

Workers' Participation in Decision Making in Readymade Garments Sector of Bangladesh: Structures, Efficacy and Means

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Sadruddin Ahmad



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Researcher

Sadruddin Ahmad

PhD Fellow, Session: 2014-2015

Institute of Bangladesh Studies
University of Rajshahi

Supervisor

Dr. Golam Kibria Ferdous

Professor

Department of Social Work
University of Rajshahi



**Institute of Bangladesh Studies
University of Rajshahi, Bangladesh**

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Certificate

This is to certify that the dissertation entitled “Workers’ Participation in Decision Making in Readymade Garments Sector of Bangladesh: Structures, Efficacy and Means “is prepared by Sadruddin Ahmad a PhD fellow in the session 2014-15 of the Institute of Bangladesh Studies, University of Rajshahi, Bangladesh. The findings and views expressed in this dissertation are originated from empirical data that entirely his own contribution. Materials obtained from primary and secondary sources have been duly acknowledged in this dissertation. He has conducted and submitted the dissertation under my guidance and supervision.

I have gone through the draft and final version of the dissertation. I am pleased to allow him to submit it as partial fulfillment of the requirements for the award of the degree of Doctor of Philosophy.

Dr. Golam Kibria Ferdous
Professor and Supervisor
Department of Social Work
University of Rajshahi
Bangladesh

Declaration

I do hereby declare that this dissertation titled “Workers’ Participation in Decision Making in Readymade Garments Sector of Bangladesh: Structures, Efficacy and Means” submitted to the Institute of Bangladesh Studies, University of Rajshahi, Bangladesh, as part of the requirements for the fulfillment of the degree of Doctor of Philosophy in Management is my original work. No part of it, in any form, has been submitted to any other university or institute for any degree, diploma or for other similar purposes. My indebtedness to other works has duly been acknowledged at the relevant places.

Sadrudin Ahmad

PhD Fellow

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Institute of Bangladesh Studies

University of Rajshahi

Bangladesh

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Abbreviations

AAFLI	Asian-African Free Labour Institute
ATC	Agreement on Textile and Clothing
AWAs	Australian Workplace Agreements
BAL	Bangladesh Awami League
BATEXPO	Bangladesh Apparel and Textile Exposition
BB	Bangladesh Bank
BBS	Bangladesh Bureau of Statistics
BDT	Bangladeshi Taka
BEPZA	Bangladesh Export Processing Zones Authority
BEPZA	Bangladesh Export Promotion Zone area
BGMEA	Bangladesh Garment Manufacturers and Exporters Association
BGWF	Bangladesh Garments Workers' Federation
BGWUC	Bangladesh Garments Workers Unity Council
BIDS	Bangladesh Institute of Development Studies
BILS	Bangladesh Institute of Labour Studies
BJSD	Bangladesh Jatiyatabadi Sramik Dal
BJSJ	Bangladesh Jatiya Sramik Jote
BKMEA	Bangladesh Knitwear Exporters and Manufactures Association
BKMEA	Bangladesh Knitwear Manufacturers and Exporters Association
BLA	Bangladesh Labour Act
BMSF	Bangladesh Mukto Sramik Federation
BNP	Bangladesh Nationalist Party
BSCI	Business Social Compliance Initiative
BSSF	Bangladesh Sanjukta Sramik Federation
BTMA	Bangladesh Textile Manufacturers Association
CB	Collective Bargaining
CBA	Collective Bargaining Agent
CMC	Crisis Management Committee
DIFE	Department of Inspection for Factories and Establishments
DIR	Department of Industrial Relations
DoL	Department of Labour
EPZ	Export Processing Zone

EPZW-AIRA	EPZ Workers' Association and Industrial Relations Act
FGD	Focus Group Discussion
GoB	Government of Bangladesh
GSP	Generalized System of Preference
IBC	IndustriALL Bangladesh Council
ILO	International Labour Organization
IR	Industrial Relations
IRO	Industrial Relation Ordinance
JSF	Jatiya Sramik Federation
JSL	Jatiya Sramik League
KII	Key Informant Interview
LFS	Labour Force Surveys
LMC	Labour Management Councils
MDG	Millennium Development Goals
MoLE	Ministry of Labour and Employment
NCCWE	National Coordination Committee for Worker Education
NGWF	National Garments Workers' Federation
NLC	National Labour Committee
NTUC	National Trade Union Committee
OHS	Occupational Health and Safety
PC	Participation Committee
QWL	Quality of Work Life
RMG	Readymade/Ready-Made Garments
SCF	Social Compliance Forum
SKOP	Sramik Karmachari Oikkya Parishad
SLR	Secondary Literature Review
TCC	Tripartite Consultative Council
TU	Trade Union
UDHR	Universal Declaration of Human Rights
UNRISD	United Nations Research Institute for Social Development
WP	Workers' Participation
WRWC	Workers' Representative Welfare Committee

Abstract

This PhD dissertation is to explore the status of workers' participation in decision making for readymade garments of Bangladesh with a view to ensuring a sound industrial relationship in the sector.

It is widely recognized that workers' participation in decision making of garments industry results in satisfaction of employees, increase in productivity and profit, and empowers the employer to achieve the organizational goal. Absence of workers' participation in decision making may trigger a large number of problems in an organization. Those are democratic participation in decision-making held-up; maximum employer-employee collaboration decrease; maximum state intervention; realization of a greater measure of social justice decrease; greater industrial efficiency downfall; lower level of organizational health and effectiveness; worse working condition; and absence of opportunity for livelihood; misunderstanding increase; create communication gap; as a result, industrial harmony will be decreased in management.

The study attempts to identify different structures of workers' participation; explore the efficacy of workers' participation and find out the means to ensure effective participation of the workers in decision making with a view to ensuring sound industrial relations in the sector.

The study made use of both qualitative and quantitative approaches to analyze and explain the issues introduced in the study. As the study objectives require both qualitative and quantitative data, the study intended to collect necessary data and information from primary and secondary sources using different tools and techniques. Secondary source includes related research, study, survey and assessment reports, publications, journals, articles, newspapers clippings etc. Data have also been collected from BGMEA, BKMEA, BILS, ILO, and BBS. Primary source includes sample survey, FGD, KII, observation etc.

As the RMG industries of Bangladesh are mostly concentrated in two divisions of the country i.e. Dhaka and Chittagong, the study has covered both the areas in terms of quantitative and qualitative data and information. A total of 30 factories have been taken as sample with 350 workers as respondents. Besides, a number of trade union leaders, management personnel, government officials, employers' representatives, experts, researchers, resource persons have been consulted.

Number of structures found related to workers Participation: Rights, Working Conditions and Environments. Structures of decision making are two types: (a) Participation inside the Garments factories includes Participation Committee, Safety Committee, Canteen Committee, Establishment based Trade Union, Bipartite Negotiation etc. (b) Participation outside the garments factories includes –Tripartite Bodies [i.e. Labour Court, Minimum Wage Board, and Crisis Management Committee], Social Compliance Forum for RMG (SCF), Task force on Labour Welfare in RMG, Task force on Occupational Safety in RMG, National Tripartite Committee for the Fire and Building Safety in RMG Sector, Rana Plaza Coordination Committee (RPCC), National Industrial Safety and Health Council, Bipartite Negotiation, Conciliation and Arbitration.

It is found that Workers' Participation Committee (WPC) and Safety Committee exist in most of the compliance factories but exist only in paper to comply with buyer's requirements. Study (quantitative) found same existence in one-fourth of sample factories.

Means to improve workers' participation: Ensure effectiveness of Trade Union in line with the guidelines of BLA-2006; Positive role of government is necessary for ensuring workers' participation; Increasing mutual trust among the stakeholders; Ensuring proper communication between Trade Union and other stakeholders (workers, employers, government, etc.); Formation of 'Tripartite bodies' in all RMG units must be ensured; Making initiatives to make the legal structure adequate.

Participation of workers can make them friendly to their management. When they take the opportunity of participation, they will have belongingness to organization and at the same time, they will be empowered. This empowerment is a valuable asset for the

growth of their companies. If the workers feel empowered, they become motivated, collaboration between employer and employee will be increased, state intervention will be removed, efficiency and effectiveness will be increased, better opportunity for livelihood will be reached in their hand, and the productivity will be automatically increased day by day. So, the Profitability and industrial growth will be automatically improved.

But, in Bangladeshi Garments Industries workers have very little scope to participate in decision-making process. In this sector decision-making process is generally centralized by the influence of various forces and undesirable strategies. As a result, the workers at the bottom level are not allowed to think about the thinking function. There are some reasons behind this: a) Absence of democratic environment; b) Trade Union is not allowed in most of the garments industries; c) Workers are not sufficiently knowledgeable about participation issues. Workers' participation is not visible in these industries at all. As a result, Workers' participation cannot play its due role in industrial development and in the same way, it cannot make harmonious environment in industrial relations.

In case of RMG of Bangladesh, a good structure for Workers' participation should consist of Trade Union, sound and always helpful management system, Canteen Committee, Safety Committee, Participation Committee, and Workers Welfare Society etc. are allowed and supported by regulations of Bangladesh government. But in practice these are not fully and effectively implemented by the authority of the garment industries. In the context of Bangladesh, we hardly know the real picture of the Workers' participation process.

I hope, this study will play an important role in ensuring harmonious industrial relations in the RMG sector of Bangladesh.

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Chapter One

Background of the Study

1.1 Prelude

Export portfolio of Bangladesh is dominated by garments sector which accounts for nearly 80% of export earnings of the country.¹ But its great news for the country that, readymade garments (RMG) sector of Bangladesh has risen as the biggest earner of foreign currency.² The sector has a greater potential than any other sector in terms of employment and foreign exchange earnings to reduce poverty and make a contribution to the national economy.³ About 5,000 garment industries of Bangladesh provides employment for about 3.6 million workers which 2.8 million are women. Workers in these garment factories are almost illiterate. They have very limited knowledge of human rights, working conditions and labour standards. Despite the phenomenal success of the RMG sector, poor working conditions in the factories and a lack of social compliance⁴ are serious concerns which have, since 2006, led to labour unrest and damage to institutions and property.⁵ As a result, there is a rising fear in Bangladesh that the RMG sector may face a decline in demand. Social compliance in the RMG industry is a key requirement for most of the world's garments buyers. It ensures labour rights, labour standards, fair labour practices and a code of conduct.⁶

¹ Ferdous Ahamed, "Improving Social Compliance in Bangladesh's Ready-Made Garment Industry," *Labour and Management in Development* 13 (2012):13, <https://monash.rl.talis.com/items/EEB43B9C-F478-C25B-1EAB-79B51A71B05F.html>. [Accessed August 2, 2016].

² Ferdous Ahamed, "Working Conditions in the Bangladesh Ready-Made Garments Industry: Is Social Compliances Making a Difference?" (PhD diss., Graduate School of Management, Faculty of Law and Management, La Trobe University, Bundoora, 2011), <http://arrow.latrobe.edu.au:8080/vital/access/HandleResolver/1959.9/198758>. [Accessed August 11, 2016].

³ Mazharul Islam Kiron, "Readymade Garments Industry of Bangladesh", <http://www.garmentsmerchandising.com/readymade-garments-industry-of-bangladesh/>

⁴ Ibid, 1.

⁵ Maruf Mahfuz, "Conditions of RMG Sector of Bangladesh, (2016): 1, http://textilelearner.blogspot.com/2013/10/condition-of-ready-made-garment-rmg_9785.html[accessed May 23, 2017]

⁶ Ferdous Ahamed. "Improving Social Compliance in Bangladesh's Ready-Made Garment Industry. *Labour and Management in Development* 12 (2012): 1-26. <https://monash.rl.talis.com/items/EEB43B9C-F478-C25B-1EAB-79B51A71B05F.html>. [Accessed August 2, 2016].

Congenial environment in the garments industries is an absolute necessity for sustainability of the sector. Congenial atmosphere depends on healthy workers'-management and workers'-owners' relations. Workers'-management relations depend on the participation of owners in the various issues.

In this backdrop, the proposed study is supposed to play an important role in ensuring harmonious industrial relations in the sector. Participation is a two-way communication in between employer and employee. The study attempts to identify different structures of workers' participation; explore the efficacy of workers participation in the structures and find out the means to ensure effective participation of the workers in decision making with a view to ensure sound industrial relation in the sector.

In this section, the conceptual frameworks of workers' participation and participation in the context of Bangladesh have been discussed along with the statement of the problem.

1.2 Workers' Participation

Participative decision-making (PDM) has attracted academic attention in the last 20 years. It has been argued that PDM is an element vital to improving job satisfaction in an organization.⁷ Workers' participation had been proven as a management solution to increasing workers satisfaction. According to a classic definition, participation is described as involvement. In some views of organizational researchers, there are several dimensions of participation in organization. It is: (1) an opportunity for employees to achieve their goals, (2) to seek ideas among the employees, and (3) to assign responsibilities to employees (Gibson, Ivanchevich et al., 1992).⁸ Employee participation is considered a key element in the successful implementation of new management strategies and plays an important role in determining the degree of job satisfaction. This,

⁷ Dodi W. Irawanto, "Employee Participation in Decision Making: Evidence from State Owned Enterprise in Indonesia," *Management: Journal of Contemporary Management Issues* 2010, no. 1 (2015): 159.

⁸ H. Gibson, Ivanchevich et al., *Organizations: Behavior, Structure, Processes*, 14th ed. (New York: McGraw-Hill, a business unit of The McGraw-Hill Companies, Inc., 1992), 462; New York, NY, 10020, http://dl.motamem.org/organizations_behavior_structure.pdf

in turn, increases the commitment of the employee as well as their motivation.⁹ Furthermore, participation is a mental and emotional reflection that will lead to the fulfilment of individual and organizational goals, especially if supported by the organization's climate.¹⁰

On the other hand, individual influence and participation as an organizational process, in which individuals are involved and have influence on relevant decisions (that have effect on them). Therefore, participation is an organizational mechanism, giving employees the right to make decisions and the matching amount of responsibility, so that they feel aware of contributing to organizational performance. With the participation in hand, their motivation increases, which brings about both individual benefits and organizational effectiveness.¹¹

Participation means, in common sense, to take part in word or conversation or in any consultation for making something good or making good decisions. Participation in social organizations refers to different mechanisms for the public to express opinions - and ideally exert influence - regarding political, economic, management¹² or other social decisions. Participatory decision making can take place along any realm of human social activity, including economic (i.e. participatory economics), political (i.e. participatory democracy or parpolity),¹³ management (i.e. participatory management), cultural (i.e. polyculturalism) or familial (i.e. feminism).¹⁴ For well-informed participation to occur, it is argued that some version of transparency, e.g. radical transparency, is necessary but

⁹ Jakir Hossain, "Economic Security for the Working Poor? Trade -linked Labour Standards, Workers' Rights, and the Politics of Bangladesh's Garment Workers," (PhD diss., School of International Studies, University of Trento, Italy, 2012): 224-225, [accessed August 2, 2016].

¹⁰ Ratna Sen, *Employee Participation in India*, working paper no.40 (Geneva: International Labour Office, 2012), 3. http://www.ilo.org/ifpdial/information_resources/publications/WCMS_187873/lang-en/index.htm, [accessed 1/8/2016].

¹¹ Dodi W. Irawanto, "Employee participation in decision making," 123.

¹² Md. Anowar Hossain Bhuiyan, "Employee Participation in Decision Making in RMG Sector of Bangladesh: Correlation with Motivation and Performance," *Journal of Business and Technology*, vol. 1, no.2 (July-December, 2010): 122, <http://www.banglajol.info/index.php/JBT/article/view/9984>. [accessed August 1, 2016].

¹³ Carol Pateman, *Participation and democratic theory* (London: Cambridge University Press, 1970), 256.

¹⁴ J. J. Glass, "Citizen Participation in Planning: The Relationship between Objectives and Techniques," *Journal of the American Planning Association* 45, no. 2 (1979): 180, <http://www.ncbi.nlm.nih.gov/pubmed/10243958> [accessed August 1, 2016].

not sufficient. It has also been argued that those most affected by a decision should have the most say while those that are least affected should have the least say in a topic.¹⁵

The purpose of participation for management was primarily limited to getting higher productivity through a more committed workforce; later, as behavioral theories evolved, participation was thought and expected to achieve more elaborate organizational ends, such as improvement in employee morale, improved industrial relations, motivation and commitment, and quality of work life or even what Abraham Maslow (1954) termed self-actualization.¹⁶ This had major advantages in a complex or unstable environment, since more variables and consequences were taken into account during decision making itself. Managers also discovered that decisions taken cooperatively were more acceptable to workers and could be executed more easily.¹⁷ This, too, had consequences for difficult decisions or decisions which are generally not easily acceptable to workers, such as redundancy.¹⁸

Participation may be motivated from an administrative perspective or a citizen perspective on a governmental, corporate or social level institution.¹⁹ From the administrative viewpoint, participation can build public support for activities. It can educate the public about an agency's activities. It can also facilitate useful information exchange regarding local conditions. Furthermore, participation is often legally mandated. From the citizen viewpoint, participation enables individuals and groups to influence agency decisions in a representational manner.²⁰ How well participation can influence the relation between citizen and their local government, how it increases trust and boosts peoples willingness to participate is a part of participatory management.²¹

¹⁵ Ratna Sen, *Employee Participation in India*, 5.

¹⁶ Abraham H. Maslow, *Motivation and Personality*, 3rd ed. (New York: Longman, 1954), 12.

¹⁷ Jakir Hossain, "Economic Security for the Working Poor?" 227.

¹⁸ Khairiah Soehod, "Workers' Participation in Safety and Health at Work", *Jurnal Kemanusiaan bil.*(June 2008): 11.

¹⁹ Yusuf Noah, "A Study of Worker Participation in Management Decision Making within Selected Establishment in Lagos, Nigeria," *Journal of Social Science*, 17(1): 31-39(2008), 3.

²⁰ D.M. Connor, "A New Ladder of Citizen Participation," *National Civic Review* 77 (3): 243. doi:10.1002/ncr.4100770309, [accessed October 2, 2015].

²¹ Eva-Maria Verfürth, "More Generous Than You Might Think," Dandc.eu. Wiedemann, P.M.; Femers, S. (1993), *Journal of Hazardous Materials* (February 2013): 33 (3): 355–368, doi: 3894(93)85085-s: 10.1016/0304 [accessed on 2015-10-02].

Some terms are broadly categorized as: citizen control, delegated power, partnership, placation, consultation, and informing etc. citizen participation as the redistribution of power.²² Robert Silverman expanded on Arnstein's ladder of citizen participation with the introduction of his 'citizen participation continuum'. In this extension to Arnstein's work he takes the groups that drive participation into consideration and the forms of participation they pursue. Consequently, Silverman's continuum distinguishes between grassroots participation and instrumental participation.²³ Archon Fung presents another classification of participation based on three key questions: Who is allowed to participate, and are they representative of the population? What is the method of communication or decision-making? And how much influence or authority is granted to the participation?²⁴

The term 'workers' participation', as used frequently refers to the enterprise level. On a closer look, formal language prefers the more precise and restrictive wording "workers' participation in decisions within undertakings" to "workers' participation". The linking of workers' participation to decision-making is important because it ignores, for example, schemes of workers' participation or involvement in the results of an industry, such as the various forms of profit sharing.²⁵ In other words, the expression "workers' participation" is understood by the ILO as "workers' participation in decision-making at the enterprise level". It can be seen from the text of the various international standards that workers' participation covers collective bargaining. Albeit the term workers' participation has different meanings in different countries, it is still rarely used in its widest possible sense in the law and its exercise of the majority of countries. The survival of such a range of meanings should inspire scholars and experts to further

²² S.R. Arnstein, "A Ladder of Citizen Participation," *Journal of the American Planning Association* 35 (4): (1969), 216, doi: 10.1080/01944366908977225, [accessed July 2, 2015].

²³ R.M. Silverman, "Caught in the Middle: Community Development Corporations (CDCs) and the Conflict between Grassroots and Instrumental Forms of Citizen Participation. Community Development," *Journal of the Community Development Society*, (2005): Vol.36 <http://www.thecyberhood.net/documents/papers/silverman05.pdf>, [accessed July 20, 2016].

²⁴ A. Fung, "Varieties of Participation in Complex Governance," *Public Administration Review*-Washington DC- 66: 66-75, (2006). doi:10.1111/j.1540-6210.2006.00667.x, [accessed September 8, 2015].

²⁵ [Bangladesh-Needs-Labour-Rights-Regain-Trade-Benefits-US.html?ITO=1490&ns_mchannel=rss&ns_campaign=1490](http://www.bangladesh-needs-labour-rights-regain-trade-benefits-us.html?ITO=1490&ns_mchannel=rss&ns_campaign=1490), [accessed September 6, 2015].

develop the notion with a view to achieving international consensus on the actual meaning of the term “workers’ participation”. From all the studies and research carried out so far, one major conclusion can be drawn: in the majority of countries we see a common trend for workers and their representatives to become increasingly associated with decision-making at the enterprise level.²⁶

Workers’ Participation is about ideas and practices of allowing ordinary members of an organization to have a certain degree of influence on decisions concerning the objectives and the actual operation of the organization²⁷ which includes all the facilities of Trade Unions and other legal standards and rights of workers. Workers’ Participation in management decision-making is probably the most misunderstood and misused concept in labour management relations in enterprise level, and has been taken to indicate even collective bargaining, or to include suggestion schemes, employee ownership of stocks and so on.²⁸

In ultimate sense, the objective of workers’ participation in decision making (WPDM) is to achieve organizational effectiveness and the satisfaction of the employees. In Accordance with the followings may be said to be the part of WPDM to: promote mutual understanding between management and workers, i.e., industrial harmony; establish and encourage good communication system at all levels; create and promote a sense of belongingness among workers; help handle resistance to change; induce a sense among workers to contribute their best for the cause of organization; create a sense of commitment to decisions to which they are a party.²⁹In Industrial Democracy any matter where workers exerted influence is deemed to be participation. Wages and working conditions are considered to be legitimate areas of employees’ concern, but the question naturally arises about the limits of these concerns.³⁰

²⁶ Gianni Arrigo & Giuseppe Casale, “A Comparative Overview of Terms and Notions on Employee Participation,” *Working Document Number 8*, International Labour Office, Geneva, 2010, 10.

²⁷ Jakir Hossain, “Employee Participation in Bangladesh: Legal Stands and Workplace Practices,” ILO Office, Dhaka (2012): 4.

²⁸ Ratna Sen, *Employee Participation in India*, 1.

²⁹ Edward Webster, and Christine Bischoff, “New Actors in Employment Relations in the Periphery: Closing the Representation Gap amongst Micro and Small Enterprises,” *Industrial Relations* (2011): 23.

³⁰ Ratna Sen, *Employee Participation in India*, 21.

In 'Industrial Democracy' workers do not merely influence decisions; they also participate with managers in the management of industry on equal terms. This influence should not be confined to peripheral or minor matters, but be intrinsic to the governance of the industrial organization.³¹ Workers can participate in wage administration, set-up working-hour; environmental affairs; security purpose; motivational activities; securing safety and health care.³²

Workers' participation is a process for empowering employees to participate in managerial decision-making and improvement activities appropriate to their levels in the organization. Since McGregor's 'Theory-Y' first brought to managers the idea of a participative management style, workers' participation has taken many forms, including the job design approaches and special activities such as quality of work life (QWL) agendas.

There is at the end of the day only one thing that differentiates one company from another – its workers. Not the product, not service formations or establishments, not the procedures or process, not secret components or ingredients; ultimately any of these can be duplicated. The Japanese have always recognized this and it is one of the reasons for their achievements and success in world markets – they place tremendous value on the integration of people with administrative objectives, equipment and procedures.

The workers force the institutions to discourse three key issues; communication, involvement and development. In fact the three issues can be used as a measure of an institution's maturity in the employment relationship. Here, we are going to address the issue of participation and its relationships. Participation however is more than just the exchange of information. It is the gradual but radical delegation of control to those closest to the process itself. Self-managed teams, cell-based production, self-directed work groups, high performance work systems, are all examples of true participation.

³¹ J.B. Bhattacharya, *Participative Management and Industrial Democracy – Concepts and Practices*, (Calcutta: Omega, 1986), 235.

³² Do Quynh Chi, and Di Van Den Broek. "Wildcat Strikes: A Catalyst for Union Reform in Vietnam?" *Journal of Industrial Relations* 55, No. 5 (2013): 783.

1.2.1 Participation in Management

Organizations that involve workers in making decisions and applying their knowledge to solve problems will be able to quickly respond to organizational demands.

Many employees believe that when workers are involved, they feed into an infrastructure enabling firms to respond to shifting demands on the organization...organizations that recognize this is likely to involve employees in important organizational processes...many organizations, however, prevent employee involvement and allow only management personnel to participate in decision-making.³³

Absence of participation a large number of problems may create in an organization, those are as democratic participation in decision-making held-up; maximum employer-employee collaboration decrease; maximum state intervention; realization of a greater measure of social justice decrease; greater industrial efficiency downfall; below the level of organizational health and effectiveness; worse working condition; and decrease the opportunity for livelihood; misunderstanding increase; create communication gap; as a result industrial harmony will be decreased in management.

Workers' Participation implies arrangements designed to involve workers in the enterprises decision making process. This allows for workers' involvements in the initiation, formulation and implementation of decisions within the enterprise.³⁴ The concept can also be understood in terms of a new approach to industry in which people want to be interested with the taking of decisions which have direct bearing on them.³⁵

The workers' participation comprises basically in creating chance under suitable conditions for people to influence decisions which affect them. It is a special case of delegation in which the subordinate gain greater control, greater freedom of choice with respect to bridging the communication gap between the management and the workers.³⁶

³³ Soehod, Khairiah. "Workers' Participation in Safety and Health at Work," *Journal Kemanusiaan* (2008). Vol.11, 123.

³⁴ Md. Anwar Hossain Bhuiyan, "Employee Participation in Decision Making," 127.

³⁵ J.B. Bhattacharya, *Participative Management and Industrial Democracy – Concepts and Practices*, 236.

³⁶ Shlomo Mizrahi, "Workers' Participation in Decision-Making Processes and Firm Stability," *British Journal of Industrial Relations* (2002): vol. 4, 689.

This serves to create a sense of belonging among the workers as well as a conducive environment in which both the workers would voluntarily contribute to healthy industrial relations.³⁷

The difficulties of participation are the lack of concrete and substantial evidence on the link between participation and decision making. Productivity depends on many factors such as worker motivation.³⁸ In some cases, customer services have been known to improve with participation. But such advances have also been achieved with other types of interposition, such as more assisting organizations or better working environments.³⁹

1.2.2 Participation in Bangladesh's Context

This section presents an overview of participation in Bangladesh context. Bangladesh formulated a labour Policy in 1972, and a comprehensive and complete 'Labour Law' came into being in 2006 and also in 2013. Condition and position of industrial democracy, sound industrial relations, economic development, and livelihood of workers will be discussed here.

1.2.2.1 Industrial Democracy

All the economic activities, business purposes and industrial sector's growth are closely related with industrial democracy. A huge number of employees are working in this industrial sector. But it is an important matter that, the industrial democracy is not suitable in this sector. A contemporary study states that:

....failure to address labour sector issues and correct asymmetrical access to resources may increase a country's vulnerability to social and political dislocations that can adversely affect democracy, stability, and/or economic growth....As people believe that their rights are respected, their voices are heard, and their access to education and livelihoods is improved their commitment to their communities and nations is strengthened. (Salinger & Saussier 2010, p.2)⁴⁰

³⁷ McGregor, Douglas. "The Human Side of Enterprise. McGraw-Hill," *New York* (1960), 60.

³⁸ Jakir Hossain, "Employee Participation in Bangladesh: Legal Stands and Workplace Practices," 15.

³⁹ Yusuf Noah, "A Study of Worker Participation in Management Decision Making within Selected Establishment in Lagos, Nigeria", *Journal of Social Science* (2008): vol. 17(1), 33.

⁴⁰ B. L. Salinger & J. Saussier, "Labour Sector Programming Handbook", USAID, pdf.usaid.gov/pdf_docs. [Accessed July 2, 2016].

Participation makes labour empowered. They become motivated and inspired. Albeit, Bangladesh formulated a labour Policy in 1972, a comprehensive and complete labour law came into being in 2006 and also in 2013. Labour movements have always been there to establish democratic rights and institutions, the ruling elites have ignored them throughout the history as Bangladesh is a labour surplus country and industrial elites here can hire and fire workers with more ease. The advancement of labour in Bangladesh has been historically affected by competing interests among elites who, on the one hand, benefit from the support of labour but, on the other hand, seek to preserve the economic interests of industrial elites.⁴¹ It can also be claimed that the political fascination and affiliation of workers and mainstream trade unions is not so successful to safeguard and enhance labour interests. However, the rise of export oriented readymade garments and some other industries in last three decades have consolidated the labour sector. In the meantime, the workers have grown in figures.⁴²

1.2.2.2 Sound Industrial Relations

Scholars have directed growing attention to the issue of worker participation and its broader consequence, industrial democracy. These concerns reflect a growing interest in finding ways to make work more meaningful and satisfying to the workers. This rests on the belief that the organizational goals of high productivity and harmonious industrial relations are best achieved when the higher level needs of the human elements (workers) are satisfied.⁴³ Sound Industrial relations come out of formal and informal discussions and interactions among employers and employees. There are a number of bipartite and tripartite formal organizations both in plant level and industrial/national level. Plant level bipartite formal organizations are Participation Committee, and Collective Bargaining Agents (CBAs). Proper participation in and functioning of these organizations can contribute to proper operation of an enterprise through better solution of shop floor problems like performance of tasks, hours of work, conditions of work, daily work assignments etc.⁴⁴

⁴¹ Labour Rights as Human Rights? *Virginia Journal of International Law* (2010): Vol. 50, 449. [Accessed July 2, 2016].

⁴² Transnational Labour Regulation and the Limits of Governance (2011):23. [Accessed July 2, 2016].

⁴³ Yusuf Noah, "A Study of Worker Participation in Management Decision Making..." 33.

⁴⁴ Md. Sayem Ali Khan, "Labour Governance in Bangladesh: Democratic Practices and Deficits" (PhD Dis., Institute of Bangladesh Studies, University of Rajshahi, Bangladesh, 2013), 45.

1.2.2.3 Economic Development

Workers' participation can make them approachable to their management function. When they take the chance of participation, they will have belongingness to factory and at the same time, they will be empowered in all aspects. This empowerment is an appreciated for the growth of their factories. When they will be motivated, collaboration between employer and employee will be increased, state intervention will be removed, efficiency and effectiveness will be increased, better opportunity for livelihood will be reached in their hand, the productivity will be automatically increased day by day. When Profitability will be increased, the industrial growth automatically is improved. So, economic development is seriously correlated with sound workers' participation.

1.2.2.4 Livelihood of Workers

The fundamental rights of a worker for his livelihood is the optimum wage and other facilities he needs, like household facilities for his family, safety and security, environmental facility, peaceful workplace, hazard free movement, mental freeness etc. should be given by the owners. Fair and equitable treatment and judgment will be induced all over the working class. The industrial relations will be smooth and clear and easy. On the other hand, the Lack of Worker's Participation in management decision making creates bitter relationship between the management and worker.

1.2.3 Participation in Bangladesh's RMG Sector

This section presents an overview of participation of workers in the RMG sector of Bangladesh is an expressive matter in this age. A universal and acceptable participation is not present here. So, labour unrest is a common feature in this country. In this section, industrial democracy and RMG sector of Bangladesh, harmonious and peaceful industrial relations, and labour unrest decline, balance of efficiency and equity, development goal achievement will be discussed.

1.2.3.1 Industrial Democracy and RMG Sector of Bangladesh

When the Workers of RMG sector developed, the full facility of industrial democracy like the free participation in decision making, existing democratic sense, available motivation makes them empowered, invisible labour unrest, set-up democratic consolidation,⁴⁵ the overall Industrial democratic relations are very good enough, the goal of RMG sector can become satisfactory, but, the sector is plagued numbering challenges. This is more important as the sector is occupied by the large segment of unskilled workers, there are so many problems are existing here. They are less educated and even uneducated also. A number of problems that are not solved by the owners and management of these industries prevail from the very beginning of the inception of garments industries in Bangladesh. Worker's participation in management decision making is one of the greatest problems in this arena.

1.2.3.2 Harmonious and Peaceful Industrial Relations

Workers' participation in decision making in RMG sector in Bangladesh's context is not an amicable settlement at all. The system is ongoing in a hurtful way. This is a conflict laden arena. This miserable process is resulting in a non-motivating uncongenial and unbearable situation. If the workers are allowed to participate freely in decision making process that works as a good motivation, Industrial peace will exist in this sector.⁴⁶

This kind of participation will make the workers empowered. When all the workers will be motivated to work freely and be empowered, they will be very efficient and effective and the productivity of this sector will be very high. Misunderstanding will dispel, balance will be created between efficiency and equitable situation, ensure higher productivity and increased commitment, individuals will be highly motivated and developed in mentality, and last of all industrial democracy will be improved. Worker's participation in management decision making tries to remove or at least minimize the diverse and conflicting interests between the parties, by substituting in their place,

⁴⁵ John W. Budd, and Alexander Colvin. "Improved Metrics for Workplace Dispute Resolution Procedures: Efficiency, Equity, and Voice," *Industrial Relations* (May 10, 2007).

⁴⁶ Chi, Do Quynh. "Employee Participation in Viet Nam" (November 2012). Working Paper No 42, ILO Office, Geneva.

cooperation, homogeneity of objects and common interests. Both sides are integrated and decisions arrived at become 'ours' rather than 'theirs'.⁴⁷

1.2.3.3 Labour Unrest Decline

Labour unrest declines with the betterment of employment relations. When conditions of employment and work are complied with, payment of wages is fair, workers' rights are respected, and grievances are handled with care, workers' discontent diminishes and with it alienation, 'nonproductive practices such as absenteeism, turn-over, and poor-quality work' decline.⁴⁸ When the workers enjoy their rights and freedoms; participate and represent in formal organizations to express their aspirations, visions, and grievances; get easy access to justice, they become satisfied with their jobs and give the violent actions up. Thus democratic governance contributes to decline labour unrest.

1.2.3.4 Balance of Efficiency and Equity

The Practice of industrial democracy in workers' participation in management decision making enhances workers' dignity by balancing efficiency, equity and voice. Employers' views are employment as an opportunity and they demand economic prosperity through efficiency without voice. In the RMG sector of Bangladesh, economic performance cannot be the only determinant of employment relationship, it also needs balanced industrial relations. Democratic ideals of equality and right to expression demand that employment relation must balance efficiency with voice over what is decided.⁴⁹ Sayam Ali argues that:

..... dignity requires that the fair treatment of workers also be a fundamental standard of the employment relationship-as are the democratic ideals of freedom and equality.... the importance of self-determination for both human dignity and democracy mandate employee input and participation in work-related decisions that affect workers' lives.... a democratic society should seek to balance efficiency, equity, and voice.⁵⁰

⁴⁷ Anowar Hossain Bhuiyan, "Employee Participation in Decision Making in RMG Sector ...", 127.

⁴⁸ Sar A. Levitan and Diane Werneke, *Productivity: Problems, Prospects, and Policies* (Baltimore: The Johns Hopkins University Press, 1984), 28.

⁴⁹ Md. Sayem Ali Khan, "Labour Governance in Bangladesh: Democratic Practices...", 42.

⁵⁰ John W. Budd & Alexander Colvin, <http://www.legacy>, [accessed September 8, 2015].

1.2.3.5 Development Goal Achievement

Bangladesh, now, is going on seriously in business to achieve some pre-defined goals e.g., Sustainable Development Goals (SDGs), Vision 2021, Seventh Five Year Plan (SFYP), and Decent Work for All. Democratic and Participative domination of labour sector can better contribute to achieve these targets and goals.

To eradicate extreme poverty and hunger, and develop a global partnership for development requires productivity growth and employment generation that is possible through the industrial growth and development. 'The Vision 2021' contains eight aspirations: democracy and effective parliament, political framework, decentralization of power and people's participation, good governance through establishment of the rule of law and avoiding political partisanship, transformation of political culture, a society free from corruption, empowerment and equal rights for women, economic development and initiative: meeting basic needs, population and labourforce, alleviation of poverty, food and nutrition, healthcare centers, education, industry, energy security, infrastructural development, housing, environment, water resources, and Bangladesh in the global arena: achievements of liberation, culture, and foreign policy - are directly or indirectly related to labour and industrial development issues.⁵¹

In the context of SDGs and Vision 2021, the present government has set some core targets in the Seventh Five Year Plan (SFYP). Core target one 'Income and Poverty' comprises five specific targets the third of which is 'Creating good jobs for the large pool of under-employed and new labour force entrants by increasing the share of employment in the industrial sector from 17 percent to 25 percent'. Besides, the SFYP in its Strategy for higher growth and creating good jobs sets targets to attain GDP growth of 7.3%, and raise industrial sector's GDP share from 30% (FY10) to 40% by 2021, raise the share of manufacturing sector in GDP from 17.2% (FY10) to over 20%, and increase the employment share of manufacturing sector to 15% by 2015. With these goals, visions, and targets 'Decent Work' has been added as a new concept in development issue. The

⁵¹ The Centre for Policy Dialogue (CPD) Organized a Dialogue on the 'National Election 2007: Civil Society Initiative for Accountable, <http://www.thefinancialexpress-bd.com/2015/01/27/77967/print>, 7, [accessed September 27, 2015].

concept is modeled by the ILO in 1999, and has been accepted and endorsed by the world community as an international labour standard. Decent work denotes the opportunities of decent and productive work for men and women,⁵² with the conditions of freedom, equity, security and dignity. To achieve all these goals and targets; industrial peace, stability and productivity growth is necessary, which can be ensured through democratic and participatory labour governance.

