

## RIGHTS OF WORKERS

*This chapter discussed the major events in the struggle of RMG and jute mill workers for their right during the year. This year saw a strong workers' movement, relaxation of Emergency Rules (finally withdrawn) for trade union activities.*

For nine months of the year, the emergency rules continued to expressly prohibit trade union activities. In addition, in May 2008, a new Ordinance amended the Bangladesh Labour Act restricting trade union activity at the Mongla and Chittangong ports. In September 2009, the Emergency Rules were relaxed in part, with trade union operations re-commencing by October. By December, the SoE was withdrawn and full rights of freedom of association, subject to law were re-established.

Demanding fair terms of employment, including payment of arrears, and safe conditions of work were at the forefront of workers' protests during the year, whether in the laid-off jute mills in Khulna, in the ready-made garments sector in Chittagong or the capital Dhaka. Such protests, amplified by the demands of NGOs, highlighted the daily violations of rights experienced in the most hazardous industries, namely construction, ship breaking and steel mills, which resulted in deaths or serious injuries. In response, Courts directed state authorities to explain their failure to implement relevant laws on workplace safety.

### **Legal Framework**

Bangladesh's commitments to promoting workers' rights devolve from its ratification of several international treaties, the Constitution and national laws.<sup>1</sup> However, the application of these laws has been poor and some of the State's economic policies (i.e. laying off of jute workers) have negatively impacted upon workers' rights. During 2008, as discussed below, the rollback of the EPR and further amendments to the Labour Code effectively weakened the conditions for enforcement of labour rights, particularly in the Ports.

### **Restrictions on Trade Unions Relaxed**

On 8 September, the Government relaxed the ban earlier imposed under the Emergency Rules on trade-union activities at industries, commercial enterprises, ports and factories on certain conditions, permitting them to recommence on a limited scale.<sup>2</sup>

This allowed elections for Collective Bargaining Agents (CBA), subject to the prior permission of police commissioners in City Corporation areas and of District Magistrates elsewhere. It also allowed trade union meetings of upto a maximum of 100 persons, subject to 48 hours prior notice to Metropolitan Police Commissioners, District Magistrates or *Upazila Nirbahi Officers* (UNO), and in the case of meetings of over 100 persons, subject to prior permission from such officials. Meetings of 500 plus persons remained prohibited. Further relaxation of the ban allowed indoor meetings at trade union offices or officially authorized places. The order also noted that the agenda of such meetings should be restricted to labour and organisational issues. It barred live reporting of such programmes on radio and television. It also prohibited the use of devices that could make the discussions audible outside the meeting venues.<sup>3</sup>

### **Government Toughens Labour Law**

1 Bangladesh ratified the International Covenant on Social, Economic and Cultural Rights in 1998, with reservations to Articles 1,2,3,7 and 8; ILO Convention 87 on Freedom of Association and Protection of the Right to Organise, 1948; ILO Convention 105 on the Abolition of Forced Labour, 1957 and ILO Convention 182 on the Worst Forms of Child Labour, 1999. It has signed but not yet ratified the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families in 1990.

2 "Trade unionism allowed on a limited scale", *The Daily Star*, 8 September 2008.

3 See Chapter 9 on Freedom of Association and Assembly for further details, p.107.

While relaxing the Emergency Rules, the Government nevertheless brought in further restrictions on trade union activities at the major ports. The Labour Code was amended for the second time in two years<sup>4</sup> to restrict trade union rights at the major ports, by providing that only one trade union would be permitted to operate at Chittagong and Mongla Ports, and that no trade union office could be set up within 200 metres of either ports. It required 50 per cent of the money deposited with the ports welfare fund to be deposited with the labour welfare fund. It further abolished the Dock Workers' Management Board in both ports and provided for the port authorities to arrange for absorption of the board's workers, officials and employees.<sup>5</sup>

This Ordinance also relaxed penalties for certain violations of the labour law. As a result conviction for an offence of obstructing an inspector under section 306 of the Bangladesh Labour Act could result in imprisonment for only upto three months (rather than 6 months); and conviction for a general breach under section 307 of the Labour Code could no longer result in imprisonment of upto three months imprisonment but only in a fine of upto Taka 25,000 (which was an increase from Taka 10,000).

