGOs also implement programs seeking to increase the capacity of the Government of Bangladesh. These include policy advocacy on labor issues, reviewing labor law and policy, research, campaign and capacity building of government staffs. GIZ and ILO train the instructors at the Industrial Relationship Institute (IRI) and Bangladesh Institute of Management (BIM). They also train factory management and inspectors. INGOs also have implemented collaborative programs with the government.⁹² The officials of Department of Labor and Department of Inspection for Factory and Establishment provided training to the mid- level management of garments, leather and tannery industries on due diligence and grievance redress mechanism under a project of ActionAid Bangladesh.⁹³

92. , Reccardo David Mariani, Working conditions in the Bangladeshi garment sector: Social dialogue and compliance, Delta University of Technology and Fair Wear Foundation, p-44. Retrieved from <https://www3.fairwear.org/ul/cms/fck-uploaded/documents/countrystudies/bangladesh/Workingconditionsinthe-BangladeshigarmentsectorSocialdialogueandcompliance.pdf>

93. ActionAid Bangladesh (AAB): Annual report of Sustainable and Responsible Actions for Making Industries Care Project, (Dhaka: ActionAid Bangladesh, 2017).

6.0 The Bangladesh Accord on Fire and Building Safety and the Alliance for Bangladesh Worker Safety

The “Accord on Fire and Building Safety in Bangladesh” (Accord) and the “Alliance for Bangladesh Worker Safety” (Alliance) were formed after the 2013 Rana Plaza Disaster. Accord and Alliance—gathering more than 250 brands and retailers from over 20 countries—have been fully operational since 2013 until their transition in 2018.

The Accord is a unique multi-stakeholder initiative focused on workplace safety for the RMG supply chain. The Accord is a legally binding and enforceable agreement between brands & retailers and trade unions. The Accord envisages a safe and sustainable RMG industry in Bangladesh where workers will work without fear of fires, building collapses, or other accidents. It included six key components to improve safety at country’s RMG sector: i) a five year legally binding agreement between companies and trade unions; ii) an independent inspection program involving workers and trade unions; iii) public disclosure of all factories, inspection reports and corrective action plans (CAPs); iv) commitment by signatory companies to ensure sufficient funds are available for remediation and to maintain sourcing relationships; v) democratically elected safety and health committees in all factories; and vi) worker empowerment through an extensive training program, complaints mechanism and right to refuse unsafe work. At the center of Accord, there is the commitment by companies to work with their suppliers to secure financing, maintain orders, and ensure renovations and repairs to make factory buildings safe.⁹⁴

The Accord was signed by more than 200 international brands from 20 mainly European countries (sourcing from over 1600 factories covering more than 2 million workers), two global union (UNI Global and IndustriAll Global Union), eight trade federations of Bangladesh, and four international NGOs as witness signatories.⁹⁵

The Alliance for Bangladesh Worker Safety is an agreement of North American buyers. Twenty-nine companies are currently in the group who are committed to improve safety situation in RMG factories. The agreement is built upon the principles of commitment, collaboration, transparency, and accountability, and contains specific and measurable actions across areas essential to improving fire and building safety. Initial inspection is now over for 759 factories out of 765 (Alliance 2016). The Alliance lacked the same legally binding provisions as the Accord.

94. Jakir Hossain and Mostafiz Ahmed, 2017. Ibid

95. Ibid

The tenure of the Accord initially ended in May 2018. Later, the government extended it up to November 30, 2018. In May 2019, the Supreme Court allowed the Accord to continue its activities up to 31 May 2020. On the other hand, the Alliance ended its work in Bangladesh on December 2018, transferring its organization to Nirapon (a nonprofit based in the US), which left Bangladesh as of June 2020.

In May 2017, the Government of Bangladesh formed the Remediation Coordination Cell (RCC). The RCC was tasked with overseeing the remediation process for garment factories under the Government of Bangladesh's National Initiative and absorbing non-remediated factories of the Accord and Alliance. It was staffed and supported by the Department of Inspections for Factories and Establishments, Fire Service and Civil Defense, RAJUK, Chief Electrical Inspector, Public Works Department and Chittagong Development Authority. These organizations were supported by private sector engineers hired to provide technical expertise for remediation's follow up. The International Labor Organization (ILO) also supported the RCC.