1.3 Statement of the Problem

A huge number of problems are there in the RMG sector of Bangladesh. Those are in connection with workers' participation and industrial relations, violation of labour rights, industrial relations and institutional framework, etc.⁵³ Those are as follows:

1.3.1 Workers' Participation and Industrial Relations

Workers' participation is a humanitarian and democratic right to a worker. To make a harmonious relationship between workers and management some pre-condition need to be fulfilled. These pre-conditions have some philosophy beyond this right of workers. The core pre-conditions underlying workers' participation stresses: democratic participation in decision-making; maximum employer-employee collaboration; minimum state intervention; realization of a greater measure of social justice; greater industrial efficiency; higher level of organizational health and effectiveness; Better working condition; and Better opportunity for livelihood.⁵⁴ But, in Bangladeshi Garments Industries workers have very little scope to participate in decision-making process. In this sector decision-making process is generally centralized by the influence of various forces and undesirable strategies. As a result, the workers at the bottom level are not allowed to think about the thinking function.⁵⁵ There are some reasons behind this: a) Absence of democratic environment; b) Trade Unions is not allowed in most of the

⁵² Guy Ryder, ILO Director-General, Decent work and the 2030 Agenda for sustainable development, p.9, <http://ilo.org/global/topics/sdg-2030/lang-en/index.htm>

⁵³ Chi, Do Quynh, "Employee Participation in Viet Nam," *Working Paper No 42*, ILO office, Geneva (November 2012), 10 [accessed October 06, 2015].

⁵⁴ Ratna Sen, "Employee Participation in India," 10.

⁵⁵ Jakir Hossain, "Employee Participation in Bangladesh: Legal Stands and Workplace Practices," 20.

garments industries; c) Workers are not sufficiently knowledgeable about participation issues. Workers' participation is not visible in these industries at all. As a result, Workers' participation cannot play its due role in industrial development and in the same way, it cannot make harmonious environment in industrial relations.⁵⁶

1.3.2 Violation of Labour Rights

From the instrumental and normative approach, it can be stated that labour rights are both human rights and social rights. But some of the social rights political and economic in nature. So, the workers' rights may be seen as a combination of social, political economic and human rights.⁵⁷

Labour rights, incorporated in the Bangladesh Labour Act (BLA) 2006, originate from various sources. These sources include a) Rights Legislation (Constitution, BLA 2006, EPZ Act 2004 etc.) b) Rights Conditionality [188 Conventions adopted by the International Labour Organization (ILO) since 1919, the United Nations Declaration of Human Rights (UDHR) 1948, United Nations' International covenant on Economic, Social, and Cultural Rights (ICESCR)1966, and International Covenant on Civil and Political rights (ICCPR) c) Voluntary Codes [The Convention on the Rights of the Child (CRC), and Convention on Elimination of all Forms of Discrimination Against Women (CEDAW) etc.) In a recent study, Hossain, Ahmed and Akhter (2010, pp.7-8) claims that:

Bangladesh Labour Act (BLA) 2006 is the main instrument to protect the rights of the workers and ensure decent work for them. It is the latest, and as well as the comprehensive law of the country that has amalgamated the provisions of previous 25 Labour laws into a single one. Despite having this comprehensive law, not all workers of the country still are getting chances to enjoy all of their rights, and violation of the provisions of law is widely evident.⁵⁸

There are five core areas where the workers' basic rights are indicated and protected in the BLA 2006. But in practice those rights are being violated on a regular basis by the

⁵⁶ Yusuf Noah, "A Study of Worker Participation in Management Decision Making...", .32. [Accessed September 8, 2015].

⁵⁷ Md. Sayem Ali Khan, "Labour Governance in Bangladesh: Democratic Practices and Deficits," 71.

⁵⁸ J. Hossain, Ahmed, M., Akter, A., "Decent Work and Bangladesh Labour Law: Provisions, Status and Future Directions," *Journal of Labour*, Bangladesh Institute of Labour Studies (BILS), Dhaka, Bangladesh, (2010), .8.[accessed May 10, 2016].

employers. The BLA 2006 impels the employers to maintain some rights of employment like issuing appointment letter, identity card, attendance card, and service book to the workers, and keeping an up to date employee register. But most of the employers issue appointment letters to less than half of the workers and for others they issue only identity cards and attendance that are 'with less legal value and provide limited protection against fraudulent employer practices'.⁵⁹ Besides, they care less for service book and employee register. Thus the workers always suffer from the risk of Stability of tenure.

Albeit, the law resolutions eight hour working time per day and 48 hours per week, the employers force the workers to work for 11-30 extra hours per month to meet the unrealistic production target and these extra hours are not considered overtime and therefore unpaid. Often, the workers are to work for 60-140 hours more as payable overtime. Sometimes, the workers are to work for night-shift following a long day shift. This is evidently inconsistent with the provisions of law.

The workers are entitled to enjoy 21 (twenty-one) days paid casual leave per year, 14 days paid sick leave, and 26 week paid maternity leave and one day off a week, according to the Labour Law. But in practice the paid sick leave is not allowed and maternity leave is rarely provided. In maximum cases asking for maternity leave ends the employment career.⁶⁰

The BLA 2006 states that the employer must ensure the basic standards of health and safety in the workplace. But the violations of health and safety provisions are rampant in most workplaces. Insufficient and even inactive fire-fighting equipment's, lack of functioning fire escape, safe drinking water, limited access to toilet facilities, blistering temperature, ineffective ventilation system, absence of medical facility during work time specially at night shift when most accidents happen, they are fully undone here.

⁵⁹ J. Hillary, "Stitched up: Women Workers in Bangladesh Garment Sector," *War on Want*, NGWF rally in Dhaka protesting against factory fires, May Day 2010, 1-9, <http://www.waronwant.org/sites/default/files/Stitched%20Up.pdf>. 2009, 2, accessed May 16, 2016.

⁶⁰ Md. Anowar Hossain Bhuiyan, "Employee Participation in Decision Making ...", p.126.

When an industry open the workers' participation in management for making good decision, ultimately the workers may take a decision for their interest to start on the self-efficacy.⁶¹ The self-concept has emerged as an important component of organizational paradigms. The self-esteem and self-efficacy, clarifies the relationship between the two perceptions of the self, and shows how an understanding of them can lead to better organization management in participative system.⁶² This self-efficacy system can explore the intervening role of organization-based self-esteem in the relationship between generalized self-efficacy and newly produced two outcomes-employees' job performance and job-related affect (job satisfaction). Organization-based self-esteem emerged as the stronger predictor of ratings of performance and employee satisfaction, and it appears to act as a mediator in the relationship between generalized self-efficacy and these employee responses.⁶³ This process makes a harmonious environment and friendly industrial relations in an industry. But the real picture is known from Hossain-2010:

....The inhuman repression of workers that is characteristic of a majority of the Bangladesh's workers often has led to round of protests and blockades in and around different factories in recent years. The private manufacturing sectors have for years thrived on the exploitation of its workers.⁶⁴

Protest, low in intensity and small in scale, had always been there but it was strengthened since 2006 to onward. According to a report of Asia Monitor Resource Center (AMRC) the protest against this exploitation became more widespread, more radical and more decisive during January–June, 2010. In these protest demonstrations the workers demanded basic minimum wage at TK 5000, an inflation-adjustment wage mechanism, shutting down the factories lacking basic safety measures, punishment of non-compliant factory owners, TK 1, 000, 000 compensation for the family of each worker who dies in accident inside the factory, amendment of Bangladesh Labour Act 2006 in line with ILO conventions, etc.

⁶¹ Ratna Sen, "Employee Participation in India," p.4.

⁶² Chi, Do Quynh. "Employee participation in Viet Nam" (2012), 8, accessed October 06, 2015.

⁶³ Donald G. Gardner Jon L. Pierce, "Self-Esteem and Self-Efficacy within the Organizational Context, An Empirical Examination," *Journal of Management*, First Published March 1, (1998), (<http://journals.sagepub.com/doi/abs/10.1177/1059601198231004>), p.7, [accessed 02/08/2015].

⁶⁴ J. Hossain, Ahmed, M., Akter, A., "Decent Work and Bangladesh Labour Law," (2010), 12.

1.3.3 Industrial Relations and Institutional Framework

Workers' participation is dependent on a good structural system of participation and an effective process. Industrial relations is a multi-purpose relationship which has various stakeholders like the management, the workers, trade unions, transparency of information communication, a well-defined organizational design and structure. A well-defined communication system among all the stakeholders is required for a balanced industrial relation. But, in Bangladesh, that kind of communication system has not yet developed. As a result, Industrial relations have not flourished properly.⁶⁵

Labour laws and other forms of regulation administer the work and workplace in the RMG industries in Bangladesh. In these participatory mechanisms workers are the determinants for the changeable framework of standards and rights workers. This chiefly is indebted to that fact that the regulatory framework itself is the outcome of challenging demands from diverse interest groups. Below, Bangladesh's labour regulatory framework recognizes the indirect form of workers' representation through trade union(s). In addition to collective bargaining, it integrates provisions of other unintended forms. There are two such forms in operation for factories outside of the EPZs: (a) Participation Committee, and (b) Canteen Management Committee. Workers' Welfare Society (WWS) is recognized as an indirect form for factories within the EPZs.⁶⁶

A good structure for Workers' participation should consist of Trade Union, sound and always helpful management system, Canteen Committee, Safety Committee, Participation Committee, and Workers Welfare Society etc. are allowed and supported by regulations of Bangladesh government. But in practice these are not fully and effectively implemented by the authority of the garment industries.⁶⁷ In the context of Bangladesh, we hardly know the real picture of the Workers' participation process. We do not know clearly the structural form of participation and how they work in this system.

⁶⁵ Md. Anowar Hossain Bhuiyan, "Employee Participation in Decision Making in RMG..." (2010), 125.

⁶⁶ Jakir Hossain, "Economic Security for the Working Poor?" 223.

⁶⁷ Maruf Mahfuz, "Conditions of RMG Sector of Bangladesh", *Online Journal*, (2016): 1, accessed 02 May 23, 2017, http://textilelearner.blogspot.com/2013/10/condition-of-ready-made-garment-rmg_9785.html.

1.4 Research Gap

The proposed study is important to meet the knowledge gap. The labour sector had hardly been cooperative; however, in recent years the conflicting nature has surfaced to a large extent. The workers of a number of industrial sectors are regularly aggrieved over some issues e.g., violation of workers' rights, discrimination at workplaces, lack of freedom of association, last of all, lack of workers' participation in management decision making. There is a good number of literature in which these issues are discussed and regarded as the causes behind labour unrest. Apu⁶⁸ claims that low wage, lack of compliance, and absence of responsible organization to listen to the workers' demands and needs and lack of workers' participation in management decision making are the main causes of labour unrest. Alam⁶⁹ identifies the non-existence of union, fuzzy role of labour administration, and non-functional workers' participation committees as the root causes of labour unrest. S. Khan (2011) indicates the absence of appropriate formal channel to air grievances, lack of trade union movement. There exists a research gap concerning the governance processes of labour. None of the studies explains the democratic practices in labour governance through sound workers' participation in management decision making.⁷⁰

The proposed study is essential to find out the workers' participation in management decision making in Bangladesh's labour governance. Governance becomes good and democratic only when democratic regulatory frameworks and practices exist. It is necessary to assess that whether the existing labour regulations ensures rule of law, fundamental rights, and proper enforcement mechanisms, and whether these are

⁶⁸ A.A. Apu, "Labour Unrest in Clothing Industry: Reasons and Solutions." *Bangladesh Textiles Today*, Issued: July-August, 2010. <http://www.textilestoday.com.bd/index.php?pid=magazine&id=79>. [Accessed October 20, 2015.]

⁶⁹ K. Alam, "Recent unrest in Garment Sector in Bangladesh", *Media Watch*, 21 July 2010, <http://epo-mediawatch.blogspot.com/2010/07/recent-unrest-in-garment-sector-in.html>, [accessed October 20, 2015]

⁷⁰ Eva-Maria Verfürth, "More generous than you might think," *Dandc.eu*. Wiedemann, P.M.; Femers, S. (1993), *Journal of Hazardous Materials*, (February 2013), 33 (3): 355–368, doi: 3894(93)85085-s, 10.1016/0304-[accessed February 10, 2016].

practiced in democratic manner. This is the ground to conduct the research. In the context of Bangladesh, we hardly know the real picture of the participation of workers in decision making process for their interest. We do not know clearly the structural form of participation and how they work in this system. We also are unconscious about how this participation system works effectively in the Workers' participation in decision-making process and even workers are not conscious of their own interest.

1.5 Research Questions

By studying the relevant literatures, the following questions are raised:

- (i) What is the present structure of “workers’ participation” in decision making process in the RMG sector of Bangladesh?
- (ii) What is the level of “efficacy” of workers’ participation in RMG sector for effective decision making?
- (iii) What are the “means” of improving workers’-management relationships for effective decision making process?

1.6 Objectives of the Study

The general objective of this study is to know the current structures, and efficacy of the RMG sector management system in promoting worker’s participation in decision-making.

Specific Objectives

- i. To observe the present structures and legal framework of workers’ participation in decision making process in the RMG Industry in Bangladesh;
- ii. To evaluate the level of Efficacy of workers’ participation for making good and acceptable decisions in this Sector;
- iii. To find out the means by which workers improve the relations with Management for a sound decision making process;

1.7 Rationale of the Study

The rationale of the study is anchored on the need to raise the productivity level of workers through appropriate motivational techniques in case of workers' participation in decision making in Bangladesh's RMG sector. The involvement of workers in management decision making is considered as a means of inducing motivation for increasing coordination and good cooperation in the workers leading to positive work attitude for their workplace and high productivity also with the use of good and acceptable Industrial Relations.

The research shows the structures, efficacies and means of proper decision making process, which have to see the improvement of acceptable industrial relations. It is a keen need to see what elements and factors are intensely related to make a good structure of the decision –making process and how it works effectively in this system with the help of some visible and invisible means at large.

The study is also deemed desirable in view of the benefits of workers' participation to organization and the society at large. Workers' participation has been seen as capable of providing workers conducive work environment, opportunity to exercise their innate potentials and willingness to pursue and ensure the corporate goal of the organization.

The proposed study is important to meet the knowledge gap. The labour sector had hardly been cooperative; however, in recent years the conflicting nature has surfaced to a large extent. The workers of a number of industrial sectors are regularly aggrieved over some issues e.g., violation of workers' rights, discrimination at workplaces, lack of freedom of association, last of all, lack of workers' participation in management decision making. There is a good number of literature in which these issues are discussed and regarded as the causes behind labour unrest. Apu (2010) claims that low wage, lack of compliance, and absence of responsible organization to listen to the workers' demands and needs and lack of workers' participation in management decision making are the main causes of labour unrest. Alam (2010) identifies the non-existence of union, fuzzy role of

labour administration, and non-functional workers' participation committees as the root causes of labour unrest. S. Khan (2011) indicates the absence of appropriate formal channel to air grievances, lack of trade union movement. There exists a research gap concerning the governance processes of labour. None of the studies explains the democratic practices in labour governance through sound workers' participation in management decision making.

The proposed study is essential to find out the workers' participation in management decision making in Bangladesh's labour governance. Governance becomes good and democratic only when democratic regulatory frameworks and practices exist. It is necessary to assess that whether the existing labour regulations ensures rule of law, fundamental rights, and proper enforcement mechanisms, and whether these are practiced in democratic manner.

Besides, there are wider implications of labour governance for WPDM. Globalization has fostered and intensified market competition for both individual enterprise and industry as a whole. Business firms are more attentive to face this competition through efficiency bypassing workers' concerns and issues. For this, labour related conducting mechanisms have been an intensive debate issue all over the world. In the quest for a fair globalization 'Labour Standards' has become a theme of increasing importance. Labour standards cover basic human rights at work, and respect for safety and health for their fair livelihood. Governments are being pressed by the donors, buyers, and international organizations to comply with these standards through democratic governance. In this respect, it is important to know how Bangladesh complies with these norms in conducting the labour sector.

1.8 Scope of the Study

The proposed research is supposed to portray the present condition of workers' participation in decision making in Bangladesh's RMG sector only and would be limited to the job satisfaction, motivation, workers' morale and productivity, peaceful and

satisfactory Industrial Relations with reasonable wage with the proper use of workers' participation in decision-making in Bangladesh's RMG sector exactly.

The study was not able to cover the impact of RMG sector in the economy of Bangladesh. It did not discuss the employment generation, labour migration, income disparity, gender discrimination, empowerment of women, industrial dispute, Total Industrial Law etc. due to limited time and resources. The study has been conducted on the basis of the available Primary and Secondary sources of data.

1.9 Limitations of the Study

The study is limited in two counts. The First is on the issue of coverage, and the second is on the issue of democratic representation in case of workers' participation in management decision making. The study covers the formal industrial sector excluding the large informal sector where bulk of the employment takes place. However, the focus is on the labour governance, and as such, the study would bring in implications that cut across the formal-informal divide in understanding the democratization process in the garment sector.

The study does not employ representative sampling in the conventional sense, although it makes use of both quantitative and qualitative data originating from the secondary literature review and field study. The study covered broad sectors of formal employment, and areas of concentration of those industries. To determine sample size for the study geographical context, industrial and labour intensity has been considered. A major portion of Bangladesh has been covered through the selection of RMG industrial location. A range of 160 to 192 respondents has been selected for FGDs and 22 (twenty two) Key Informants has been selected for interview. As such, the study has been able to make convincing claims on the representation of the sectors and geographical areas.

1.10 Structure of the Dissertation

The dissertation is divided into seven chapters. The first chapter introduces the research problems. The second chapter presents literature review and conceptual framework of the study. The third chapter presents the methodology of the study. The fourth chapter focuses on the structural framework of ‘Workers’ Participation in Decision Making’ in RMG Sector of Bangladesh. The fifth chapter illustrates the efficacy and efficiency for making sound industrial relations. The sixth chapter highlights the means by which industrial relations will be smooth and workers’ participation will be easier. The seventh chapter is on conclusion along with further research scope.

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Chapter Two Literature Review

2.1 Prelude

There are some writings and discussions are in various articles, books, dissertations, theses, research papers and working reports that are presented one after another in the following sections to present an overview of some headings with point wise as: employees' attitudes, industrial democracy, question of skill of women workers and their wage, the politics and women rights, motivational aspects, collective bargaining, job design and structure, livelihood of workers, participative management, joint-governance, meeting management, consultative and substantive forms of participation, motivating personally to the workers, organizational performance, performance and job satisfaction, state of contemporary world, compliance with Bangladesh Labour Act 2006 etc.

Many researchers have investigated working conditions in the Bangladesh garments industry. In fact Working conditions in the RMG sector are below standard and do not meet the ILO standards. Labour standards and rights are commonly ignored in the RMG factories in Bangladesh: poor practices include the absence of trade unions, informal recruitment, and irregular payment, sudden termination, wage discrimination, excessive work, and abusing child labour. Moreover workers suffer various kinds of diseases due to the unhygienic environment and a number of workers are killed in workplace accidents, fires and panic stampedes. Absence of an appropriate mechanism to ensure the enforceability of the available laws for protecting workers' rights and maintaining workplace safety continues to be a concern in the RMG sector. As the sector is an important foreign exchange earning component, some changes are required.

Working conditions in the RMG sector frequently violate international labour standards, and Codes of Conduct (Khondhker Bazlul H., Abdur Razzaque, and Nazneen Ahmed., 2006).¹

¹ Khondhker Bazlul H., Abdur Razzaque, and Nazneen Ahmed, "Exports, Employment and Working Conditions: Emerging Issues in the Post- MFA-RMG Industry", A Paper Prepared for the International Labour Office, July 2005, Dhaka: BILS, (2006), 8.

2.2 Review of the Literature

A number of literature reviews are gathered here:

2.2.1 Recruitment Policies

Recruitment policies are highly informal compared to western standards and there are no written formal contracts and appointment letters. They are therefore vulnerable to losing their jobs at any time. However, fear of losing their jobs and lack of alternative job opportunities compel workers to continue in unsatisfactory employment (Bansari, 2010).²

2.2.2 Employees' Attitudes

Workers' participation in decision making process in workplace may have positive effects on employees' attitudes toward their work; it may have less impact on employee performance. In addition, the cost of implementing participatory management systems may far exceed the actual return. However, the commentators provide numerous professional examples to suggest that participation in workplace decision making in government setting not only improves employees' attitudes toward work,³ but also increases their performance. Changes in the nature of organization and task environments, employees' desires to participate in workplace decision making, as well as rapid advances in technology facilitating such exchanges, may make participation an even more important determinant of performance in the future in case of workers' participation.⁴

2.2.3 Industrial Democracy

Workers' participation in management decision making has been explained as a plank of industrial democracy. The spread of industrial democracy to Western Europe in the 1970s is a story of capitalism in transition. In his words, in countries where it is occurring, industrial democracy,

² Farhana Rashid, Che Azlan Taib, "An Evaluation of Human Resource Management (HRM) Practices in Bangladesh Ready-made garments sector", DOI: 10.13140/RG.2.2.31030.50248,.3, https://www.researchgate.net/publication/306359505_an_evaluation_of_human_resource_management_hr_m_practices_in_bangladesh_ready-made_garments_sector, [accessed May 7, 2017].

³ James, Debra and Laurie, "Motivating Employees in a New Governance Era: The Performance Paradigm Revisited", *The Premier Journal of Public Administration*, Vol.66, No.4, (2006),4, <http://www.joe.org>, accessed 23 July 2015 at 7.20 pm

⁴ *Ibid.*⁴

.....affects the nature, control and even ownership of private enterprise; the nature control, power and bargaining areas of the labour unions ...and the roles and contributions and rights of the individual worker in contemporary and future industrial society.⁵

It shows that industrial democracy affects many aspects of lives of different people in a society. This reason may explain the wide clamour for the introduction of worker participation arrangement in most countries.

2.2.4 Question of Skill of Women Workers and their Wage

Workers' participation in management decision making is for the welfare of workers. A group of researcher reported that both the unskilled and semi-skilled women workers have an opportunity to be employed in the garments industry in Bangladesh.⁶ Here, it is found that women in the garments sectors of Bangladesh are not discriminated because they are women. Albeit, there may be individual incidence of gender-based wage discrimination in the garments sector, most of the worker's wage is determined by their skill, housework, experience and age.⁷

2.2.5 The Garment Workers—Largely Female, Rural and Inexperienced

This is a "Case Study" Report, in this report researcher stated that in Bangladesh there are an average of 85% Female workers against 10% of Male workers in Bangladeshi garments industries. As in many other developing countries, the ready-made garments industry has created employment for large numbers of female workers. In 1980, it was estimated that there were about 50,000 female garment workers, and this number has steadily increased over the past two decades. In 2000, 1.8 million workers were employed with women dominating around 90 percent of the workforce (Table 1). This constitutes about 70 percent of the total female employment in the country's

⁵ Hasibur Rahman and Sharmin Sultana Sraboni, "Gender discrimination in RMG sector", Published: Saturday, 01 December 2012, 6, <http://old.thefinancialexpress-bd.com/old/index.php?ref=MjBfMTJfMDFfMTJfMV82XzE1MTY1OQ>.

⁶ Sadruddin Ahmad, "Human Resource Management Practices in the Private Sector Banks in Bangladesh: A Case Study on Prime Bank Limited" (MPhil Dissertation. Department of Management, University of Dhaka, 2010), 21.

⁷ Mariam Jamila, Bakhtear Uddin and Salma Ahmed, "Wage Discrimination in the Garments Sector of Bangladesh", *South East University Journal of Business Studies*, Vol.2, (2006), 229. Accessed 24 July 2015 at 3.25 pm

manufacturing sector. The RMG industry is the third main source of employment for women in the country, after agriculture and domestic services.

Table 2.1: Employment of Male and Female Workers in the RMG Sector

Year	Workers	Male	Female	% of Female
1991-92	582,000	87,300	494,700	85
1992-93	804,000	120,600	683,400	85
1993-94	827,000	124,050	702,950	85
1994-95	1200,000	120,000	1080,000	90
1995-96	1294,042	129,000	1165,042	90
1996-97	1397,564	139,756	1257,000	90
1997-98	1404,000	140,400	1263,000	90

Source: BGMEA, Dhaka, 1992; RDTI Cell, Trade Statistics, 1997-1998, BGMEA

One survey in 1997 showed that around three-fourths of garment workers, both men and women are migrants from rural areas. Female workers are younger (19-20 years of age), compared to male workers who are about 25 years old. About 60 percent of female workers are unmarried, divorced or widowed. This percentage is not very different for men, but is significant in the sense that such a large number of single women have migrated from their homes. The majority of female workers came from households of lower socio-economic status but had some education—about six years of schooling in 1997—compared to nearly nine years for male workers. The majority of female workers had no prior wage work experience. Thus, the availability of garment work can be seen as particularly important for women in rural areas who have few alternative economic opportunities, and who work mainly in the informal or domestic sectors with little or no pay.⁸

2.2.6 Gender Discrimination in RMG Sector in Bangladesh

Gender discrimination between the male and female workers in readymade garments (RMG) sector is a burning question of the day. It is one of the main problems in our country. The sector contributes nearly 80 per cent of the country's total export earnings.

⁸ Case Study 3: Ready-Made Garment Industry and Gender, Gurushri Swamy (Consultant, WBIPR) prepared this case study based mostly on a research paper, "The Gender Imbalances in the Export Oriented Garment Industry in Bangladesh," by Pratima Paul Mazumdar and Anwara Begum, 2000. It also uses material from an Internal Discussion Paper of the South Asia Region entitled "Trade Liberalization, Growth and Poverty Reduction", by Sadiq Ahmed and Zaida Sattar, 2003.

Most of the export destinations of Bangladesh garments are US and Europe. The country has more than 4,000 factories with an employment capacity of 3.6 million workers.

The industry currently employs nearly four million workers, approximately 80 per cent of whom are women, many working in hazardous social conditions. It has been a major source of employment for rural migrant women in a country that has increasingly limited rural livelihood options, and where women migrants have been largely excluded from formal work in the cities.

Women workers offer cheap, and easily exploited, labour force that allows the Bangladeshi garment industry to compete in the global market. While studies have shown that women's employment in Bangladesh's export-oriented garments industry has narrowed the gender gap in many spheres including participation in labour force, social prestige, control over income and decision making, there remains widespread gender discrimination in wage rates and working conditions.

However, the garments industry has directly benefited women from the poorer section of the rural population through employment opportunities. This has reduced marginalization of women who were previously excluded from jobs in the formal sector.⁹

2.2.7 Participatory Decision Making and Implementation

Leadership makes it possible to adopt participatory decision-making process through democratic deliberations rather than authoritarian declaration both inside union/organization and outside the organization, and ensures proper implementation of the decisions taken. The most important elements of decision making are communication and information. It is the leadership that acts as a bridge between the employees and employers. Besides, the leaders are well informed about the needs and demands of the workers. They integrate the needs of the workers and then place it to the authority in a

⁹ Hasibur Rahman and Sharmin Sultana Sraboni, "Gender discrimination in RMG sector", Published: Saturday, 01 December 2012, 7, <http://old.thefinancialexpress-bd.com/old/index.php?ref=MjBfMTJfMDFfMTJfMV82XzE1MTY1OQ>,

formal way. They can also motivate and control the behaviours of the workers and help the employers to implement the decisions. Mills (2005:10) states that:

Much of the literature about organizations stresses decision-making and implies that if decision making is timely, complete, and correct, then things will go well. Yet a decision by itself changes nothing. After a decision is made, an organization faces the problem of implementation—how to get things done in a timely and effective way. Problems of implementation are really issues about how leaders influence behavior, change the course of events, and overcome resistance.¹⁰

2.2.8 The Politics and Women Rights

Mills identified four basic forces underlying the clamour for industrial democracy in connection with Workers' participation in management decision making. The first one was political in nature, pushed primarily by socialists and moderate labour and political leaders. The second was an industrial or economic force championed by innovative and socially-oriented management and at times; by unions. The third was an intellectual and theoretical force pushed by McGregor, Maslow, and Emery, Thorsrud and Trist.

The last force is what Mills called the revolution of rising entitlements prominent in western Capitalist and democratic societies. This egalitarian spirit manifested itself in,

.....growing public distaste, desire and disillusionment with traditional institutions and their leadership, growing aberrant social behaviors including crime and drug abuse..... new demand for participative right of every kind including women's rights (P.122).¹¹

2.2.9 Motivational Aspects

Workers' participation in management decision making is fully dependent on motivation and other kinds of aspirations for the interest of workers. Participation tends to improve motivation because employees feel more accepted and involved in the situation. Their self-esteem, job satisfaction and cooperation with management may also improve. The results often are reduced conflict and stress, more commitment to goals, and better acceptance of change. Turnover and absence may be reduced because employees feel

¹⁰ Charles W. Mills, "Ideal Theory as Ideology", DOI: 10.1111/j.1527-2001.2005.tb00493.x, p.12, (August 2005:10), <http://onlinelibrary.wiley.com/doi/10.1111/j.1527-2001.2005.tb00493.x/abstract>

¹¹ Mariam Jamila, Bakhtear Uddin and Salma Ahmed, "Wage Discrimination in the Garments Sector of Bangladesh", p.220. Accessed on 024 July 2015 at 3.25 pm.

that they have a better place to work and that they are being more successful in their jobs.¹² The act of participation in itself establishes better communication as people mutually discuss work problems. Management tends to provide workers with increased information about the organization's finances and operations, and this sharing of information allows employees to make better-quality suggestions.

2.2.10 Collective Bargaining

Workers' participation in management decision making mainly become strengthen with the help of collective bargaining. This fervor explains rising workers demand for increasing influence in management decision making. The increasing interest in worker participation has been traced to a number of factors. First, is the real or anticipated political pressure which was designed to extend the popular democratic dispensation in the larger society to the economic sphere? Second, is the growing pressure on the collective bargaining system arising from continuing difficulties from negotiating in the context of high inflation and in some instances increasing disenchantment with the dialogue of confrontation? More importantly, is the endemic problem within the modern industrial system which may tend to encourage employers to consider experimenting with different forms of participation. Lastly, the growing interest in participation was encouraged by the problem associated with denying powerful groups (for example, shop stewards and work groups) formal and legal means of exercising their rights. When such situation arises, the workers concerned will employ informal bargaining methods and illegitimate facts to achieve their goals. To forestall these negative trends; management is forced to introduce certain participation schemes.¹³

2.2.11 Job Design and Structure

Workers' participation in management decision making ensures the stability of tenure at the work place. The job design, structure and its relation to the motivation and performance of the employees in insurance industry sector of Bangladesh. A redesigned

¹² Bashir, et al. "A Study of Relationship among Job Design, Motivation and Performance of the Employees in the Insurance Sector of Bangladesh." Insurance journal, Bangladesh Insurance Academy, Dhaka (2003): p. 35.

¹³ Chi, Do Quynh. "Employee participation in Viet Nam" (November 2012). Working Paper No 42, ILO office, Geneva.p.7, [Accessed October 06, 2015].

interview schedule study was conducted on 40 executives of various levels of two insurance companies in the private and public sectors. The finding of the study reveals that executives of the insurance sector in Bangladesh are motivated in their job in terms of task variety, clearly defined authority and responsibility, accountability, information processing, internal co-ordination and job security and stability of tenure.¹⁴

2.2.12 Living Standard and Everyday life of Workers

Workers' participation in management decision making creates a new era of development in industrial sector. The industrial democracy movement can be seen therefore as part of the Quality of Work Life Movement (QWLM) which spread throughout Europe during early 1970s. A major impetus to this movement was provided by the Workers Constitution Act Passed by the German Bundestag in 1972. The Act imposed a mandatory Worker Council on every German enterprise employing more than five employees.

In the 1990s, the industrial democracy movement took the form of what Freeman and Rogers (1993:13) called employee representation. Like worker participation and other stands of industrial democracy, employee's representation connotes greater influence of workers in several aspects of the work. It also involves restructuring management to meet the new demands of efficient management, international competition, rapid technological change and changing work force expectation of work for the well-being of the livelihood of workers through industrial democracy.¹⁵

Sultan (2010) says, from the total net profit, only 30 per cent is being spent on the workers whereas around 50 per cent is spent on workers' wages in other countries. He further notes, "In our country, people do not pay heed to any movement unless you come out to the roads. The same happened in the case of the garment workers. They were facing severe problems and unless they came out on to the roads, no one would have taken their problems seriously."¹⁶

¹⁴ Bashir, et al. "A Study of Relationship among Job Design, Motivation and Performance of the Employees in the Insurance Sector of Bangladesh", *Insurance Journal*, Bangladesh Insurance Academy, Dhaka (2003), 36.

¹⁵ A. A. Apu, "Labour Unrest in Clothing Industry: Reasons and Solutions", 20.

¹⁶ Syed Sultan Uddin Ahmmed, "Conditions of Garments Labour in Bangladesh in Current Situation, *Journal of Labour*, Bangladesh Institute of Labour Studies (BILS), [Accessed October 06, 2015]. <http://bilsbd.org/wp-content/uploads/2016/03/Labour-A-BILS-Journal-January-June-2010.pdf>

Fahmida and Moazzem (2007) suggest a number of factors need to be considered while fixing the minimum wage of industrial workers. These are : i) workers' minimum requirement for decent living; ii) enterprise's capacity to adjust with the additional cost originating from the rise in wage; iii) consideration of the wage structure of similar types of industrial sectors; and iv) adjustment of the wage with country's economic development.¹⁷

Umar, (2010) notes that low wage and sub-standard living condition are major causes of labour unrest in the readymade garment industry of Bangladesh. He states, those who can take proper food and live in better environment can contribute more to the production than those are deprived of these. In respect of wage and living standard, the garment workers of Bangladesh lag far behind of those of China, Sri Lanka and Vietnam. Yet production is high in Bangladesh. The owners of garment factories should take it into consideration. He further points out another cause of labour unrest in the readymade garment industry of Bangladesh which is workers' lack of feeling of ownership. How can they feel an organization where they are valued only for their work, where their job is not secure, where they have no right to say anything in any matter?¹⁸

2.2.13 Participative Management

The main theme of Workers' participation in management decision making is taking part in participative management. A brief analysis on participative management visa-vise quality control circles in the context of some banks of Bangladesh. This study has laid emphasis on (a) the philosophy underlying participative management, (b) quality control circles, their essentials and importance, (c) quality audit and (d) adverse impact when quality circles fail. This paper may give some ideas about how quality circles and participative management can go together to attain the organizational objectives. Emran M.A (2001) revealed that the extent of workers' participation in the public sector

¹⁷ Fahmida and Moazzem, "Minimum Wage for the Workers in the Ready Made Garments Workers", *Free World of Bangladesh during the Quota Free World*, (Bangla book), Centre for Policy Dialogue, February 2008, 8, <http://cpd.org.bd/wp-content/uploads/2013/07/Selected-Publications-of-Fahmida-Khatun1.pdf>

¹⁸ Umar Farouk Abdulmutallab, "Report to UCL Council of independent inquiry panel", September 2010,17, retrieved 27 April, 2017, <http://www.ucl.ac.uk/caldicott-enquiry/caldicottreport.pdf>.

industries is yet limited. The study puts forward steps necessary for an increase worker participation in management of the public sector industries, particularly in the Khulna Newsprint Mills Ltd to create a fruitful effect.¹⁹

2.2.14 Joint Governance

A related concept to Workers' participation in management decision making is joint Governance.²⁰ The concept was developed by Verma and Cutcher-Gershanfield (1991) who defined it as:

.....an ongoing formal process where workers and their immediate supervisors or union and management bear joint responsibility for making decisions which may be narrow (for instance, involving a single tissue) or it may be broader covering a wide range of issues (P.200).

Joint governance would then be taking to imply statutory arrangements that are meant to provide equal decision making power to subordinate employees. However, like other programme with similar objectives, joint governance provides little opportunity for real decision making power to employees. Wellins-Byham and Wilson (1991) argued that in some joint governance programme, workers are involved at the shop floor levels in issues relating to production and equality. However, in this instance, rarely were these workers provided with any concrete decision making power. In some of the programme, employees were given advisory role which in few cases may confer them with an influential voice. But this is still far short of sharing decision making power which a full worker participation arrangement would imply. This new concept may be fruitful for the welfare of existing workers.²¹

¹⁹ K. Alam, "Recent unrest in Garment Sector in Bangladesh", 3, <http://epo-mediawatch.blogspot.com/2010/07/recent-unrest-in-garment-sector-in.html>, [accessed October 20, 2015]

²⁰ Chi, Do Quynh. "Employee participation in Viet Nam", *Working Paper*, No. 42, (November 2012), 23, ILO office, Geneva. [Accessed October 06, 2015].

²¹ Thomas A. Kochan, Mironi Paul, Ehrenberg Ronald G., Bader Schneider Jean A., and Jick Todd D. *Dispute Resolution under Fact Finding and Arbitration: An Empirical Analysis*, (New York: American Arbitration Association,), 14. Google Scholar, accessed 02 July 2015 at 4.43 pm

2.2.15 Meeting Management

Workers' participation in management decision making in starts a good effect on the day to day work formalities. It creates a new relation between management and the existing workers of the present industry. In the practice of decision making and meeting management there is agreement that everyone engaged in a decision process or meeting should understand his or her role. The ladder of decision making helps to define that role. The ladder provides a way to articulate who makes the decision and offers employees more certainty about how their input, which consumes their time and resources, will be used. From these benefits, the ladder offers even greater benefit of improving the quality of decisions by incorporating employee values, information and alternatives to the decision. It also increases the potential for decisions to be implemented as employees help make and "own" the decisions. And the ladder offers the possibility of reducing employee skepticism about executive decisions and executive efforts to engage in employees' number one issue, time and resources, this is a new era and new concept which may be productive for the safety and prosperity of existing workers.²² .