### **Safety and Security at Work**

Bangladesh is not lacking in verbal commitments to workers' rights, having ratified several ILO conventions, while its laws guarantee health and safety and other working conditions. But, a graphically illustrated report by Bangladesh Occupational Safety Health and Environment Foundation (OSHE), showed that deaths and injuries of workers remain unacceptably high, with little or no redress. For example, in the first six months of 2008, 166 workers were killed in workplace accidents. In addition, 214 workers were killed in incidents while traveling to and from the workplace and 191 were killed in work related violence (torture by employers, hijacking or robbery, baton charge or firing by police etc). Altogether OSHE reported that 953 workers were killed in a variety of ways.<sup>6</sup> The survey indicated that the highest number of casualties took place in three sectors, garments (788), followed closely by transport (566) and construction (123).

The survey blamed these incidents on lack of proper implementation of law, hazardous and out-dated installations, ineffective machinery and inadequate safety tools and *Personal Protective Equipment (PPE)* at workplace.

It highlighted, in particular, the grossly inadequate capacity within the Government, with a mere 20 factory inspectors being responsible for implementing health and safety laws in public and private sector concerns nation-wide.<sup>7</sup>

Alerted to these pervasive violations of the right to life of workers in the construction sector, the High Court, on 29 February 2008, asked the Government to explain within four weeks why its failure to establish an agency to enforce the Bangladesh National Building Construction Code 2006 should not be held to be in violation of the law. The High Court also directed the Government to submit a statement setting out steps taken to ensure the safety of construction workers since the Code was adopted on 15 November 2006.<sup>8</sup> By year end, no further developments were reported in this matter.

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4 The Bangladesh Labour Law (amendment) Ordinance 2008 was promulgated on 8 May 2008.

5 Bangladesh Legal Aid and Services Trust (BLAST), a leading legal aid organisation, commented that the proposed ban on political involvement by trade unions was unconstitutional, and recommended that the Government instead consider specific amendments to the Labour Code to secure worker's rights. BLAST also criticised the provision of proposed amendment to bar trade unions from having offices within 200 metres of the boundary of any company. BLAST suggested that offices could be set up on factory premises by an agreement between owners and workers' unions and the CBA be provided with an office.

6 OSHE compiled the statistics from 16 newspapers from January –June, 2008.

7 Bikas Kumar Basak, "Improving safety at workplace: Role of 'participation committee'", *The Daily Star*, 19 April 2008.

8 *BLAST and another vs. Bangladesh and others*, Writ Petition No.718 of 2008. The petitioners alleged that the state's failure to set up this agency and to take appropriate steps to implement the law had resulted in the deaths of some 50 construction workers in 2007. The respondents to the petition were the Ministries of Housing and Public Works, Labour and Manpower, Environment and Forests, the Rajdhani Unnayan Kartripakkha (RAJUK) and REHAB, a developers' organization.

**Table XVIII.1: Numbers of deaths and injuries reported to the Factory Inspectorate 1995 - 2004<sup>9</sup>**

Year	Deaths	Injuries		Total
		Serious	Minor	
1995	13	286	3,587	3,886
1996	11	276	2,600	2,887
1997	13	639	3,539	4,191
1998	24	427	2,653	3,104
1999	11	458	1,761	2,230
2000	21	298	1,620	1,939
2001	29	205	801	1,035
2002	15	198	1,822	2,035
2003	15	357	1,422	1,794
2004	11	268	609	888
<b>Total</b>	<b>163</b>	<b>3,412</b>	<b>20,414</b>	<b>23,989</b>