Though government said that RCC was ready to take over the Accord's responsibilities, the stakeholders from international institutions, foreign governments, labor unions, and brands unanimously agreed that the government of Bangladesh's inspection bodies were not yet to be ready to assume the Accord's responsibilities. The ILO has declared that the RCC was at early stages of its development and required more time to develop the capacity to support significant numbers of additional factories.

Jenny Holdcroft, Assistant General Secretary of IndustriALL Global Union, stated in November 2018: "Despite immense progress, the work of the Accord is not complete. The RCC is not ready to take on the rigorous safety monitoring system currently implemented by the Accord." Twenty brands wrote a letter in December 2018:

Having closely monitored the ongoing transition process from the ACCORD to the RCC, including the recent succession of hearings and restraining orders issued by the Bangladesh High Court, as well as the publication of several reports investigating the state of readiness of the newly founded RCC to take over ACCORD missions, we are concerned that all conditions that would allow for a smooth, safe and efficient shift from one system to the other, are not currently met. We believe that further efforts are necessary in order to absorb the work of the ACCORD into the RCC and that it is in the best interest of all parties that the RCC be provided with further opportunity and time to successfully develop.

A report of Clean Clothes Campaign *et. al*⁹⁶ states that the government's inspection agencies, DIFE and RCC:

- a) are unable to address life-threatening safety hazards in the factories already under their purview;

96. Clean Clothes Campaign *et. al* (2019). Bangladesh Government's Safety Inspection Agencies Not Ready to Take Over Accord's Work. Retrieve from https://www.workersrights.org/wp-content/uploads/2019/04/Bangladesh_RCC-report-4-1_3.pdf

- b) are failing to inspect a large number of factories for which they are currently responsible;
- c) do not meet the criteria established by the government itself for readiness of an “industrial safety unit”;
- d) are unable to inspect the textile factories engaged in other processes such as spinning mills, dying factories, home textile production, etc.
- e) are not taking on the worker training or worker complaints programs as presently carried out by the Accord;
- f) do not cover boiler safety; and
- g) do not cover factories located in the Economic Processing Zones (EPZs).

Given these circumstances, international brands, garments manufacturers and trade unions formed the ‘RMG Sustainability Council (RSC)’ in January 2020 with a view to sustaining country’s workplace safety. The RSC is designed to carry out the function of the Accord through factory inspections, remediation monitoring, safety training and an independent safety and health complaints mechanism available to workers in RMG factories. Through the work of the RSC, the factories will be able to complete their corrective action plans and ensure that all outstanding safety issues are remediated, and that the labor-management Safety Committees in the factories are equipped and empowered to monitor and address workplace safety on a daily basis.

As of June 2020, the RSC officially took over the work of the Bangladesh Accord. Currently, the signatory brands of the Accord remain united under the RSC until June 2021 when the three-year extension ends. The RSC has already begun conducting inspections and schedules to do approximately 250 per month.⁹⁷ In October 2020, the CCC published a brief outlining their concerns over the RSC’s activities so far. The CCC asserts that the RSC has failed to start a boiler safety inspection program, recruit an independent Chief Safety Officer (CSO), and publish remediation data on their website. Furthermore, the CCC notes that the RSC’s governing board has brands and suppliers occupying 12 of the 18 positions and that board fails to include CSOs.⁹⁸

97. Mayu Saini, “Changing of the Guard Renews Hope in Bangladesh,” Sourcing Journal (Online), October 7, 2020, <http://search.proquest.com/docview/2448994617/abstract/9E5E82006CC048F3PQ/1>.

98. The Daily Star, “RMG Sustainability Council Failed to Honour Commitment,” The Daily Star, December 24, 2020, <https://www.thedailystar.net/business/news/rmg-sustainability-council-failed-honour-commitment-2016325>.

7.0 COVID-19 and Social Dialogue in Bangladesh's Apparel Sector

Bangladesh's economy along with its labor market was profoundly affected by the COVID-19 pandemic. The country's RMG sector was dealt a devastating blow. BGMEA reported cancellation of orders worth of USD 3.16 billion in 1,140 factories during the first month of pandemic.⁹⁹ Another estimate shows that due to order cancellations and delayed payments, the industry lost USD 4.33 billion worth of export from March to June 2020.