2.2.16 Consultative and Substantive forms of Participation

This new concept may be fruitful for the welfare of existing workers by consulting with each other on the question of interest for both sides. Some of the writers distinguished between consultative and substantive forms of participation. In consultative forms, employees provide information or advice, but management retains the right to make decisions. In more substantive participatory systems workers have greater autonomous control over methods and pace of work and make decisions that substantively affect the production process. This distinction between consultative and substantive forms of participation is what Rubenstein, Bennett, and Kochan, (1992) called 'off-line' versus 'online' participation. These terms distinguish between workers who make suggestions

²² John W. Budd, and Alexander Colvin, *Improved Metrics for Workplace Dispute Resolution Procedures: Efficiency, Equity, and Voice*, Revised Version (May 10, 2007), 12. [Accessed October 09, 2015].

to management through problem-solving groups off the job and workers who make decisions with respect to work tasks or quality control as part of their daily work responsibilities which is to be a regular part of teamwork in case of Workers' participation in management decision.²³

2.2.17 Motivating Personally to the Workers

Workers' participation in management decision making is a part of management activity like Motivation. This is a core function of management. Some body identified that emphasized by being personally and meaningfully involved, above and beyond just doing assigned tasks, employees are said to be more motivated and productive. Hossain, M. N. (1992) revealed that job security is a de-motivating factor. But the study of Bashir et al (2003) reported that job security proves as a significant factor for government and non-government enterprise, this motivation makes all the workers mindful to the assigned work.²⁴

2.2.18 Organizational Performance

Workers' participation in management decision making Studies have also focused on the effect of worker participation on organizational performance. These studies found that participation programme have positive, or in some cases, ambiguous effect on productivity. Furthermore, employee participation and industrial relations practices may interact so that the sum of the effects on plant performance is stronger than the effects on the individual practices themselves. Lastly, effects on productivity are expected to be greatest when the organization adopts a coherent system of work organization²⁵ and industrial relations practices, democratic participation is no longer primarily a battleground between capital and labour, implying a win-lose game, but a common

²³Chi, Do Quynh. "Employee participation in Viet Nam", 13. [Accessed October 06, 2015].

²⁴ K. Alam, "Recent unrest in Garment Sector in Bangladesh", 3. <http://epo-mediawatch.blogspot.com/2010/07/recent-unrest-in-garment-sector-in.html> [accessed October 20, 2015]

²⁵ A. A. Apu, "Labour Unrest in Clothing Industry: Reasons and Solutions." Bangladesh Textiles Today, Issued: July-August, 2010. <http://www.textilestoday.com.bd/index.php?pid=magazine&id=79>. [Accessed October 20, 2015.]

challenge, a win- win game that forces all parties to reconsider the rules of the game and the roles of the actors. Here the writer shows the policy by which the organizational performance may be improved.

2.2.19 Performance and Job Satisfaction

Workers' participation in management decision making is indicating the maximum result and production of the targeted industry. A group of researcher conducted research on this topic. Their collective results suggested the general proposition that participation tends to improve performance and job satisfaction.²⁶ Later research in organizations has repeatedly supported this proposition, as suggested by the authors of a comprehensive review participation can have statistically significant effects on performance and satisfaction. Participative practices may also provide power opportunities earlier to monitory workers in an increasingly diverse workforce, since such workers need not wait until reaching higher organizational levels before being allowed to contribute meaningfully. Participation also seems to help satisfy the awakening employee need for meaning and fulfilment at work. The use of participative practices is noteworthy. The educational level of the workforce often provides workers with unique capacities that can be applied creatively to work problems. These employees also acquire a greater desire for influencing work- related decisions and an expectation that they will be allowed to participate in these decisions and the maximum result will have achieved by the minimum effort. When the relation between management and workers is peaceful then the production will be increased application of motivation and stability of tenure process.²⁷

2.2.20 State of Contemporary World

Workers' participation in management decision making is now a burning question in the contemporary world. Now the age is the age of globalization, in case democratic action.

²⁶ Eva-Maria Verfürth, "More generous than you might think," Dandc.eu. Wiedemann, P.M.; Femers, S. (1993), *Journal of Hazardous Materials*, (February 2013), 33 (3): 355–368, doi: 3894(93)85085-s, 10.1016/0304-[accessed February 10, 2016].

²⁷ Haider, Mohammed Ziaul. "Competitiveness of the Bangladesh Ready-made Garment Industry in Major International Markets." *Asia-Pacific Trade and Investment Review* Vol. 3, No. 1, June.2007

With respect to the status of worker participation in the developing world, in these countries, labour relations are characterized by a break-up of existing patterns. In many of these countries, there is an increasing awareness that the labour relations produced in these countries are grossly defective. Trade unions are also seen as very weak in many of them. Lastly, on the ideological ground, collective bargaining is rejected because of its emphasis on the dependent wage labour position of the worker which will act as the motivation function (Mankidy-1984, Kester and Schiphorst -1986).

Workers' participation in management decision making must be the beneficial to the existing democracy or may be in socialist form of economy. There is a fast growing interest in the development of worker participation in developing countries. In their studies, they found one form of worker participation or the other in these countries. In some cases, worker participation was introduced an essential part of development strategy. For instance, in Tanzania, the idea of worker participation formed an important aspect of her socialist ideology. This is anchored on the notion of man centered development strategy, an important part of motivation for better production and distribution of wealth to the weak groups of society.²⁸

2.2.21 Compliance with Bangladesh Labour Act 2006

Workers' participation in management decision making is not very important factor for the existing industrial democratic situation. The Bangladesh Garment Manufacturers and Exporters Association (BGMEA) has formulated its own code of conduct for the industry, in collaboration with the major trade unions, and has set up a compliance unit that monitors labour conditions in its members' factories (UNIFEM 2008). In 2006, the Government passed a new labour code, after 12 years of deliberation and activism. It applies to all workers, and the new sections relevant to the garment industry include written contracts and identity cards, timely payment of wages, revised minimum wage, paid maternity leave and explicit laws against sexual harassment. The export-quota system and the availability of cheap labour are the two main reasons behind the success

²⁸ A. A. Apu, "Labour Unrest in Clothing Industry: Reasons and Solutions." Bangladesh Textiles Today, Issued: July-August, 2010. <http://www.textilestoday.com.bd/index.php?pid=magazine&id=79>. [Accessed October 20, 2015.]

of the industry.²⁹ But in many RMG factories the labours are often seen being deprived of their rights. According to Alam,³⁰ Coordinator of the Bangladesh Garment Workers Unity Council (BGWUC), “The garment workers of Bangladesh may be the most deprived labour force in the world. Most are paid between US\$14 and US\$16 per month, the lowest salary in the world.”³¹ He also added, “Only a few factories here maintain international standards, and many of them do not implement any worker health and safety measures.”³² The Financial Express,³³ a daily English newspaper of Bangladesh, referred to a recent study conducted by a local think tank that has revealed that investors in the RMG sector have more than doubled their earnings in the past seven years. Despite this increase, however, it is a remorse that many owners are not paying their labours regularly and all sorts of extraneous arguments are put forward for non-payment of their salaries. New Age,³⁴ another prominent daily English newspaper, reported that the majority of garment factories do not yet comply with many wage and workplace standards specified in the tripartite agreement of 2006. At the global level, campaigns have drawn attention to abuses of workers' rights in global supply chains and put pressure on international corporations to take greater responsibility for employees through corporate codes of conduct. Local employers in the Bangladesh garment industry must now demonstrate compliance with these codes to win orders from international buyers (UNIFEM, 2008). According to International Labour Organization (2010), buyers make sourcing decisions based on four factors: price, quality, how long it takes to get produce to the marketplace and social compliance, including compliance with labour standards, because the standard of labour is not performing as regulatory framework of garments sector of Bangladesh.³⁵

²⁹ Haider, Mohammed Ziaul. “Competitiveness of the Bangladesh Ready-made Garment Industry in Major International Markets”, *Asia-Pacific Trade and Investment Review*, Vol. 3, No. 1 (June 2007).

³⁰ Alam, K. “Recent unrest in Garment Sector in Bangladesh”. <http://epo-mediawatch.blogspot.com/2010/07/recent-unrest-in-garment-sector-in.html>, [accessed October 20, 2015]

³¹ Mizrahi, Shlomo, “Workers’ Participation in Decision Making Processes and Firm Stability”, *British Journal of Industrial Relations*, 40:4 (December 2002) 0007-1080 pp.689-707, accessed on 2015-09-07 at 05.00 pm.

³² *Ibid.*

³³ The Financial Express, 12 December 2009.

³⁴ The New Age, 09 December 2009, Bangladesh.

³⁵ Sherry R. Arnstein, http://www.sharedservicearchitects.co.uk/write/Documents/Citizen_Participation_Theoretical_Frameworks (August 1969).pdf. [Accessed October 2, 2016].

Workers' participation in management decision making research is a burning issue in Bangladesh now. Various researches have been done in the meantime. Research showed that when companies that dealt with foreign buyers adhered to codes of conduct, conditions improved for the workers in the factories stated in one of the articles. In some large factories, health and safety standards improved and other benefits were introduced such as timely payment of salaries, proper overtime rates and maternity leave. Haider³⁶ in his study stated that the social dimensions of the RMG industry are getting more attention from consumers, social workers, welfare organizations and brand name international buyers. International buyers are very particular about compliance with codes of conduct. Currently, many international buyers demand compliance with their "code of conduct" before placing any garment import order. The factory working environment is not very satisfactory. So in order to sustain in the industry, Bangladesh needs to improve the factory working environment and various social issues related to the RMG industry. Informal recruitment, low literacy level, wage discrimination, irregular payment and short contracts of service are very common practices in the RMG factories in Bangladesh. People's Daily Online China reported that the Bangladeshi caretaker government is to take stern action from August 1, (2008) against owners of garment factories who failed to implement compliance issues like providing minimum wage to workers. German Embassy stated that progress, a joint project of the Bangladesh Ministry of Commerce and the German Federal Ministry, has consequently turned its full attention to the area of social compliance and assisting the government in the following areas: implementation of the new labour law, media campaigns, training and retraining measures for compliance inspectors, advisors, and the introduction of a new monitoring and evaluation system. According to Hameeda Hossain, Convener of the "Shromik Nirapotta Forum", newspaper reports and statements by business leaders suggest that they may now be willing to recognize genuine labour problems which is reflected by the fact that BGMEA and BKMEA are reported to have conceded the need to revise pay

³⁶ Haider, Mohammed Ziaul. "Competitiveness of the Bangladesh Ready-made Garment Industry in Major International Markets", *opcit.*

scales, issue employment letters, non-enforcement of overtime. The question of safety conditions was also raised, because safety problem is the basic problem in this sector.

2.2.22 Double Shift Duty

Garments workers are concerned with long working hours or double consecutive shifts, personally unsafe work environment, poor working conditions, wage and gender discrimination. Indeed, employers treat the RMG workers as slaves, exploiting workers to increase their profit margins and keep their industry competitive in the face of increasing international competition (Kumar A., 2006).³⁷

Though the law fixes eight hour working time per days and 48 hours per week, the employers force the workers to work for 11-30 extra hours per month to meet the unrealistic production target and these extra hours are not considered overtime and therefore unpaid. Often, the workers are to work for 60-140 hours more as payable overtime. Sometimes, the workers are to work for night-shift following a long day shift. This is evidently inconsistent with the provisions of law.

As per law, the workers are entitled to enjoy 21 days paid casual leave per year, 14 days paid sick leave, and 16 week paid maternity leave and one day off a week. But in practice the paid sick leave is not allowed and maternity leave is rarely provided. In most cases asking for maternity leave ends the job.

2.2.23 Physical Abuse and Sexual Harassment

Continuous work schedule, wage penalties, physical and verbal abuse are common. Women workers face physical abuse and sexual harassment inside as well as outside the factories, but management does not ensure the security of women workers. Alam (2004) suggested regulatory measures and its strict implementation and monitoring by the government agency that could overcome work place in security problem of garments workers in Bangladesh.³⁸

³⁷ Kumar, A., "Bangladesh: Industrial Chaos Worsens Political Instability", *South Asia Analysis Group*, Paper No.1852 (2006), <http://www.southasiaanalysis.org>, viewed on 05/09/2008.

³⁸ M.J Alam, Mamun, M.Z. and Islam, N., "Workplace Security of Female Garments Workers in Bangladesh", *Social Science Review*, Volume 21, No. 2 (2004): 191-200.

2.2.24 Limited Workspaces for the Workers

Work areas are often overcrowded with limited workspaces, causing occupational hazards such as musculoskeletal disorders and contagious diseases. Injuries, fatalities, disablement and death from fire and building collapses are frequent in the RMG sector (Majumder P, 1998). The absence of labour standards monitoring system and ineffective building codes, poor enforcement and outdated labour laws, and a lack of awareness of labour rights among workers.³⁹

2.2.25 Cause of Labour Unrest

Labour unrest⁴⁰ is common in the RMG sector. In most cases, employers do not draw attention to workers' rights and ignore labour standards and discarding fair labour practices. Formation of a trade union is often thwarted by severe repression, dismissal, arrest, assault by hooligans hired by employers, and other practices which are in violation of the international labour standards⁴¹ and Codes of Conduct (ILO, 2003). Morshed advocates the key role of Cambodian labour unions in the clothing sector and as mediator's between workers and factory owners to settle disputes and discuss wages (Morshed, 2007). To avoid unrest in the RMG sector, Khan (2006) argued for strengthening Social compliance issues and labour standards to improve wages, working hours, overtime, job security, the right to form trade unions, social security and also occupational health and safety.⁴²

³⁹ Majumder, P.P., "Health status of the Garment workers in Bangladesh: Findings from a survey of employer and employees", *Bangladesh Institute of Development Studies (BIDS)*, Dhaka, Bangladesh (1998).

⁴⁰ Labour unrest is a term used by employers or those generally in the business community to describe organizing and strike actions undertaken by workers and their unions, especially where disputes become violent or where industrial actions in which members of a workforce obstruct the normal process of business and generate industrial unrest (Wales J., 2010).

⁴¹ The following as being fundamental to the rights of human beings at work, irrespective of levels of development of individual member States: freedom of association; effective recognition of the right to organize and participate in collective bargaining; elimination of all forms of forced and compulsory labour; effective abolition of child labour; elimination of discrimination in respect of employment and occupation, (ILO, 2004).

⁴² Khan, F.R. (2006). Compliance: Need of the hour in the apparel industry; *Law & our rights*, Issue No. 249, August 05, 2006, <http://www.thedailystar.net/law>, viewed on 15/8/2009

2.2.26 Child Labour Problem

Bangladesh is considered to have the child labour problem especially in the RMG sector. In most cases, children often commence work at a very young age; as a result, they are suffering serious injuries and sometimes death in the workplace (Rahman, Khanam, and Nur 1999).⁴³

2.2.27 Exporters Pressure on the Businessman

Bangladeshi exporters have been under continuous pressure to comply with international labour standards. Ensuring social compliance is very important in the garments industries to both maintain quality of products as well as meeting the expectations of the export market. This study examines the status and enforcement of labour standards in two Asian economies (Cambodia and Bangladesh) that are experiencing strong pressures to cut labour costs and improve the price competitiveness of their textile and garment exports. Analysis of survey, interview, and compliance data indicate differing trajectories in compliance with basic labour standards. While problems persist in Bangladesh, compliance has improved in Cambodia following a trade agreement with the United States that linked positive trade incentives with labour standards enforcement. These contrasting experiences suggest that trade-linked schemes can achieve improvements in labour standards without hindering export growth or job growth. However, Bangladeshi exporters have been under continuous pressure to comply with international labour standards.⁴⁴ Therefore, an effective initiative by the Government in this regard can provide a basis for negotiating with buyers for a unique set of Codes of Conduct, based on national laws and core labour standards.⁴⁵

⁴³ Rahman M.M., Khanam R., Nur, U.A. (1999). Child Labour in Bangladesh: A Critical Appraisal of Harkin's Bill and the MOU-Type Schooling Programme, *Journal of Economic Issues*, Vol. 33, 1999.

⁴⁴Günseli Berik, Yana van der, Meulen Rodgers, "The Debate on Labour Standards and International Trade: Lessons from Cambodia and Bangladesh", *Working Paper No: 2007-03*, June 2007, Revised January 2008, retrieved 28 April 2017 <https://www.econstor.eu/obitstream/10419/64483/1/572640323.pdf>

⁴⁵ Bangladesh Labour Act, 2006.

2.2.28 Stakeholders Responsibility

NGOs, civil society, trade unions and other stakeholders should work together to adopt the Code of Conduct for a viable and competitive RMG industry. The government, NGOs, international agencies, buyers and other stakeholder groups promote full compliance with mandatory requirements as specified in the law.⁴⁶

This literature review indicates that most garments factories in Bangladesh pay little attention to labour standards and labour rights, disallow trade union activities, unsafe working environment, and ineffective laws and discard fair labour practices, and compliance enforcement is limited and limited role of stakeholders and very poor workers' participation in decision making. This has led to the labour unrest in the RMG sector. Consequently, many international buyers now demand compliance with their own Codes of Conduct before placing import orders for Bangladeshi garments. Therefore, an effective initiative by the Government in this regard can provide a basis for negotiating with buyers for a unique set of Codes of Conduct, based on national laws and core labour standards. At the same time, significant reform of the relevant agencies along with sufficient strength and skills to perform their duties and responsibilities is a prerequisite to monitor Social compliance with the help of workers' participation in decision making.

2.2.29 Lack of Workers' Awareness

Wang (2012) examines the effect of asymmetric knowledge about the minimum wage and its interaction with the level of the minimum wage standard in developing countries. The focus of his research is on three main aspects: first the general impact of minimum wage on wages under common knowledge conditions, second how the design with different levels of minimum wage helps explain the impacts of different wage floors on the labour market and third the behavioural study of workers and firms under asymmetric information suggests different welfare results whether information is complete to workers or not. Wang concludes that wages are higher when the minimum wage is set to

⁴⁶ F.R. Khan, "Compliance: Need of the hour in the apparel industry; Law & our rights", Issue No. 249, August 05, 2006, <http://www.thedailystar.net/law>, viewed on 15/8/2009

a higher level; moreover, when the introduction of minimum wage is common knowledge then firms increase the wage even beyond the minimum; instead when workers do not know about minimum wage the level is set at the minimum. Consequently, firms are less concerned about fairness when workers do not have information about minimum wage policies set by the government. Therefore, the asymmetry of information plays an important role in the wage settings and it might have a negative effect on wage. This phenomenon is found mostly in developing countries because workers have less access on information and less knowledge about public policies. Thus the government should invest not only in designing new policies that improve the worker conditions, but also in informing the workers of their rights. Lack of workers' awareness about their rights limits the adherence to committees and unions because of the fear of being discriminated by their supervisors; moreover workers are subjected to verbal and physical abuse and to penalties for mistakes or failure to achieve production targets (Berik & Rodgers, 2010).⁴⁷

2.2.30 Low Bargaining Power of Unions

the freedom of association, right to strike and collective bargaining has seen increasing legal restrictions by the government, Bangladesh has seen through the last decades a degradation of workers' protection, passing from "fully protected" in 1980s to "severely restricted" from 2001 on. Moreover, the unions in Bangladesh are among the weakest in Asia; also the World Bank recognizes this pattern explained by the limited activity and effectiveness of trade unions. Researchers explains how declining compliance with labour standards, which are guaranteed by unions, causes erosion of workers' condition. Working conditions in the Bangladeshi garment sector: Social dialogue and compliance. Moreover, the unions are weakened by the scarce adherence of workers that reduces even more the bargaining power of the unions and brings to more serious deterioration of labour conditions. Vaughan. W and Whitehead (2011) describe the social dialogue and

⁴⁷ Riccardo David Mariani and Fabrizio Valenti, "Working Conditions in the Bangladeshi Garment Sector", *Social Dialogue and Compliance*, retrieved 28 April 2017. <https://www.fairwear.org/ul/cms/fck-uploaded/documents/countrystudies/bangladesh/WorkingconditionsintheBangladeshigarmentsectorSocialdialogueandcompliance.pdf>.

the workers' organization. In Bangladesh workers are mostly organized in committees rather than trade unions, which are growing only lately. The weakness of the collective organization of workers is given not only by the fractioning in small and many committees that lose significantly in power, because of their size, but also there is almost no collective agreement among them. The combination of these two factors makes the position of workers weak in front of negotiation tables. Stronger unions would have an effect on the macro and micro economic level. At the macro level stronger workers power would improve the workers condition bringing more stability, less conflict and social distress that would attract brands that agreed with responsible sourcing at the microeconomic level, stronger union bargaining power would bring to an increase of workers' wage, more job security and would improve working conditions. Empirical evidence has proven that linking collective bargaining to better information flow and coordination among workers would generate an improvement of workers conditions (Aidt&Tzannatos, 2002).⁴⁸

2.2.31 Labour Rights Violation

Labour rights, incorporated in the Bangladesh Labour Act (BLA) 2006, originate from various sources. These sources include-- (i) Rights Legislation (Constitution of Bangladesh, Bangladesh Labour Act (OLA) 2006, I-PZ Workers Welfare Society and Industrial Relations Act (EWWSIRA) 2010), (ii) Rights Conditionality [Conventions adopted by the International Labour Organization (ILO) since 1919, the United Nations Declaration of Human Rights (UD11R) 194K, United Nations' International covenant on Economic, Social, and Cultural Rights (1CI,SCR)1966, and International Covenant on Civil and Political Rights (1CCPK)1%G] and (iii) Voluntary Codes [The Convention on the Rights of the Child (CRC) 1989, and Convention on Elimination of all Forms of Discrimination Against Women (CEDAW) 1979, and various Corporate Codes of Conduct).

⁴⁸ Aidt, Toke, Tzannatos, Zafiris, "Unions and collective bargaining - economic effects in a global environment" (English), Report Number 24730, 2002, retrieved 28 April 2017, <http://documents.worldbank.org/curated/en/831241468740150591/Unions-and-collective-bargaining-economic-effects-in-a-global-environment>.

Three global rights groups have criticised Bangladesh for its failure to comply with the Compact, while urging the EU to use its preferential trade scheme to secure immediate improvements. The critical assessment by International Trade Union Confederation, IndustriALL Global Union and Uni Global Union comes a day before the second review meeting of the Sustainability Compact that opens today (Thursday) in the city. The Compact was signed between the European Union and Bangladesh with the support of the International Labour Organization (ILO) to improve labour rights and health and safety in the ready-made garment sector in the country. Later, the US joined the initiative. “Far too much remains to be done by the government of Bangladesh (GOB) and the garment industry, not only to ensure fire and building safety but to simply guarantee basic respect for the law – including both national and international labour standards,” said the report titled ‘an evaluation of the Bangladesh Sustainability Compact January 2016 update.’ The report published Wednesday and available on the IndustriAll’s official website said, “It is aware of more than 100 cases of anti-union discrimination in factories where new trade unions have been registered.” The report criticised the government for failing to guarantee freedom of association. The inability of many workers to organise and form unions without retaliation and to bargain collectively over the terms and conditions of work means that any gains in building and fire safety and other conditions of work will not be sustainable, leading to certain future tragedies, it added. The report also questioned the rigor of factory inspections made by the Bangladesh national tripartite committee, which immediately declared 80 per cent of the factories within its remit to be safe, whereas inspections by the Accord and the Alliance found critical issues in every single factory. The evaluation also condemned a severe climate of anti-union violence in Bangladesh, frequently directed by company management, with the perpetrators of the crimes having near total impunity. The global unions are calling on the European Union to use its preferential trade scheme (GSP) with Bangladesh to secure meaningful and immediate improvements. Bangladesh benefits from the EU’s “Everything but Arms” arrangement, which grants duty and quota-free access to all exports, except arms and ammunition. “There is no question that the

government is directly or indirectly responsible for very serious violations which are in clear breach of the ILO standards incorporated into the EU GSP scheme,” the evaluation report said. The report, however, raised ‘additional’ concerns related to unions in the telecom sector, worst forms of child labour in Hazaribagh leather tanneries and promises in shrimp sector that are yet to be materialised. IndustriALL’s general secretary Jyrki Raina in a statement said, “The action by Bangladesh government to meet the terms of the Sustainability Compact has been inadequate. Anti-union discrimination continues, violence against union leaders goes unpunished and workers who have reported safety problems have been sacked.” “The government must do more to protect its workers in the garment industry or risk another tragedy,” he said.

In Bangladesh the rights of the workers are defined and governed mainly following the Constitution, National Labour Policy, different labour laws, and the 33 ILO Conventions that have been ratified till to date.⁴⁹

2.2.32 Labour Repression

It has been stated that “the inhuman repression of workers that is characteristic of a majority of the Bangladesh's workers often has led to round of protests and blockades in and around different factories in recent years. The private manufacturing sectors have for years thrived on the exploitation of its workers”. Protest, low in intensity and small in scale, had always been there but it was strengthened since 2006 to onward, according to a report of Asia Monitor Resource Center (AMRC) the protest against this exploitation became more widespread, more radical and more decisive during January-- June, 2010. In these protest demonstrations the workers demanded basic minimum wage at TK 5000, an inflation-adjustment wage tools, shutting down the factories lacking basic safety measures, punishment of non-compliant factory owners. Tk-1,000,000 compensation for the family of each worker who dies in accident inside the factory, amendment of Bangladesh Labour Act 2006 in line with ILO conventions, etc.

⁴⁹ Campaigners criticize BD for labour rights violation, retrieved 01 May 1, 2017, <http://rmgbd.net/campaigners-criticise-bd-for-labour-rights-violation/>

Though the demands were democratic and morally or/and legally justified, the employers and the government did not try to solve and consider the issues through deliberative process of democracy. They jointly ignored those demands and suppressed the agitated workers violently by deploying a huge number of law enforcing agencies like police and Rapid Action Battalion (RAB), filing criminal cases against several thousands of unidentified workers and trade union leaders, arresting hundreds of workers and torturing them severely. According to an estimate of AMRC (June 2011:3/3) during the period of 2008-10 more than 4000 workers were arrested including trade union leaders. In fact, the repressive measures' taken by the government failed to address the democratic, legitimate and genuine demands of the workers and consequently disorganized them.⁵⁰

2.2.33 Long-Standing Deprivation of Basic Human Needs

Long-standing deprivation of basic human needs often force the garment workers to follow the path of violence. The living condition of RMG workers is worse than that of prisoners in Bangladesh. According to The Jail Code of 1920, livelihood requirements are decided for the prisoners confined in different jails of Bangladesh. According to the current TCB price index for Dhaka city, the minimum cost of food items prescribed for a prisoner is Tk. 52.39 per day. The market price for the allocated amount of food for the prisoner is Tk. 1,571.70 per month. If the daily allotment of food amount is calculated for an average family in Bangladesh, it means the family would require Tk. 7,544.16 to have access to the same level of food items that are allotted to be consumed by every under-trial prisoner. This implies that the current minimum wage structure of the RMG sector is still below the cost of food for prisoners in different jails, writes Jakir. He also points that, „in recent years, in the face of unusual price hike, the government initiated special social security programme for rural workers. According to the programme, considering the standard of daily wages of day labourers at Tk. 150 per day, their monthly wage stands at Tk. 4, 500.00. Furthermore, while the productivity of the garment workers is more than that of the public-sector entry-level workers, the minimum wage of

⁵⁰ Tauhid Hossain Khan, *Labour and Rights*, retrieved 28 April 2002, published in 2013, http://www.unnayan.org/documents/bookschapter/labour_and_rights.pdf.

the workers of a similar level in state-owned industries denotes sheer inequality among the same group of people plying the same type of job in the country.⁵¹

2.2.34 Empowerment of Female Garment Workers

Despite the visible transformation in the gender composition of the national labour force, restrictive gender stereotypes persist at home as well as in the workplace. In Bangladesh's RMG industry, women are locked in low wage positions. At the same time, social disempowerment is prevalent – early marriage rates are the highest in Asia, domestic violence is reportedly widespread. The dowry practice implies that daughters are still perceived as an economic burden, while educating a son is seen as an investment in the parents' future. Predominant perceptions of women as wives and mothers restricted to the domestic setting discourage them from making use of the law to exercise and stand up for their rights.⁵²

Selected indicators (%)	Bangladesh	Thailand
Female literacy	52.1	89.7
Labour force participation (female)	59.7	70.1
Proportion of women in managerial positions	8	26
Women in nonagricultural sectors	23.1	46.4
Female wage and salary workers	11.7	42.4
Life expectancy at birth (female), years	65	74
Fertility rates	2.9	1.9
Pregnant women receiving prenatal care	51	97
Teenage mothers	33	NA

Source: World Bank (2007)

2.2.35 Adjudicatory Authority

The BLA 2006 provides adjudicator}' authorities to perform judicial functions regarding industrial disputes. Virtually it is the highest authority to safeguard workers' rights.

These authorities are discussed below:

⁵¹ World Summit for Social Development Programme of Action - Chapter 2, Economic and Social Development at the United Nations, United Nations : Department of Economic and Social Affairs : Gateway to Social Policy and Development : Social Summit : Agreements, <http://www.un.org/esa/socdev/wssd/text-version/agreements/poach2.htm>

⁵² GTZ, Progress, Promotion of Social, Environmental and Production Standards in the Readymade Garment Sector, p.1, retrieved May 1, 2017, file:///H:/downloads/gender.pdf

Labour Court (Sec.214)

It is a formal judicial body to provide justice to the workers. There are seven Labour Courts in Bangladesh. Among them three in Dhaka, two in Chittagong, one in Khulna and one in Rajshahi. It is formed with a District Judge or Additional District Judge as Chairman and two members of which, one is the representative of the employers and the other is the representative of the workers.

Dispute is a natural matter in human life. Rationally, no industry is exception to it. It is natural that there would be some disputes between workers and management. Conflicts or disputes begin due to terms of employment contract, working conditions, wage structure and financial interests etc. According to section 209 of the Bangladesh Labour Act, 2006 no industrial dispute shall be deemed to exist unless it has been raised by an employer or a Collective Bargaining Agent (CBA) in accordance with the provisions of chapter 14 of the Act but it doesn't clarify what will be the procedure to settle an industrial dispute where there is no CBA because industrial owners are always uninterested in raising any dispute. In Bangladesh to make CBA, Trade Union is a must but if there is no Trade Union then no CBA can be formed and for the reason an Industrial Dispute cannot be settled. In the above mentioned situation, this paper will try to evaluate the present industrial dispute settlement mechanism and adjudication system of Bangladesh in order to make out an adaptable solution

The labour Court is considered to be the last resort to deliver justice to the disputants, to protect workers' rights that they democratically and legally deserve. But the performance of the courts in delivering justice through verdict, award or decision within 60 days from the entry of the dispute proves to be poor. In the year 2010, a total of 13,739 cases were filed to the labour courts across the country for disposal of which 9,902 cases remained pending at the end of the year and only 3,837 cases were mitigated within the year (DoL, 2010: 84).⁵³

⁵³ Golam Sarwar, "Industrial Dispute Settlement Mechanism and its Effectiveness in Bangladesh: A Legal Study", *Manarat International University Studies*, 4(1), 2015, p.103-105, retrieved May 1, 2017, <http://miurs.manarat.ac.bd/download/Issue-04/11.pdf>.

2.2.36 Labour Appellate Tribunal (Sec. 2 IK)

This is the highest labour adjudicative body. It is formed with a Chairman in the rank of a Judge or an Additional Judge of the Supreme Court. Any disputant aggrieved by the decision, award or judgment delivered by the labour court may prefer an appeal to the Labour Appellate Tribunal within sixty days of the delivery. The tribunal is also bound to rule over the decision or sustain the decision within 60 days and the decision of the Tribunal in such appeal shall be final.

To promote industrial peace and to establish a harmonious and cordial relationship between labour and capital by means of conciliation mediation and adjudication. With this end in view different authorities have been created under the code to resolve an industrial dispute. Of these two bodies are adjudicatory or judicial. They are the labour court and the labour appellate tribunal. The code has streamlined for some non-adjudicatory as well as adjudicatory authorities. Non-adjudicatory authorities include participation committee conciliator and arbitrator while adjudicatory authorities include labour court and labour appellate tribunal.

The performance of the tribunal is very slow. Al Faruque (2009:58) finds that during the period of 1990-2006, an annual average of 278 appeals were filed for disposal of which 33.45 percent appeals were disposed of during the year and 60.55 percent appeals were pending at the end of the year.

From the above discussion it may be conclude that the grievance handling mechanisms and dispute settlement machineries either do not or cannot pacify the workers' grievances and consequently the labour unrest happens.⁵⁴

2.2.37 Loopholes of Existing Laws

The loopholes of existing laws and the weak performance of courts frustrate the aggrieved persons. Generally, the time limit to dispose a case in the Labour Tribunal is

⁵⁴ Jakir Hossain and Afroza Akter, "State of Bangladesh Garment Sector Tripartism and the Scope of Harmonious Industrial Relations", *Labour*, (A BILS Journal), July-December 2016, p.17, retrieved May 1, 2017, http://bilsbd.org/wp-content/uploads/2016/03/Labour_Eng_Journal_July-December_2016.pdf.

60 days but about 50 percent of the cases took a time period ranging between 12 months to 36 months. The time required for 25 percent of the cases ranged between three years to five years. About 8 per cent of the cases took more than five years. The average time taken to decide the cases by the First Labour Court Industrial Dispute Settlement Mechanism and its Effectiveness in Bangladesh... 109 and the Second Labour Court of Dhaka was more than 17.5 months and 31 months respectively (Faruque, 2009). The Annual Report of Ministry of Labour and Employment shows that up to August, 2013 only 274 cases have been solved among 14427 and the rest 14153 number of cases are pending in different Labour Courts of Bangladesh (Annual Report of Ministry of Labour and Employment, 2013). Inadequacy of Courts for dealing with labour disputes, huge cases under different laws specially under section 114 of the Code Criminal Procedure, absence of members cause unnecessary delay in disposing of the case, frequent time petitions which are applied by the practicing lawyers and lack of logistic support of the Tribunal is the reason behind the backlog of cases in the Labour Tribunal.⁵⁵

2.3 Conceptual Framework

This research intends to be based on the concept of democratic participation of workers to explain the aspects and status of conducting labour in Bangladesh. Labour, a social community of particular professional interest, is a sector where democratic participation is applicable. This area presents an overview of participation usually refers to the processes of making decisions, enacting laws or formulating policies and the ways of implementing those. These processes and ways may be participative or not. These become democratic only when the processes are inclusive, participatory, accountable and effective, and the ways are neutral, impartial, fair, and reasonable.

