

National Consultation with Special Mandate Holders on Women in the Readymade Garments (RMG) Sector of Bangladesh

The national consultation with the special United Nations Mandate Holders on “Framing Development Justice” for women in the Readymade Garments (RMG) sector of Bangladesh was held at the BRAC Centre Inn Auditorium on October 30th, 2013. Organized by the Asia Pacific Forum on Women, Law and Development (APWLD), Ain O Salish Kendra and Nijera Kori, the consultation brought together various stakeholders of the sector, including workers, union leaders, activists and authorities, to hear the experiences of women suffering from occupational hazards in the RMG industry and identify the challenges that need attention and action.

Setting the context: Living wage

Kate Lappin- Regional Coordinator, APWLD

APWLD works to promote a living wage universally. The living wage, calculated based on a combination of food and non-food costs, is the minimum income required to meet the basic costs of living for a family of two adults and two children, without requiring overtime work. The calculated living wage for Bangladesh is Tk. 13,254. In comparison, the actual minimum wage of workers in Bangladesh’s thriving RMG sector is a meager Tk. 3,000. The stark difference between the living wage and minimum wage of garment workers, combined with the perilous work environment in the factories, has left Bangladesh lagging far behind some of its closest competitors in the international RMG markets- such as China and Thailand- in terms of workplace integrity and equality. In an industry where 80% of the workers employed are women, ensuring the rights of workers to a just and favorable remuneration and working conditions is increasingly becoming a feminist issue of critical importance. The recent tragedies at Tazreen Garments and Rana Plaza, which led to the death of thousands of workers, majority of whom were women, are clear evidence of the rampant disregard for workers’ rights and safety in this feminized industry.

Recommendations:

The civil society and the legal sector need to work together to create pressure on the authorities and the government to ensure workers’ rights. Responses should focus on improving working conditions rather than shifting the industry that plays such a vital role in the economic growth of Bangladesh.

Khushi Kabir, Coordinator of Nijera Kori, welcomed participants to the Consultation and introduced the United Nations Mandate Holders in the panel. Present were Heisoo Shin, Expert Member of the Committee on Economic, Social and Cultural Rights, South Korea; Kamala Chandrakirana, Member of the Working Group on Discrimination Against Women in Law and in Practice, Indonesia; Milena Pires, Expert Member of the Committee on CEDAW, East Timor; and Sanaiyya Faheem Ansari, Senior Deputy Director of Ain O Salish Kendra, Bangladesh. Also present were Fahmida Khatun, Director of the Centre for Policy Dialogue, Bangladesh; Md. Aminul Islam, Deputy Secretary (Labor) of the Ministry of Labor and Employment, Bangladesh; Syed Sultan Uddin Ahmed, Assistant Executive Director of Bangladesh Institute of Labor Studies; Shaheen Anam, Executive Directors of Manusher Jonno Foundation, Bangladesh; Barrister Jyotirmoy Barua; rights activist Saydia Gulrukh; activist Taslima Akhter; Md. Zafrul Hasan, Trade Union General Secretary; Sultana

Kamal, Executive Director of Ain O Sailish Kendra; and Md. Rafiqul Islam, General Secretary of BGMEA.

Introduction to Mandate Holders

Heisoo Shin- Expert Member, Committee on the Economic, Social and Cultural Rights, South Korea

The Committee on the Economic, Social and Cultural Rights examines compliance to the International Covenant on Economic, Social and Cultural Rights treaty, which commits governments to ensuring, among others, rights of workers to just and favorable working conditions, decent and equal pay, and the right to social security and decent standard of living. Though ratified by Bangladesh in 1998, the government is yet to submit any of the required monitoring reports to the Committee, and has also refrained from ratifying the Optional Protocol to the Covenant that can enable citizens to file complaints to the Committee regarding treaty violations.

Recommendation:

Citizens and activists need to support and push for the ratification of the Optional Protocol so that gross violations of human rights, such as those in the RMG sector, do not go unreported to the world.

Kamala Chandrakirana- Member, Working Group on Discrimination against Women in Law and in Practice, Indonesia

The Working Group on Discrimination against Women in Law and in Practice assists in preparing thematic annual reports for the Human Rights Council and makes recommendations to states on improving and implementing laws to uphold international human rights standards. The thematic area of the Human Rights Council's report for 2014- discrimination against women in economic and social life- warrants an urgent need for the Working Group to address the conditions of women workers in the RMG sector, especially given the high incidence of accidents in garment factories. The Working Group is looking forward to an invitation from the government of Bangladesh to produce a country report.

Recommendation:

Complaints should be launched to the Working Group by international bodies and grassroots organizations providing further information on these incidents so it can write to the government with recommendations on how to increase the effectiveness of its remedial efforts and prevent similar disasters from arising in the future.