Mr. Mubasshar Hussain, President of the Institute of Architects Bangladesh, and a member of the *Nagar Unnayan Committee* (City Development Committee), headed by the Works Secretary, noted the Government's apathy regarding implementation of the Code and cited this failure as contributing to the ongoing incidence of fatal accidents at construction sites.<sup>10</sup>

#### **Government Directed to Ensure Workers' Safety on Ship Breaking Yards**

The High Court, on 7 January 2008, directed the Government to explain within three weeks why it would not be directed to take measures to protect workers employed in ship breaking yards, and to compensate adequately the families of such workers killed or injured at work. It also directed the authorities to submit a report to the Court within three months, with information on (i) the number of deaths or injuries of workers to date in the yards (ii) the reasons for the casualties (iii) the amounts of compensation given to the families of the dead and injured workers, and (iv) the measures taken by the authorities to prevent such incidents in the ship breaking industry.<sup>11</sup>

Although compensation is legally due in the case of all workplace deaths, the relevant law is observed more often in its breach. For example, OSHE's investigations revealed that out of the 70 cases that they had monitored between June 2007 to July 2008, in only one case had the employer deposited the sum of Taka 100,000 in Court as required. Informal arrangements did however result in workers receiving some level of compensation: 33 workers received full compensation as per law, 14 got more than 50,000 but less than actual taka 100,000 and in 13 matters employers paid less than taka 50,000.<sup>12</sup>

#### **Safety on Construction Sites**

On 4 May 2008, the skeleton of Shahidul Islam (age 22 years) a security guard, the only son of Abdul Sattar, resident of Kazipara, Gomastapur, Chapainawabganj, was found five months after he had been killed by fal-

9 Statistics Cell, Department of Inspection for Factories & Establishments.

10 Towfique Ali, "No steps yet to enforce building code", *The Daily Star*, 17 February 2008.

11 These orders were passed in a public interest litigation by the Bangladesh Environmental Lawyers Association filed against, among others, the Chief Inspector of Factories and Establishments and the Deputy Commissioner of Chittagong. See "Ship-breaking Industry: SC issues show cause notice on govt", *The Daily Star*, 8 January 2008.

12 OSHE Presentation at Centre for Corporate Accountability workshop, BRAC Tarc, Savar, 7 August 2008.

ling debris from the demolition of the 22-storey Rangs Bhaban. This brought the total death toll from the demolition to twelve.<sup>13</sup>

Earlier in the year the Ministry of Housing and Public Works, quoting the report of the official inquiry committee on the demolition-related deaths asserted that the method of demolition adopted had been correct,<sup>14</sup> and claimed that 'Concrete Shear Failure' caused the collapse, triggered by 'vibrations' resulting from 'hammering'. The Ministry also referred to information in the report regarding the strength of the concrete of the collapsed portion being only 2,500 PSI (pounds per square inch) against the recommended 4,000 PSI. An anonymous committee member blamed RAJUK for failure to take necessary precautions in carrying out the work. The private company contracted to carry out the demolition, Six Star, continued the demolition work.<sup>15</sup>

### **Alleged Torture and Death**

On 31 January 2008, Md. Khokon (age 23 years), a garments' worker at Vertex Fashion Limited, Dhaka, was declared dead while in hospital, where he had been brought after he and his colleague Malek were allegedly brutally tortured inside the factory premises after having been accused of theft. A case was filed by the victim's family and the police arrested the manager, Nazrul Islam, and the security guard, Abdur Rahim. The factory management agreed to provide Khokon's family with taka 400,000 in compensation. The Bangladesh Garment Manufacturers and Exporters' Association (BGMEA) promised to give taka 100,000 more to the family.<sup>16</sup>

### **Sexual Harrassment**

On 7 October, several hundred RMG workers staged a day long demonstration in front of Imam Dyeing and Garments, demanding removal of its general manager, Kamrul Islam, and alleging that he subjected women workers to almost daily harassment.<sup>17</sup>