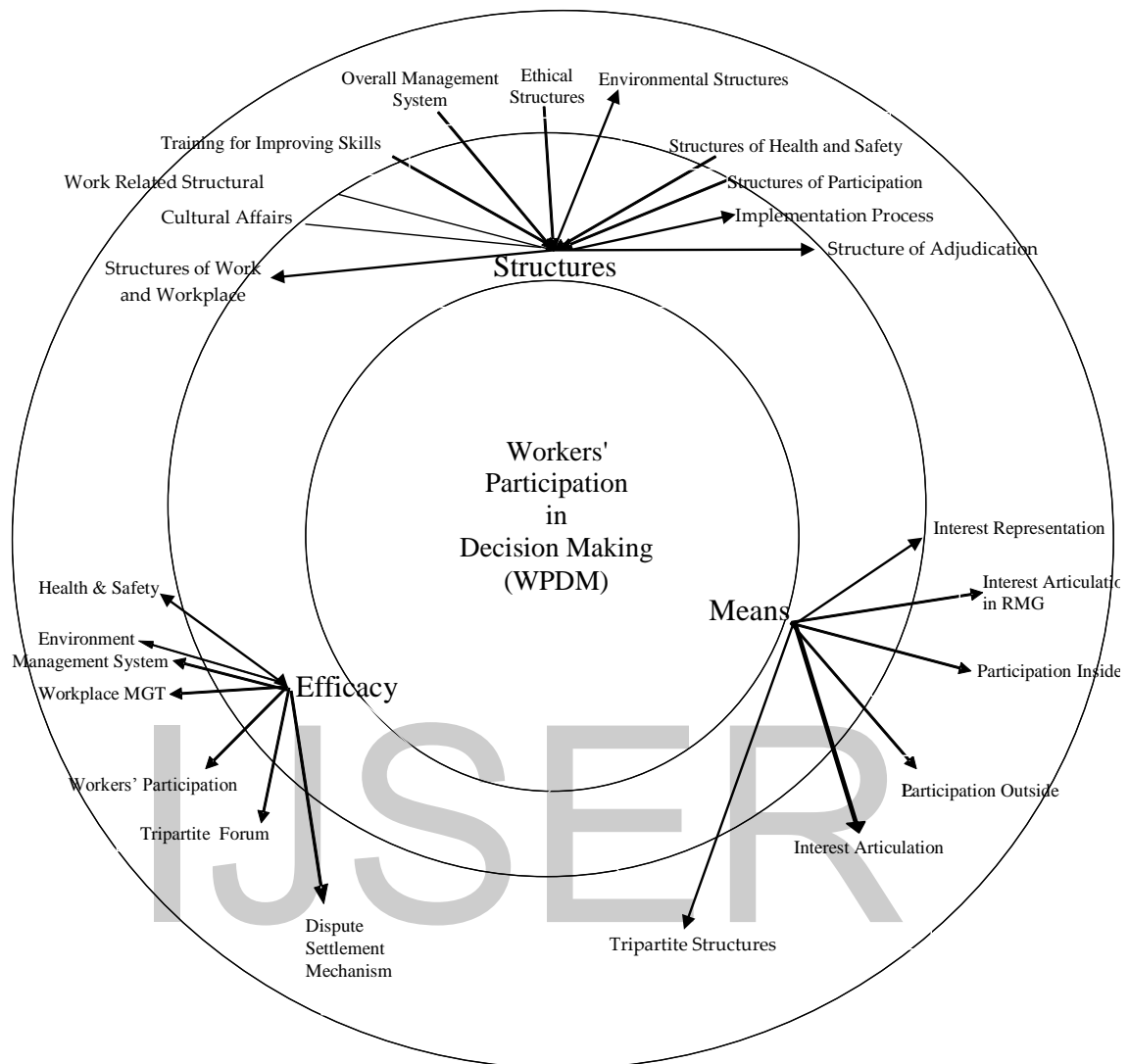
There are many terms and definitions in literature that refer to participation in decision making such as ‘employee involvement’, ‘employee participation’, ‘job engagement’ and ‘empowerment’. These terms are used interchangeably in previous literatures, but its

⁵⁵ Golam Sarwar, “Industrial Dispute Settlement Mechanism...” retrieved May 1, 2017, p.107, <http://miurs.manarat.ac.bd/download/Issue-04/11.pdf>.

meaning refers to the concept of employees' WPDM. An earlier study by Wagner (1994) defined WPDM as a process of involvement among employees and administration in sharing information processing, decision making and problem solving in an Organization. WPDM is also defined as 'a process which allows employees to exert some influence over their work and the conditions under which they work' (Strauss, 1998:15). Furthermore, employees' WPDM involves the process of sharing important information between managers and employees to generate new ideas and possible alternatives, plan processes and evaluate results to achieve an organization's objectives (Scott-Ladd et al., 2006). Beardwell and Claydon (2007) defined employee participation as the distribution of power between employer and employee in decision making processes, either through direct or indirect involvement. In addition, WPDM also refers to employee participation and influence in decision making at the workplace (Busck et al., 2010). PDM encourages the involvement of manpower at all levels of an organization to analyze problems, develop new strategies, and implements solutions (Helms, 2006 & Beardwell and Claydon, 2007).⁵⁶

Figure 2.1: Conceptual Framework

⁵⁶ Maslina Mohammed Shaed, Suraiya Ishak, & Zaimah Ramli, "Employees' Participation in Decision Making (PDM): A Literature Survey, Geographia", *Malaysian Journal of Society and Space*, 11 (13). pp. 142-155. ISSN 2180-2491, retrieved May 13, 2016.



In the above figure workers' participation in management decision making can be determined in three forms, such as: 1. Structural & Legal Framework; 2. Efficacy and 3. Industrial Relations.

2.3.1 Concept of Participation

Participation in the decision making in the community members for governing and management system and process of a particular community is the first and foremost essential components of democracy, Members' participation and representation at all levels of political, social, economic and cultural or ethnic organizations of the governed community is important to expose their power, express their will and choice, articulate

their interests, press their demands, conciliate their grievances, and realize their aspirations regarding those organizations. Participation is more than voting in election. It covers every aspect of participation in political decision making.⁵⁷ Democracy is peoples' business; citizens are central agents, not the political leaders'. Therefore, 'participation should not be limited to the political arena. It should also encompass areas like working place.⁵⁸

Participation tends to improve motivation because employees feel more accepted and involved in the situation. Their self-esteem, job satisfaction and cooperation with management may also improve. The results often are reduced conflict and stress, more commitment to goals, and better acceptance of change. Turnover and absence may be reduced because employees feel that they have a better place to work and that they are being more successful in their jobs. The act of participation in itself establishes better communication as people mutually discuss work problems. Management tends to provide workers with increased information about the organization's finances and operations, and this sharing of information allows employees to make better-quality suggestions (Newstrom & Davis, 2004).⁵⁹

It is an institution of management working with people in any company—so the question of democracy of course arises. In this sense, the whole of the industrial sector with all of its sub-sectors and units/enterprise is a governance structure as there is 'management' to govern and 'workers' to be governed.⁶⁰ Here the governing actors are the employers, the workers, and the state. So, there must have some institutions in which all the actors can interact and get involved through democratic participation to make and implement decisions. Workers as a professional social community legally enjoy the right to participate and represent through some formal and informal organizations/institutions

⁵⁷ Steven Michels, "American Freedom: Sinclair Lewis and the Open Road," *Public Domain Review* (March 22, 2017), retrieved May 10, 2017, <http://www.stevenmichels.com/otherwriting/>

⁵⁸ *Ibid.*

⁵⁹ Keith Davis & John W. Newstrom, *Organizational Behavior: Human Behavior at Work*, 15th edition (McGraw-Hill, 1989, digitalized 2010), retrieved May 10, 2017.

https://www.researchgate.net/publication/44330647_Human_behavior_at_work_organizational_behavior_Keith_Davis_John_W_Newstrom.

⁶⁰ Amy Olive and Ellerman and Martin Ellerman, "Employees' Participation in Decision Making", (1990:44), retrieved May 10, 2017, https://archive.org/stream/Blue_Amberol/DDEBA_djvu.txt.

both inside and outside the firm to be voiced, informed, consulted, and governed in democratic manners.

2.3.1.1 Conceptual Framework of Participation

Participation in democratic management is a right in itself and a means of protecting and enhancing other rights. In this case, everybody should consider three grounds as above—risk, need, rights—for worker participation and representation. The need based analysis justifies workers' representation as a means by which democratic manner is extended to the sphere of industry. The workers in the industry have the similar need of their representatives in the management, just like citizens of a country which elect their representatives in the government to manage the country.⁶¹

Workers' participation is justified on many grounds. In 1920 Mahatma Gandhi suggested that workers contribute labour and brain, while shareholders contribute money to enterprise, and that both should, therefore share in its prosperity.⁶² Participation in decision making in industry results in satisfaction of employees, increase in productivity and profit, and empowers the employer to achieve the organizational goal.⁶³ It encompasses redistribution of wealth through increasing the share of income accruing to workers, wage growth by capturing a portion of the gains from rising productivity, success in reducing job and employment security, instituting protection from unfair dismissal, promoting security benefits that protect workers from the emergencies of life, providing scope for personal development, achieving reverential human dignity, and arrangement of work to permit work-life integration.⁶⁴

Overall, an acceptable, effective and self-governing participation and representation system offers better management-worker communication, better industrial and labour

⁶¹ Jakir Hossain, "Economic Security for the Working Poor?", 76-77, accessed August 2, 2016. http://eprintsphd.biblio.unin.it/755/1/PhD_Dissertation_Jakir_Hossain_SIS_University_of_Trento__April_2012.pdf.

⁶² Bishwajeet, 2012: 1

⁶³ Md. Anwar Hossain Bhuiyan, "Employee Participation in Decision Making in RMG Sector", 122-32, accessed August 1, 2016. <http://www.banglajol.info/index.php/JBT/article/view/9984>.

⁶⁴ Heery, 2010. Conceptual Framework for Financial Reporting, International Accounting Standards Board, ISSN: 0261-0159, September 2010, p.56

relation, and promises economic development and employment generation that lead to making a prosperous and harmonious organization.

2.3.1.2 Workers' Participation: Foundation and Development

The concept of "workers' participation" is an outshoot of the broader idea of industrial democracy. Trade union is considered to be the prime agents of industrial democracy and unions can achieve it by three distinct instruments—the method of mutual insurance, the method of collective bargaining, and the method of legal enactment. Of these three methods collective bargaining and legal enactment were to become the prime instruments for advancing industrial democracy.⁶⁵

Trade unionism is not merely an incident of the present phase of capitalist industry, but has a permanent function to fulfil in the democratic state.' Moreover, they went on to claim that political democracy will inevitably result in industrial democracy... though democracy is still the great unknown.⁶⁶

The idea moved the workmen in Europe and by 1910 a Syndicalist Doctrine emerged in France with two schools of thought. One school focused on issues of control in organizations and the other on participation within organizations.

The 'centralists' were known as revolutionary and viewed that 'industries and organizations were to be controlled, partly or wholly, by associations of workers or their trade unions, rather than by a managerial elite. In reaction to the capitalist system of production, they held that workers' emancipation could be achieved only by revolutionary industrial action, through the general strike.⁶⁷

On the contrary, the 'participationists' known as Guild Socialists rejected the concept of the general strike as a means of achieving workers' control. They preferred peaceful 'encroaching' control through the collective contract. This was a plan under which unions would enter into collective contract through participation with employers to produce a

⁶⁵Edmund Heery, "Worker Representation in a Multiform System: A Framework for Evaluation. ... Towards a conceptual framework". *Equal Opportunities International*, (2010), p.9, ISSN: 0261-0159, <https://archive.org/details/industrialdemocr00webbuoft>

⁶⁶*Ibid*, 52.

⁶⁷Farnham Sylvia Horton, et. al., "The Search for Industrial Democracy in British Public Services", 1997, retrieved 10 May, 2017, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.542.9581&rep=rep1&type=pdf>.

required output— an agreed price. It was envisaged that the unions would include all classes of workers, by hand or by brain, to protect the interests through participation.

In Britain "The Whitley Committee" on relations between employers and employed was set up in October 1916, under the chairmanship of the Deputy Speaker of the House of Commons, in the light of labour militancy and some vociferous demands for workers' control during the first world war. Its terms of reference were to make suggestions for securing a permanent improvement in the relations between employers and workers and to recommend means for 'improving conditions in the future. It issued five reports between 1917 and 1918. Its' most important contribution to the structure of industrial relations was its advocacy of systems of national joint councils consisting of employer and union representatives, which were to be reflected in linked machinery at district and local levels. The central purpose of the interim report was to advance 'joint co-operation' in industry between employers and organized labour.⁶⁸

By 1930 workers' control movements demised and the participatory approach to advancing workers' rights became the dominant approach in western democracies. Since then, the trade unions are considered to be the main instrument of workers' participation in decision making as a safeguard against organizational self-interests and arbitrary managerial action.⁶⁹ The main objective of this approach is to make wider involvement of workers in decision making to bring two sides of industry together.

In the 1970s the management in Europe felt it necessary to gain the commitment of their staff, raise productivity and quality of work and overcome resistance to change in an increasingly uncertain and volatile market environment. Since then they started introducing 'Employers-Sponsored System of Participation Mechanisms'. Later on

⁶⁸ *Ibid.* 53.

⁶⁹ Md. Anowar Hossain Bhuiyan, "Employee Participation in Decision Making in RMG", 123, <http://www.banglajol.info/index.php/JBT/article/view/9984>.

workers' participation has taken so many forms and has been a matter of attention in worker management techniques.⁷⁰

2.3.1.3 The Existing Condition of Workers' Participation

In the field of employment and industrial relations employee participation to influence decisions concerning work and workplace governance is an important area of study. Regarding the level, degree, extent and scope of communication, information, consultation, responsibility sharing, risk taking, transferring of authority, allowing the right to control and rights on return the extent of influence and nature of participation varies.

There have been a considerable number of researches on the issues of employee involvement, participation and representation to measure and assess the impact on employee performance, empowerment, motivation and productivity growth. An extensive literature review shows that

employee participation has the capacity to enhance the quality of decision making by broadening inputs, promotes commitment to the outcomes of the decision making process, improves motivation, cooperation and communication in the workplace...⁷¹

Quoting Markey and Monat (1997), they remark that 'employee participation may reduce workloads of supervisors, encourage skill development in workforce, and can contribute to improved employment relations in general.'⁷² It is also seen that the outcomes vary according to the nature and scope of participation.

⁷⁰ Martha Chen, Jennefer Sebstad and Lesley O'connell, "Counting the Invisible Workforce: The Case of Home-based Workers," *World Development* 27, no. 3 (1999): 603-10, accessed August 1, 2016, http://wiego.org/sites/wiego.org/files/publications/files/Chen_Sebstad_OConnell_Counting_Invis_Workforce.pdf.

⁷¹Subramani Parasuraman, "Service Innovation Viewed through a Service-Dominant Logic Lens: A Conceptual Framework and Empirical Analysis," *Journal of Service Research* 14(1):3-23 · February 2011, DOI: 10.1177/1094670510385332, retrieved May 10, 2017, https://www.researchgate.net/publication/258158716_Service_Innovation_Viewed_Through_a_Service-Dominant_Logic_Lens_A_Conceptual_Framework_and_Empirical_Analysis

⁷²*Ibid.* 24.

2.3.1.4 Participation According to Gunnigle⁷³

'Employee participation and involvement be broadly interpreted as incorporating any mechanisms designed to increase employee input into managerial decision making. It is often seen as the political democratization of the workplace in so far as it facilitates the redistribution of decision making power away from management and towards employees. He divides participation into two forms—

2.3.1.4.1 Direct Participation

It encompasses any initiatives which provide for greater direct employee involvement in decisions affecting their jobs and immediate work environment. It may take a variety of forms such as briefing groups, quality circles, consultative meetings, and team work. These forms of employee participation are normally introduced at management's behest, often as part of a change initiative whereby management transfers responsibility to employees for a limited range of job related decisions, such as working methods or task allocation.

.....this approach is intended to motivate the individual employee directly, to increase job satisfaction and to enhance the employees sense of identification with the aims, objectives and decisions of the organizations (all of which have been determined by management.⁷⁴

2.3.1.4.2 Indirect Participation

This is a form of employee participation whereby employee views and input are articulated through the use of some form of employee representation. These representatives are generally elected or nominated by the broader worker body like trade union and thus carry a mandate to represent the interests and views of the workers they represent. Such participation is largely concerned with re-distributing decision making power in favour employees. It thus seeks to reduce the extent of management prerogative

⁷³ Farnham, Sylvia Horton, et. al., "The Search for Industrial Democracy in British Public Services David", *University of Greenwich Journal*, 1997, retrieved 10 May, 2017, p.13, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.542.9581&rep=rep1&type=pdf>

⁷⁴ Patrick Gunnigle, Gerard McMahon, Gerard Fitzgerald Gill and Macmillan, "Industrial Relations in Ireland: Theory And Practice", May 22, 1999, p. 179, https://books.google.com.bd/books/about/Industrial_relations_in_Ireland.html?id=RQRYAAAAAJ&redir_esc=y

and effect greater employee influence on areas of decision making which have traditionally been the remit of senior management.

2.3.1.5 Participation According to Henry⁷⁵

The role unions has declined all over the world and non-union institutions of worker representation have spread or assumed greater relative significance creating a more complex, multiform system of voice. He identifies three broad classes of institution that sit alongside trade unions and provide representation to people at work. These are —

2.3.1.5.1 Statutory Systems of Participation

These systems entitle workers to elect representatives to company boards, works councils, and other information and consultation bodies.

2.3.1.5.2 Employer-Sponsored Systems of Participation

These systems offer some institutions or forums established by employers, where some representatives are elected by workers or appointed by the employers such as Shop stewards, quality circles, communication and consultation committees, financial participation committees etc.

2.3.1.5.3 Participation through Outsiders

It notices that there are some social groups, outside industry, viz. Civil Society Organizations (CSOs), advocacy groups, campaigning organizations, community and single-issue groups, which are increasingly active in promoting the interests of sections, of the workforce. This class frequently provides advocacy and campaign actively to secure changes in employment law and may become involved in civil regulation, issuing standards and codes of practice to be followed by employers and employees.

⁷⁵ Farnham, Sylvia Horton, et. al., retrieved 10 May, 2017,
<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.542.9581&rep=rep1&type=pdf>.

2.3.1.6 Participation According to Parasuraman⁷⁶

Workers' participation mechanisms divided into two forms—

2.3.1.6.1 Direct Participation

This form allows the involvement of employee themselves in the decision making] process. Examples of this form are Quality Circles Group (GCC), Total Quality Management (TQM), Group Briefings, ISO, and 5s.⁷⁷

2.3.1.6.2 Indirect Participation

This takes place through an intermediary of employee representative bodies. Examples of this form are Joint Consultative Committee (JCC), Union, Work Councils, Partnership, In-house Union, and Labour Management Committees (LMC).

2.3.1.7 Workers' Participation: A Comprehensive Form

From the above discussion it is clear that there are so many forms of workers' participation. Those are different according to the nature of their formation. Functionally the representative bodies or organizations may resemble each other but they do not necessarily stem from same origin. Members constituting those bodies chosen either by the employers or by the unions. So, the basic question arises concerning whether the trade union enjoys the monopoly of nominating or selecting or electing the members representing the workers in the participation forums or not. In this lens the participation mechanisms can be divided into two broad categories—1. Single-channel approach; and 2. Dual-channel approach. If the members of the workers are chosen through the

⁷⁶ Subramani Parasuraman, Service Innovation Viewed through a Service-Dominant Logic Lens: A Conceptual Framework and Empirical Analysis, Article in Journal of Service Research 14(1):3-23 · February 2011, DOI: 10.1177/1094670510385332, retrieved May 10, 2017, https://www.researchgate.net/publication/258158716_Service_Innovation_Viewed_Through_a_Service-Dominant_Logic_Lens_A_Conceptual_Framework_and_Empirical_Analysis

⁷⁷ 5S is the name of a workplace organization method that uses a list of five Japanese words: seiri-(Sort), seiton-(Set in order), seiso-(Shine), seiketsu-(standardize), and shitsuke-(Sustain). Transliterated into Roman script, they all start with the letter "S". The list describes how to organize a work space for efficiency and effectiveness by identifying and storing the items used, maintaining the area and items, and sustaining the new order. The decision-making process usually comes from a dialogue about standardization, which builds understanding among employees of how they should do the work. In some quarters, 5S has become 6S, the sixth element being safety. - Gapp, R., Fisher, R., Kobayashi, K. 2008. Implementing 5 Ss within a Japanese Context: An Integrated Management System, *Management Decision*. 46(4): 565-579.

workers' union, it may be termed as single-channel approach. If the members are chosen by both employers and unions; it may be termed as Dual-channel approach. Both the approaches are discussed below—

2.3.1.7.1 Participation: Single-Channel Approach

According to this type of employee participation recognized Trade Union is the only authorized organization to nominate or elect or select all the members to the bodies or organizations to act for workers' welfare, represent and articulate workers' interests, bargain for workers benefit, negotiate, consult and make decisions, implement the policy; law and code of conduct at plant level, industry level and national level. Very often this system of workers' participation and representation is legitimized by national law that compels the employers to recognize trade unions at plant level simply to balance power as well as efficiency and voice between trade union organizations and employers. Single channel workers' representation by trade union organizations is practiced mainly in Sweden, Estonia, Latvia, the United Kingdom, Iceland and Turkey.

2.3.1.7.2 Participation: Dual-Channel Approach

Workers' participation and representation to articulate interests can also be taken into account by a dual or multiple channel approach. In such participation and representation system workers may be nominated to form different organizations/bodies by the employers without prior information or consultation with the operating trade unions or may be elected by all the workers working in a particular firm/factory/company. This form includes Works Council, Direct Representation, Information and Consultation Committee, Quality Circles Group, Total Quality Management (TQM), Group Briefings, etc. and also Participation from Civil Society Organizations (CSOs), Advocacy Group (AG), Campaigning Groups (CG), Community and Single-issue groups. Workers' Rights Activists and Labour Experts also fall in this category as they are independent of trade unions. The representatives on this type of body are generally elected by all the workers on the site, although in certain cases this works council may represent all the unions present in the company. The works council may exist alongside the trade union representations and have its own functions and powers. The trade union organizations

have a major influence in the election of council members.)The works council may simply represent all the different trade union organizations present in the company. Each has a certain number of seats on the council which may| also or may solely be a body for information and cooperation. In the latter case the existence of a works council does not release the employer from his obligation to negotiate with the union organizations. This form is mainly practiced in Finland, Norway, Denmark, Italy, Belgium, Luxembourg, and Rumania.

2.4 The Ultimate Goal for Effective Form(s) of Workers' Participation

The emergence of multiform system of workers' participation and representation across countries has elicited different responses from Industrial Relations (IR) scholars. They have been trying to assess the causes of coming so many forms into being and effectiveness of the forms being practiced. The principal issues of assessment are- union decline and the opportunity of non-union and direct participation, efficacy of multiple forms to foster employer-employee relation, capacity of the forms to handle grievance issues, power of non-union organizations to displace unions and effects of non-union institutions to aggregate, articulate and finally represent workers' interests. In some cases non-union institutions have been assessed in terms of their representative effectiveness; do they work effectively on behalf of workers, resulting in significant improvements to terms and conditions of employment, to work quality and to the effective regulation of the employment relationship' (Heery, 2010).⁷⁸

In this debate most of the scholars are on the view that the single-channel approach to workers" participation is more effective than dual or multi-channel forms of participation and representation. "Trade unionism is an "experience good"- assessments are sharply divergent among those who have and have not consumed it and tend to change following consumption. But if this is so, then preferences cannot be taken simply as given and are at best a flawed criterion for evaluating institutions of worker representation'.⁷⁹

⁷⁸Edmund Heery, "Worker Representation in a Multiform System: A Framework for Evaluation", *Journal of University of England*, First Published November 22, 2010, retrieved May 10, 2016, <http://journals.sagepub.com/doi/abs/10.1177/0022185610381565>.

⁷⁹The Effect of Trade Unions on Wages par Alex BRYSON | De BoeckUniversité | Reflets et perspectives de la vie économique 2007/2-3 - Tome XLVI ISSN 0034-2971 | ISBN 2-8041-5588-9 | pages 33 à 45, 2010.

Trade unions are effective institutions of redistribution that, workers from lower and intermediate social classes who have most need of collective action are more likely to join unions than are professional or managerial employees and those workers with experience of trade unionism are "particularly appreciative of its wage bargaining function."⁸⁰ From the evidence it is plausible to claim that the majority of workers currently have an interest in effective trade union representation.

It is usually seen that workers have multiple and indeed conflicting interests and some of those are shared with employers. It is contended that workers need institutions of representation that are transformative and oriented towards challenging the existing economic order, but that this challenge can be accommodated within the bounds of a reformed capitalist economy. It is also recognized that workers are divided among themselves, and proposes that desirable institutions of representation will be receptive to diversity and seek to accommodate the distinctive interests of women and minority workers.⁸¹

It is often argued that regarding common interests there is a scope of cooperation among employees and employers within the existing employment relationship. Equally, there is a perpetual conflict among workers and management concerning opposed interests and in such cases employment relationship becomes unavoidably adversarial. This dual nature of the employment relationship, it is important that institutions of worker representation do not privilege cooperation and neglect interests that are opposed to those of employers.⁸² Trade unions have that capacity to balance between the interests of the business and workers' as well.

Moreover, unions, independent of the employer, are able to impose effective sanctions in order to overcome employer resistance, to press for improved leave and working time arrangements to the benefit of greater work-life balance, to make space for growth of gender democracy and other forms of identity-based system of participation to advance the

⁸⁰*Ibid.* 45.

⁸¹*Ibid.* 51.

⁸²Edmund Heery, "Worker Representation in a Multiform System...", *Journal of University of England* .p. 11, <http://journals.sagepub.com/doi/abs/10.1177/0022185610381565>

interests of women and minorities in collective bargaining.⁸³ Union activity relating to these criteria has encompassed both internal and external representation of diverse interests.

2.5 Research Coordination Matrix

	Core Issues	Specific issues	Indicators	Sources	Tools
Workers' Participation in Decision Making in Ready-Made Garments Sector of Bangladesh: Structures, Efficacy and Means	Structures	4.1 Structure of Employment Standard	Recruitment & Selection, Apprentice, Badli (Reliever), Casual, Temporary, Probationer, Permanent, Retrenchment, Discharge	<ul style="list-style-type: none"> • Primary Sources • Constitution • BLA 2013 (Amendment) • BLA 2006 • EPZ Act 2004 • Constitution • Labour policy 1972, 1980, 2010 • ILO Conventions • Labour Administration Personnel • Inspectors of Factories and Establishments • Members of Minimum Wages Board • Conciliators and Arbitrators • Labour Court • Labour Appellate Tribunal Officials • Constitution of Bangladesh • Secondary Sources • Literature Review 	<ul style="list-style-type: none"> • Literature Review • KIIs • Secretary of Ministry of Labour & Employment • D G of Department of Labour • Director of Administration of Department of Labour • CIF&E • Inspectors • Judges of Labour Court • Judge of Labour Appellate Tribunal
		4.2 Socio-Economic Structures	Age of the Workers, Sex of the Respondents, Education of the Respondents, Marital Status of the Respondents, Type of Family of the Respondents, Living Condition,, Economic condition of the Respondents		
		4.3 Structures of Health and Safety	Health & Safety Management System, Cleanliness, Ventilation and temperature, Dust and fume, Disposal of Wastes and Effluents, Artificial humidification, Overcrowding, Lighting, Potable water, Toilets and washrooms, Dustbin and spittoon, Precaution as to Fire, Requirements to Use Personal Safety, Equipment, Occupational Safety, Special Provisions Relating to Health, Hygiene and Safety, Notice to be given of any accident, Notice of certain dangerous occurrences, Notice of certain diseases, Power to direct for enquiry into cases of accident or disease,, Power to Take Samples, Powers of Inspector in Case of Certain Dangers, Providing information about dangerous building and machinery, Power to make rules,		
		4.4 Environmental Structures	Environmental Rights, Environmental Management System, Environmental Permits and Reporting, Environmental Audits, Chemical Control Audits, Waste Management		
		4.5 Structures of Overall Management System	Restore Company Commitment and CSR, Ensure Management of Accountability and Responsibility, Customer Requirements, Risk Assessment and Risk Management, Improvement of Stated Objectives		
		4.6 Structures of Workplace Management	Inspection of Factories, Penalties and Punishment System in Law in Favour of Employers, Access to Justice and Labour Court		
		4.7 Structures of Participation	Participation inside the Garments Factories, Participation Committee, Safety Committee, Canteen Committee, establishment based Trade Union, Bipartite Negotiation, Participation outside the Garments Factories, Sectoral Trade Union, Tripartite		
Workers' Participation in Decision Making in Ready-Made Garments Sector of Bangladesh: Structures, Efficacy and Means	Efficacy	5.1 Efficacy for IR in WPDM		<ul style="list-style-type: none"> • Primary Sources • Constitution • BLA 2006, EPZ Act 2004 • Labour Administration Personnel • Resource Persons • Employers • Employers Association Leaders • Workers • Workers' Rights Activists 	<ul style="list-style-type: none"> • Literature Review • KIIs • Wage Board Members • Labour Administrators & Officials • Employers/ Association Leaders • Labour Experts • Workers'
		5.2 Efficacy of Employment Standard in RMG Sector			
		5.3 Efficacy of Health & Safety			
		5.4 Efficacy of Environment			
		5.5 Efficacy of			

⁸³ Heery and Conley, edited by Adrian Wilkinson, Jimmy Donaghey, Tony Dundon, Richard B Freeman, Handbook of Research on Employee Voice: Elgar original reference, 2007, <https://books.google.com.bd/books?retrieved May 10, 2017>,

Means	Management System		• Labour Leaders	Association Leaders
	5.6 Efficacy of Workplace Management		• <i>Secondary Sources:</i>	• FGDs
	5.7 Efficacy of Workers' Participation		• Literature Review	• Workers
	5.8 Efficacy of Dispute Settlement Mechanism			• Workers' Rights Activists
				• Member of CBAs
	6.1 Interest Articulation	Interest Articulation in General	• <i>Primary Sources:</i>	• Literature Review
	6.2 Interest Articulation in RMG	Interest Articulation in RMG Sector	• Workers'	• KIIs
6.3 Workers' Participation	.a)Participation inside the Workplace, Trade Union, Characteristics of Current RMG Trade Union Movement, Causes of organizing Trade Unions .Basic Union or Unit Union, Federation Initiative, Seven Demandable Segments for RMG, Recent working Segment of Trade Union in RMG, The Owners' Response for Unionization in the RMG Sector, The Owners' Attitudes toward Trade Unions, Failure of the Trade Unions to Defend Workers Rights, Problems of trade unions of RMG in Bangladesh, Measure to improve and establish Trade Union culture in RMG, Participation committee, Means to Improve Participation Committee, Safety Committee, b) Participation outside the Workplace, Tripartite Structures in RMG, The Needed Structural Changes for Harmonious Industrial Relations, Towards Permanent Structure of a Tripartite Forum, The Proposed Tripartite Structure, Form, Coverage and Legitimacy, Representative Selection Procedure, The Institutional Mechanism, The Challenges and Way Forward, Weaknesses and implementation challenges of Tripartism in Bangladesh, Enforcement Mechanisms	Association Office Bearers • Employers' Association Officials • Organization Manuals/Constitutions • Participation Committee Members • Tripartite Consultative Committee Members • Collective Bargaining Agents • <i>Secondary Sources:</i> • Literature Review	• Tripartite Consultative Committee Members • Employers' Representatives • Workers' Representatives • FGD • Workers • Members of PC • Labour Leaders	

2.6 Chapters from Conceptual Framework

From the conceptual framework, I have selected three main chapters, those are as follows: (i) Structural & Legal Framework to WPDM; (ii) Efficacy for Industrial Relations to WPDM; and (iii) Means for improvement of WPDM.

2.6.1 Structural & Legal Framework to WPDM

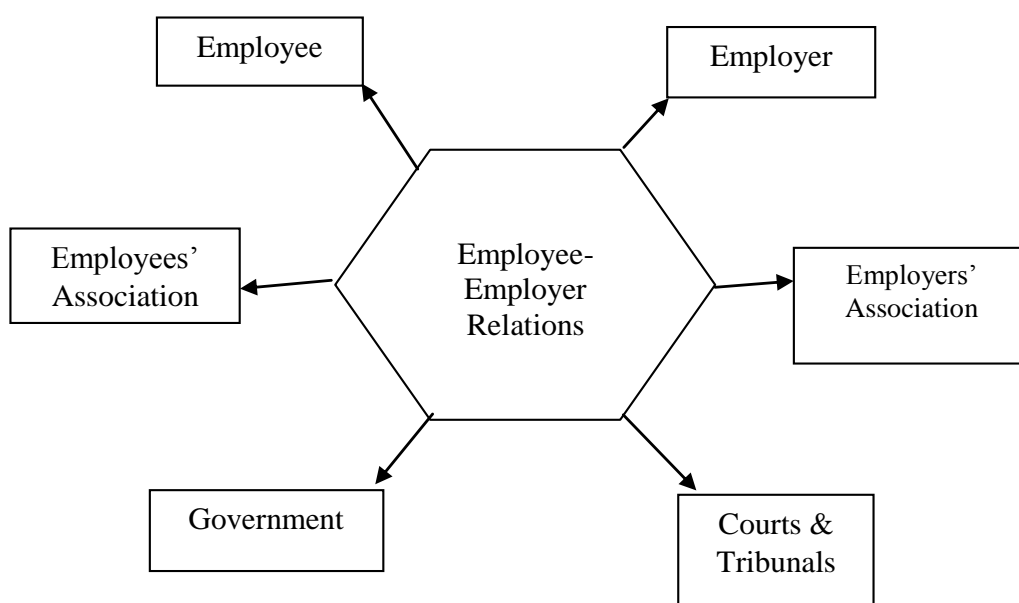
It will be the third chapter of the dissertation. This is the presentation of an overview of some pictures through Legal Framework, workers' participation in management decision making will held through Regulatory Framework-refers to a set of rules and regulations, established or adopted by government to regulate some activities.

2.6.2 Efficacy for Industrial Relations to WPDM

This term will be the fourth chapter of the dissertation. Industrial Relations (IR) has become one of the most delicate and complex problems of modern industrial society. Industrial progress is impossible without cooperation of labours and harmonious

relationships between employers and employees. Therefore, it is in the interest of all to create and maintain good relations between employees (labour) and employers (management). An IR system consists of the whole gamut of relationships between employers and employees and employers which are managed by the means of conflict and cooperation. A sound IR system is one in which relationships between management and employees (and their representatives) on the one hand, and between them and the State on the other, are more harmonious and cooperative than conflictual and creates an environment conducive to economic efficiency and the motivation, productivity and development of the employee and generates employee loyalty and mutual trust which is called the efficacy in this discussion. Industrial relations are the relationships between employees and employers within the organizational settings. The field of industrial relations looks at the relationship between management and workers, particularly groups of workers represented by a union. Industrial relations are basically the interactions between employers, employees and the government, and the institutions and associations through which such interactions are mediated. Following parties are directly involved in industrial relations:

Figure 2.2: Parties Involved in Industrial Relations



2.6.2.1 Employers in Industrial Relations

Employers possess certain rights vis-à-vis labours. They have the right to hire and fire them. Management can also affect workers' interests by exercising their right to relocate, close or merge the factory or to introduce technological changes.

2.6.2.2 Employees in Industrial Relations

Workers seek to improve the terms and conditions of their employment. They exchange views with management and voice their grievances. They also want to share decision making powers of management. Workers generally unite to form unions against the management and get support from these unions.

2.6.2.3 Government in Industrial Relations

The central and state government influences and regulates industrial relations through laws, rules, agreements, awards of court and the like. It also includes third parties and labour and tribunal courts.

2.6.2.4 Employees' Association

Employees Association seeks to improve rights of the workers. Its raise voice and bargain collectively with the employers for the better interests of the workers. It influences decision making to bring it in favour of the workers as their representative.

2.6.2.5 Employers' Association

Employers Association works to uphold the employers' interests and bargain collectively with workers and government for the same.

2.6.2.6 Courts & Tribunals

Courts and tribunals acts for decision making on the basis of workers or employers grievances or raised issues.

The above mentioned parties the main actors of industrial relations and its proper efficacy can make a harmonious industrial relationship.

2.6.3 Means of Making Good Industrial Relations

The term 'Means' will be the sixth chapter of the dissertation. It includes government, employers, trade unions, union federations or associations, government bodies, labour courts, tribunals and other organizations which have direct or indirect impact on the industrial relations systems. Where the legal framework will be used for the guidance of conducting the labour to achieve the ultimate goal of the labour group, is Institution. The sub sections will be justice and equality-for taking good decisions by the two sides of bargaining the employer and the employee come in a common point with the basis of justice and equality. Freedom of opinion and expression-consist, freedom of association, training etc.

From the above discussion it is clear that as an effective framework of employee participation, single-channel approach is the best. 'the framework itself rests on a conception of worker interests and the claim that these embrace redistribution, work quality, diversity, multi-level representation, conflict and the accumulation of power resources. Application of this framework suggests that unions are the most effective institution for representing the interests of working people'.⁸⁴ Besides, participation through trade union is more democratic in nature than other forms of participation and representation.

From the above discussion it can be drawn as conclusion that the employer-sponsored participation systems lack the organizational strength, control over general workforce, and cannot be fully independent of employers. So, they cannot resist employers' pressure and often fail to meet the both ends. The involvement of CSOs in presenting and promoting the interests of people at work is great but they usually remain outside the industrial arena and so cannot represent and report what actually happen in workplaces. Considering all these, it seems best to say that workers' participation and representation through unions/single-channel approach is more desirable and most effective.

In this research, workers' participation in decision making encompasses the democratic norms and practices—Legal structures, efficacy to make very effective participation in

⁸⁴ Adrian Wilkinson, *Handbook of Research on Employee Voice* (Cheltenham: Edward Elgar Pub. Ltd., 2014), 57.

decision making, interests articulation, inclusive decision making and powerful and influential leadership—to assess whether these norms and practices contribute to easy exchange of ideas in the workplace and ensure democratic labour management in the RMG sector of Bangladesh. These issues with their nexus are discussed and elaborated in the next chapters of this dissertation.

2.7 Chapter Summary

In this chapter the literature review has elaborately discussed. The chapter four, five and six contains a huge number of elements which will prove and explain the structure of WPDM. Structures of WPDM mainly produce from the BLA-2006. But I have to search all the points from various ‘Journal Articles’, ‘Books’ and ‘Online’ sources to explore the basic discussions. Here I discussed the presentable research questions on WPDM. The objectives of the study have set out in this chapter carefully. From the objectives I have extract a reasonable ‘Conceptual Framework’ for making the basis of the dissertation.

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Chapter Three

Research Methodology

3.1 Prelude

Workers' participation in decision making in readymade garments (RMG) Sector is basically a psychological and motivational matters which is mainly depends on two sides; the employers and the employees of an RMG factory. When these two sides of collective bargaining will make a good and sound industrial relation, RMG factory will get high productivity. In this connection, the current chapter scales the research contours by identifying the core research issues and strategies. Research and development issues, due to their irrelative indicators, variables and values, are better understood through a multidisciplinary lens and perspective. Research particularly done under cultural and socio-political context, requires a logically connected arguments and coherent analysis of data obtained through literature review (secondary data) and collected from the field survey (primary data) to explore the linkage and transmission mechanisms between structures, efficacy and means for making a good and acceptable WPDM in the RMG sector of Bangladesh.

3.2 Research Issues and Strategies

The dissertation focuses on three key issues: first: legal structures of workers' participation in the RMG sector of Bangladesh; second: to extent to which efficacy and efficiency increased the workers' participation translate to workers' rights and standards; and third: identification of factors or means to improve the industrial relations through ensuring workers participation in decision making.