Milena Pires- Expert Member, Committee on CEDAW, East Timor

The Committee on CEDAW evaluates compliance of states with the CEDAW Convention. Though Bangladesh has ratified both the Convention and the Optional Protocol of CEDAW, it made reservations on two articles of the Protocol that repeals the right of the Committee to initiate inquiries on grave and systemic violations of women's rights within the jurisdiction of the country. Had the authority been granted, the discrimination against women garment workers in Bangladesh, especially in light of the recent Rana Plaza collapse, would have provided sufficient grounds for the Committee to initiate an investigation. Regardless of these reservations, Bangladesh is still bound by the other articles of the Convention to end all discrimination relating to employment, including the rights to opportunities, benefits and services, vocational training and retraining, social security, equal pay and paid leaves, and protection of health and safety in the workplace.

Recommendation:

Organizations working in the area of women's rights need to keep up the pressure on the government to revoke its reservations to the articles that impede the Committee's ability to investigate violations. They should also urge the government to report its progress on implementing the Committee's previously recommended actions on addressing sexual harassment in the workplace.

Testimonies of women workers

Helena Begom- Victim of Rana Plaza collapse

Helena is one of the many victims of the Rana Plaza collapse. She evacuated the building with the rest of her coworkers when cracks were detected on building walls the day before the collapse. However, in spite of the precarious conditions, they were forced to come back to work the next day when authorities threatened to cut their wages and bonuses.

"We work to live, not to lose our lives". Demanding security for their lives, Helena urged the UN Mandate Holders to take necessary action to ensure workers' safety, security and proper remuneration. Calling attention to the insufficient rehabilitation efforts and medical care, she demanded accountability and transparency from the government and development organizations for aid funds received to help the victims.

Moriyom Begom- Wife of Rana Plaza victim

Moriyom had narrowly escaped with her life as she stopped going to work three days before the Rana Plaza collapse. Her husband, however, is one of the hundreds still missing months after the tragedy. Due to the delinquency in providing the DNA test reports, she has no news of her husband, no compensation, and no hopes of a secure life in the future.

However, safety is not the only issue faced by garments workers like herself. In most garment factories, salaries and overtime payments are delayed every month, and no measures are taken to ensure the security of workers.

Ale Noor- Victim of Tazreen Garments fire

Though Ale Noor is a survivor of the Tazrin Garments fire, her survival came at a steep cost. Ale Noor broke her leg and cracked her skull when she jumped from the third floor of Tazreen Garments, while the fumes from the fire caused prolonged damage to her lungs. She initially received a compensation of Tk. 100,000 from the government, but though her medical expenses continue to pile up, she no further support from the owners or the government has been given since then. Ale Noor is one of many such survivors who continue to struggle with disabilities and economic hardship in the aftermath of the tragedy, calling to attention the necessity of continued rehabilitation support for victims.

Commenting on the testimonials of the garment workers, Khushi Kabir pointed out that the responsibility to act and address the highlighted concerns lies at all levels- with international bodies, governments, trade unions, owners, and citizens. Scarce employment opportunities have driven many women to work in this sector, but there is need to strengthen their bargaining power through trade unions. Workers should be granted the rights they deserve, but this does not need to come at the expense of threatening the industry.

Macroeconomic condition and the RMG industry: Fiscal issues including supply chain and outsourcing international to local

Fahmida Khatun- Director, Centre for Policy Dialogue, Bangladesh

The impact and importance of the RMG sector on Bangladesh's is undeniable. In addition to its contributions in employment, GDP, exports and the country's balance of payments, it also has important multiplier effects on other sectors of the economy. Bangladesh has a strong comparative advantage over competing countries like Vietnam and China due to high population and unemployment, and the resultant abundance of cheap surplus labor. However, recurring disasters in garment factories have brought into light the grave working conditions of workers in this key sector. Garment workers receive the lowest minimum wage among all major industrial sectors in Bangladesh, and there is constant pressure from buyers and manufacturers to keep wages down in order to ensure their own profits. Making matters worse are the subcontracting factories that compete with manufacturers for low cost, resulting in a race to the bottom that further contributes to the injustice.

According to CPD estimates, only 5.11% of the revenue of retailers like Walmart goes towards workers' salaries while the rest is distributed across the supply chain between retailers, vendors, and local RMG owners. This is even lower for subcontracting factories (almost 1%), which maintain little or no compliance and account for 50% of the garment factories in operation. It is necessary to increase the allocation of wages in the supply chain process, but increasing pay without improving productivity of workers can potentially threaten the growth prospect of the industry.