The sector fetched USD 2.25 billion, USD 374.67 million, USD 1.23 billion and USD 2.24 billion in March, April, May and June of this year respectively, subsequently export earnings declined by 20.1 percent, 85.2 percent, 62.1 percent and 6.6 per cent from March to June over the corresponding months of last year.¹⁰⁰ The unexpected crisis led to factory shutdowns, lay-offs, workers' terminations, and delays in wage payments. It is evident that at least 90,000 workers lost their jobs as a result of order cancellation or delayed payment. According to a September 2020, DIFE report, 43,049 workers lost their jobs due to factory shutdowns, 23,560 were terminated, and 23,523 workers were furloughed (see Table- 2.1).¹⁰¹ Trade union leaders allege that the number of laid off and terminated workers is much higher than the official data.¹⁰² Overall, exact estimates of unemployed workers have been difficult to ascertain given the fluid nature of the pandemic and limited data gathering by government bodies. The Vice-chairman of BILS stated that initial estimates of job losses and worker unrest at the onset of the pandemic "had a lot of limitations" and that by August 2020, "the situation in the garment sector improved a lot as there was almost no labor unrest for payment and termination."¹⁰³

99. Iffat Jahan Antara, "COVID 19 Crisis Impact on RMG Wages and Employment and Role of Trade Unions", Series: GENDER 09, (Dhaka: BRAC Institute of Governance and Development, BRAC University, August 2020).

100. The Financial Express, RMG export earnings in July 1-18 total \$1.57b, (20 July 2020). Retrieved from: <https://thefinancialexpress.com.bd/economy/rmg-export-earnings-in-july-1-18-total-157b-1595218398>

101. Department of Inspection for Factories and Establishments (DIFE) prepared crisis report provides the information on the number of RMG Factories shut-down, and terminated and lay-off workers during the Corona crisis (from mid-March till September 17, 2020).

102. Antara, August 2020), Ibid

103. See Refayet Ullah Mirdha, "Misleading, Exaggerated, Dated," The Daily Star, August 30, 2020, <https://www.thedailystar.net/business/news/misleading-exaggerated-dated-1953277>.

Table 2.1: Area wise RMG Factories shutdown, and terminated and lay-off workers

Area	Factory shut down		Terminated		Lay-off	
	Factories	Workers	Factories	Workers	Factories	Workers
Dhaka	41	11568	18	5111	7	11944
Gazipur	25	18892	48	17162	14	7983
Narayanganj	11	2180	6	698	2	1229
Chottogram	24	3955	-	-	1	1100
Mymensingh	13	6000	-	-	2	1267
Cumilla	1	250	-	-	-	-
Narsingdi	2	564	3	589	-	-
Total	117	43049	75	23560	26	23523
Source: DIFE 2020 ¹⁰⁴						

In response to the crisis-driven factory shutdowns, lay-offs, worker terminations, and wage delays, labor unrest occurred in 90 factories from early March to 17 September 2020 according to DIFE.¹⁰⁵ As not all labor unrest was reported to the DIFE, the print media reported cases are higher: 93 cases of labor unrest arose in the RMG sector from March to June 2020, with 57 cases May 2020 alone.¹⁰⁶ The most common forms of labor unrest included rallies, demonstration, human chain, roadblock, absence from work, and hunger strikes. An analysis of causes of labor unrest during the COVID-19 crisis reveals that most of the unrest was linked to demands of wages due and allowances (53 percent of unrest) or factory shutdowns, lay-offs and terminations of workers (18 percent).¹⁰⁷

The COVID-19 crisis in Bangladesh's apparel sector brought government, employers, and workers together in promoting measures to protect enterprises/business and workers. In response to the crisis, the social dialogue partners (i.e. trade unions, employers' associations, and government) have had discussions on work arrangements and various other work related issues. The meetings were both bipartite and tripartite in nature, and focused on issues related to factory closure and lay-off, workers' termination, wage payment, work related benefits, and health safety measures.

104. Crisis report September 17, prepared by the Department of Inspection for Factories and Establishments. (DIFE), 2020

105. DIFE 2020, Ibid

106. BILS database on labor related media reports, 2020

107. Ibid

7.1 COVID-related convening/negotiations among social dialogue partners

Bangladesh's national and sectoral trade unions have had several bipartite meetings with the government. On 22 March 2020 at the onset of the COVID-19 crisis around 70 trade union leaders joined a meeting chaired by the State Minister of Labor and Employment and demanded that the government ensure health and safety at workplace, free treatment of COVID-19 infected workers, full wage payment and festival (Eid) bonus, and zero termination of workers during the crisis period.¹⁰⁸ The IndustriALL Bangladesh Council (IBC) also appealed to the government to protect workers from the impact of COVID-19.¹⁰⁹ Their demands included:

- (a) no workers can be laid off, or terminated or retrenched during crisis
- (b) treatment have to be ensured free of cost to infected workers
- (c) all workers must be paid in full wages without any deduction
- (d) festival (Eid) bonus should be paid by 15 May
- (e) consult unions and set up a tripartite committee to monitor the situation and recommend steps needed
- (f) ensure that factory owners provide hand sanitizers, soap, and PPEs for workers
- (g) to avoid the humanitarian crisis, the government, brands and employers should take shared responsibility to ensure workers' wages and benefits, jobs security and social protection.