The dissertation covers all these three issues in detail and offers answer to each issue in question by using a mixed research strategy. The overall general approach to the research process as a whole relies on both quantitative and qualitative strategies. The quantitative strategy emphasized the general nature of findings as well as the search for explanations and causal relationships between variables, and the qualitative strategy underlined in detail social descriptions to enrich understanding.

The first of the key issues led to exploration of linkages amongst labour standards, workers' rights, and existing legal structures of workers' participation in decision making in the RMG sector of Bangladesh. This part of the dissertation is based on the secondary literature on globalization and labour standards, workers' rights, and representation in decision making for the interest of workers.

The second of the key issues express the core component is fruitful and meaningful efficacy of workers' participation in decision making in RMG sector of Bangladesh, whether, it is functioning well or not. These components are addressed with the aid of a mix methods. Secondary literature on Bangladesh's RMG sector provides information for the component and a number of research tools including KIIs, FGDs, and sample questionnaire surveys are used.

The third of the key issues comprises four core components: (i) institutional structure and processes to induce workers' participation in decision making; (ii) institutional commitments to empower workers by the freedom of express their opinions; (iii) formation of different workers' groups, their means and strategy for representation, and their experiences of interacting within the institutional structure; and (iv) tripartite negotiation process and outcomes. Along with the secondary literature review (SLR) on institutional structure for easy workers' participation, information was collected from a number of organizations and intellectual persons.

The study relies on triangulation of information from various sources. While questionnaire survey with garment workers and FGDs with garment workers and trade union representatives and KIIs with different expert stakeholders including trade union representatives, garment owners/ top level managers, government officials, and NGO leaders from the primary source of information for this study, a substantial portion of the information comes from secondary literature on garment sector in particular and workers' rights in general.

3.3 Method of Data Collection

Present research has used mixed method to collect data and information. Qualitative data have basically used in this study, but quantitative data were also used as the requirement of the study. Multiple techniques were followed in data processing, analyzing and data presentation on various aspects of the study. To attain the research objectives, the study has tried to explore workers' participation in decision making; qualitative approach was served to establish this purpose. Questionnaires, FGD and KII were the basis of data collection method. At the same time, some "time series" data were also collected and analyzed to meet the objectives.

3.4 Data Sources and Methods

The data were collected from both primary and secondary sources, which are as follows:

3.4.1 Primary Sources

Primary data for the study were collected by sample questionnaire survey; key informant interviews (KIIs) and focus group discussions (FGDs) etc. Questionnaire survey was conducted with workers, KIIs conducted with workers' and employers' representatives, experts, related government officials and resource persons and FGDs were conducted with the workers and trade union representatives.

3.4.2 Secondary Sources

In era of recessive situation, to capture the debate on globalization and labour, labour standards, workers' participation in decision making (WPDM) in RMG sector of Bangladesh, and interest representation in the global context and also in the context of Bangladesh's integration into increasingly globalized clothing market, a thorough review of available secondary literature has been done. Secondary sources were related research, study, survey, assessment report, publication, journals, articles, newspapers etc. Data have also been collected from BGMEA, BKMEA, BILS, ILO, BBS etc. Internet sources such as online articles and journals were also reviewed for related data and information.

The analysis ensued through the secondary literature review provided the basis for questionnaires and guidelines for the sample survey, KIIs and FGDs with different stakeholders including the workers, employers, and trade union representatives, and expert in the field of NGOs and government representatives.

3.5 Selection of the Study Area

The spatial distribution of RMG factories in Bangladesh is clearly evident to the fact that RMG factories are mostly concentrated in two divisions of the country – Dhaka and Chittagong. BGMEA states that there are 4328 members factories are in their list.¹

In the fiscal year 2015-16 the total no of RMG in BD is 4328 and total no of RMG workers are 4 Million.² On the other hand, according to the information of “Bangladesh Sustainability Compact Technical Status Report, July 2016, Date: 26/08/2016” The inspections of the export-oriented RMG factories have been completed through a joint private sector and government efforts. A total of 3,632 active, export-oriented garment factories had received structural, fire and electrical safety inspections as of 31 March 2016, going beyond the original 3,508 target.³ According to the report, the total no of RMG Factory in Bangladesh are 3508. Country’s total 3508 RMG factories are distributed in two divisional areas; Dhaka division hosts 3030 RMG factories representing 86.50% of all RMG factories, and Chittagong Division hosts to 13.5% of the factories with a total of 474 factories. The RMG factories are located in nine districts within two divisions; however, four districts – named Chittagong, Dhaka, Gazipur and Narayanganj- mainly host about most of the factories, 98.66% (3461) factories are located in these districts. Among the districts Dhaka has the highest number of factories (1614 factories) followed by Gazipur (894 factories), Narayanganj (526 factories), and Chittagong (474 factories) districts respectively.⁴

¹ BGMEA, <http://bgmea.com.bd/home/pages/TradeInformation>

² Source: BGMEA, <http://bgmea.com.bd/home/pages/TradeInformation>.

³ Bangladesh Sustainability Compact Technical Status Report, July 2016, Date: 26/08/2016, retrieved March 4, 2017, http://trade.ec.europa.eu/doclib/docs/2016/august/tradoc_154841.pdf.

⁴ Ministry of Labour and Employment, Government of Bangladesh, *BBS Annual Report- 2014*), p.74

Dhaka, Gazipur, Narayanganj, and Chittagong have been chosen purposively because almost all the garments factories are situated in these regions. Considering the accessibility limitation in the factories, purposive sampling method has been used to select the factories. A total of 30 factories have been taken as sample; of which 14 factories from Dhaka, 8 from Gazipur, 4 from Narayanganj and 4 from Chittagong.⁵ Maps of the selected districts are as follows:

3.6 Selection of the Population

Four types of respondents have been taken in the study for collection of relevant information. Descriptions of the respondents are as follows:

3.6.1 Garments Workers

As per Government data, there are about 3491 garment factories⁶ in all over the countries; of which, about 45% in Dhaka, 26% in Gazipur, 15% in Narayanganj and 14% in Chittagong districts. Following the proportionate, a total of 350 (three hundred & fifty) samples have been drawn; of which, 157 (One hundred & fifty-seven) samples of workers has been taken from Dhaka, 91 from Gazipur, 53 from Narayanganj and 49 from Chittagong district for the quantitative surveys. With a view to maintaining representation from all categories of workers, equal number of sample has been taken from each of the three categories. Thus, 4 categories of samples have been drawn from each category and out of 3 categories a total of 12 samples have been taken from each factory. Of them, 7-8 female workers have been taken as per total proportionate of the workers. The categories are as follows: 1) skilled worker (Sewing machine operator/Winding machine operator/Knit machine operator/Marker Man) (2) Semi-skilled workers (Jr. Sewing machine operator/Jr. winding machine operator/Jr. Knit machine operator/Jr. Marker man) 3) Unskilled workers (Asst. Sewing machine operator, Asst. Winding machine Operator, Asst. Fusing machine operator, Asst. Over lock machine operator; normally called “Helpers”).

⁵ According to mathematical sample size in section -3.6.1 (Sample Size).

⁶ Ministry of Labour and Employment, Government of Bangladesh, *BBS Annual Report- 2014*.

Out of the Sample Survey, 16 (sixteen) FGDs have been conducted with the workers in all the selected areas; of which, 10-12 workers have been participated in each.

3.6.2 Employers/Management Personnel

The second factor for making workers' participation is management personnel/staff of the garment factory. Out of 30 (thirty) sampled Industries, a number of employers/management personnel have been taken as respondents of KII and FGD.

3.6.3 Expert in the Concerned Sector

The third factor for this research is expert of the concerned sector, a number of academicians, researcher, resource person; businessman and expert in this sector have been discussed who have first-hand knowledge in this sector.

3.6.4 Government

The fourth factor of this research is Government. Government has a special role in the RMG sector of Bangladesh. Number of concerned Government officials has been discussed for relevant information collection.

3.7 Sample Selection

Since, we have four categories of population, the sample have become from the same categories. In this case, a stratified sampling method has been appropriate for selecting sample size of this study.

3.7.1 Sample Size

For determining sample size from finite population, the following well known statistical formula have been used.⁷ The BGMEA president Siddiqur Rahman said that the ratio of male-female workers might decrease slightly due to automation in the sweater sub-sector but the percentage of female workers would be above 70 percent⁸ in the sector. (Survey

⁷ C.R. Kothari, *Research Methodology: Methods and Techniques*, 2nd ed. (New Delhi: New Age International Limited, 2014), 179.

⁸ Survey reveals female workers in RMG sector of Bangladesh, January 13, 2017, <http://archive.newagebd.net/192796/survey-reveals-female-workers-in-rmg-sector>.

reveals female workers in RMG sector of Bangladesh, January 13, 2017,
<http://archive.newagebd.net/192796/survey-reveals-female-workers-in-rmg-sector/>)

$$n = \frac{z^2 \cdot p \cdot q \cdot N}{e^2(N-1) + z^2 \cdot p \cdot q}$$

$$= \frac{(1.96)^2 \times 0.3 \times 0.7 \times 2,13,748}{(0.05)^2 (2,13,748 - 1) + (1.96)^2 \times 0.3 \times 0.7}$$

$$= \frac{1,72,438.20}{492.68}$$

= 349.03 ≈ 350.

Here,

n = Sample size

N = Total number Workers

Z = Confidence level (at 95% probability=1.96)

P = Estimated population proportion

q = 1-p

e = error limit of 5% (0.05)

Distribution of Sample in a Tabular form is as follows:

Table 3.1: Distribution of Sample

Name of RMG Zone (Purposively)	Total No. of Factory	Selected No of RMG Factory	Total Workers of the Selected Factories (Female-70% and Male- 30%)		Weights	No. of Respondents	Reserve Sample (5%) ⁹
Dhaka	1,614	(30/3508*1614) = 14	M	32,996	.15	350 *.15=53	3
			F	77,642	.36	350*.36=126	7
Gazipur	894	(30/3508*894) = 8	M	11,410	.05	350 *.05=18	1
			F	27,791	.14	350*.14=49	3
Narayanganj	526	(30/3508*526) = 4	M	7,839	.04	350*.04=14	1
			F	21,198	.10	350 *.10=35	2
Chittagong	474	(30/3508*471) = 4	M	9,456	.04	350 *.04=14	1
			F	25,416	.12	350 *.12=42	3
Total	3,508	30		2,13,748	1.00	350	21

Made by the researcher with the help of various data and information collected from BGMEA and BILS

*Note: In the above Table the Female Workers are 70% and Male Workers are 30%.¹⁰

⁹Leyla Mohadjer, Tom Krenzke and Wendy Van de Kerckhove, “Survey of Adult Skills Technical Report” 25, Chap 14, https://www.oecd.org/skills/piaac/Technical%20Report_17OCT13.pdf, accessed August 14, 2016.

¹⁰ Survey reveals female workers in RMG sector of Bangladesh, January 13, 2017, <http://archive.newagebd.net/192796/survey-reveals-female-workers-in-rmg-sector>.

3.8 Data Collection Techniques

Data collection techniques were: Questionnaire Survey, Key Informant Interview (KII), Focus Group Discussions (FGD's) etc.

3.9 Research Tools

To collect data from the respondents through questionnaire survey, Key Informants Interviews (KII's) and Focus Group Discussions (FGD's), different tools have been used, which are as follows:

3.9.1 Questionnaire Survey

A set of structured questionnaire has been used to collect data from the workers of garments industries. The subject matter of the questionnaire was on workers' socio-economic status, awareness, knowledge, working condition, rights condition, access to justice, participation in decision making process, general practice etc. The draft questionnaire has been pre-tested and finalized after revising in the related areas.

3.9.2 Key Informant Interview (KII)

The purpose of Key Informant Interviews was to collect information from a wide range of people-including researcher, resource person, expert, trade union leaders, professionals—who have firsthand knowledge about the industry, its management and workers. These Key Informant Interviews were very much useful to know and understanding the insights of the problems as well as to draw recommendations and suggestions to way forward. It has been held on face-to-face.

Table3.2: KII's Sources in RMG Sector

Key Informants/Areas	No. of Participants
National Workers' Federation (Dhaka)	2
Sectoral Trade Union Federation (Dhaka)	2
Employers (Dhaka)	1
Employers (Gazipur)	1
Employers (Chittagong)	1
Employers' Representatives/Management staff(Dhaka)	1
Employers' Representatives/Management staff(Gazipur)	1
Workers' Rights Activists (Dhaka)	2
Labour Experts (Dhaka)	2
Labour Administration (DOL)	1
Labour Administration (MOLE)	1
Labour Inspectorate (Dhaka)	2
Labour Inspectorate (Chittagong)	1
Labour Courts (Dhaka)	1
Labour Courts (Chittagong)	1
Total	20

3.10 Focus Group Discussions (FGDs)

A focus group discussion (FGD) is a good way to gather people together from similar backgrounds or experiences to discuss a specific topic of interest. The group of participants has guided by a moderator (or group facilitator) who introduced topics for discussion and helped the group to participate in a lively and natural discussion amongst them; sometimes, if they go out of the track, moderator reminded them to stay, please, in the right track. In this research on the topic of RMG sector, I have arranged sixteen FGDs from 16 (sixteen) factories with total of 175 participants both from workers, management, trade union representatives and government officials/responsible persons for making the research meaningful.

Table3.3: FGDs Areas and Number of Participants

Areas	FGD's	Number of Participants	Type of Participants
Dhaka	2	10	National Trade Union Leaders
		9	Sectoral Trade Union Leaders
Dhaka –Ashulia	1	10	Management level staff;
Dhaka- Malibagh	1	10	Basic Trade Union Activists
Dhaka-Uttara	1	12	Workers
Dhaka- Tejgaon	1	12	Workers
Gazipur- Konabari	1	12	Basic Trade Union Activists
Gazipur--Tongi	1	11	Management level staff
Gazipur-- Joydevpur	1	12	Workers
Gazipur	1	12	Workers
Narayanganj-Bandar	1	12	Basic Trade Union Activists
Narayanganj- BCIC	1	11	Management level staff
Narayanganj - EPZ	1	9	Workers
Chittagong -Agrabad	1	12	Basic Trade Union Activists
Chittagong - Kalurghat	1	11	Management level staff
Chittagong – Sholoshahar - EPZ	1	10	Workers
Total	16	175	

3.11 Regression Analysis

- The study has revealed two platforms in RMG industries, where there are legal scopes for workers' participation in decision making i.e. i) Platforms inside the workplace and ii) Platforms outside the workplace. The study has identified the quantitative rate of workers' participation inside the workplace. But it could not identify the quantitative rate of workers' participation outside the workplace. Because the meetings of the platforms outside the workplace does not taken place in a systematic manner. In practice, it is taken place after such long break that sometimes the members cannot even remember about the agendas of last meeting. Besides, the members of the platforms used to change frequently as per the wish of the government. So, it was not possible to identify a quantitative rate of workers' participation in these platforms. However, the qualitative findings of the study revealed a poor participation of workers' members in these platforms.
- The management personnel of the industries had not opined freely during the interviews and discussions. Mostly they found with an avoiding and hesitating

tendency in taking part. So, the study could not get their valuable opinion and ideas, which could have been useful to make the study richer.

- The finding of the study shows different scenarios in compliance and non-compliance factories. Regarding workers' basic rights, welfares, participations, the status of compliance factories are comparatively better than non-compliance factories. So, it is an important factor for the study to identify the actual number of compliance and non-compliance factories. But the study could not find out any authentic data about the total number of compliance and non-compliance factories. However, on the basis of different sources, it can be estimated that the total number of compliance factories are 900-1000 and rests are non-compliance factories.

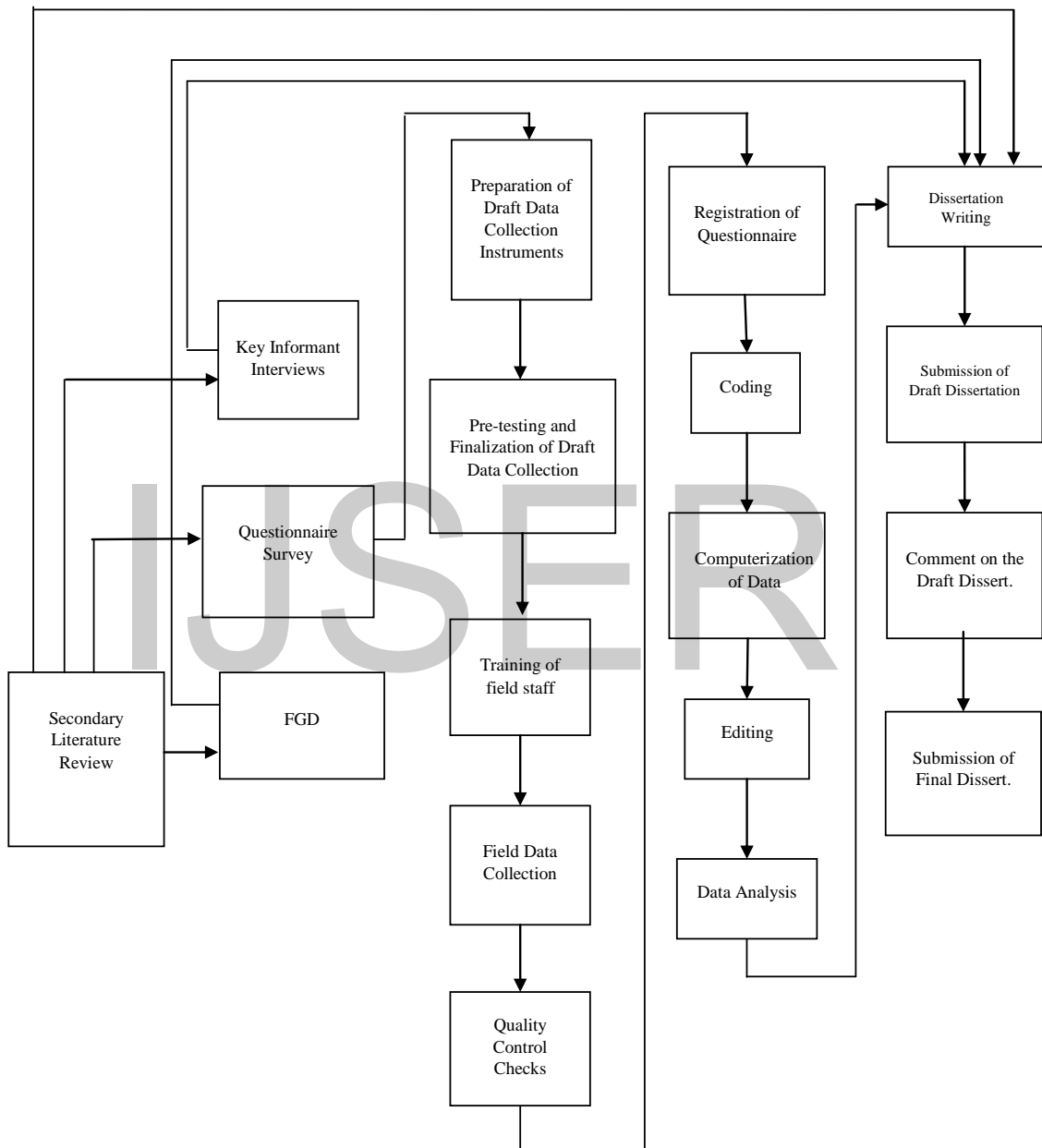
The study found number of factories that used to show functional workers' participation committees (e.g. Participation Committee, Safety Committee, and Canteen Committee etc.) just to comply with the requirements of their buyers. In practice, the workers' members of the committees are nominated by the employers. These workers' members are just used to attend the meetings and they do not have any scope to give opinion. So, these committees are mostly ineffective in terms of functioning. The finding of the study shows the poor participation as well as ineffective participation of the workers. But it could not identify separately the rate of ineffective participation and effective participation. Because the rate of effective participation is such poor that is negligible. Besides, most of the workers' (members) cannot give a clear consent about their participation.

3.12 Data Analysis Process

After completion of quantitative data collection, the data has been analyzed using SPSS. Descriptive statistics such as frequency distribution, percentage, mean, median, mode, standard deviation etc. has also been used for analyzing the collected data. Correlation and Regression Analysis (participation vs. decision making) has also been used to

identify the association between the variables. Details of the data analysis process have been described by the following diagram:

Figure 3.1: Research Process



Chapter Four

Structural Framework of Workers' Participation in Decision Making in RMG Sector

4.1 Prelude

This chapter presents an overview of some pictures through 'Legal Framework', workers' participation in management decision making will held through Regulatory Framework refers to a set of rules and regulations, established or adopted by government to regulate some activities. in terms of workers' participation in decision making, regulatory framework can be known as the existence and applicability of necessary principles, implementation instruments, dispute settlement instruments, welfare mechanisms, and socio-economic culture, health and safety etc. This chapter contains a huge number of elements which will prove and explain the structure of WPDM. Structures of WPDM mainly produce from the BLA-2006. But I have to search all the points from various 'Journal Articles', 'Books' and 'Online' sources to explore the basic discussions.

4.2 Structures of Employment Standards as per BLA 2006

According to BLA 2006, the standard of Employment of the garments industries are as follow:

4.2.1 Recruitment & Selection

An employee or 'labour' is defined as any person, including a trainee / probationer, whether the terms and conditions of his/her employment are expressly written or not, who is employed directly or through a contractor/agency, for any skilled, unskilled, physical, technical, business development or clerical job in any establishment or industry. Workers are classified into six categories:¹

¹ BLA-2006, (Section-3)

4.2.2 Apprentice

A worker who is employed in an establishment as a trainee and during the period of training s/he is paid an allowance is called an apprentice. If a worker works more than 6 months in an enterprise as apprentice, cannot be treated as apprentice after the period.

4.2.3 Badli (Reliever)

A worker who is employed in an establishment for the period of temporary absence of a permanent or probationer worker.

4.2.4 Casual

A worker employed on a casual basis.

4.2.5 Temporary

A temporary worker in an establishment for work that is basically temporary in nature and is likely to be finished within a limited period.

4.2.6 Probationer

A worker provisionally employed in any establishment to fill up a post of permanent vacancy and his/her probationer period has not to be completed.

4.2.7 Permanent

A worker employed with a view to filling up a permanent post or if s/he completes his/her probation period satisfactorily in the establishment. On job terminations, the employer is required in the case of-

4.2.8 Retrenchment

To give one month's notice and the equivalent 30-day wages or gratuity for every year of service if the worker is employed on continuous service for not less than one year.

4.2.9 Discharge

To give financial benefit equivalent to 30-day wages for every completed year of service by an employee found to have physical or mental incapacity. In addition, the employer is allowed to terminate services of worker without explaining any reason by giving a written notice of 120 days for permanent workers employed in a monthly basis and 60 days to other workers.

4.3 Socio-Economic Structure of the Workers

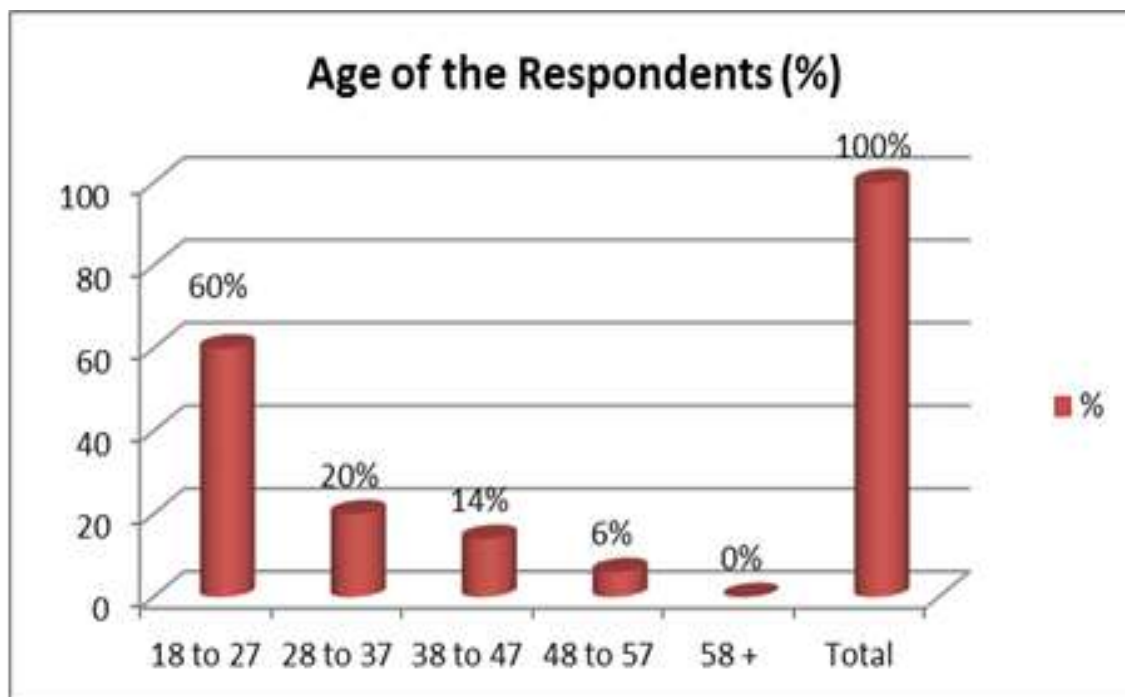
Socio-economic structure of the workers is very much related and influencing in decision making process of RMG. The quantitative study has taken a total of 350 workers as sample. Out of which, the average socio-economic structure of the workers has been identified. The following tables indicate the average socio-economic structure of the workers:

4.3.1 Age of the Workers

Normally, various aged girls and women are working in the garments industries of Bangladesh. According to a study conducted by Rachel Heath of the University of Washington and Ahmed Mushfiq Mobarak of Yale University's School of Management, about 12% of Bangladeshi women from 15-30 years of age worked in the garment industry in 2011. Their pay was 13% greater in comparison to other industries that rely on manual labour. Most importantly, the researchers found that 27% more young girls who worked in the garment industry attended school as opposed to those who worked in other industries.²

² Rachel Heath & Ahmed Mushfiq Mobarak, "Girls & Women Working in the Garments Industry in Bangladesh", report retrieved 13 March 2017, <https://www.trustedclothes.com/blog/2016/08/04/girls-women-working-in-the-garments-industry-in-bangladesh/>

Figure 4.1: Age of the Respondents



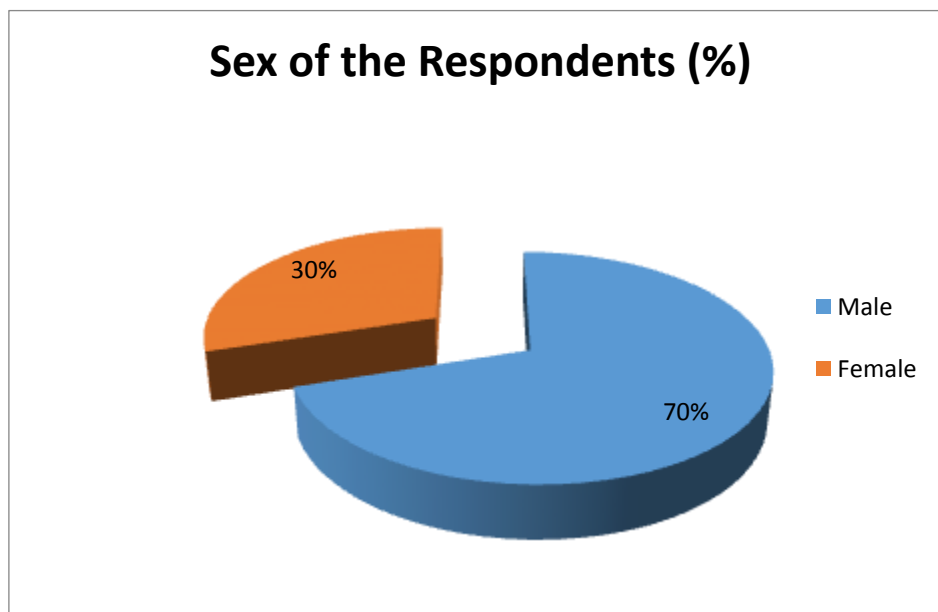
The table shows that out of the total 350 workers, 210 (60%) are under the age of 18 to 27 years, while 70 (20%) are in the age of 28 to 37 and 49 (14%) are in the age of 38 to 47 years. It is evident that most of the workers are young. The study also finds out that most of the female workers are under the age of 30. Interesting finding is there are some child workers, mostly in non-compliance factories, who have managed to hide their age by creating fake certificate.

4.3.2 Sex of the Respondents

Normally, by creation, half of the populations of a country are female. Bangladesh is not exception from this natural position. The BGMEA president Siddiqui Rahman said that the ratio of male-female workers might decrease slightly due to automation in the sweater sub-sector but the percentage of female workers would be above 70 percent in the sector.³ The FGD and KII study also support this statistics male-female ratio.

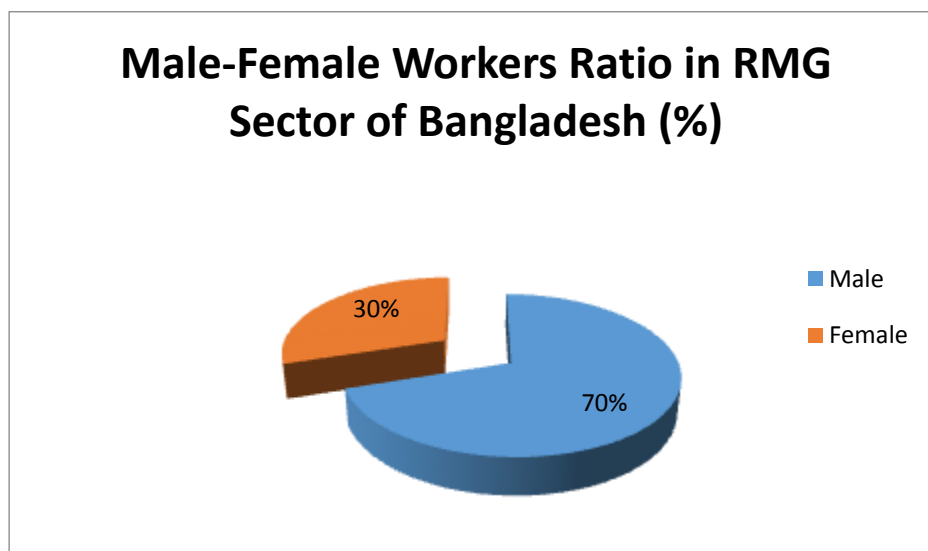
³ Survey reveals female workers in RMG sector of Bangladesh, January 13, 2017, <http://archive.newagebd.net/192796/survey-reveals-female-workers-in-rmg-sector/>

Figure 4.2: Sex of the Respondents



The above mentioned diagram shows that out of the total 350 respondents, 245 are female and 105 are male. The ratio is although out of the total workers in RMG sector, about 70 percent are female, but due to accessibility limitation could not maintain the proportionate.

Figure 4.3: Male – Female Ratio in RMG Sector of Bangladesh



The above mentioned diagram shows that out of the total workers 70% are female and 30% are Male.

4.3.3 Education of the Respondents

A huge number of semi-educated and even uneducated rural very poor workers where seventy percent are women come to join in garments factory. But they are deprived in many ways; especially in decision making process. However, women workers face problems. Most of the women come from low income families. Low wage of women workers and their compliance have enabled the industry to compete with the world market. Women are paid far less than men mainly due to their lack of education.⁴ Women are reluctant to unionize because factory owners threaten to fire them. There is a paradox in Bangladesh's garment industry. The practices have resulted in the deaths of at least 2,000 people since 2005; however, it is virtually the only way the nation's women and young girls can claw their way out of poverty and illiteracy. 10-hour shifts spent hunched over sewing machines seems grueling but offer a once-in-a-generation chance for 3.5 million Bangladeshis – mostly women – to better their lives.⁵

Table 4.1: Level of Education of the Respondents

Level of Education	f	%
No education	14	4.0
Primary	217	62.0
Secondary	96	27.4
Collage	23	6.6
University	0	0
Total	350	100

The above table shows that out of the total respondents, maximum numbers (62%) have education up to primary level while above 27 percent received secondary level of education. A few portions of the respondents do not have any formal education although they have learnt to do signature. There is no respondent found with a higher educational qualification.

The qualitative study (through KII and FGD) saw that due to the less economic condition and less education a large number of rural women are engaging this type of lower job.

⁴ Mazharul Islam Kiron, "Readymade Garments Industry of Bangladesh", retrieved June 5, 2016, <http://www.garmentsmerchandising.com/readymade-garments-industry-of-bangladesh/>

⁵ Rachel Heath & Ahmed Mushfiq Mobarak, Girls & Women Working in the Garments Industry in Bangladesh, report retrieved 13 March 2017, <https://www.trustedclothes.com/blog/2016/08/04/girls-women-working-in-the-garments-industry-in-bangladesh/>

4.3.4 Marital Status of the Respondents

The social and economic condition of rural Bangladesh is not wealthy. So, most of the people of this country are below poverty level. In marriage a huge amount of money has to pay for every daughter. On the other hand, if the daughters start a job, the solution becomes easy.

Table 4.2: Marital Status of the Respondents

Marital Status	f	%
Single	77	22
Married	98	28
Divorced	70	20
Widow/Widower	52	15
Living separate	53	15
Total	350	100

The table shows that maximum numbers 98 (28%) of the respondents are married, while the 77 (22%) are single. Where are found divorced 70 (20%), widowed 52 (15%) and in other 15% (53) are Living separate.

The qualitative study found that for the economic condition, a number of women workers are in separate, divorced and single in personal life.

4.3.5 Type of Family of the Respondents

Most of the garment workers are from poor families and villages. Varieties category of girls and women come to earn from job. They are from single family, or from joint family. Those are as follows:

Table 4.3: Type of Family of the Respondents

Family Type	f	%
Single/Nuclear	178	50.85
Extended	35	10
Joint	137	39.15
Total	350	100

The above table shows that maximum numbers 178 (51%) of the respondents belonging nuclear family, while 137 39% percent reported as a joint family member and the lowest portion of the respondents are in extended family. The study found that a portion of the

respondents consider themselves as joint family member, although they live either single or in nuclear family, Actually, the trend found mainly in the respondents who are unmarried in all. They used to consider it on the basis of their financial contribution to the parents who live in village.

4.3.6 Living Condition

Most of the garment workers are from poor families and villages, and they must arrive at their jobs on time. For living in workplace, workers rent rooms near the factory. As rent prices are high (anywhere from Bangladeshi Taka 2000-2500), the workers live with overcrowding and other subhuman living conditions as a way to cut costs. In these houses, four to five workers often share quarters, including one common latrine and a small kitchen. At night, after a laborious day at work, they come back to their quarters to cook and eat their meals on their beds or unhygienic floors. Commonly, they also sleep where they eat their food, and often workers will share a single bed or sleep on the floor for a sound relaxes.

Due to harassment and other safety concerns, workers without relatives have no other option than to live in hostels. One room often fits three girls with less than three beds. I think it is really hard to share a room with a stranger: I have heard that girls disagree and fight about living space, which causes girls to leave the safety of these hostel rooms.⁶

Table 4.4: Distribution of the Respondents on Location

Workers living at	f	%
Dhaka with Savar	161	46
Chittagong	70	20
Narayanganj	70	20
Gazipur	49	14
Total	350	100

The table shows that maximum number (46%) of the respondents are from Dhaka and Savar, then equal number (20%) of the respondents has taken from Chittagong and Narayanganj and the lowest number taken from Gazipur district.

⁶ Rachel Heath & Ahmed Mushfiq Mobarak, *idem*

Table 4.5: Respondents Living With

Workers living with	f	%
Single	35	10
With family	189	54
In mess with co-worker/others	126	36
Total	350	100

This study shows that most of the workers are living with family 189 (54%), while above 126 (36%) percent workers live in mess either with co-workers or with other and a lowest number of workers found who live single. The study finds out that major portion (42%) of the workers used to share a room with 5 to 6 persons either they are family member or co-workers or others. The number is higher in case of the workers who live in mess.

4.3.7 Economic Condition of the Respondents

Most of the disadvantaged and vulnerable girls and women from the rural Bangladesh come to earn a little money working in the garments industries of many cities. Most of them are from very poor families and villages.

Table 4.6: Monthly Wage of the Respondents

Monthly Wage (Tk.)	f	%
3000 – 5000	31	8.86
5001 – 7000	102	29.14
7001 – 9000	72	20.57
9001 – 11000	81	23.14
1101 – 13000	32	9.14
13001 – 15000	18	5.15
15000 +	14	4
Total	350	100

The study finds out that maximum number (29%) of the workers get 5,000 to 7,000-taka monthly wage, while the second highest portion (23%) of the workers get 9,000 to 11,000 taka per month and then about 22 percent get 7,000 to 9,000 taka. A small portion of the workers get wage more than 15,000 per month. The highest level of wage found mostly in compliance factories in Dhaka and Savar. Although the minimum wage rate is 5,300 takas per month, but a number of workers still get below than that of. The practice

is found mostly in non-compliance factories in Chittagong. However, it is also found in some non-compliance factories situated in Gazipur and Narayanganj.

Table 4.7: Benefit Other Than Wage

Response	f	%
Yes	161	46
No	189	54
Total	350	100

This study reveals that more than half of the workers do not get any benefit other than wage. The practice is found mostly in non-compliance factories. About half of the worker reported that they get some sort of benefits from their employers. Out of them, 34 percent reported that they get festival bonus and about 38 percent get medical costs.