### **Right to Liberty and Security: Arrest of Mehedi Hasan**

Mehedi Hasan, age 23 years, a labour rights activist, was arrested on 15 January at night by National Security Intelligence in Dhaka and accused of breach of Emergency.<sup>18</sup> He monitored labour rights in garment factories for the Workers' Rights Consortium (WRC), an NGO, largely on behalf of US colleges and universities, to ensure compliance with codes of conduct stipulated by international buyers. While in custody, Hasan was not allowed to meet his relatives. Press reports indicated that he had confessed to the allegations against him, but this was denied by his family sources. The police ultimately submitted a final report to the Court stating that there was no case to answer.<sup>19</sup>

### **Rights to Assembly in the Garments Sector**

On 2 January, several thousand garment workers from about 20 factories, protesting closure of the SQ Sweaters factory, Mirpur barricaded the busy Rokeya Sarani in Dhaka. This followed a two-day strike by the workers after a co-worker, Salma, died, allegedly after being forced to work a night shift while ill on 30 December. On 2 January morning, on returning to the factory, workers found a notice of closure hanging at the entrance, stating that the factory had been closed due to the workers having held an 'illegal strike' and 'kept the officials hostage and disrupted production'.<sup>20</sup>

13 Shah Alam Faruk, "Rangs Bhabaner Dongsu Stup theke Uddar holo hotobaggo Shadiduler lash", *ASK Bulletin*, June 2008.

14 "Building Collapse: Probe points at Rangs construction", *The Daily Star*, 1 January 2008.

15 Amitosh Pal, "11 shromiker pranhani shottaoy bhangar kaje ager thikader", *Shamokal*, 7 January 2008.

16 "RMG worker beaten to death Factory management sued", *New Age*, 1 February 2008; "RMG worker beaten to death by guards", *The Daily Star*, 1 February 2008; "Mirpure garment-er vetorai shromike pitia hotta: Manegar shoho du-jon graphter", *Shamokal*, 1 February 2008.

17 "Sexual Harassment: Removal of RMG executive demanded", *The Daily Star*, 8 October 2008.

18 Case No. 14(1)08 under sections 3(4) and 4(3) of EPR.

19 ASK Investigation Report.

20 "Closure of RMG Factory: Workers demo brings Mirpur to a standstill", *The Daily Star*, 3 January 2008. Also see *Prothom Alo*, *Shamokal*, *Janakantha* on 3 January 2008.

Thousands of garment factory workers on 12 January again blocked Rokeya Sarani to push for their demands for an increase in their refreshment allowance, payment of wages and over-time bills by the first week of every month, night allowance of night-shift work, weekly day-off and no termination of workers without valid reasons. The workers of Out-wear Fashion, Outright Limited and Outfit fashion staged a sit-in-demonstration, gradually joined by others. They ultimately withdrew the blockade after an agreement reached between the factory owners, workers' representatives and BGMEA that evening. The SQ Sweaters workers also called off their demonstrations on January 2 and 3 as the owners accepted their demands.<sup>21</sup>



*Protests of garments workers in January*

On 20 September, at least 65 people, including 50 workers and 14 policemen, were injured and more than 100 vehicles vandalized in clashes between garment workers and the police in Malibagh, Dhaka after protests by workers of Islam Dresses Ltd., for 100 per cent festival bonus on their basic pay. Clashes erupted as the police baton charged workers soon after they put up road-blocks on the Malibagh DIT Road at about 3.15pm as one employer ruled out paying bonuses above 25 per cent of the basic pay.<sup>22</sup>

Throughout the year, protests by garments workers continued to simmer and break out, starting first in Mirpur and spreading across Dhaka City, to the EPZ area, Savar, Kanchpur, Kalikoir, Gazipur and Chittagong.



*Police torture garments workers during protest on 20 September at Dhaka.*

In some cases the situation was resolved through negotiation between workers and employers. In others, the employers instituted criminal cases against workers and their leaders; for example at least six criminal cases were filed in connection with the ongoing workers' unrest in the Mirpur area between 2 to 15 January.<sup>23</sup>

21 "RMG workers block Rokeya Sarani again for wages: Mirpur stands still for whole day", *The Daily Star*, 13 January 2008.