The meeting of IndustriALL Bangladesh Council (IBC) with the BGMEA on 7 May 2020 led to signing of the memorandum of understanding (MoU) on not to lay-off factories and retrench workers, on the due payment of salaries, and formed of a joint monitoring committee addressing the agreement.¹¹⁰ The IBC, in line with the employers' urges, also called on the brands and buyers not to cancel their work orders.

Similar demands were placed with RMG employers and their associations. In a few cases, commitments of the employers towards ensuring health and safety measures at factory levels and timely wage payment and bonus of workers were made. Shadhin Bangla Garment Sramik Karmachari Federation (SBGSKF) reported that, along with several other unions, it negotiated in around 20 factories in Gazipur on the retrenchments of workers, and had been successful in stopping workers' termination.¹¹¹

108. The Financial Express, 23 March 2020. "Govt sticks to its decision to keep factories open". Retrieved on 10 September, 2020: <https://today.thefinancialexpress.com.bd/first-page/govt-sticks-to-its-decision-to-keep-factories-open-1584896463>

109. IndustriALL, Bangladeshi government must protect workers from impact of Covid-19, (May 2020). Retrieved on 8 September 2020: <http://www.industrial-union.org/bangladesh-government-must-protect-workers-from-impacts-of-covid-19>

110. ILO, COVID-19 and the world of work- Country policy responses Bangladesh, (2020).. Retrieved fro ILO: <https://www.ilo.org/global/topics/coronavirus/regional-country/country-responses/lang-en/index.htm#BD>

111. Maheen Sultan, COVID-19 Crisis Implications for the RMG Sector: Trade Union Responses, (Dhaka: BRAC Institute of Governance and Development, BRAC University, April 2020), 8. Retrieved on 10 September 2020: https://bigd.bracu.ac.bd/wp-content/uploads/2020/06/Final_Report-COVID-19-Crisis-Implications-for-the-RMG-Sector-Trade-Union-Responses.pdf

Tripartite meetings have also been held to address the crisis at workplaces, particularly in the apparel sector. The first tripartite meeting held in March 2020, decided that garment production units be kept open with adequate safety measures as per government's health safety guidelines.¹¹² The decision was not enforced properly in many of the factories. Trade union leaders reported that most of the owners were indifferent to the enforcement of health and safety measures at their factories; neither the rules for using facemasks and hand gloves, as well as social distancing were followed in most of the factories nor were adequate number of hand sanitizers and hand-wash facilities made available.¹¹³

The payment of wages and benefits was the core of the discussions in three consecutive tripartite meetings (22 April, 25 April and 4 May 2020). Initially it was decided that workers of the factories that remained closed during COVID-19 public holidays would receive 60 percent of wages for the month of April 2020,¹¹⁴ but then in subsequent meetings it was decided that the payment would be 65 percent of regular wages.¹¹⁵ The decision led the government to declare that the workers of garment factories that were closed during public holidays would receive 65 percent of workers' gross monthly wages for the month of April, and the workers who worked during the public holidays would receive full payment for the days they worked in. In another tripartite meeting (16 May 2020), it was decided that 100 percent of the bonus would be paid to workers, albeit in two phases—50 percent of basic salary as a festival (Eid) bonus before the festival and another 50 percent after. The government too declared a stimulus packages worth of TK. 10,500 for export-oriented industries including garments to pay wages for the months of April, May, and June.¹¹⁶

Despite the government support, workers of many factories did not get wages and bonuses in due time. Sammilitio Garments Sramik Federation (SGSF) called for legal action against the RMG factories that failed to provide workers' wages of April and Eid bonus. Nazma Akter, the president of SGSF stated that 261 garment and textile factories did not pay wages of workers for April, while over 500 factories (11 percent of RMG factories) failed to pay festival allowances before Eid.¹¹⁷ Other labor leaders also put the number of factories that have not paid the wage of April or festival bonus in the same range. *The Business Standard* (TBS) notes that 539 (12 percent factories) did not pay April salaries or festival bonuses.¹¹⁸ The non-payment of wage for subsequent months had too been reported. The daily *Prothom Alo* reported that about 1175