Table 4.8: Earning Members in the Family

Number of Earning family members	f	%
1 person	98	28
2 persons	161	46
3 persons	77	22
4 persons	14	4
Total	350	100

Most of the worker's families are not solvent enough. So, the number of earning member is a factor for these worker's families. The study reveals that about 46 percent of the workers have two earning member in their families, while 28 percent reported as the only earning member in their families.

4.4 Structures of Health and Safety

Employer recognizes that in addition to minimizing the incidence of work-related injury and illness, a safe and healthy work environment enhances the quality of products and services, consistency of production and worker retention and morale. Employer also recognizes that ongoing worker input and education is essential to identifying and solving health and safety issues in the workplace. Bangladesh Labour Law indicates following structure to be followed by the industries to ensure safe and healthy workplaces for the workers:

4.4.1 Health & Safety Management System

Chapter five of BLA has the following provisions on the health and hygiene:

4.4.1.1 Cleanliness

Every establishment shall be kept clean and free from effluvia arising from any drain, privy or any other nuisance.⁷

4.4.1.2 Ventilation and Temperature

Arrangements for adequate ventilation shall be made for securing and maintaining circulation of fresh air in every work-room of every establishment. Suitable measures shall be taken to keep the temperature in every such room in such a condition that may secure to workers therein reasonable conditions of comfort, and prevent injury to health of the workers. The wall and roof of a room shall be so designed that such temperature does not rise, and remains low as far as possible.⁸

4.4.1.3 Dust and Fume

If in any establishment, by reason of any manufacturing process carried on, there is given off any dust or fume or other impurity of such a nature and to such an extent as is likely to be injurious to the health of, or offensive to, the workers employed therein, the effective measures shall be taken to prevent its accumulation in any work-room and its inhalation by workers, and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity, and such point shall be enclosed as far as possible.⁹

4.4.1.4 Disposal of Wastes and Effluents

Effective arrangements shall be taken in every establishment for disposal of wastes and effluents due to manufacturing process carried on therein.¹⁰

⁷ Chapter five of BLA-2006, Section-51

⁸ Chapter five of BLA-2006, Section-52

⁹ Chapter five of BLA-2006, Section-53

¹⁰ Chapter five of BLA-2006, Section-54

4.4.1.5 Artificial Humidification

If the humidity of air is artificially increased in any establishment, the water used for the purpose shall be taken from a public water supply system or other source of drinking water, or shall be effectively purified before it is so used.¹¹

4.4.1.6 Overcrowding

No work-room in any establishment shall be overcrowded to an extent injurious to the health of the workers employed therein.¹²

4.4.1.7 Lighting

Sufficient and suitable lighting, natural or artificial, or both, shall be provided in every part of an establishment where workers are working or passing.¹³

4.4.1.8 Potable Water

In every establishment, arrangements shall be made at a suitable point to supply sufficient purified potable water for all workers employed therein.¹⁴

4.4.1.9 Toilets and Washrooms

In every establishment, (a) sufficient number of sanitary toilets and washrooms of the type prescribed by rules shall be provided at the suitable places so that the workers employed therein at the time of work may use easily;¹⁵

4.4.1.10 Dustbin and Spittoon

Sufficient number of dustbins and spittoons shall be provided in every establishment at convenient places and these shall be maintained in a clean and hygienic condition.¹⁶

Chapter Six of BLA has the following provisions for safety of the workers:

¹¹ Chapter five of BLA-2006, Section-55

¹² Chapter five of BLA-2006, Section-56

¹³ Chapter five of BLA-2006, Section-57

¹⁴ Chapter five of BLA-2006, Section-58

¹⁵ Chapter five of BLA-2006, Section-59

¹⁶ Chapter Six of BLA-2006, Section- 60

4.4.1.11 Precaution as to Fire

Every establishment shall be provided with such means of exit including at least one alternative staircase connecting with every floor at the time of fire and requisite number of fire-fighting equipment [in every floor] as may be prescribed by rules. In every establishment the door affording exit from any room shall not be locked or fastened so that the person working in the room may easily and immediately open it from inside and all such doors, unless they are of the sliding type, shall be constructed to open outwards, or where the door is between two rooms, in the direction of the nearest exit from the building and no such door shall be locked or obstructed while work is being carried on in the room. In every establishment, while work is going on, no exit of a room shall be kept locked or fastened and no exit shall be hindered or no barrier shall be put on the way.¹⁷

4.4.1.12 Requirements to Use Personal Safety Equipment

No authority shall engage any worker in work without providing him with personal safety equipment and ensuring uses thereof and a record book shall be maintained in this behalf by the employer in the prescribed manner. If any personal safety equipment is supplied but not used, the worker concerned shall be liable. Every worker shall be made aware of the hazards of work through training in order to ensure the protection and safety of his professional health in the place of work.¹⁸

Employer will have a 'Health & Safety Management System' in accordance with OHSAS 18001 or equivalent. The 'Health & Safety Management System' will be implemented and functioning. Third-party registration is strongly recommended but not required unless requested by Management. Female force engaged in the garment industries in all types of knitwear, woven and sweaters, are generally suffer from male nutrition, anemia, gastric, dysentery, diarrhea, respiratory problem, gynecological problems, tuberculosis and urine infection etc. (community diseases are not covered in this study due to some practical constraints). Moreover, gender equity status and existing

¹⁷ Chapter Six of BLA-2006, Section- 62

¹⁸ Chapter Six of BLA-2006, Section- 78A

disparity; indeed, practically depriving female workers from the public health care system. Garments workers are working in the urban center and live around the slums of urban and semi urban areas. It is natural that when workers are sick, they are to go to the public hospital. They cannot effort to receive health care from private clinics. On the other hand, they are even not able to get proper health care from public hospitals. It is very difficult for a female worker to get admitted in the public hospital unless she spends a good amount of money through broker and corrupt officials. Thus health care in public sector is also quite costly for low paid female workers. As a result, more than 87% female workers suffer from different types of ailments and diseases. Married female workers suffer from various problems. They do not get maternity leave with pay for more than 30 days, in some cases maximum 60 days. These pregnant female workers suffer from malnutrition, anemia, along with other complications. But they do not have access to proper health care for this kind of ailments. At the same time, they face serious problem to feed her and support the family. Female workers who have this kind of health problem are compelled to go to the village home, as because they are not in a position to live in the city, since they do not earn at the period, it is difficult for them to bear expenses in two places i.e. in mess and in village home. In the rural areas, they do not get any specialist or even a trained nurse to consult and avail health service.¹⁹ As a result, they are bound to go to half trained midwife or village quack. Due to lack of antenatal and postnatal checkup, they usually do not take care of malnutrition and vitamin.²⁰

Table 4.9: Female Workers’ Medical Facilities

Particulars	Frequency	Present
Valid not at all	39	13.0
do not know	129	43.0
first aid	132	44.0
Total	300	100.0

¹⁹ F.H. Chowdhury, “Gender Dimension of Health Human Resource in Bangladesh”, *BGMEA Bulletin*, 2004.

²⁰ S Akhter, AFM Salahuddin, M. Iqbal, ABMA Malek, and N Jahan, “Health and Occupational Safety for Female Workforce of Garment Industries in Bangladesh, *Journal of Mechanical Engineering*, Vol. ME 41, No. 1, June 2010, Transaction of the Mech. Eng. Div., The Institution of Engineers, Bangladesh, p. 65-70, retrieved from: <http://www.banglajol.info/bd/index.php/JME/article/viewFile/5364/4192>.

The Table shows the percentage of information about medical facilities. From the study it is found that 129 (43%) female workers have no idea about medical facilities; according to 39 (13%) female workers interview there is no medical facilities within their factories.

4.4.2 Occupational Safety

Employer will control worker exposure to potential safety hazards (e.g., electrical and other energy sources, fire, vehicles, extreme temperature and sound exposure and fall hazards) through proper design, engineering and administrative controls, preventative maintenance and safe work procedures and ongoing safety training. Where hazards cannot be adequately controlled by these means, Employer will provide workers with appropriate, well-maintained, personal protective equipment. Workers will not be disciplined for raising safety concerns. Safety assurance within the factory is very important in RMG sector. Many international brands attach great importance on compliance of sufficient safety assurance to determine the worthiness of RMG factory as a business partner. Beside this some international brand conduct audit and inspection on a regular basis; because safety assurance remarkably increases the productivity of employees.

RMG sector of Bangladesh have a comparative advantage over the other competing continues due to its cheap labour cost. For this chief labour cost the RMG sector is account for a major contribution in Bangladesh's economy. But unfortunately the backbone of this economic growth is garments worker, who are still neglected in terms of their safety assurance and compensation. For this lack of safety assurance, the worst devastating accident happened in Bangladesh on November 24, 2012 in Tazreen Fashions factory. We've lost 112 lives there. Five month later Rana Plaza collapsed where 1,131 workers died and injuring hundreds. Both of these accidents are due to neglecting of factory management and also building's construction. Here are some recommended safety assurances of RMG industry:²¹

²¹ Riccardo David Mariani, and Fabrizio Valenti, "Working Conditions in the Bangladeshi Garment Sector: Social Dialogue and Compliance", report of ILO 1, no. 1 (2015): 1-142, accessed August 5, 2016, <http://www.fairwear.org/ul/cms/fckuploaded/documents/countrystudies/bangladesh/Workingconditionsinth eBangladeshigarmentsectorSocialdialogueandcompliance.pdf>, and <http://olefins.com.bd/safety-assurance-bangladeshs-rmg-sector>.

4.4.3 Special Provisions Relating to Health, Hygiene and Safety

Dangerous operation: Where the Government is satisfied that any operation carried on in an establishment exposes any person employed in it to a serious risk of bodily injury, poisoning or disease, it may, by rules, make the following provisions for such establishment, namely: (a) to declare which operations are hazardous; (b) to prohibit the employment of women, adolescents or children in such operation; (c) to provide for regular medical examination of persons employed in such operation and to prohibit the employment of persons not certified to be fit for such employment; (d) to provide for protection of all persons employed in the operation or in the vicinity of such places and to use any specified materials or processes in connection with the operation; and (e) to give notice of any corrosive chemicals and of precautions to be taken in their use.²²

4.4.3.1 Notice to be given of any Accident

When any accident occurs in an establishment causing loss of life or bodily injury, or an accidental explosion, ignition, outbreak of fire or irruption of water or fumes occurs, the employer shall give notice of the occurrence to the Inspector within following 2 (two) working days; provided that the factory authority shall, immediately after the occurrence of such incident, inform the matter to the Government, Fire Service, and Directorate of Inspection of Factories and Establishments, Police Station, and if required, the nearby hospital or government-private medical service establishment, through telephone, mobile phone, SMS or fax, in order to take immediate necessary action to minimize potential damages or bring the situation under control. Where an accident mentioned in sub-section - causes bodily injury resulting in the compulsory absence from work of the person injured for a period exceeding 48 (forty-eight) hours, it shall be entered in a register prescribed by rules. The employer shall send to the Chief Inspector a copy of the entries in the register referred to in sub-section (2) within 15 (fifteen) days following the 30th day of June and the 31st day of December in each year.²³

²² BLA-2006, Chapter-Seven, Section-79.

²³ BLA-2006, Chapter-Seven, Section-80.

4.4.3.2 Notice of Certain Dangerous Occurrences

Where in an establishment, any dangerous occurrence of a nature prescribed by rules occurs, whether causing any bodily injury or not, the employer shall inform the Inspector by notice within the following three working days.²⁴

4.4.3.3 Notice of Certain Diseases

Where in an establishment any worker contracts any disease specified in the Second Schedule, the employer or the concerned worker or any person specified by him in this behalf shall inform the Inspector by a notice in such form and within such time as may be prescribed by rules. (2) If any registered medical practitioner, while giving treatment to an existing or previous worker of an establishment, finds that he is suffering or suspects to be suffering from any disease specified in the Second Schedule, the said medical practitioner shall forthwith inform by a report in writing, the Inspector of the following matters, namely: (a) the name and mailing address of the patient; (b) the name of the disease from which the patient is suffering or is suspected to be suffering; (c) the name and address of the establishment in which the patient is or was last employed 2[(2a)].The employer determined by the Chief Inspector shall arrange for treatment of the worker suffered, or incurred losses, from such professional disease.] (3) The Government may, by notification in the official Gazette, add to, or omit from, the Second Schedule any disease.²⁵

4.4.3.4 Power to Direct for Enquiry into Cases of Accident or Disease

When any accidental explosion, ignition, outbreak of fire or irruption of water or any other accident occurs in an establishment, or when any disease specified in the Second Schedule breaks out or is suspected to be broken out, and if the Government thinks that a formal enquiry into the causes of, and the circumstances appearing in, the accident or disease is necessary, it may appoint a competent person to hold such enquiry, and may appoint any person who has special knowledge in law or concerned matter as an assessor

²⁴ BLA-2006, Chapter-Seven, Section-81.

²⁵ BLA-2006, Chapter-Seven, Section-82.

during enquiry. (2) The person holding enquiry shall have all the powers of a Civil Court under the Code of Civil Procedure for the purpose of enforcing the attendance of witnesses and compelling the production of documents and other things, and if any person is required by him to furnish any information for the purpose of enquiry, he shall be deemed to be legally bound to do so within the meaning of section 176 of the Penal Code. (3) The person holding enquiry may exercise any of the powers of an Inspector under this Act, as he may think necessary to exercise, for the purposes of the enquiry. (4) The person holding the enquiry shall submit a report to the Government and shall record in that report the causes of the accident and the circumstances relating thereto, and shall state any observation that he or the assessor, may have. (5) The Government shall publish the report at such time and in such manner as may be prescribed by it.²⁶

4.4.3.5 Power to Take Samples

An Inspector may, at any time during the normal working hours of an establishment, by giving information to the employer, take in the manner hereinafter describing, a sample of any substance used or brought for use in the establishment, if it appears to him that such substance is being used in contravention of the provisions of this Act or the rules, or is likely to cause bodily injury or harm to the workers of the establishment. (2) Where any Inspector takes such sample, he shall, in the presence of the employer, unless he willfully absents himself, divide the sample into 3 (three) portions and effectively seal and properly mark every portion of it, and shall also permit the employer to add his own seal and mark thereon. (3) The employer shall, if the Inspector so requires, provide the appliances for dividing and sealing and marking the sample. (4) The Inspector shall give one portion of the sample to the employer forthwith, send the second portion to a Government analyst for analysis and to give report thereon, and keep the third portion to himself for production to the Court, if any criminal proceedings are instituted in respect of the substance of the sample. (5) Any report, on any sample of a substance made by

²⁶ BLA-2006, Chapter-Seven, Section-83

any government analyst under this section, may be used as evidence in any proceedings instituted in respect of such substance.²⁷

4.4.3.6 Powers of Inspector in Case of Certain Dangers

If, in respect of any matter for which no express provision is made in this Act, it appears to an Inspector that any establishment or any part thereof or any matter or practice therein or connected therewith or controlled thereby is dangerous to human life or safety, or is so defective as likely to cause bodily injury to the people, he may, by a notice in writing, inform the employer relating thereto and order to remove those things which are dangerous or injurious or defective, within such time and in such manner as may be specified in the notice. (2) Without prejudice to the provisions of sub-section (1), the Inspector may, by order in writing, direct the employer of any establishment not to extract or reduce any pillar of his establishment or of any part thereof, if in his opinion, such operation is likely to cause the crushing of any other pillar or the premature collapse of any part of the establishment or endanger the establishment. (3) If the Inspector is of opinion that there is imminent danger to the life or safety of any person employed in any establishment, he may, by an order in writing to the employer concerned stating the grounds of his opinion, prohibit the employment of any person in the establishment or any part thereof, until he is satisfied that the danger is removed, but this order shall not apply to the person who is employed to remove such danger. (4) Any employer aggrieved by an order under sub-section (3) may prefer an appeal against such order to the Chief Inspector within 10 (ten) days of the receipt of the order, who may confirm, modify or cancel the order. (5) The Inspector shall, in respect of each order made under sub-sections (1) and (3), report forthwith to the Government, and shall inform the employer concerned of the report so furnished. (6) The Chief Inspector shall report forthwith to the Government any order, except the order of cancellation made by him under sub-section (4), and shall also inform the employer concerned of the report so furnished. (7) Any employer who has any objection against any order made under

²⁷ BLA-2006, Chapter-Seven, Section-84

subsection (1), (3) or (4) shall within 20 (twenty) days of receipt of such order, inform the Government in writing, stating the objection and reasons therefore, and the Government shall send it to a committee for decision. (8) The employer shall comply with the order against which objection has been made until the decision of the committee is received: Provided that on an application of the employer, the committee may suspend the order passed under sub-section (1) pending the decision of the committee.²⁸

4.4.3.7 Providing Information about Dangerous Building and Machinery

Where any worker of an establishment finds that any building or machinery thereof, which is ordinarily used by the workers, is in such a dangerous condition that it is likely to cause bodily injury to any worker at any time, he shall immediately inform the employer of it in writing. (2) If, on the receipt of such information, the employer fails to take appropriate measures on this matter within 3 (three) days and any worker is injured due to use of such building or machinery, he shall be liable to pay compensation to the worker so injured at the rate of double of the compensation payable for such injury under Chapter VII.²⁹ Restriction of employment of women in certain work: The provisions of sections 39, 40 and 42 shall apply to a woman worker as they apply to an adolescent worker.³⁰

4.4.3.8 Power to Make Rules to Supplement the Chapter

The Government may, by rules, (a) give direction to make further provisions and to take further measures for securing the safety of the workers employed in any establishment; (b) prohibit the running of any manufacturing process using power in any building until a certificate of strength of such building by a person having such qualification and in such form, as may be prescribed by rules, is reached to the Chief Inspector.³¹

4.5 Environmental Structures

Garments authority recognizes that environmental responsibility is integral to producing world-class products. In manufacturing operations, Employer will minimize adverse

²⁸ BLA-2006, Chapter-Seven, Section-85.

²⁹ BLA-2006, Chapter-Seven, Section-86.

³⁰ BLA-2006, Chapter-Seven, Section-87.

³¹ BLA-2006, Chapter-Seven, Section-88.

effects on the community, environment and natural resources while safeguarding the health and safety of the public.³² The environmental standards are:

4.5.1 Environmental Rights

In garments level, environmental rights mean access to the unspoiled natural resources that enable survival, including land, shelter, food, water and air. They also include more purely ecological rights, including the right for a certain beetle to survive or the right for an individual to enjoy an unspoiled landscape and with making a good industrial relation.

4.5.2 Environmental Management System

Garments authority will have an Environmental Management System (EMS) in accordance with ISO 14001 or equivalent. The EMS will be implemented and functioning. Third-party registration is strongly recommended but not required unless requested by proper authority.³³

A system which monitors, tracks and reports emissions information, particularly with respect to the oil and gas industry, EMSs are becoming web-based in response to the EPA's mandated greenhouse gas (GHG) reporting rule, which allows for reporting GHG emissions information via the internet.³⁴ A centrally controlled and often automated network of devices (now frequently wireless using z-wave and zigbee technologies) used to control the internal environment of a building. Such a system namely acts as an interface between end user and energy (gas/electricity) consumption.³⁵

³² BLA-2006, Chapter-Seven, Section-89.

³³ R. Gastl, *CIP in Environmental Management*, an abstract of Gastl, R: *Kontinuierliche Verbesserung im Umwelt management*, 2nd edition (Switzerland: 2009), vdf, Zurich Switzerland, <http://www.echome.co.uk/renewable-energy-services/heating-and-lighting-controls/>

³⁴ <http://www.commengineering.com/commtracker-ems.html>

³⁵ <http://www.echome.co.uk/renewable-energy-services/heating-and-lighting-controls/>

4.5.3 Environmental Permits and Reporting

Employer will maintain and keep current all required environmental permits (e.g., discharge monitoring); approvals and registrations and Employer will follow their operational and reporting requirements.³⁶

4.5.3.1 Environmental Audits

AI offers an environmental audit protocol that conforms to the ISO 14001 standard (performance evaluation guidelines for environmental management systems). The ISO 14001 family of standards addresses a wide range of items for environmental management, providing practical tools for organizations and companies looking to identify and control their environmental impact as well as constantly improve their environmental performance. An AI Environmental Audit Programme assesses factory compliance with local laws and regulations for environmental protection, as well as best practices based on ISO 14000 family of standards, which includes: Legal requirements and risk assessment, Environmental management system, Solid and hazardous wastes, Waste water, Air emissions, Nuisance, Energy use, water use, CO² emissions,

4.5.3.2 Chemical Control Audits

AI Chemical Control Audit Programme use protocols based on the global environmental Detox® campaign, Zero Discharge of Hazardous Chemicals principles (ZDHC) or your own compliance requirements. Chemical Control Audits typically cover: Management systems, Sub-supplier management, Incoming materials, Semi and finished products, Chemical-related production, Specific chemical controls,

4.5.3.3 Waste Management

AI provides complete lab testing services and can efficiently combine water testing with an onsite environmental audit to offer a complete picture of the environmental performance of your suppliers. Waste water testing typically includes: Onsite gathering of waste water samples by trained AI auditors: influent water, water before treatment,

³⁶<https://www.google.com/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=UTF-8#q=Environmental+Permits+and+Reporting&>

effluent water, Waste water testing prior to treatment of water and based on restricted substances list (ZDHC, Detox® or your own list), If restricted substances are detected, samples of influent and effluent waters are verified to determine the source of the substances and whether treatment of water is effective.³⁷

4.6 Overall Management System

Employer will adopt or establish a management system whose scope is related to the content of this ‘Employer Code’.³⁸ The management system will be designed to ensure: (a) compliance with applicable laws, regulations and customer requirements related to the employer’s operations and products; (b) conformance with this ‘Employer Code’; and (c) identification and mitigation of operational risks related to this ‘Employer Code’. It should also facilitate continual improvement. The management system should contain the following elements:

4.6.1 Restore Company Commitment and CSR

A corporate social and environmental responsibility policy has to be established affirming employer’s commitment to compliance and continual improvement, endorsed by executive management. Company should maintain the CSR policy which is now a burning question.³⁹

4.6.2 Ensure Management of Accountability and Responsibility

Clear identification by the Employer of company representatives has to be responsible for ensuring implementation of the management systems and associated programme. Senior management will review the status of the management system on a regular basis.⁴⁰

³⁷<http://www.asiainspection.com/environmental-audit?sc=ppc&lang=en&xtor=SEC-5&gclid=Cj0KEQjwhpnGBRDKpY-My9rdutABEiQAWNcsiPJZSO9Ls5B4EUdTSGF-VD84PtbbiGO4FauGkVJLJkaAITS8P8HAQ>

³⁸ Employer Code: Means give all the rights to the employees as per BLA-2006.

³⁹ BILS-CSR Policy-2016.

⁴⁰ BLA-2006 (Section-150-174).

4.6.3 Customer Requirements

A process to identify, monitor and understand applicable laws, regulations and customer requirements, including the requirements of this 'Employer Code' or Employers responsibility.

4.6.4 Risk Assessment and Risk Management

A process to identify the environmental, health and safety and labour practice and ethics risks associated with employers' operations. Determination of the relative significance for each risk and implementation of appropriate procedural and physical controls to be control the identified risks and ensure regulatory compliance.⁴¹

4.6.5 Improvement of Stated Objectives

Written performance objectives, targets and implementation plans to improve the employer's social and environmental performance, including a periodic assessment of employer's performance in achieving those objectives.⁴²

4.7 Structures of Work and Workplace Management

The superiority of work and workplace governance is determined partially by the efficiency of labour administration system promoted for policy setting, formulation, and implementation. At the midpoint of labour policy of Bangladesh, formulation and implementation is the Ministry of Labour and Employment (MoLE). Department of Labour (DoL) as one of its executing agencies is responsible for overall administration and implementation of policies and programme. The DoL too acts as conciliation a mechanism that deals with labour disputes including strikes and lockouts. The inspection of factories and prosecution against violations of labour laws in courts are prerogatives of the Department of Inspection for Factories and Establishments (DIFE). All garment factories except those in the EPZs are under the purview of DIFE's monitoring and enforcement, whereas for factories in the EPZs, the Department of Industrial Relations (DIR) acts as a substitute.⁴³

⁴¹ BLA-2006, (Section-150-174).

⁴² BLA-2006, (Section-150-174).

⁴³ BLA-2006, (Section-89-99).

4.7.1 Inspection of Factories

In spite of the presence of institutional mechanisms for enforcement of regulation, the effectiveness of those institutions is often questioned. Reasons of these are numerous, but two of them stand out. The first of the two core reasons is that it lacks resources to adequately inspect and carry out labour law enforcement. This includes not only lack of human resources but also shortage of transportation facilities and inspection equipment.⁴⁴

The ILO Committee of Experts on the Application of Convention and Recommendation (CEACR) in its 2007 report noted that the human and material resources for inspection in Bangladesh were hardly changed in last two decades, whereas the number of registered premises and number of workers in those premises have increased by 67 percent and 140 percent respectively. Notwithstanding, the regulatory obligation of the Government to appoint requisite number of inspectors for investigating workplace activities⁴⁵ (BLA 2006, Article 318), only 92 inspectors are responsible for carrying out inspections in all the 25000 registered factories of the sector.

4.7.2 Penalties and Punishment System in Law in Favour of Employers

The legal provision pertaining to penalties for labour law violations have made the existing enforcement institutions ineffective. The BLA 2006 provides numerous provisions of penalties—both financial and imprisonment—for the violation of labour law. Some of these penalties (Section 289, 290, 291, and 294) are available in the law.⁴⁶

4.7.3 Access to Justice and Labour Court

The labour courts deal with both industrial disputes and individual grievances. A dispute may be referred to labour courts by the employers, the workers, or by the government. Besides access to the Court and Tribunal, the law allows workers' access to the criminal court for offence of criminal nature. But there is also time limit of six months to file

⁴⁴ Jakir Hossain, "Economic Security for the Working Poor?" 229, accessed August 2, 2016. http://eprintsphd.biblio.unin.it/755/1/PhD_Dissertation_Jakir_Hossain_SIS_University_of_Trento__April_2012.pdf.

⁴⁵ BLA- 2006, Section 318

⁴⁶ Section 289, 290, 291, and 294

criminal case against employer. The jurisdiction of the High Court Division can be invoked on the grounds of violation of fundamental rights or any procedural error by the Labour Courts. Workers' access to justice, however, is time-bound.⁴⁷

4.8 Structures for Participation

There are some elements rely in the Structural Framework in RMG Sector those are as follows:

4.8.1 Participation Inside the Garments Factories

Participation outside the Garments Factories includes Participation Committee, Safety Committee, Canteen Committee; Establishment based Trade Union, Bipartite Negotiation etc.

4.8.1.1 Participation Committee

Bangladesh Labour Act 2006 has drawn several provisions on employee participation Committee for ensuring employees' participation in the decision making process at work place. Rendering to the law every employee is obliged to set up a Participation Committee where fifty or more employee are employed (Sec. 205 by 7).⁴⁸

4.8.1.2 Safety Committee

The obligation for the employers of carrying out a risk assessment for the prevention of risks at work, but neither the method to be applied for the correct assessment of risks nor any obligation on workers' participation is legally defined. Still, the effective prevention of risk at work may require the participation of the workers concerned and may be indicated in order to assess the risks correctly (BLA 2006, Section- 90A).⁴⁹

4.8.1.3 Canteen Committee

Bangladesh Labour Act 2006 provides a provision on the establishment of Canteen Committee for the garments workers at their work place where more than one hundred

⁴⁷ BLA- 2006, Section (175-208).

⁴⁸ BLA 2006, (Sec. 205 by 7).

⁴⁹ BLA 2006, (Section- 90A).

workers are employed, the employer should compose the structure of the Canteen Management Committee, and the number of members will also be decided by the employers (Section 92-(1) & 2b).⁵⁰

4.8.1.4 Establishment Based Trade Union

All workers shall, without distinction whatsoever, have the right to form trade union primarily for the purpose of regulating the relations between workers and employers, or between workers and workers and, subject to the constitution of the union concerned, to join trade union of their own choice; all employers shall, without distinction whatsoever, have the right to form trade union primarily for the purpose of regulating the relations between employers and workers, or between employers and employers and, subject to the constitution of the union concerned, to join trade union of their own choice; the trade unions and the employers' associations shall have the right to make their own constitution and rules, to elect their own representatives with full independence, to organize their administration and activities and to formulate their programme; in an establishment where a trade union shall be formed, if 20% (twenty percent) of the total working force or members are women, the union executive committee shall have at least 10% (ten percent) women members: Provided that the union registered under this Act shall be controlled by this Act.⁵¹

4.8.1.5 Bipartite Negotiation

When an industrial dispute is likely to arise between the employer and the workers or any of the workers and employer, 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 is forward to the government and the conciliator thereof[Section 210 (1, 2, 3)].⁵²

⁵⁰ BLA 2006, (Section 92-(1) & 2b).

⁵¹ BLA-2010, Section-176(a,b,d,&e)

⁵²BLA-2006, Section 210 (1, 2, 3)

4.8.2 Participation Outside the Garments Factories

Participation outside the Garments Factories includes Tripartite Bodies i.e. Labour Court, Minimum Wage Board, and Crisis Management Committee. Total list of the tripartite bodies along with its membership are as follows:

Committee Name	Members	Representation Status
Tripartite Consultative Council (TCC)	60	20 each from government, workers and employers organization
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 Labour 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
National Tripartite Committee for the Fire and Building Safety in RMG Sector	16	1 chairman and 5 each member from government, workers and employers

4.8.2.1 Sectoral Trade Union

The trade unions of workers and those of employers shall have the right to form and join federations and any such union or federation shall have the right to affiliate with any international organization or confederation of organizations of workers or employers.⁵³

4.8.2.2 Tripartite Bodies

Tripartite Bodies are formed by Minimum Wage Board, Labour Court, and Crisis Management committee.

⁵³ BLA-2010, Section-176(c).

4.8.2.2.1 Minimum Wage Board

The Government shall establish a Board to be called the Minimum Wages Board. The Minimum Wages Board, hereinafter referred to in this Chapter as the Wage Board, shall consist of the following members, namely: - (a) Chairman; (b) 1 (one) independent member; (c) 1 (one) member representing the employers; and (d) 1 (one) member representing the workers. The following members shall also be included in the Wage Board, namely: (a) 1 (one) member representing the employers of the industry concerned; (b) 1 (one) member representing the workers employed in the industry concerned. (4) The Chairman and the other members of the Wage Board shall be appointed by the Government. (5) The Chairman and the independent member of the Wage Board shall be appointed from among such persons who have adequate knowledge of industrial labour and economic conditions of the country, and who are not connected with any industry or associated with any trade union of workers or employers. If any, of such organizations as the Government considers being representative organizations of such employers and workers: Provided that if no nomination is received from the representatives of the employers or workers in spite of more than one effort, the Government may, in its own opinion, appoint such persons whom it considers to be fit to be representative of employers or workers.⁵⁴ The long awaited garment minimum wage 2013 gazette has finally been published by the Minimum Wage Board on 21 November 2013. This shall be applicable from 1 December 2013 in all the garment factories within the territory of Bangladesh.

Garment Workers' Minimum Wage 2013, Bangladesh (Lowest Wage Grade 7)⁵⁵

Table 4.10: Garment Workers' Minimum Wage 2013

Basic	3000 BDT
House Rent	1200 BDT
Food Allowance	650 BDT
Medical Allowance	250 BDT
Travel Allowance	200 BDT
Total	5300 BDT

1 BDT =0.0097 Euro (Approx.) /1 Euro=103 BDT (Approx.)

⁵⁴ BLA-2006, Section-138.

⁵⁵ Garment Workers' Minimum Wage 2013, Bangladesh (Lowest Wage Grade 7).

Grade wise Monthly Wage Structure for Garments Workers⁵⁶

Table4.11: Grade Wise Monthly Wage Structure

SL#	Designation	New Basic	Proposed Total Wage	Existing Total Wage	Rise
Grade-1	Pattern master, chief quality controller, chief cutting master/cutting chief and chief mechanic	Tk 8,500	Tk 13,000	Tk 9,300	39%
Grade-2	Mechanic/Electrician, Cutting Master	Tk 7,000	Tk 10,900	Tk 7,200	51.38%
Grade-3	Sample machinist, Mechanic senior sewing, weaving, knitting and linking machine operator, senior cutter, senior quality inspector, senior marker/drawing man, senior line leader, senior over-lock machine operator, senior button machine operator and senior button hole machine operator	Tk 4,075	Tk 6,805	Tk 4,218	61.4%
Grade-4	Sewing machine operator, weaving machine operator, Knitting machine operator, Linking machine operator, marker/drawing man, cutter, mending operator, processing man/finishing iron man, folder (finishing section), packer, quality inspector, over-lock machine operator, button machine operator, buttonhole machine operator, poly-man, packing man lineman etc.	Tk 3,800	Tk 6,420	Tk 3,861	66.27%
Grade-5	Junior sewing, weaving, Knitting, Linking machine operator, Junior marker/drawing man, junior cutter, junior mending operator, junior processing man/finishing iron man, folder (finishing section), junior electrician, junior packer, junior over-lock machine operator, junior button machine operator, junior buttonhole machine operator	Tk 3,530	Tk 6,042	Tk 3,553	70.05%
Grade-6	General sewing, weaving, knitting, Linking machine operator, general machine operator, general fusing machine operator, general color tuning machine operator, general over-lock machine operator, general button machine operator, and general buttonhole machine operator.	Tk 3,270	Tk 5,678	Tk 3,320	71.02%
Grade-7	Assistant sewing, weaving, knitting and Linking machine operator, assistant mending operator, assistant marker/drawing man, pocket creasing machine assistant/creasing man, line iron man, assistant dry washing man, over-lock machine assistant, button machine assistant, buttonhole machine assistant, and finishing assistant.	Tk 3,000	Tk 5,300	Tk 3,000	76.66%

⁵⁶ Garment Workers' Minimum Wage 2013, Bangladesh (Lowest Wage Grade 7).

4.8.2.2.2 Labour Court

It is a formal judicial body lo provides justice to the workers. There are seven Labour Courts in Bangladesh. Among them three in Dhaka, two in Chittagong, one in Khulna and one in Rajshahi. It is formed with a District Judge or Additional District Judge as Chairman and two members of which, one is the representative of the employers and the other is the representative of the worker (Sec.214).⁵⁷

4.8.2.2.3 Crisis Management Committee

A crisis management committee has been formed to solve problems prevailing in the garments sector. For Participating outside the Garments Factories, a committee formed named “Crisis Management Committee” assigned to monitor the payment situation (wages and festival allowances and other benefits) by the participation of workers, Owners and Government-which is called ‘Tripartite Bodies’.⁵⁸

4.8.2.3 Dispute Settlement Mechanisms

Dispute Settlement Mechanisms consists of Conciliation, and Arbitration.

4.8.2.3.1 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 [Section 210 (4-b)].⁵⁹

4.8.2.3.2 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. The arbitrator shall

⁵⁷ BLA-2006, (Section-214).

⁵⁸ <http://news.apparelresources.com/trade-news/bangladesh-govt-sets-deadline-for-payment-of-rmg-workers-eid-bonus-salary/>

⁵⁹ BLA-2006, [Section 210 (4-b)].

present award within the thirty days or such further period as may be agreed upon by them after the dispute is received. After making award the arbitrator shall forward a copy of it to the parties and to the Government [Section 210 (4-b)].⁶⁰

4.9 Chapter Summary

This chapter is the most basic chapter of this dissertation. The basic structures of WPDM are designed in the BLA-2006. I have extracted all the basic structures of WPDM from BLA-2006. Basic structures also taken from the daily routine and daily working schedule of the garments factories of the respondent areas. With a sound verification only WPDM related points and items have taken carefully. Yet, the basic principles of garments job style also discussed due to clarify the methods.

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⁶⁰ Bangladesh Labour Act-2006, Section 210 (4-b).

Chapter Five

Efficacy of Workers' Participation in Decision Making in Readymade Garments Sector of Bangladesh

5.1 Prelude

This chapter presents the 'efficacy' of WPDM process in line with the structures described in the previous chapter. Specifically, this chapter describes about the formation and function of the existing structures. It is focused specially on the effectiveness of the structures and limitations in case of ineffectiveness. As the chapter explains about the efficacy of the legal structures, it also takes an attempt to go through the related areas to find out the scopes of workers' participation in the decision making.

5.2 Efficacy for Industrial Relations to WPDM

Industrial Relations (IR) has become one of the most delicate and multifaceted problems of modern industrial society. Industrial progress is impossible without cooperation of labours and harmonious relationships between employers and employees. Here is also present the third party, that is the Government. The efficient action among these tri-parties, result the forceful efficacy system. Therefore, it is in the interest of all to create and maintain good relations between employees (labour) and employers (management). An IR system consists of the whole gamut of relationships among employers and employees and government those are managed by the means of conflict and cooperation. A sound IR system is one in which relationships between management and employees (and their representatives) on the one hand, and between them and the State on the other, are more harmonious and cooperative than conflictual and creates an environment conducive to economic efficiency and the motivation, productivity and development of the employee and generates employee loyalty and mutual trust which is called the efficacy in this discussion.¹ Industrial relations are the relationships between employees and employers within the organizational settings. The field of industrial relations looks at

¹<http://info.worldbank.org/etools/docs/library/192862/Module1/cases/MCS3Ready-madeGarmentIndustry.pdf>, p.13, retrieved February 10, 2017,

the relationship between management and workers, particularly groups of workers represented by a union. Industrial relations are basically the interactions between employers, employees and the government, and the institutions and associations through which such interactions are mediated.