22 See all national dailies especially "Mayhem at Malibagh:RMG workers ransack 40 vehicles over bonus hike", *The Daily Star*, 21 September 2008.

23 ASK Investigation Report.

### Peaceful Civil Disobedience by Jute Mill Workers

The year started with the movement of jute mill workers of Khulna-Jessore industrial belt. Earlier casual workers of state-owned jute mills declared they would go on a work stoppage from 1 January indefinitely, unless the authorities met their five-point demands by 31 December. These demands included payment of all arrears, reinstatement of retrenched casual workers and over-time allowance. On 6 January 2008, according to press reports, the work stoppage programme of six state-owned jute mills continued, and some 333 workers, who were going to voluntary retirement from Crescent Jute Mill gave an ultimatum that they would go on an indefinite hunger strike, unless their dues were settled by 7 January.<sup>24</sup>



*Jute mill workers attempting self-immolation for wage dispersal as fire engines douse them with water at Khalishpur in Khulna on 15 September.*

The workers of three state-owned jute mills in Khalishpur industrial belt also began an indefinite hunger strike from 28 July to press home their 8-point demands, including payment of all dues. The demands also include issuing gate passes to temporary labourers, increasing wages of daily-basis labourers, raising dearness allowance by 25 per cent, stopping of trade union activities, payment for overtime and allocation of to save the jute mills.<sup>25</sup>

About 4,000 jute mill workers in the Khalishpur industrial belt staged demonstrations on 8 September bearing symbolic coffins and wearing shrouds to press for their 8-point demand, including immediate payment of their dues and abolition of the system of hiring labourers on daily basis. The workers' threatened 'self-immolation' if the demands were not met by 14 September.<sup>26</sup>

On 15 September, 2008, the police foiled an earlier announced 'self-immolation programme' announced by the state-owned Jute Mill Workers' Development committee. As 30 workers of Crescent, Star and Platinum Jubilee Jute Mills, wearing shrouds and carrying plastic jars filled with kerosene, started proceeding towards the canopied dias on the premises of Crescent Jute Mills at 11.00 am, the police chased them away. Later, following discussions between the police and workers, the programme was postponed till 27 September. According to press reports, the Government had, in the meantime, released Taka 125 million for payment of outstanding wages and salaries of employees and workers of these jute mills in the Khulna region to calm workers' agitation. This was less than a quarter of the total outstanding sum of Taka 680 million, due on account of arrears of wages and lay-offs, retirement and presence benefit at the Crescent, Platinum Jubilee and Star Jute mills.<sup>27</sup>

Throughout the year, the jute mill workers of Khulna-Jessore industrial belt, Chittagong and Mymensingh continued protests their demands. The workers of Alim Jute Mills in Khulna held rail and road blockades

24 "Meet demands of Khulna Jute Mill workers" *The Daily Star*, 7 January 2008; "Jute mill workers announce rail-road blockade for Monday", *New Age*, 7 January 2008.

25 "Jute mill workers in Khulna: continue hunger strike", *New Age*, 29 July 2008.

26 Tapos Kanti Das, "Jute mill workers prevented from self-immolation", *New Age*, 16 September 2008.

27 Shamsuzzaman Shahi, gaye aun dhoranoy shudhu baki chilo", *Prothom Alo*, 16 September 2008.

demanding payment of wages pending over eight months and withdrawal of lay offs imposed on 22 September 2007. In June and July 2007, about 3,700 workers lost their jobs with the implementation of the euphemistically named 'Voluntary Retirement Scheme (VRS)'. The workers appealed to the authorities for full payment of all dues, and also appealed to the Chief Advisor, in February 2008, for withdrawal of three cases filed by police against workers' relating to the clash on 17 April 2007.<sup>28</sup>

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28 Ain o Salish Kendra (ASK), Human Rights in Bangladesh 2007, ASK, 2008.