112. . Star Business report, "Garment factories to stay open", The Daily Star, 23 March 2020. Retrieved from: <https://www.thedailystar.net/business/news/garment-factories-stay-open-1884538>

113. Iffat Jahan Antara., August 2020, Ibid. Covering the media reports on the corona crisis in RMG sector during the period 16 April – 9 May 2020, this study identified the roles of different actors including trade unions and workers' rights activists as they navigate the crisis by dealing with international buyers, RMG owners, and the Government.

114. Monira Munni, "RMG workers to get 60pc of April wages", The Financial Express, 30 April 2020. Retrieved from: <https://thefinancialexpress.com.bd/trade/rmg-workers-to-get-60pc-of-april-wages-1588217153>

115. Staff Correspondent, "RMG trade bodies ask owners not to pay more than 60pc of April wages", NewAge, 4 May 2020. Retrieved from NewAge: <https://www.newagebd.net/article/105693/rmg-trade-bodies-ask-owners-not-to-pay-more-than-60pc-of-april-wages>

116. Star Online Report, "Impact of coronavirus: PM announces Tk 5,000cr stimulus package for export-oriented industries", The Daily Star, 25 March 2020. Retrieved from Daily Star: <https://www.thedailystar.net/coronavirus-deadly-new-threat/news/pm-announces-tk-5000cr-stimulus-package-export-oriented-industries-1885813>

117. TBS Report, "RMG laborer leaders demand action against defaulter factories", The Business Standard, 28 May 2020. Retrieved from TBS: <https://tbsnews.net/economy/rmg/rmg-leaders-demand-action-against-defaulter-factories-86236>

118. Ibid

The CMC ad-hoc committee was entrusted to: (a) monitor the timely payment of wages/salaries, arrears, bonuses and other applicable benefits; (b) address the issues of unfair labor practices including anti-union discrimination and unlawful dismissals; (c) conduct joint tripartite inspection/investigation of factories in the event of labor unrest; (d) settle labor unrest through tripartite consultation; and (e) ensure compliance with COVID-19 related hygiene and safety at the workplace (in line with the MOLE's OSH guidelines) including transport to and from workplace.¹²² From March to July

122. (ILO, *Ibid*).

2020, the committee held several meetings and took decisions to protect RMG workers from COVID-19 impact; however, labor leaders allege that the opinions of worker representatives were neglected in many cases. Active participation of trade union representatives was too prohibited due to short notice of meetings, lack of information, influential power of employers' associations and the predominant role of government, claims General Secretary Razekuzzaman Ratan of the Sramik Front.¹²³

7.2 Factory-level health and safety issues, impact on workers

The BGMEA, in line with the MOLE's OSH guidelines, developed a set of guidelines for members that cover workers' health and safety, medical facilities, the establishment of a COVID-19 taskforce, physical distancing in the workplace, and the setting up of suitable quarantine and self-isolation facilities. Yet, as noted above, health and safety measures in factories have not been sufficient. Though a large number of factories arranged hand wash facilities in the factory entrance, the number is not adequate against the number of workers and safe distancing was not maintained in most of the factories on the working floor and factory entrances, increasing the risks of coronavirus infections.

Trade union leaders report that health and safety measures like hand wash, personal protective equipment, and temperature check have not been followed in many factories, and most factories have not maintained social distancing. Nazma Akter, President of the Sammilito Garments Sramik Federation said, "Large garment factories, including those owned by BGMEA current and former leaders, have started their operations with the majority of workers, completely ignoring social distancing guidelines."¹²⁴ Another key informant said that she received complaints from the workers of some factories where except hand wash, no safety guidelines have been maintained. The safety measures are not followed in the medium and small factories.¹²⁵ In reference to workers, *The Guardian* reported that the only new measure was hand washing at the factory entrance, and that no physical distancing measures had been enforced inside the factories. Overcrowded buses were bringing workers into work caused them to worry about returning to the factories, but they had no choice.¹²⁶

Over 500 RMG factories were allowed to reopen during the nationwide COVID-19 shutdown, against advice from the Ministry of Health that all factories—except those producing personal protective equipment—should remain closed until 5 May 2020. Thousands of garment workers had returned to work across Bangladesh amid the

123. His claim is also reflected in a report of ILO which reveals that Ministry of Labour and Employment called a tripartite meeting where IBC leaders were invited specially to discuss the employers' proposal to pay 60% of workers salary for the month of April 2020 and no consensus was made in the meeting as the TU representatives demanded for 100% salary for workers. But the media announced that the decision was taken in the meeting to pay 65% salary for the month of April 2020. In response, IBC issued a press release protesting the media announcement demanding 100% workers salary for the month of April 2020.