Three main parties are directly involved in industrial relations: (i) Employers in Industrial Relations: Employers possess certain rights vis-à-vis labours. They have the right to hire and fire them. Management can also affect workers' interests by exercising their right to relocate, close or merge the factory or to introduce technological changes; (ii) Employees in Industrial Relations: Workers seek to improve the terms and conditions of their employment. They exchange views with management and voice their grievances. They also want to share decision making powers of management. Workers generally unite to form unions to ensure their rights; (iii) Government in Industrial Relations: The central and state government influences and regulates industrial relations through laws, rules, agreements, awards of court and the like. It also includes third parties and labour and tribunal courts. By acting these tri-parties action, the result of efficacy becomes very forceful and for this, all the functions of efficacy become strengthen than ever before.

In the last century, assessing the form, significance and outcomes of employee participation and involvement (EPI) schemes has exercised the minds of academics and practitioners alike. A common line of inquiry concerns the question of whether employers adopting such schemes benefit from securing positive outcomes, such as greater employee commitment, enhanced organizational performance and a reduction in industrial conflict.² Initiatives, analysis and debate concerning the practice and efficacy of Employee Participation Involvement (EPI) continue, as employers strive to achieve competitive advantage in the globalized economy.

² H. Ramsay, "Cycles of Control: Worker Participation in Sociological and Historical Perspective," *Sociology* 11 (1977): 481-506, accessed August 2, 2016, <http://soc.sagepub.com/content/11/3/481>, abstract.

5.3 Efficacy of Employment Standards

Bangladesh Labour Act, 2006 has classified workers into six categories; i.e. 1) Apprentice 2) Badli (Replaced) 3) Casual 4) Temporary 5) Probationer 6) Permanent etc.

5.3.1 Efficacy of Apprentice

Some workers found who had been working more than 1 year, even then treated as apprentice. Whereas, the labour law has the provision that after completion of 6-month apprenticeship, no worker shall be treated as apprentice. So, it is a clear violation of labour law.

Table 5.1: Apprenticeship of the Workers

Duration of Apprenticeship	f	%
More than 1 year	11	19.64
More than 6 month	27	48.21
Below 6 month	18	32.15
Total	56	100

The quantitative study found out 56 workers who had been working as apprentices out of total sample 350. Out of the total 56 apprentice workers maximum number of workers have been working more than 6 months in the same factories, even than they were treated as apprentices.

5.3.2 Efficacy of Badli (Reliever)

In case of relieve (*badli*), the qualitative study found that the reliever workers do not get the same benefit of the permanent or probationer workers even in case of wage.

5.3.3 Efficacy of Casual

The qualitative study finding shows that the temporary workers do not get any benefits other than the wage. Even they are not entitled for sick or any type of leave.

5.3.4 Efficacy of Temporary

In the case of providing appointment letters, ID cards and service books for permanent workers, whereas these are mandatory, and the law specifies what information should be

included in the appointment letter and in the service book, and requires the latter to be signed by both the employer and the worker, most of the RMG factory workers do not provide any appointment letter, although they are provided an identity card. As a result, they cannot bargain with the owners for the lack of proper documents. Thereby, the ILO core convention C-87 and C-98 (right to organize and collective bargaining) are being frequently violated. The findings of the content analysis show that 123 reports of violation of ILO core convention 87 & 98 were published in 2012. In the respect of payment of wage, the law defines who is responsible for payment of wages: employer/owner; chief executive officer (CEO); manager/person assigned responsible by the company; and the contractor, in case of worker appointed by the contractor. In case of the failure of the contractor to pay the wages to the worker, the principal owner shall pay the same and subsequently, it can be adjusted with the accounts of the contractor. Unfortunately, this provision of Bangladesh labour laws is frequently violated because it is almost common seen in the case of garments sectors or other non- government sectors in Bangladesh that factory has been stopped suddenly without paying the wage of labour, subsequently the labour stopped the highway to demand their wage to government.

5.3.5 Efficacy of Permanent Workers

After starting work, a temporary worker becomes permanent which takes six month times. But observation and qualitative study says that there is no notable practice, where a temporary worker easily becomes a permanent worker. According to FGD we found it clearly that there is no instance of becoming a permanent worker from Temporary condition.

Table5.2: To be a Permanent Worker

To be a Permanent Worker	f	%
Have become permanent easily	60	17.14
Have not become permanent easily	290	82.86
Total	350	100

The above Table shows that out of 350 respondents only 17.14% (60) have become permanent in their job and about 82.86% (290) have not. Qualitative study also Support

it. According to FGD, most of the workers cannot become Permanent and discharged within 2-3 years without any benefit.

On job terminations, the employer is required to give one month’s notice and the equivalent 30-day wages or gratuity for every year of service. The qualitative study find out that other than compliance factories there is no practice for noticing in case of termination. Even there are some compliance factories that do not provide such period of notice as stated the trade unionists. Besides, in most of the cases workers do not get 30 days wage or gratuity as per the provision of labour law.

Table5.3: Termination of Permanent Workers

Termination of Permanent Workers	f	%
Have Terminated easily	45	12.86
Have not Terminated	305	87.14
Total	350	100

The above Table shows that out of 350 respondents 12.86% (50) have terminated from their job and about 87.14% (305) have not. Qualitative study also Support it. According to FGD, a huge no of workersterminated time to time and discharged within 2-3 years without any benefit.

5.3.6 Efficacy of Discharge of Workers

As per labour law, in case of discharge to give financial benefit equivalent to 30-day wages for every completed year of service by an employee found to have physical or mental incapacity. In addition, the employer is allowed to terminate services of worker without explaining any reason by giving a written notice of 120 days for permanent workers employed in a monthly basis and 60 days to other workers. There is no such practice found in most of the cases in RMG factories.

In this regard, when the workers regardless of blue or white collar labour want to change their job in the case of getting better opportunity or personal problems, they have to face various harassments in Bangladesh. It is the violation of UN core convention 29 exhibited by 26 incidences in the findings of content analysis. Furthermore, to dismiss

workers without providing prior notice due to the conviction of workers for any criminal offence, or if the worker is proved guilty of misconduct, which may be any of the following: willful insubordination (alone or in combination with others) to any lawful or reasonable order, theft or fraud or dishonesty, taking or giving bribes, habitual absence without leave for more than 10 days, habitual late attendance, habitual breach of any rule or law applicable to the establishment, riotous or disorderly behavior, habitual negligence or neglect of work, frequent repetition of work on which fine can be imposed, resorting to illegal strike or to go slow or instigating others to do so, and falsifying, tampering the official document of the employer. Among the aforementioned cases, if a worker is convicted with any case, he or she must be immediately dismissed including different types of fine and punishment regardless of social and economic, there is no insight of rules in Bangladesh. In the case of working hours and overtime, although eight hours per day working hours is maintained in Bangladesh. A significant number of working sectors of labour, however, does not favour the labours in terms of the specific working hours. Women and children are the worst victim in this regards in Bangladesh. In the respect of overtime, workers are compelled to work overtime. Unfortunately; they are even not paid for overtime duty. Some are paid at late mostly at the end of month, sometimes they have to lose their jobs if he or she express demand for payment of overtime. These sorts of violations of labour laws are common in the most of the major industry including garments and ship breaking industry in Bangladesh. By the interval of working hours, owners use it as their wish. Workers are entitled to holidays, casual leave, festival leave, annual leave and sick leave by the revised labour laws of Bangladesh. But, in the most cases, workers are forced to have duty in the holidays by the name of overtime; even they are eve and anon rejected to get leave when they get sick. For profit sharing issues, every worker has the right to participate in company's profits/benefits by the Bangladesh labour laws; albeit, it is matter of fun in the case of Bangladesh in practices. According to BLLs, no young worker is permitted to work in any establishment between the hours of 7 p.m. and 7 a.m. It is frequently violated in Bangladesh berceuse so called night duty is about mandatory regardless of age and

gender. A ‘Minimum Wage Board’ is established to determine the minimum rates of wages in different private sectors, taking varied criteria into consideration: cost of living, standard of living, and cost of production, productivity, and price of products, business capability, and economic and social conditions of the country. Majority of the owners of industry are still breaching the laws in this regard. In the case of equal treatment, according to the BLLs, employers are mandated to observe equal wages for male and female workers for equal nature or value of working. According to UN convention (No. 100), equal remuneration can be cited in this regard. A considerable number (20) of reports regarding violation of equity in terms of remuneration have been published. It is not anomaly when a woman is less paid than a man in Bangladesh, although both male and female work the same by time and hardship. In the respect of forced labour (UN Convention, No. 29), there were 26 published reports in 2012. This is evident in almost every sector of labour force of Bangladesh.

Table 5.4: Violation of Rights and Words of the Labours (Witness of a Worker)

Violation of Rights	Words of the Labours
Minimum Wage	Minimum Wage I earn Tk 2,200 per month, with overtime, but rent, health expenses and food for my family costs me around Tk 5,000. My older brother sends money from abroad to help make up the difference, but what will happen if he can no longer afford to help us?
Forced Labour	Falling sick during work is not an excuse, they force us to work.
Discrimination by Gender	We women workers are forced to do more work for fewer wage compared to men.
Trade Union	Trade Union “Hooligans in the pay of the owners threaten that they will kick us out of the factory if we talk about trade unions.”

Source: War on Want, 2009: 5-11

5.4 Efficacy of the Health and Safety Structure

In this section, discussions will be limited the health facilities needs to a worker for his personal needs and in working condition and environment. Three years on from Rana Plaza, workers and employers would appear to be more safety conscious although much still remains to be done including the key issue of remediation of RMG factories to correct faults identified during safety assessments. ILO’s has worked with the Government of Bangladesh to produce the country’s first ever OSH Policy which clearly defines roles and

responsibilities relating to OSH. An OSH profile presenting a complete picture of OSH in Bangladesh is also under production along with a National Plan of Action for OSH. These policy documents provide guidance to all national OSH efforts and help prioritize actions in areas with the biggest potential gains. A key challenge has been the relative lack of technical capacity and understanding among employers and workers, and to a certain extent the government, on how to manage safety and health at the enterprise level.

Table 5.5: Personal Needs of Treatment

Treatment Given by the Ownerto Workers	f	%
Treatment have got	50	14.28
Treatment have not got	300	85.72
Total	350	100

The above Table shows that out of 350 respondents only 14.28% (50) have got treatment from their employer and about 86% (300) have not got. Qualitative study also Support it. According to FGD, a huge number of workers discharged from their job within 2-3 years without any benefit.

In order to help to create greater knowledge in the workplace, the ILO is collaborating with the Bangladesh Employers Federation (BEF) in an ambitious initiative to spread OSH awareness among some 800,000 workers. Utilizing materials developed by the ILO’s International Training Centre in Turin, a core group of 114 trainers has been formed, comprising government, employer organization and private sector staff. This group is already in the process of passing on its skills to some 7,500 managers and supervisors in 400 RMG factories. The newly trained managers will subsequently start building awareness among their workers. Recognizing the vital role trade unions can play in safety, the ILO is working closely with the National Coordination Committee for Worker Education (NCCWE) and IndustriALL Bangladesh Council (IBC). Through a training of trainers’ approach, a network of union leaders and organizers has been built. Similarly, to their government and industry counterparts, these trainers are undertaking workplace outreach activities to build awareness of occupational safety and health amongst union members. The ILO/IFC Better Work programme is also operational in

Bangladesh, and is currently helping improve working conditions and productivity in over 100 factories. As part of their tasks, Better Work advisors work with factories to help enhance awareness of safety among the management and workforce.

It is now an undoubted circumstance that Bangladesh RMG industry has made outstanding progress in workplace safety. The revolution of our apparel industry is not only playing a crucial role in shaping a glowing future of the sector but also turning Bangladesh into a role model for other countries to emulate. We are strong-minded to establish 'Made in Bangladesh' tag as a symbol of safety in the global apparel market. We are committed to ensuring dignity, well-being and safety of our garment workers [Md. Siddiqur Rahman, President, Bangladesh Garment Manufacturers and Exporters Association (BGMEA)/KII

The Accord and Alliance have both carried out major efforts to enhance worker awareness in areas such as fire safety. GIZ and Denmark are amongst other development partners active in this area. The amendment of the Bangladesh Labour Act in 2013 introduced the need for Safety Committees to be established in any factory with over 50 workers. The main role of the Committees is to bring together management and workers to help create and maintain a safe workplace. The formation of Safety Committees is currently being piloted and once operational they should make a major contribution to workplace safety. To support the functioning of the committees, ILO is working with the labour inspectorate to prepare 'OSH Kits'. These will include materials to help the committee members both better understand key OSH issues and carry out their tasks.

ILO is working with the Department of Inspections for Factories and Establishments to create awareness of practical steps as well as rights and obligations relating to OSH. These include materials aimed at workers, managers as well as owners.

5.4.1 Efficacy of Overall Scenario

Although Bangladesh labour law has many provisions on health and safety of the workplaces, but the following facts and figures indicated the scenario in practical:

Table 5.6: Respondents’ Suffering from Occupational Health Hazardous

Responses	f	%
Yes	140	40
No	128	39
Don't know	75	21
Total	350	100

The above mentioned table shows that out of 350 respondents about 40 percent have been suffering from occupational diseases. A portion of the workers even do not know whether they are being in such sufferings or not.

Table 5.7: Respondents’ Types of Suffered Diseases

Responses	f	%
Waist pain	68	13
Shoulder pain	2	3
Breathing Problem	83	7
Hearing Problem	0	0
Allergy	36	0
Cold	0	0
Blur vision	0	0
Headache	0	0
Back pain	49	0
Total	140	100
Multiple Answer		

The workers are suffering from various occupational health hazards. This study reveals that about 83 Percent are suffering from breathing problem, 68 Percent suffering from waist pain, 49 percent suffering from back pain and 36 percent suffering from allergic problem.

Table5.8: Employers’ Treatment Support towards Victim Workers

Responses	RMG	
	f	%
Yes	100	29
No	250	71
Total	350	100

This study clearly indicates that, about 22 percent workers in constructions, about 20 percent in RMG, about 18 percent workers in health and hotel restaurant sectors points that, the employer does not support to treatment of occupational health hazards in workplace.

Table5.9: Status of Personal Safety Equipment

Responses	f	%
Yes	238	68
No	112	32
Don't know	0	0
Total	350	100

This study shows that ... percent workers in RMG do not have any safety equipment available for personal protection during work. Besides, those reported having personal safety equipment available, a portion of them is not much used to use those.

Table5.10: Types of Available Personal Safety Equipment

Responses	f	%
Hand Gloves	191	53.50
Musk	128	35.85
Safety dress	38	10.65
Total	357	100
Multiple answer		

The above mentioned table shows that out of 238 workers who reported having personal safety equipment in their workplaces, 191 have hand gloves, 128 have musk and 38 have safety dress. It is found mostly in compliance factories. But the equipment is not compulsory to use all the time, unless there are buyers visit for compliance monitoring. Besides, workers are not much used to use this equipment.

Table5.11: Status of Workplace Safety

Responses	f	%
Yes	224	64
No	101	30
Don't know	25	6
Total	350	100

Out of the total sampled workers 64 Percent reported that their workplace have safety equipment available, while 30 percent reported that they do not have. About 25 percent do not know whether there is any safety equipment or not.

Table5.12: Types of Available Workplace Safety Equipment

Responses	f	%
Fire fighting	207	28.60
Emergency exit	78	10.77
Alarm	215	29.69
Smoke exit	224	30.93
Total	724	100
Multiple Answer		

The above mentioned table shows that out of the 224 workers reported having safety equipment in their workplaces, 224 percent reported having smoke exit, while 215 person have alarm system, 207 person have firefighting equipment. But a few have emergency exit.

5.4.2 Efficacy of Particular Impact of Health & Safety on Women workers

Women represent 85 percent of the total 2.4 million employees in the Ready-Made Garment (RMG) industry. Employment in the garment industry has increased the average age of marriage and improved women’s financial situation, but many difficulties remain, including significant challenges to women’s health. Unmarried women comprise the majority of the female worker population. Young women often start work at the age of 18 and usually continue till they are 30-35years old. Female workers in Bangladesh tend to have very little education as they drop out of school early to help support their families, and some are illiterate. Women in export processing zones are seen to have higher average education level and skills than workers outside the zones, and working conditions and wages are generally perceived to be better. The major issues affecting female workers’ health in Bangladesh include:

5.4.2.1 Efficacy of Anemia: The Common Disease of Garment Workers

Women in Bangladesh are more malnourished than men at every stage of life but this phenomenon is more visible in the case of adolescent girls and pregnant mothers. The WHO calls anemia a ‘severe’ public health problem in Bangladesh. Women lack knowledge on what food is enriched with protein, carbohydrates, vitamins or minerals. Women have expressed that they do not know the nutritional value of inexpensive food

like pumpkins, leafy greens, vegetable, nuts, fruits of the seasons and small fish. Few women drink adequate amounts of water due to lack of access at home or restricted movement at work.

5.4.2.2 Efficacy of General Health & Disease Prevention

It is very common to visit traditional medicine men for healing maladies through “Jhaar” (Fanning with animal fur/feather) and “Phook” (blowing through the mouth after chanting a few “verses”). Workers in general do not have any idea about blood groups, or their individual blood group. Very few women consult doctors for general or reproductive ailments, including frequently occurring urinary tract infections reported suffering from infectious diseases including hepatitis, malaria, typhoid and dengue, as well as other water-borne diseases. They do not know how to address these maladies and often pay a heavy price for mishandling them.

Table 5.13: General Health & Disease Prevention

Disease Prevention(Immunization)	f	%
Have got from the owner	30	8.57
Have not got from the owner	320	91.43
Total	350	100

From the above Table out of 350 respondents only 8.57% (30) have got Immunization from the owner but 91.43% (320) have not got from the owner. Qualitative study also supports it.

5.4.2.2.1 Efficacy of Health-Related Rights

Including maternity leave, factory child-care facilities, nursing breaks, and hygienic toilet facilities, women also tend to be unaware of their reproductive rights. Most people think that family planning is a woman’s responsibility but that the decision to have a child and birth spacing is up to the man. Taboo (out of bounds/off limits) often prevents women from telling supervisors at work about discomfort during pregnancy.

5.4.2.2 Efficacy of Occupational Health and Safety Issues

Occupational hazards such as fires are a major source of concern in Bangladeshi factories. Female workers have very limited understanding of occupational health and shyness and fear of being reprimanded often prevent them from alerting supervisors to safety hazards. Currently there is an absence of specialist practitioners in occupational health and there is an urgent need to develop capacity of primary health care practitioners to promote workers' health.

5.4.2.3 Efficacy of Personal Hygiene and Menstrual Hygiene

Women in Bangladesh mostly use cloth torn from old saris to absorb menstrual blood. These clothes are reused, often without being washed or dried properly, which results in infections and cause extreme discomfort. In addition, lack of proper sanitation, access to water and health taboos and prejudices impact women's menstrual hygiene and reproductive health. Most factories do not provide sanitary napkins or subsidize their cost, although many factory managers are aware of menstrual-related absenteeism.

Table 5.14: Personal Hygiene and Menstrual Hygiene

	f	%
Have menstrual infections		
Have menstrual infections (Bacteria)	100	28.57
Have not menstrual infections	250	71.43
Total	350	100

The Table shows that out of 350 respondents 28.57% (100) are affected by bacterial infections for menstruation Hygiene problem, 71 % have not. Qualitative study says this is because of religious consciousness.

5.4.2.3 Efficacy of Reproductive Health

The majority of women have no idea about reproductive organs or how the reproductive system works. Many female workers reported suffering from post-birth complications including fistula and prolepses.

For Health (i) Not enough congenial and hygienic working atmospheres in industry (ii) Sexual harassment by lineman, supervisor and manager to the female workers (iii) Not

enough toilet and washroom facilities (iv) Pure water is not available for drinking and washing for female workers (v) Discrimination in wages fixation and other facilities between male & female workers (vi) Not enough maternity leave for female workers. If so, then without pay (vii) No weekly holiday for female workers. If so, then without pay (viii) No recreation facilities for workers (ix) No baby care center for female workers.³ For Safety (i) Management is not aware enough for safety and physical comfort of female workers (ii) In human activities by the security guard to the female workers [9] (iii) Not enough fire exit doors and ventilation for air circulation of industry building [10] (iv) The management offers no appointment letter for any kinds of worker (v) It is found that most of the garment industries do not use safety sign according to the ILO conventions (vi) Most of the fire and smoke alarm bells does not work in garment industries and (vii) Many garment industries does not have fire and smoke alarm systems.⁴

Large-scale entry of women into the labour market has been one of the most striking features of recent industrialization in Bangladesh. The growth rate of RMG sector over the last decade was almost 25%; in the 1990s the sector has registered an average growth rate of about 20%. Creation of employment opportunities, mainly for the women constituting about 90% of the sectors workforce has been a striking feature of the rapid expansion of the RMG sector in Bangladesh. Rising public concern about inhuman working conditions in developing countries led to the creation of the Council of Economic Priorities Accreditation Agency in 1997. A conscious public policy package aimed at encouraging skill development, facilitating technology transfer and rising of the productivity level of female workers thus needs to be put in place to translate Bangladesh's comparative advantage into competitive advantage.⁵

³ Mohammad Mamun Ur Rashid, Mohammad Ashrafur Rashid, "Health and Safety Environment of Readymade Garment Industry in Bangladesh: A Case Study of Zaheen Knit Wears Limited", *Manarat International University Studies*, 4(1), 2015, 9, retrieved 11 June, 2016, <http://miurs.manarat.ac.bd/download/Issue-04/08.pdf>.

⁴ Ibid., 10

⁵ Minhaz Murshed, "Growth rate of garments in Bangladesh", *Journal of Apparels*, May 2016, retrieved 13 August, 2017, 3, <https://www.coursehero.com/file/ptsqn3/Growth-rate-of-garments-in-Bangladesh-The-export-made-by-Garments-Industries-of/>

5.5 Efficacy of Environmental Structures

Garments authority recognizes that environmental responsibility is integral to producing world-class products. In manufacturing operations, Employer will minimize adverse effects on the community, environment and natural resources while safeguarding the health and safety of the public. The environmental standards are:

5.5.1 Efficacy of Environmental Rights

In garments level, environmental rights mean access to the unspoiled natural resources that enable survival, including land, shelter, food, water and air. They also include more purely ecological rights, including the right for a certain beetle to survive or the right for an individual to enjoy an unspoiled landscape and with making good industrial relations.

Table5.15: Environmental Rights of Workers

Environmental Rights of Workers (Shelter, Food, Water and Air)	f	%
Have Opportunity from Owners	50	14.29
Have not Opportunity from Owners	300	85.71
Total	350	100

The above Table shows that Out of 350 respondents 14.29% (50) have got from Owners the opportunity of environmental rights of workers (Shelter, Food, Water and Air) but 85.71% have not. Qualitative study also said the same.

Safe and secure working environment is the fundamental right of the workers (UDHR, 1948). From the international human rights instruments to our domestic laws worker's rights are protected but in our country due to lack of the enforcement mechanisms and unwillingness of some people these problems remain unsolved. Garment manufacturers continuing to build garment factories without proper infrastructure. Since it is one of the biggest industries in Bangladesh, more people are being employed in this sector which is reducing a huge unemployment level as well as the poverty level.

5.5.2 Efficacy of Environmental Management System

As per ISO 14001 or equivalent, the garments authority will have an Environmental Management System (EMS). But in practical, most of the garments factories do not have any environmental management system. In fact, most of the factories are established not in a planned manner. As a result, there is no scope to maintain environmental management system within the existing structure most of the factories. However, some compliance factories especially in EPZ areas have the full fledge environmental management system. But these types of factories are few. Besides, there is no environmental management system in all the non-compliance factories.

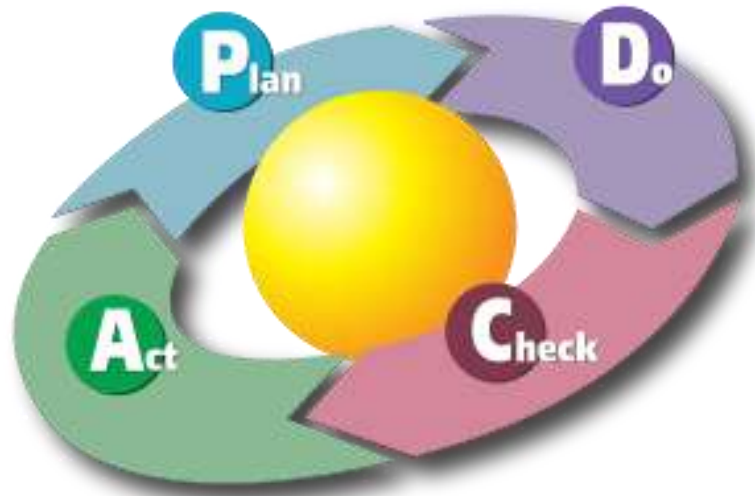
Garments authority will have an Environmental Management System (EMS) in accordance with ISO 14001 or equivalent. The EMS will be implemented and functioning. Third-party registration is strongly recommended but not required unless requested by proper authority.⁶

An EMS follows a Plan-Do-Check-Act, or PDCA, Cycle. The diagram shows the process of first developing an environmental policy, planning the EMS, and then implementing it. The process also includes checking the system and acting on it. The model is continuous because an EMS is a process of continual improvement in which an organization is constantly reviewing and revising the system.⁷ This is a model that can be used by a wide range of organizations — from manufacturing facilities to service industries to government agencies.

⁶ Gastl, R: *CIP in Environmental Management*,

⁷ Gastl, R, idem.

Figure5.1: Environmental Management System (EMS)



An EMS can also be classified as:

A system which monitors, tracks and reports emissions information, particularly with respect to the oil and gas industry. EMSs are becoming web-based in response to the EPA's mandated greenhouse gas (GHG) reporting rule, which allows for reporting GHG emissions information via the internet.⁸ A centrally controlled and often automated network of devices (now frequently wireless using z-wave and zigbee technologies) used to control the internal environment of a building. Such a system namely acts as an interface between end user and energy (gas/electricity) consumption.⁹ The qualitative study observed that the Bangladeshi garments factories are trying to obey and maintain to labour rights in this field.

5.6 Efficacy of Overall Management System

Employer will adopt or establish a management system whose scope is related to the content of this 'Employer Code'.¹⁰ The management system will be designed to ensure: (a) compliance with applicable laws, regulations and customer requirements related to the employer's operations and products; (b) conformance with this 'Employer Code'; and (c) identification and mitigation of operational risks related to this 'Employer Code'.

⁸ <http://www.commengineering.com/commtracker-ems.html>.

⁹ <http://www.ehome.co.uk/renewable-energy-services/heating-and-lighting-controls/>

¹⁰ Employer Code: Means give all the rights to the employees as per BLA-2006.

It should also facilitate continual improvement. The management system should contain the following elements:

5.6.1 Restore Company Commitment and CSR

A corporate social and environmental responsibility policy has to be established affirming employer's commitment to compliance and continual improvement, endorsed by executive management. Company should maintain the CSR policy which is now a burning question.¹¹

5.6.2 Ensure Management of Accountability and Responsibility

Clear identification by the Employer of company representatives has to be responsible for ensuring implementation of the management systems and associated programme. Senior management will review the status of the management system on a regular basis.¹²

5.6.3 Customer Requirements

A process to identify, monitor and understand applicable laws, regulations and customer requirements, including the requirements of this 'Employer Code' or Employers responsibility.

5.6.4 Risk Assessment and Risk Management

A process to identify the environmental, health and safety and labour practice and ethics risks associated with employers' operations. Determination of the relative significance for each risk and implementation of appropriate procedural and physical controls to be control the identified risks and ensure regulatory compliance.¹³

5.6.5 Improvement of Stated Objectives

Written performance objectives, targets and implementation plans to improve the employer's social and environmental performance, including a periodic assessment of employer's performance in achieving those objectives.¹⁴

¹¹ BILS-CSR Policy-2016.

¹² BLA-2006, (Section-150-174).

¹³ BLA-2006, (Section-150-174).

¹⁴ BLA-2006, (Section-150-174).

5.7 Efficacy of Workplace Management Structure

A Harmless and sound workplace Management system is the fundamental right of the workers (UDHR, 1948). From the international human rights instruments to our domestic laws worker's rights are protected but in Bangladesh due to lack of the strong managerial affinity, enforcement mechanisms and unwillingness of some factory owners these problems remain mysterious. Garment manufacturers ongoing to build garment factories without proper infrastructure, as well as their management structure are also very weak observed through qualitative research. Since it is one of the biggest industries in Bangladesh, more people are being employed in this sector which is reducing a huge unemployment level as well as the poverty level.

5.7.1 Efficacy of Progress of the Structural Assessment Initiative

After Rana Plaza accident, work-place management was considered one of the most important challenges to sustain RMG industry in Bangladesh. Thus actions regarding structural and fire safety assessment of all active export-oriented RMG factories were addressed in all the action plans. The supporting actions included up-gradation and strengthening of the Chief Inspector of Factories and Establishment office to a "department", recruitment of additional labour, fire and building inspectors, arrangement of training programme to increase capacity of the inspectors, development of plan in consultation with the ILO to conduct effective inspections, initiation of remedial actions or close or relocate factories as appropriate, and creation of a publicly accessible database of all RMG/knitwear factories as a platform for reporting labour, fire and building inspections. All of these actions are either fully or partially completed (Table 1). The GoB has already upgraded Chief Inspector of Factories and Establishment office to Department of the Inspection for Factories and Establishments (DIFE), sanctioning 679 new staff positions including 392 new inspectors and also started organizing training programme for the newly recruited inspectors for capacity building. Bangladesh University of Engineering and Technology (BUET) and two private engineering firms TUV SUD Bangladesh (Pvt.) Ltd. and VERITAS Engineering & Consultant on behalf of

the NTC, the Accord, and the Alliance are responsible for conducting the assessments of the structural integrity and fire safety of RMG factory buildings. To undertake the structural assessment of factory buildings with common approach, Guidelines for Assessment of Structural Integrity and Fire and Safety including harmonized standards were developed by the technical experts (structural engineers, fire safety experts, etc.) from the BUET on behalf of the NTC, the Accord, and the Alliance. A review panel along with are view mechanism was also established to handle urgent safety issues in garment factories. Finally, in November 2013, assessments of the structural integrity and fire safety of RMG factory buildings officially commenced, led by engineers from BUET. The BGMEA and BKMEA agreed to share necessary documents related to factory design and layout with the Committee to facilitate a smooth assessment process. Among a total of 1400 Accord member factories, 1250 have been inspected till March, 2015. Moreover, among newly listed factories, initial inspections of 250 factories have already completed. As of March 2015, the Accord has received and handed over 950 Corrective Action Plans (CAPs) to the respective factories. So far 683 CAPs have been published on the website .The Alliance has already inspected all of its 647 factories. The NTPA has set a target to inspect around 1500 factories that are neither part of the Accord or the Alliance with the support of the ILO. The Bangladesh University of Engineering and Technology (BUET) team has inspected 471 factories, and two private sector companies TUVSUD Bangladesh (Pvt.) Ltd and VERITAS Engineering & Consultant have been assigned to inspect the rest of the factories in the initiative. Despite such progress in the assessment, the initiative is currently facing a number of difficulties in conducting the inspections. The difficulties include listing with incorrect address, factories in the list missing as a result of previous closures, and incomplete listing of factories.¹⁵

¹⁵ Academic paper (PDF): Workplace safety compliance of RMG industry in Bangladesh: Structural assessment of RMG factory Buildings. Available from: https://www.researchgate.net/publication/282424322_Workplace_safety_compliance_of_RMG_industry_in_Bangladesh_Structural_assessment_of_RMG_factory_Buildings [accessed Apr 6, 2017].

Punishment for those who are responsible for accidents and accountability of the owner should be ensured. Otherwise in the near future we will be questioned for these types of gross human rights violations and may lose our foreign buyers. At the same time proper implementation of general and international standards should be made mandatory; otherwise, death traps for workers will continue to be built. The recent steps taken by government and BGMEA showed some progress in taking safety measures in factories. The government and the owners of garments factories should be more concerned about industrial safety related rules and regulations which will minimize their expenses as well as the severe losses due to accidents. Inspection, reporting and compliance of existing national and international laws and standards must be enforced properly to minimize further incidents due to lack of occupational safety provisions. To be an upper position holder in the world Garments Sector, there is no way except follow the above recommendations. We hope by maintaining proper management and policy strategies our country will take in the garment sector the apex position in future.

5.7.2 Efficacy of Internal Management

Each of the garment factories has its own management structure. Generally, owner of the factory is head of the management. Besides, there are top level, mid-level and lower level management staffs. In most cases, owners' representatives are the top level management staff, especially in non-compliance factories. However, owner is all in all for all factories and all the management is operated by the owners. But standard practice found in the foreign owned factories and large scale factories.

After the Rana Plaza incident, the Ministry of Labour and Employment has taken various steps to improve the safety of garment factories in a short time. The main challenge is to overcome the lack of awareness among factory owners and workers. The prime goals of the Bangladesh Government are to implement the Labour Law properly and avoid any similar such tragic incidents occurring in the Bangladesh industrial sector (MikailShipar, Secretary, Ministry of Labour and Employment, Government of Bangladesh) (KII-7 November, 2016).

5.7.3 Efficacy of Government Authority in Workplace Management

Under the Ministry of Labour and Employment, the Department of Labour (DoL) as one of its executing agencies is responsible for overall administration and implementation of policies and programme. The inspection of factories and prosecution against violations of labour laws in courts are prerogatives of the Department of Inspection for Factories and Establishments (DIFE). All garment factories except those in the EPZs are under the purview of DIFE's monitoring and enforcement, whereas for factories in the EPZs, the Department of Industrial Relations (DIR) acts as a substitute. But in fact, both of the departments are not well functioning due to its various limitations e.g. poor structure, limited manpower, poor equipment, and logistics and so on. But due to national and international pressure in the recent time, govt. has taken initiative to improve the capacity of DIFE.

I congratulate the Government of Bangladesh for all they have achieved over the past three years, but also call on them to continue their efforts to improve the labour rights dimension as it is a vital part of the solution that we are all looking for. (Gilbert Hougbo, Deputy Director General for Field Operations and Partnerships, International Labour Organization)

5.7.3.1 Efficacy of Inspection of Factories

In spite of the presence of institutional mechanisms for enforcement of regulation, the effectiveness of those institutions is often questioned. Reasons of these are numerous, but two of them stand out. The first of the two core reasons is that it lacks resources to adequately inspect and carry out labour law enforcement. This includes not only lack of human resources but also shortage of transportation facilities and inspection equipment, said by the FGD talking at Gazipur.

The ILO Committee of Experts on the Application of Convention and Recommendation (CEACR) in its 2007 report noted that the human and material resources for inspection in Bangladesh were hardly changed in last two decades, whereas the number of

registered premises and number of workers in those premises have increased by 67 percent and 140 percent respectively. Notwithstanding, the regulatory obligation of the Government to appoint requisite number of inspectors for investigating workplace activities (BLA 2006, Article 318), only 92 inspectors are responsible for carrying out inspections in all the 25000 registered factories of the sector.

Table 5.16: Factory Inspections as at 31 July 2016

Initiative	Assessments Completed
National Initiative	1,549
Accord	1,505
Alliance	890
Jointly Inspected (Accord and Alliance)	-164
Total	3,780

The inspection of RMG factories was carried out by three initiatives. The Bangladesh Accord on Fire and Building Safety and the Alliance for Bangladesh Worker Safety inspected factories that their members source from. The remaining factories were assessed by a government effort supported by the International Labour Organization with funding from Canada, the Netherlands and United Kingdom. By the end of December 2015 the inspection process was complete with 3,632 factories inspected by the three initiatives. Of these, 39 have been closed for presenting immediate danger to workers while a further 42 have been partially closed: actions which have potentially saved the lives of many thousands of workers.

The inspection process had to overcome a series of challenges. An intense period of coordination and collaboration saw harmonized inspection standards agreed between the initiatives based on the Bangladesh National Building Code and international good practices. A common reporting template was developed to ensure consistency between inspection reports produced by different groups. ILO has played a central role in facilitating stakeholder cooperation. The process of harmonization is a significant achievement that helps create a solid foundation which the Bangladesh inspection service can build on for the future. Whilst the completion of inspections marks a major milestone, no factory can be considered fully safe until it has carried out all actions

highlighted in the inspection reports. Emphasis is now being placed on the development of Corrective Action Plans and follow up remediation work. A number of factories also need to complete Detailed Engineering Assessments where further information to assess their safety is required.

5.7.3.2 Efficacy of Future Action in this Field

While much of the inspection work has been carried out through the support of Accord, Alliance and development partners, Bangladesh must ensure that it is ready to take ownership of this process once external support ends. ILO is helping enhance the capacity of the Department of Inspections for Factories and Establishments (DIFE) to be able to effectively follow up on the findings of fire and structural inspections in a systematic, comprehensive and transparent manner. The Fire Service and Civil Defense Department as well as the Capital Development Authority (RAJUK) have also been involved in this process in view of their important role relating to fire and building safety. An important outcome has been the commitment between the fire and labour inspection services to carry out joint inspections of factories.¹⁶ Over the past three years there has been a lot of progress in improving working conditions in the ready-made garment industry of Bangladesh. All RMG factories have been preliminary assessed and are now safer. The Labour inspectorate is more effective and knowledge of Occupational Safety and Health has improved. The Government of Bangladesh is committed to further improving working conditions not only in RMG factories but in all sectors and for every worker (Md. Mujibul Haque Honorable State Minister, Ministry of Labour and Employment Government of Bangladesh)(KII-18 November, 2016).