Recommendation:

In order to compete with international wage standards, productivity of workers needs to be increased. Bangladesh's productivity rate of \$4,800 worth of export/worker is significantly low compared to Vietnam (\$12,560/worker) and China (\$32,331/worker). Investment is needed from manufacturers, buyers and development partners to improve skill and efficiency of workers and to modernize factories with improved technology and working conditions, all of which will contribute towards increasing productivity. These investments need to be carefully monitored to ensure accountability and transparency. In addition, subcontracting firms should be integrated into the supply chain in order to remedy the compliance and capacity issues of these factories.

Md. Aminul Islam- Deputy Secretary (Labor), Ministry of Labor and Employment, Bangladesh

The government plays a vital role in ensuring compliance in the RMG sector by providing policy support and by enforcing laws and regulations. The government is currently undertaking the following steps to address the concerns in this sector-

- Formulating an occupational health and safety policy to be implemented across the industry
- Upgrading the Department of Inspection to increase the capacity of the government to enforce existing policies and laws
- Investigating cases and litigations brought against factory owners
- Ensuring representation of women in trade unions- at least one woman is required to be on the trade union board if 20% of workers are women
- Recognizing the need for centralized control of rescue operations and compensation disbursement in order to keep track of victims
- Investing aid funds received directly by the government towards improving factory standards

- Formed a specialized team to work on building improvements in consultation with the government, ILO, buyers, fire service and government agencies
- Developing a *Garments Polli* to move factories housed in multi-purpose buildings in the capital to locations outside Dhaka
- Formed a Minimum Wage Board that is working on developing and implementing a new wage structure

Elements of decent work agenda: health, safety, conditions, regulation, freedom of association and workplace voice and collective bargaining; review of wage setting mechanism including living wage

Syed Sultan Uddin Ahmed- Assistant Executive Director of Bangladesh Institute of Labor Studies

In order to achieve a decent work environment and ensure the rights of workers to safety, security and decent pay, we need to break out of the mindset of “any work is better than no work” and refrain from protecting the RMG sector at the cost of human lives.

Formation of trade unions is necessary in order to unify the voices of workers and to drive up their collective bargaining capacity. Labors should be empowered to speak their minds and express themselves freely so they can demand justice and ensure their rights to decent employment.

Barrister Jyotirmoy Barua

Corruption in the legal system has been a major barrier to bringing the responsible individuals to justice. Though a majority of the accidents in garment factories can be traced back to the deliberate negligence of factory owners, bribing, nepotism, case file disappearances, etc. have impeded arrest and proper trial of those guilty. In the case of the Tazreen Garments fire, owner Delwar Hossain is yet to face trial even after a Probe Committee report was submitted by the government acknowledging the deliberate negligence of the owner in ensuring safety standards, which made him eligible to be tried under criminal law. Until support from state and the legal system can be established, activists and human rights lawyers will continue to struggle to find justice, and crimes committed against garments workers will continue to go unpunished.

Saydia Gulrukh- Activist

The incidents at Rana Plaza and Tazreen Garments aren't wake-up calls, but the latest of many incidents of negligence, which started more than two decades ago with the factory fire in Chittagong. We need to fight our own collective amnesia when it comes to incidents such as these. Instead of euphemizing these incidents as “tragedies”, we should recognize them as acts of deliberate negligence and bring the relevant authorities to justice.

Rescue and rehabilitation processes need to take into account the realities of the situation and limitations. Given the state of forensic science in Bangladesh, reliance on DNA tests is not an adequate or efficient way to determine compensation. Nor are one-time compensations sufficient to cover the cost of medical expenses of survivors with long-term health consequences.

Khushi Kabir- Coordinator, Nijera Kori, Bangladesh

We have to realize that even one death is one death too many. Looking after victims and their treatment is the collective responsibility of manufacturers, BGMEA, government, owners, buyers and citizens.

Taslina Akhter- Activist and Photographer

Dubbing the collapse of Rana Plaza and the fire at Tazreen Garments as accidents draws attention away from the fact that it was negligence on the part of owners, building inspectors, BGMEA and the government that led to these incidents. Factory owners need to take responsibility for their actions, and reduce their profits in order to allow workers the chance to live a secure life. Protecting the industry should not just focus on protecting profits of factory owners, but also work to ensure proper wages and training for workers so they get adequate nutrition and capacity to increase their productivity

We also need to be wary of the fact that trade unions are not the panacea to ensuring workers' rights as union leaders are often controlled and bought off by factory owners, making it increasingly more difficult for workers to protest against violations without putting their jobs at risk.