124. Jasim Uddin, et.al. (2020). Safety Guidelines Widely Flouted RMG Factories, Retrieved from The Business Standards: <https://tbsnews.net/economy/rmg/safety-guidelines-widely-flouted-rmg-factories-74998>

125. KII, Saleha Islam, president, Motherland Garment Workers Federation.

126. Hannah Ellis Petersen and Redwan Ahmed, "Bangladesh garment factories reopen despite coronavirus threat to workers", *The Guardian*, 11 May, 2020. Retrieved from The Guardian: <https://www.theguardian.com/global-development/2020/may/11/bangladesh-garment-factories-reopen-despite-coronavirus-threat-to-workers>

nationwide shutdown as RMG factories resumed production in early May 2020, raising concerns over the risk of infection. Although the BGMEA has advised factories to engage only workers living nearby, unions say some factories requested that workers who had returned to their hometowns resume work. Job insecurity and concerns over payment of wages has made it difficult for workers to refuse.¹²⁷

The RMG factories faced the challenge of starting production while implementing social distancing. A garment owner said in a report, “The BGMEA guidelines have some misconceptions over maintaining six-foot social distancing among workers on floors. It is only possible for textile and spinning mills, not for garment factories. Our workers work in queues on floors, quite like a chain.”¹²⁸ Creating a quarantine or isolation facility is also very tough for every factory, said a high-level management of a factory during interview.¹²⁹ From the government side, Industrial Police from the Department of Inspection for Factories and Establishments (DIFE) and the health department were responsible for oversight of health and safety maintenance in factories. DIFE developed a checklist to monitor whether the safety guidelines were implemented properly in the enterprises. However, the organization stated that they could not take action if a factory does not implement COVID-19 health guideline as it is beyond their mandate.¹³⁰

Testing facilities were not available for RMG workers in Bangladesh until May 2020. BGMEA and the Diabetic Association of Bangladesh launched a laboratory to test garment workers for coronavirus in June 2020. It had the capacity to test up to 180 samples daily.¹³¹ A key interviewee said that BGMEA opened a PCR (polymerase chain reaction) lab for testing factory workers but it is not enough for large number of RMG workers. He also added that the workers who are affected during work in factories received free treatment. A key interviewee said that if any workers identified having fever or cough were asked to return home.¹³²

Interviews conducted for this report revealed that some factories changed their working times to maintain social distancing during the pandemic, but the number is very low. Lutful Matin, Director Admin and Compliance at Natural Denim said that after reopening the factory, they arranged two shifts for workers to ensure social distance in the factory. The first shift is from 6:00 am to 1:30 pm and the second shift is from 2:00 pm to 9:00 pm. The factory management also reduced the general working time from 8 hours to seven hours. Broadly speaking, interviewed trade union leaders report that working hours were lower through June 2020. Since then, working hours has increased and some workers are even performing overtime.

127. Bangladesh: Over 100 garment workers reportedly test positive for COVID-19 amid concerns over lack of health & hygiene protocols, Bangladesh: Over 100 garment workers reportedly test positive for COVID-19 amid concerns over lack of health & hygiene protocols, Bangladesh: Over 100 garment workers reportedly test positive for COVID-19 amid concerns over lack of health & hygiene protocols, Business and Human Rights Resource Center, 15 May, 2020. Retrieved from <https://www.business-humanrights.org/en/latest-news/bangladesh-over-100-garment-workers-reportedly-test-positive-for-covid-19-amid-concerns-over-lack-of-health-hygiene-protocols/>

128. Jasim Uddin et al., Ibid.

129. KII, Md. Lutful Matin, Director Admin and Compliance, Natural Denim Ltd.

130. Iffat Jahan Antara, “Covid 19 Crisis Impact On RMG Wages and Employment and Role of Trade Unions”, Media Tracking Report”, SERIES: GENDER 07, (Dhaka: BRAC Institute of Governance and Development, BRAC University, June 2020). Retrieved from <https://bigd.bracu.ac.bd/new/wp-content/uploads/2020/06/Phase-III-Covid-19-Crisis-Impact-On-RMG-Wages-and-Employment-and-Role-of-Trade-Unions-Media-Tracking-Report.pdf>