Shaheen Anam- Executive Director, Manusher Jonno Foundation, Bangladesh

The minimum wage of workers in the RMG sector is the lowest among all competing countries in the region and is also one of the lowest among the major industrial sectors in Bangladesh. The workers' demand for a minimum wage of Tk. 8,000 has been met with a final offer of Tk. 4,000, negotiated by the newly formed government Wage Board, which is far from sufficient to guarantee a proper living. It is our collective responsibility to bargain a better wage for labors from the international buyers and acknowledge the needs of workers in the RMG sector.

Md. Rafiqul Islam- Joint Secretary of BGMEA

Contrary to common belief, the RMG sector has received inadequate support from the government both in terms of industry growth and in responding to accidents in factories. The government is yet to create a zone equipped with all the facilities to ensure decent working standards, and has failed to take adequate measures towards identification and rehabilitation of victims in the aftermath of accidents. Though not legally bound, BGMEA is taking steps to compensate workers for injuries, increase injury compensation from Tk. 100,000 to Tk. 200,000, form health centers and hospitals, and ensure compliance to factory standards and safe working environment.

Md. Zafrul Hasan- Trade Union General Secretary

Wage is the most important issue for workers. At the current minimum wage, a skilled production worker in a garments factory earns a lower basic wage than an unskilled peon at government offices. The workers' demand for a minimum wage of Tk. 8,000 is perfectly justified given the current cost of living in Bangladesh.

Recommendations:

- Trade unions are a must if we want to guarantee the rights and security of workers and give them bargaining power

- Minimum wage should be calculated on the basis of the take-home pay earned during normal working hours, without counting overtime that diminishes the workers' health and well-being.

Khushi Kabir- Coordinator, Nijera Kori

The sizable difference between the living wage and the minimum wage, and its consequences on the lives of workers is quite evident from the discussions of all participants. Minimum wage should not be determined by inflation alone, but should take into account the rising cost of basic necessities like education and healthcare as well. As the association of manufacturers, BGMEA needs to clarify its role on actions it takes against non-compliant factories and their owners. Similarly, all relevant stakeholders as well as citizens have the right and responsibility to ensure that human rights standards are maintained, and work together for the continued growth of this vital sector, without putting at risk the rights and lives of its lifeline- the workers.

Response from the Mandate Holders

Heisoo Shin- Expert Member, Committee on the Economic, Social and Cultural Rights, South Korea

It is important to recognize that the tragic incidents in factories are not simple accidents, but man-made disasters that need preventative measures. There is still hope for justice as long as relevant stakeholders can come together to discuss mutually agreed upon solutions.

Recommendations:

- Government should follow international human rights standards since it is party to several international treaties protecting the rights of workers
- Existence of trade unions is vital. Fighting for workers' rights for decent wage and working conditions would allow employers the chance to benefit from the increased buying power of workers, which in turn will increase the buying power of the entire economy
- Allowing multiple trade unions is necessary as it will allow insincere leaders, bought off by factory owners, to be challenged by competing ones

Kamala Chandrakirana- Member, Working Group on Discrimination Against Women in Law and in Practice, Indonesia

There is a systemic nature to the violations as we are not simply talking about incidents from the last few years, but noticing a pattern that has sustained for decades. This requires a comprehensive response that also integrates the gendered nature of the discriminations in this sector over the last two decades. We need to be wary of the gendered dimensions of the systemic violations when developing long-term solutions to these problems.

Recommendations:

- The discrimination experienced by young women employed in this sector needs to be incorporated into the compensation system
- A comprehensive approach should look at the whole spectrum of rights- political, employment, labor and cultural. Cultural rights should address the stigmatizing and stereotyping of young women workers from poor communities

- Short-term priorities should include- a) publication of the probe committee report and DNA report in order to regain public trust and identify the accountable parties for the systemic violations, b) addressing the stigmatization of the men and women fighting for the rights of the victims as foreign agents, and c) necessity of discussing the UN Guiding Principles on Business and Human Rights with BGMEA representatives.

Conclusion

Sultana Kamal- Executive Director, Ain O Sailish Kendr, Bangladesh

A mutual sense of responsibility and accountability need to exist between workers and manufacturers to contribute positively towards the development of the RMG sector. The concerned authorities need to be wary and respectful of their duties as these recurring factory accidents are not isolated incidents, but direct results of continuous negligence and irresponsibility on their parts. The state needs to create pressure on the factory owners, who enjoy government facilities and access to public funds, to offer a living wage to their workers and thereby guarantee the right to healthy living to its constituents. Similarly, garment owners also need to be held responsible and accountable to citizens for the injustice and violations of workers' rights. Unless everyone plays their part in putting an end to this injustice, lives will continue to be lost, and the prospects of the whole sector would be compromised.