131. The Hindustan Times (7 June 2020), “Bangladesh garment factories launch COVID-19 testing lab for workers”. Retrieved from the Hindustan Times: <https://www.hindustantimes.com/fashion-and-trends/bangladesh-garment-factories-launch-covid-19-testing-lab-for-workers/story-yLuLYr9oSEG3zq976SjGmL.html>

132. KII, Chaina Rahaman, Secretary General, IBC

7.3 Social Protection

The COVID-19 pandemic has posed an unprecedented challenge to the social protection system of the country. The number of people living in poverty is due to increase because of the pandemic caused economic hardship. There are 40 million Bangladeshis living in extreme poverty (surviving on less than USD 1.90 per day). A further 30 percent of the population is ‘vulnerable,’ defined as people with incomes slightly above the USD 1.90 per day poverty threshold. These poor and vulnerable groups constitute 70 million individuals. Prior to the COVID-19 pandemic, it was estimated that 13 million working-age men and women were unemployed; a figure that has significantly increased during the current crisis.¹³³ Moreover, an estimated 64.4 million Bangladeshis work in informal employment, which represents almost 95 per cent of total employment. The International Labor Organization estimates that almost all of them (63.5 million) have been significantly affected by the crisis and are at considerable risk of suffering losses to their livelihoods.

To protect livelihoods and the economy during the lockdown, the government has adopted a range of monetary and fiscal policies. Four stimulus-packages worth of BDT 677.5bn (approx. USD 8 bn) was provided.

1. BDT 300bn (USD 3.5 billion) fund for banks to provide working capital loan facilities to the affected industries at an interest rate of 9 percent, half to be borne by borrower and half by Government as a subsidy.
2. BDT 200bn (USD 2.3 billion) fund for banks to provide working capital loan facilities to Small (cottage industries) and medium enterprises at an interest rate of 9 percent, of which 4 percent to be borne by borrower and 5 percent by Government as a subsidy.
3. Enhancement Export Development Fund from USD 3.5bn to USD 5bn (with 2 percent interest rate) for facilitating import of raw materials under Back-to-Back LC arrangement
4. BDT 50bn (USD 590 million) pre-shipment credit refinance scheme with 6 percent interest rate.

The government has also implemented programs to protect jobs and employment, such as a temporary interest-free loan to pay wages and allowances for workers in enterprises that export at least of 80 percent of their production. Bangladesh Bank has adopted measures to ease the economic burden; a moratorium on loan payments (and defaults) until 30 September 2020 was announced. The Government allocated BDT 50bn (approx. USD 595 m) for a stimulus package for export-oriented industries to support salaries and funding of two-year loans to factory owners at two percent interest.¹³⁴ The European Union and the German government sanctioned a EUR 113

133. ILO Bangladesh, Social protection in Bangladesh, retrieved from <https://www.ilo.org/dhaka/areasofwork/social-protection/lang-en/index.htm>

134. ILO Bangladesh, Ibid

million grant for up to one million Bangladeshi garment workers who might be laid off or have permanently lost their jobs because of the COVID-19 pandemic. The Bangladesh Bank has also implemented a BDT 30 million (approx. USD 350,000). refinance scheme for low-income groups, farmers, and marginal and small businesses through microcredit entities for income-driven activities.

Bangladesh has expanded the social assistance system to provide additional coverage to vulnerable groups. As a consequence, the coverage of cash transfers has increased from 15 million to 39.8 million people including millions in informal employment.¹³⁵

Notwithstanding the efforts made to improve coverage during the pandemic, the crisis has also highlighted the limitations of Bangladesh's social protection system. In Bangladesh, the social protection system is still highly fragmented, with over 130 programs, which are often not linked, and with overlapping objectives, low budgets and inadequate coverage. Social insurance programs are currently very limited, hampering the construction of a comprehensive system that can effectively mitigate the population's vulnerability and impacts of future shocks on people's livelihoods.¹³⁶

135. Fabianna Bacil and Gabriel Soyer, COVID-19 and social protection in South Asia: Bangladesh, International Policy Centre for Inclusive Growth, September 2020, Retrieved from https://ipcig.org/pub/eng/OP448_COVID_19_and_social_protection_in_South_Asia_Bangladesh.pdf

136. See The Financial Express, "Bangladesh Spends Least on Social Protection during Pandemic: ESCAP-ILO Report," The Financial Express, October 18, 2020, <https://thefinancialexpress.com.bd/economy/bangladesh/bangladesh-spends-least-on-social-protection-during-pandemic-escap-ilo-report-1602991620>.

8.0 Conclusion

Industrial relations in Bangladesh's apparel sector were reshaped significantly after the tragic Tazreen factory fire and Rana Plaza factory collapse. The labor law provisions on employee participation explicitly encourage workers to participate in trade unions and other bipartite and tripartite forums such as participation committees, safety committees, canteen management committees within factories, and tripartite consultative councils (TCC) and minimum wage boards outside factories. The regulatory framework was also designed to promote peaceful collective bargaining procedures with the mechanisms for dispute settlement, which start with conciliation and can end up with an adjudication by the courts.

There is however a prerequisite of 20 percent membership of workers to form a trade union and in EPZ factories, trade unions are not allowed at all. The EPZ Labor Act instead allows workers representation in 'Workers Welfare Associations' and the formation of CBA, but it lacks bargaining rights necessary for a CBA. These legal provisions not only violate international labor standards such as freedom of association and collective bargaining but also the main barriers to the development of effective industrial relations in RMG sector.

Stakeholder analysis reveals that the domain of union representation is weak—only a fraction of industrial workers are represented by trade unions, while not all trade unions (or Participation Committees) are independent of employers. The fact that only a few factories are covered by CBAs indicates trade unions' limited power. The non-existence of plant level workers' organizations and the low level of membership in the trade unions define weak worker representation and participation in social dialogue. While workers' unawareness of the existence and roles of trade unions is a reason for low membership and participation in trade union activities, for workers, a prime cause for not joining a trade union is fear of losing their jobs. Additionally, weak labor law enforcement fails the workers/workers representatives in terms of grievance handling and dispute resolution.

Another component of social dialogue mechanism is employers' associations. The employers' associations such as BGMEA and BKMEA have taken part in many social dialogue forums, but the member factories are hardly interested in participating in industrial bargaining at the factory level. The majority of the factory owners and managers lack the will and commitment to engage in negotiation and information sharing. Respect for the freedom of association and collective bargaining is absent among the factory management.

Other stakeholders such as the Bangladesh government, international buyer/brands and development agencies are involved in the development of industrial relations in Bangladesh RMG sector. The government of Bangladesh has taken different initiatives such as labor law amendment, enactment of labor rules, formation of Tripartite Consultative Council for RMG sector, enactment of EPZ law, and increasing trade union registration to create an enabling environment for worker organizations, freedom of association and collective bargaining. Yet, dialogue between employers and workers, particularly at workplace level of RMG sector, is still limited. The IndustriALL-led ACT process that includes ICB, BGMEA and major garment brands continues seek industry-wide bargaining.¹³⁷ The international buyer/brands and development agencies with the support of local and international NGOs are supporting development in industrial relations and have emphasized social dialogue as “a positive tool for better industrial relations”. But the initiatives have mainly focused on PCs and safety committees rather than TUs. The lack of capacity among worker representatives to safeguard workers’ rights as well as well for ensuring effective social dialogue at the factory, sector and national levels is evident.

Social dialogue practices during the COVID-19 period included bipartite and tripartite negotiations and meetings between social dialogue partners on the crisis led to discussion of and agreements on factory shutdowns, lay-offs, worker terminations, and delays in wage payments. The influential power of employers’ associations and the predominant role of government in the consultation forums led to workers’ grievances. The proposals developed by workers’ representatives were largely ignored while agreements made in the forums were not fully enforced or properly implemented.

Overall, the challenges of social dialogue in the sector include: a) weak regulatory framework for making the balance between the conflicting interests; b) mistrust and power imbalances between employers, workers and the government; c) lack of willingness of the factory management to make the factory level social dialogue functional; d) unlawful dismissal of workers representatives, victims of excessive police brutality, and blacklisting of worker-leaders from the industry as a consequence of their association with trade unions; and e) lack of proper coordination and monitoring which discouraged employers from forming effective social dialogue forums at the factory level.

137. ACT Bangladesh overview, March 2020.
<http://www.industrial-union.org/act-brands-commit-to-responsible-business-practices-in-bangladesh>

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