In the three years since the Rana Plaza disaster, the safety and overall workplace situation in the RMG sector, and in other industrial sectors in Bangladesh is in visibly better shape than it used to be. Employers now understand that a safe and healthy workplace is a prerequisite for efficient productivity and smooth operation of an

¹⁶ Strengthening workplace safety and labour rights in the Bangladesh Ready-Made Garment sector, p.12, retrieved 6 March, 2017, http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_474048.pdf

enterprise. It is our firm belief that working together with the development partners and the government, we shall be able to bring in the required reforms at the workplace, and industrial accidents of such scale will not happen again (Salahuddin A. K. Khan, President, Bangladesh Employers' Federation) (KII-7 November, 2016).

Major changes to DIFE include its upgrade to a department, the installation of high-level leadership and the creation of 392 new inspector positions. Budget allocations for DIFE also increased considerably, from US\$900,000 in 2013-14 to US\$4.1 million for the period 2015-2016. By August 2015, 200 new inspectors had been recruited, taking the total to 284, a significant increase compared to the 92 active inspectors on duty at the time of Rana Plaza. The number of female inspectors has also increased to 20 percent of the total, which help DIFE should better interact with the predominantly female RMG workforce. As part of the reform process, DIFE has embarked on an ambitious drive to significantly strengthen its planning and operational mechanisms with the active technical support of ILO and its RMG programme funded by Canada the Netherlands and United Kingdom. Key steps include development of a road map for inspection management reform that has seen the establishment of a number of dedicated operational units within DIFE dealing with areas such as Occupational Safety and Health. A labour inspection strategy has been drawn up highlighting priority industries such as RMG, tea and ship breaking. Meanwhile, a labour inspection checklist for various industries and standard operating procedures for inspectors are being developed. Both new and existing staff has been provided comprehensive training in a number of areas. This has ranged from basic training for new inspectors to more specialized areas such as fire assessment follow up. A significant programme of foundational training took place from late 2015 to early 2016 helping.

The Department of Inspections for Factories and Establishments (DIFE) has undergone a comprehensive reform process since Rana Plaza. We now have more and better trained staff and are undertaking fundamental strengthening of the inspectorate by developing

new systems and procedures to underpin our work (Syed Ahmed, Inspector General, DIFE)(KII-30 November, 2016).

In response to the Rana Plaza and Tazreen tragedies, the Government of Bangladesh initiated a major reform of the Department of Inspections for Factories and Establishments (DIFE). This has created an opportunity to make the inspection system more effective, credible and accountable. The new structure also allows for cooperation with other agencies and departments.¹⁷

5.7.3.3 Efficacy of Labour Inspector Training

Md. Moniruzzaman (an Inspector of RMG factory) could no longer contain his emotion as he received the award for best student on a comprehensive foundational training course for labour inspectors supported by ILO's RMG programme. At a ceremony held 9 March 2016 presided over by M. Mujibul Haque, MP, State Minister, Ministry of Labour and Employment, the inspector from Dhaka explained that having the chance to be trained and then coming top amongst the 40 inspectors on the course had reduced him to tears of joy. "I feel very proud. This was good training for all of us and will be very helpful in my service life. Now when I visit factories I am much more confident and know a lot more," Md. Moniruzzaman said (KII-30 October, 2016).

5.7.3.4 Efficacy of Penalties and Punishment System in Law in Favour of Employers

The legal provision pertaining to penalties for labour law violations have made the existing enforcement institutions ineffective. The BLA 2006 provides numerous provisions of penalties—both financial and imprisonment—for the violation of labour law. Some of these penalties (Section 289, 290, 291, and 294), However, the qualitative findings show that the rate of penalties and punishment is rare especially in case of RMG.

¹⁷ Strengthening workplace safety and labour rights in the Bangladesh Ready-Made Garment sector, p. 3, retrieved 6 March, 2017, http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_474048.pdf

5.8 Efficacy of the Structure of Workers' Participation

Workers participation may exist in all levels of management; however it may vary from management to management. Participation of workers in management is more likely at lower level and less involvement at top level of management. Broadly speaking there are some five levels of participation of workers in management. Those are as follows:

5.8.1 Efficacy of Participation Inside (Direct) the Garments Factories

Some factors are efficient on Participation inside/direct the Garments Factories which are closely related to workers' participation in decision making in nature. Those are as follows:

5.8.1.1 Efficacy of Participation Committee

Bangladesh RMG industries fall on a question of survival after the Tazrin Garments and Rana Plaza tragedy. To overcome the situation Bangladesh government to take steps to improve the safety of garment factories and worker's rights Govt. declared to review law to ensure workers safety and rights at workplace and accordingly changed in the law. In line with that, enterprise and factory should form active Participation Committee as per Labour (amendment 2013) Act, 2006. But till today majority did not form "Participation Committees." Besides, workers' representatives were not elected even the factories formed participation committee. Even factories those have informal or selected

On the other hand, majority of the participation committee and the members from both side are not trained on how to conduct social dialogue/meeting to solve any problem at the factory level. Factories still did not any room to "Participation Committees" to conduct social dialogue/meeting to improve working conditions of factories but keeping meeting minutes in the paper to face buyers'/brands social compliance audit. As a result, brands and buyers are pressuring factories to form effective and functional participation committee immediately to avoid any unwanted unrest at the factory level.

The main problem is that the people those are working in the compliance, administration even human resource division/section have little or no adequate/required knowledge and understanding to handle the workers issues through participation committee. One major

aspect of the Participation committee’s willingness towards dialogue, in fact there is no real cooperation or willingness to improve working conditions in the Bangladeshi garment sector through social dialogue of participation committee. Due to lack of awareness of Participation Committee and their activities, lack of participation of workers in Participation Committee’s activities, there is a very little presence of Participation Committee in factories and last very little number of workers is involved in social dialogue tables with employers.

The following quantitative study findings show the practical situation of the effectiveness of Participation Committee:

Table5.17: Workers’ Knowledge about Participation Committee

Responses	f	%
Yes	259	51.8
No	241	48.2
Total	350	100

The study reveals that more than half of the workers do not have any knowledge about Participation Committee. Those who know about it, most of them cannot explain properly about the provision, role and function of the Participation Committee. They only know about its existence. The qualitative findings show that the existence of this committee is just to maintain the compliance requirement of buyers; otherwise, the factory might lose order. Considering that, the employers used to maintain it through paper works. They used to show a committee in paper, which is consists of the workers’ representatives nominated by the employers in most of the cases.

Table5.18: Rate of Participation in Decision Making

Total Sample Factory	Existing Workers’ Participation Committee	Workers’ Participation in Practice
30	12 (40%)	3 (10%)

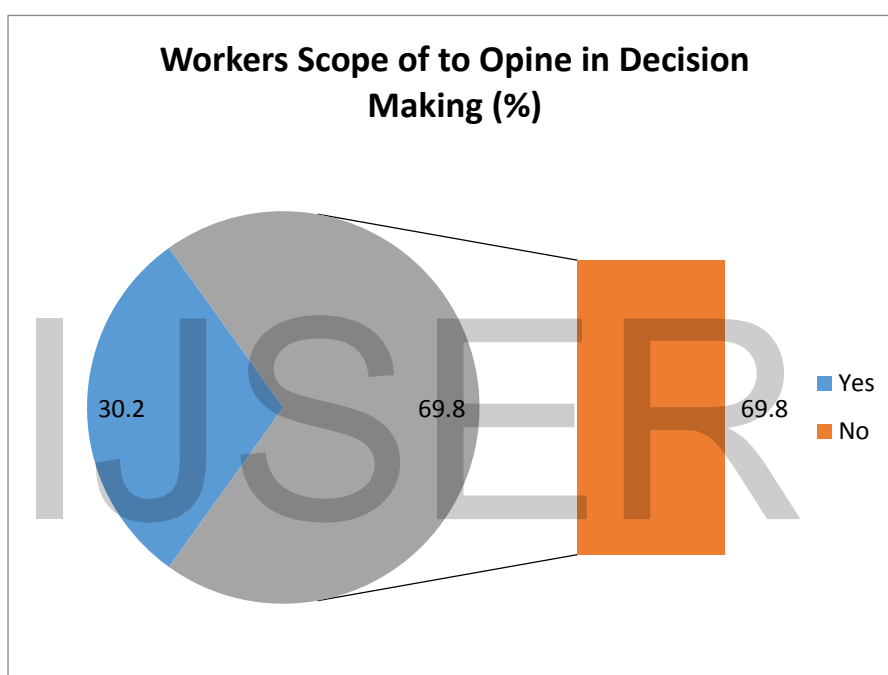
Above Table shows that, out of Sample 30 Factories, Workers’ Participation Committee Exists in 12 (40%) factories, but of them Workers’ Participation in Practice found in 3 (10%) factories only.

Table5.19: Respondents’ Status in Participation Committee

Status in Participation Committee	f	%
Member	63	12.6
Not Member	437	87.4
Total	350	100

Out of the total respondent about 13 percent found who are members of the participation committee, rests are not member of that committee.

Figure5.2: Respondents’ Scope to Opine in Decision Making



The study reveals that, maximum number (69.8%) of worker members in the participation committee do not have scope to give their opinion in decision making. It is mostly dominated by the employers or their representative management level staff. About 30 percent of the respondent member of the participation committee reported having scope to give opinion.

Table5.20: Acceptance of Workers’ Opinion in Decision Making

Status of Acceptability	f	%
Mostly Consider	0	0
Sometimes consider	3	16
Never consider	16	84
Total	350	100

The above mentioned table shows that, those who reported having scope to opine in participation committee, denied mostly about the acceptance of their opinion. Qualitative study finds out that in most cases, no monthly meeting takes places. So there is no scope for workers' representative to give opinion.

Qualitative findings of the study show that almost all the trade unionists and resource persons opined that there is no existence of participation committees in many garment factories in the country, although formation of the committees is mandatory as per the Bangladesh Labour Act 2006. In most cases, the committees exist only in paper, they said. In absence of trade unions, the committees provide a platform for the workers and employers to engage in dialogues, they added. But the committees do not have any provision to bargain collectively on behalf of workers for their rights issues. So, it cannot be an alternative of trade union, they opined.

5.8.1.2 Efficacy of Workers Welfare Society for EPZ only

As per EPZ Workers Association and Industrial Relation Act, 2013, every establishment in EPZs should have Workers Welfare Society (WWS) to ensure workers' rights in the establishments. In line with that most of the RMG industries in EPZs formed Workers Welfare Society. The Government and the employers are claiming it as trade union. But the trade union leaders opined that WWS cannot be a trade union or an alternative of trade union. Because this WWS do not have any capacity of collective bargaining with the employers about their rights or welfare issues try to function well.

5.8.1.3 Efficacy of Importance of Collective Bargaining

Collective bargaining includes not only negotiations between the employer and unions but also includes the process of resolving labour-management conflicts. Thus, collective bargaining is, essentially, a recognized way of creating a system of industrial jurisprudence. It acts as a method of introducing civil rights in the industry, that is, the management should be conducted by rules rather than arbitrary decision making. It establishes rules which define and restrict the traditional authority exercised by the management.

5.8.1.3.1 Importance to Employees in Collective Bargaining

Collective bargaining develops a sense of self-respect and responsibility among the employees. • It increases the strength of the workforce, thereby, increasing their bargaining capacity as a group. • Collective bargaining increases the morale and productivity of employees. • It restricts management's freedom for arbitrary action against the employees. Moreover, unilateral actions by the employer are also discouraged. • Effective collective bargaining machinery strengthens the trade unions movement. • The workers feel motivated as they can approach the management on various matters and bargain for higher benefits. It helps in securing a prompt and fair settlement of grievances. It provides a flexible means for the adjustment of wages and employment conditions to economic and technological changes in the industry, as a result of which the chances are reduced.

5.8.1.3.2 Importance to Employers in Collective Bargaining

It becomes easier for the management to resolve issues at the bargaining level rather than taking up complaints of individual workers. • Collective bargaining tends to promote a sense of job security among employees and thereby tends to reduce the cost of labour turnover to management. • Collective bargaining opens up the channel of communication between the workers and the management and increases worker participation in decision making. • Collective bargaining plays a vital role in setting and preventing industrial dispute.

5.8.1.4 Efficacy of Establishment Based Trade Union

Workers' right to organize is well established under international human rights law, and explicitly guaranteed in the ICCPR and the ICESCR as well as two of the core ILO conventions, ILO Convention 87 concerning Freedom of Association and Protection of the Right to Organize and ILO Convention 98 concerning the Right to organize and Collective Bargaining that Bangladesh has ratified.

These conventions, and their authoritative interpretations by the UN Human Rights Committee, UN Committee on Economic, Social and Cultural Rights and the ILO Committee on Freedom of Association (CFA), which examines complaints from workers' and employers' organizations against ILO members, impose an obligation on the Bangladesh government to ensure that employers do not thwart workers' right to union formation and participation.

The ICCPR provides that "everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests" and the ICESCR recognizes "[t]he right of everyone to form trade unions and join the trade union of his choice."

As a party to the ICCPR, Bangladesh is required to "take the necessary steps . . . to adopt such legislative or other measures as may be necessary to give effect to" the right to form and join trade unions and to ensure that any person whose right to organize is violated "shall have an effective remedy."

As a member of the ILO, Bangladesh has "an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles the fundamental rights which are the subject of [the core] Conventions." The ILO CFA has noted that ILO members, by virtue of their membership, are "bound to respect a certain number of general rules which have been established for the common good.... Among these principles, freedom of association has become a customary rule above the Conventions."

Under ILO Convention 87, "Workers... without distinction whatsoever, shall have the right to establish and... to join organizations of their own choosing without previous authorization" and "to elect their representatives in full freedom." [238] Authorities should refrain from any interference that would restrict this right or impede its enjoyment. States are free to prescribe legal formalities for establishing unions, but they cannot abuse this freedom by prescribing formalities that impair fundamental labour rights guarantees.

The right to organize includes the right to official recognition through registration, and the conditions of registration cannot constitute a form of prior authorization before establishing a union. The law should clearly specify the conditions for union registration and the grounds on which the registrar may refuse or cancel registration. Government procedures that result in undue delays to registration are an infringement of workers' right to organize. If the law requires a minimum number of founder members to establish a union, states are not allowed to set the number so high that it effectively renders it impossible to set up a union. The Committee has repeatedly found that "a minimum membership requirement of 30 per cent of the workers concerned to establish an organization is too high."

5.8.1.4.1 Efficacy of Effectiveness's of Trade Unions

While in one sense the climate for union formation has improved in Bangladesh since Rana Plaza—in part due to new legislation in mid-2013 easing requirements for union registration—national trade union federations report that abuses of workers pressing for or leading unions has actually increased as employers push back against new unionization drives. Our interviews provide substantial evidence of such abuse. Perpetrators of even egregious physical abuse are rarely prosecuted, although in several cases pressure from buyers or the BGMEA has led to mediated settlements of the underlying labour disputes.

Under intense international pressure to reform the industry following the Rana Plaza disaster, the government amended the labour law in July 2013, making it easier for unions to be organized. As a result, the labour department has registered more unions than ever: 85 new unions in 2013, 174 in 2014, and 21 in the first three months of 2015, bringing the total number of factory-level unions in Bangladesh from 136 in 2012 to 416 on March 30, 2015. By contrast, in 2011 and 2012, the labour department registered only two unions. Clearly, this is progress, but there are more than 4,500 garment factories in Bangladesh and even after the new registrations unions are present in less than 10 percent of them.

Section 195 of the Bangladesh Labour Act, 2006 (amended 2013) outlaws numerous “unfair labour practices.” For example, no employer shall, “dismiss, discharge, remove from employment, or threaten to dismiss, discharge, or remove from employment a worker, or injure or threaten to injure him in respect of his employment by reason that the worker is or proposes to become, or seeks to persuade any other person to become, a member or officer of a trade union.”

As detailed below, however, factory managers continue to use threats, violent attacks, and involuntary dismissals in efforts to stop unions from being registered. Even after unions are formed, union leaders still risk being fired. As a result, some unions exist only in name, with members too afraid to raise their voices and the union all but impotent as a channel to air and address worker concerns.

Another obstacle to unionization in Bangladesh, not covered in our interviews but addressed at the end of this chapter is that Bangladeshi law entirely denies workers in Export Processing Zones (EPZ) the right to form unions. The latter is a clear violation of workers’ right to freedom of association, another barrier that Bangladesh needs to tear down.

Table 5.21: Rate of Participation in Decision Making

Total Sample Factory	Existing Trade Union	Workers’ Participation in Practice
30	6 (20%)	2 (7%)

Above Table shows that, out of Sample 30 Factories, Workers’ Participation in TU Exists in 6 (20%) factories, but of them Workers’ Participation in Practice found in 2 (7%) factories only.

Table5.22: The Quantitative Study Shows the Following Picture

Workers participation Status	No of Workers (f)	Percent (%)
Can participate in decision making of TU	45	12.86
Do not have scope to participate	305	87.14
	350	100

The above mentioned table shows that in which factories have canteen and its committee, 87 percent of the workers do not have any scope to participate in decision making of TU. It is mostly managed by the employers or their representatives.

5.8.1.4.2 Efficacy of Trade Union on Physical Assault

Some workers involved in setting up trade unions have faced extreme violence by managers or by local criminals, known locally as “*mastans*,” who at times openly admit to acting on behalf of factory managers. In one case a worker was beaten by a man he described as being an influential political person connected to the factory owner. In another case a pregnant worker was beaten by a man wielding a curtain pole. In yet another case a female worker was hospitalized after being attacked by men with cutting shears.

Munir Moniruzzaman Sikder, a union organizer with the National Garment Worker’s Federation (NGWF), said that mastans beat him in May 2014 after managers discovered he was helping workers form a union at the Pioneer Knitwear factory.

They were trying to force me to tell the names of all the other persons in the union and in other factories, and also how many workers were organizers and members of the federation. Those thugs said that factory owners have a lot of money. They said they were ordered to beat me so badly that I would be covered with soil [euphemism for dead and buried]. They hit me with field hockey sticks, fractured my right leg, and beat me on the arms, shoulders, and back. Really my entire body was covered with injuries. One thug yelled at me that if he heard me speak the name of the NGWF in the future, he would cut out my tongue.

One of the labour activists, Hasina Akhter Hashi, described her experience: The workers contacted the federation and said that they wanted to form a union. So the federation sent the four of us to go the workers’ houses in Dhaka city. The workers took us into their houses to fill out the forms, and quite quickly we signed about 300. But then some factory managers and local goons came and they attacked me and Rita in front of the house. They kicked, punched, and pushed us to the ground, they snatched away our

mobile phones, they took all the completed forms, and our money.... I thought we were going to die. They were threatening that they would kill us. They had cloth cutting knives and scissors and they were yelling at us saying, 'We are going to use these knives on your faces if you don't listen to what we are saying.' When our two male colleagues arrived to help, they attacked them.

Most garment workers are women and are not spared physical attacks to prevent them forming labour unions. Organizers of a new union registered at a factory in Gazipur in January 2014, say they were assaulted, in some cases brutally, in the ensuing weeks and months; they said scores of union members were fired.

The union's treasurer said management staff beat her while she was pregnant, and forced her to work at night. Eventually she was fired on May 18, without receiving all the wages she was owed.

I was beaten with metal curtain rods in February when I was pregnant. I was called to the chairman's room, and then taken to the 3rd floor management room which is used by the management and directors and there I was beaten by the local goons. It was not just me that was beaten, there were other women who were called at other times, and they were beaten the same way as well. They also wanted to force me to sign on a blank piece of paper, and when I refused, that was when they started beating me. They were threatening me saying 'You need to stop doing the union activities in the factory, why did you try and form the union. You need to sign this paper.'

The union's general secretary also described being beaten by local gangsters inside the factory. He said he was beaten so badly it left him with chest injuries that make it hard for him to breathe. He complained to the police, naming his attackers, but they did nothing.

When I was working, the mastans came into the factory, and then pulled me up to the conference room on the second floor of the factory and beat me. I know who these goons are. They kicked and punched me and I fell to the ground, all the time they were saying that I had to leave the factory. They told me that if I didn't stop the union activity, they would kill me.

Some workers are beaten and then fired. For instance, two former workers from a large factory in Ashulia claimed that they lost their jobs after trying to organize a union. One of them also said he was attacked in September 2013:

Union leaders at other factories also said they were attacked and threatened by owners. A founding member of a union at 'Sadia Garments' said she resigned due to serious threats against her:

When we took the registration form to the owner he threw it in the dustbin. He said that he would spend lots of money to stop the union from being formed. He said he would bribe the police and hire thugs. So we felt really scared. In total there were 14 organizers. Two of them were beaten. One woman was attacked with cutting shears. Then some men came to my house. This was about 15-20 days after we submitted the forms. There was one mastan as well as the owner's brother and some other staff. The mastan said, 'If you do not leave your job we will do something serious to you, so take your money, take two months' pay, and go away.' I was terrified and so I agreed. I signed the resignation letter and was given the money. Whoever raises their head suffers the most.

A union leader described how in June 2014 management officials tried to bribe two union leaders to stop them from participating in the union at her factory. When they refused to give in, management officials threatened them. The management also hired local thugs to beat up some others:

Five of our workers were beaten up inside a chamber on the factory floor and the goons also flashed a gun at the workers. One male worker was beaten unconscious so we called the leader of our trade union federation, who called the police. Then the police came and controlled the situation.

The trade union federation helped the union workers file a police complaint against several of the management officials but the union leader told Human Rights Watch that the police did not investigate the matter. The union leader was fired in September 2014

after she was absent from work for three days. “They used that as an excuse to fire me,” she said. “But the real reason is that I participate in union activities.” She said unpaid salary is still due her.

My salary is pending for the last month and for nine days of this month but they [management officials] said ‘as long as you are involved in union activities, we will see how you are able to get your salary from us.’ They also told me that if ‘you try to get legal help, you will not succeed.’

Some workers also alleged that they were beaten up, harassed, intimidated, threatened, and sacked for efforts to unionize at Global Trousers Ltd. factory in Chittagong. Mitu Datta, who works in the factory’s finishing department, said that on August 26, 2014, six men, attacked him and his wife Meera Basak (who is a junior sewing operator there) while they were outside the factory gate waiting for a bus. Basak is acting president of the union while Datta is a member of the union. Datta said the men, their faces covered by cloth, beat him and his wife with iron bars. Basak bore the brunt of the attack, he said.

In February 2015, the New York Times reported that several international buyers that had suspended business with the ‘Azim Group’, including ‘PVH Corporation’ and ‘VF Corporation’, had agreed to resume orders following weeks of negotiations. The management of Global Trousers factory signed a memorandum of understanding with the workers’ union on February 3 in which it promised to recognize and bargain with unions, and abandon all complaints and objections brought against the union.

5.8.1.4.3 Efficacy of Trade Union on Intimidation and Threats

As noted above, even when workers involved in setting up unions are not physically attacked, they often face threats, intimidation, and increased workloads. In some cases union leaders have also been threatened at their homes by managers and mastans.

For instance, in one Dhaka-based factory, female union leaders faced threats and abuse, and dramatically increased workloads, between submission of their union registration

forms in February 2013 and registration of the union in April 2013. ‘Human Rights Watch’ interviewed six women who helped set up the union and all said a primary motivating factor behind the union drive was to end extra work without overtime pay. All of them said they were harassed for having sought to register a union to try to stop the practice, and one even said she received threats at home: “When I submitted the registration forms, local gangsters came to my house and threatened me. They said, ‘If you come near to the factory we will break your hands and legs.’” Similarly, some workers at a different factory told us that some union members had been forced to leave their homes after receiving threats when they filed union registration papers in 2014.

According to four workers we spoke to at another Dhaka factory, managers offered bribes and made threats in efforts to dissuade workers from forming a union. One worker described what happened after managers discovered what they were doing to organize the union:

They said that if we set up a union we would be sacked, that the foreign buyers would not want to place orders. For the slightest mistakes they would threaten to sack us. They even tried to bribe us. They said that they would give us whatever we wanted so long as we didn’t form the union. But we didn’t believe them and stuck with this.

Eventually more than 400 of the factory’s 500 workers signed papers supporting the union, and the union was registered in November 2013.

The problem was that whoever used to raise their voices in protest was fired. So we decided to form a union. 104 workers signed the papers. The chairman [of the factory] said to us, ‘Why are you doing this? I have a big hand, my hand is very big, and if you go there, I will take care of you.’ They identified me as a troublemaker and tried to have me thrown out. They said there was less work so I had to go. But the workers started a protest so I was allowed back. Then the owners tried to increase my salary or even promote me. But I argued that I wouldn’t take an increase unless everyone did.

The 18 workers who organized the union at another Dhaka factory have faced threats and abuse since the time managers discovered what they wanted to do. Human Rights Watch interviewed eight members of the union who said that the factory employs between 400-600 workers and makes clothes for several European retailers. The union's president described what happened when managers first heard what the workers were doing:

I was elected the president of my trade union by my colleagues and we started to organize confidentially. But one day the floor supervisor found out. He started to threaten me. He said, 'You will be killed by the owners.' He then slapped me, insulted me, and said I would lose my job.

5.8.1.4.4 Efficacy of Trade Union on Threats of Sexual Violence

Some female interviewees involved in organizing unions said they received threats or insults of a sexual nature. For example, a worker at a Dhaka-based factory told us:

One day, after I had started work, my supervisor called me into his chamber and started threatening me. It was 10:40 in the morning. He told me to leave the factory because I was leading the union. He said I was making the place dirty, polluting it. 'Go and work in a brothel,' he told me. After that incident I felt really bad and stayed quiet for some time. But then I realized that this is how managers and supervisors try to scare the workers. I decided not to step back and started to fight for the union with more dedication (FGD Dhaka, Uttara on 23/10/2016).

Another worker in the same Dhaka-based factory said that after she helped establish the union, she was ordered to do more kinds of work than before, making it harder to meet her targets, prompting more verbal abuse.

5.8.1.4.5 Efficacy of Trade Union on Disgusting Words

They would make me do belt loops, waistband, and sleeve-cuffs. And then when I didn't meet a target they would be screaming at me saying words I cannot use even here, insulting me and my relatives.

A worker in a different Dhaka-based factory also said that a supervisor made anti-union threats of a sexual nature: “In the sewing section, when the line supervisor walks up and down he says that anyone who is in the union will be stripped naked and kicked into the street.”

5.8.1.4.6 Efficacy of TU on Dismissal of Union Organizers and Members

As noted in several of the cases above, owners sometimes also dismiss workers who chose to form unions. Some of the workers subsequently find it hard to find work elsewhere, suggesting that factory owners may share names or maintain a blacklist of labour activists.

For instance, in July 2013 and March 2014, workers tried to organize a union at a Mirpur-based subcontractor factory, but on both occasions organizers were dismissed. In March 2014, workers tried again. One of the leaders said she was then dismissed:

Similarly, a day after a group of workers submitted their application to the labour department to form a union at their factory in Ashulia in January 2014, managers dismissed them and 100 others. The former president of the union, Nazimuddin, said they were forced to sign bank sheets of paper:

Needless to say, union leaders are often among those who are dismissed during such purges of union members. One union leader at a Dhaka factory told us she was fired merely for having visited the union federation offices.

A union leader at another factory said that not only was he dismissed, but he suspects that his name had been passed on to other factories, preventing alternate employment.

5.8.1.4.7 Efficacy of TU on Disgusting Words Criminal Complaints

Some factory owners file criminal complaints against workers who form unions as well as staff from national worker federations who support them. Those against whom such complaints have been filed say that these are false charges and trumped up against them

in retaliation for their union activity. In some cases, agreements reached to end labour disputes expressly stipulate that all such criminal complaints will be withdrawn.

For example, following the attack on four members of the 'Bangladesh Federation for Workers Solidarity' (BFWS) who were helping workers at 'Chunji Knit' organize a union, managers filed a criminal case against them and 45 factory employees. BFWS staff said the workers have been accused of vandalizing the factory and stealing computers and air conditioners, but that the charges are without factual basis.

Mohammed Nazrul Islam, who set up a union at another factory, said managers falsely accused him of stealing a power generator from the factory. He was subsequently arrested, then released on bail.

When the workers at Designer Jeans Ltd., a factory in Savar area, refused to stop union-related activities, the management filed criminal cases against 110 workers, including all factory-level union leaders, accusing them of theft, trespassing, destruction of property, and criminal intimidation. After an agreement on November 15, 2014 between the owners, BGMEA, and Bangladesh Garments and Industrial Workers Federation which represented the workers, all the cases were withdrawn. The owners agreed to offer to reinstate a total of 195 workers, including the 110 facing criminal allegations.

One of the suspended workers from the factory, also a union leader, told Human Rights Watch that the harassment from management officials had begun soon after they applied to register a union.

The management started threatening us union members and leaders saying, 'We will hire local goons to beat you up unless you stop all your union activities.' They gave us an ultimatum of seven days to 'stop your union activities otherwise we will have you killed and disappeared.'

5.8.1.4.8 Efficacy of TU on Disgusting Words Attacks on Union Organizers

Rita Akhter, a labour activist who was physically attacked when helping to form a union at Chunji Knit, noted that assaults on union leaders had a chilling effect on many workers' efforts to form unions in the surrounding area:

The workers say to us, 'Even you organizers were beaten up by the factory management—so how can you protect us, what will be our fate if we join you?' And now many workers in many nearby factories are very afraid because factories are using this situation as an example of what can happen, and people are scared.

One of the trade union organizers explained why he thought unions are important. "We need unions to build a good relationship, a bridge between the owners and the workers, to help us solve problems. I know that they [factory management] think I'm a trouble maker, and they are afraid of me, but there is nothing they should be afraid of, we need to sit together and negotiate."

5.8.1.5 Efficacy of Safety Committee

The government is setting some criteria regarding formation of safety committees in readymade garment (RMG) factories as per the requirement of the recently-framed labour law rules. Trade union (TU) leaders will nominate the workers' representatives while workers' participation committee (WPC) will do the same if there is no registered trade union in factories, they said adding the workers' representatives will be elected in presence of the chief inspector in absence of both TU and WPC, according to the rules. According to the amended labour law 2013, formation of safety committee is a must for a factory having 50 workers or more and the committee would be administered according to the rules. Though the law was last amended in 2013, the safety committees were not formed in the factories in absence of the rules, labour leaders opined. According to the rules, existing factories have to form safety committees within six months from the date the rules come into effect while the factories, set up after the formulation of the rules, within nine months after production starts. The committee will comprise six to 12

members according to the number of workers ranging from 50 to more than 3,000 in the factory, officials said. Bangladesh Garment Manufacturers and Exporters Association (BGMEA) recently asked its member-factories to form both participation committees and safety committees and also make them effective. The trade body also requested its members to inform the BGMEA about those committees. The DIFE’s regular inspection, conducted in August in some 159 factories, revealed that 41 per cent garment factories do not have any participation committee, according to a DIFE inspection report. Sixty-one per cent of the inspected BGMEA-listed factories have such committees while it was found in 65 per cent of ‘Bangladesh Knitwear Manufacturers and Exporters Association’ (BKMEA) registered units. On the other hand, percentage of non-compliance with the requirement is higher in factories that are not associated with either BGMEA or BKMEA, it added. Babul Akhter, a labour leader, alleged that majority of the registered trade unions in some 500 garment factories cannot freely exercise their rights as most of them are formed by owners’ nominated representatives or controlled by factory management. On the other hand, participation committees in factories are just on papers, not functional, he noted. He requested the DIFE to strictly monitor the formation of safety committees and also whether they are functional or not. “The information as to which a factory has safety committee and which does not have any such body should be incorporated in the publicly accessible database,” he added.

Table 5.23: Rate of Participation in Decision Making

Total Sample Factory	Existing Safety Committee	Workers’ Participation in Practice
30	8 (27%)	3 (10%)

Above Table shows that, out of Sample 30 Factories, Workers’ Safety Committee Exists in 8 (27%) factories, but of them Workers’ Participation in Practice found in 3 (10%) Factories only

Table 5.24: The Quantitative Study Shows the Following Picture

Workers participation Status	No of Workers (f)	Percent (%)
Can participate in decision making of Safety Committee	40	11.42
Do not have scope to participate	310	88.58
	350	100

The above mentioned table shows that in which factories have canteen and its committee, 89 percent of the workers do not have any scope to participate in decision making of Safety Committee. It is mostly managed by the employers or their representatives.

5.8.1.6 Efficacy of Canteen Committee

As per Bangladesh Labour Law, every establishment where more than 100 employees should have canteen for their meal during the working hour. At the same time, there should be a canteen committee with the representation from workers to play role in decision making on managing the canteen in favour of workers. But the study found that most of the non-compliance factories do not have any canteen or its committee. Besides, in those factories have canteen and its committee, mostly operated and managed by the employers’ representatives and there is no scope for workers to give opinion in managing the canteens.

Table5.25: Rate of Participation in Decision Making

Total Sample Factory	Existing Canteen Committee	Workers’ Participation in Practice
30	12 (40%)	3 (10%)

Above Table shows that, out of Sample 30 Factories, Workers’ Participation in Canteen Committee Exists in 12 (40%) factories, but of them Workers’ Participation in Practice found in 3 (10%) Factories only

Table5.26: The Quantitative Study Shows the Following Picture

Workers participation Status	No of Workers (f)	Percent (%)
Can participate in decision making of canteen management	60	17.14
Do not have scope to participate	290	82.86
	350	100

The above mentioned table shows that in which factories have canteen and its committee, 83 percent of the workers do not have any scope to participate in decision making of canteen management. It is mostly managed by the employers or their representatives.

5.8.2 Efficacy of Participation Outside (Indirect) the Garments Factories

Some factors are efficient on Participation outside/indirect the Garments Factories which may be visible or non-visible in nature. Those are as follows:

5.8.2.1 Efficacy of Sectoral Trade Union

The trade unions of workers and those of employers shall have the right to form and join federations and any such union or federation shall have the right to affiliate with any international organization or confederation of organizations of workers or employers.¹⁸

The Sectoral Trade Unions are in various organizations. Those are in fisheries, cotton, building construction workers, Rickshaw pullers, Vehicle drivers, jute mills workers, carriage workers, Stone crush workers, ship breaking workers, Stationery workers, footpath hawkers, domestic workers (in household works), shop workers, etc. so many workers who have sector-wise Trade Unions. These TUs help every Individual union for can make heavy pressure for claims jointly.

5.8.2.2 Efficacy of Tripartite Structure

In Bangladesh, there are mainly three regular tripartite institutions at the national level those have relevance for the RMG sector along with other industrial sectors.

These are (a) Tripartite Consultative Council (TCC); (b) Minimum Wage Board (MWB); and (c) National Industrial Safety and Health Council.

There are also some ad- hoc based tripartite forums engaged in establishing harmonious industrial and labour relations in RMG sector. Noteworthy, the government often institute committee for settling particular disputes for example in Tuba garments, Swan garments.

Case 1:

Incident of Tuba group is an example how due to lack of effective role of workplace cooperation mechanism an isolated incident of workers' dissatisfaction over pay issues

¹⁸ BLA-2010, Section-176(c)

turn into a national issue that threatens wider labour unrest in the RMG sector. After Tazrin fire accident Tuba group with 1600 workers did not get any orders from the buyers as the owner of Tazrin fashion and Tuba group is same. They made jerseys for the world cup football and other garment product overseas from January until June. The company earned Tk. 39 crore selling the products, but it was past more than one month, they did not pay the workers. The Participation committee met two or three times to solve the problems. The management representatives gave word that they would pay to the workers soon, but workers did not receive their dues. The workers' representatives of PC failed to negotiate with management, and the management ignored the committee's decision. This creates dissatisfaction among the workers. As it was before Eid, the workers started agitation including strike and fast-unto death against the factory owners demanding due salary and bonus.

Case 2:

With 1300 workers in the two factories of Swan group—Swan Garments and Swan Jeans, there was no workplace cooperation mechanism like participation committee, OSH committee, and canteen management committee. The workers of these factories usually used to solve their personal or workplace related problem individually through supervisor or line chief. Due to ownership conflict the two factories declared closed on April 10, 2015, without any discussion with workers and paying salary and bonus of workers. As there was no workplace cooperation mechanism, the workers were indirectly heard about the factory closing, but they did not understand how and in what ways they could consult with the management about the issue. When the factory had closed they started agitation including sit in protest, demonstration, road blockade, and hunger strike until death for their due salary and bonus.

These committees are purely ad-hoc and not a regular one. A list of existing regular tripartite institutions and forums working in RMG sector is presented in the following Table. Out of ten existing tripartite forums, the Minimum Wage Board is the only statutory tripartite forum. The Tripartite Consultative council (TCC) was formed through

ratification of ILO Convention no 144 and rest of the forums established through government's ordinance/ notification.

Table5.27: Existing Tripartite Forum Working in RMG Sector

Serial No	Committee Name	Central Authority	Headed by
1	Tripartite Consultative Council (TCC)	Ministry of Labour and Employment	Labour Minister
2	Minimum Wage Board (MWB)	Ministry of Labour and Employment	Chairman (district judge)
3	Crisis Management Committee	Ministry of Labour and Employment	Joint Secretary
4	Social Compliance Forum for RMG (SCF)	Ministry of Commerce	Commerce Minister
5	Task force on Labour Welfare in RMG	Ministry of Commerce	Secretary, Ministry of Labour and Employment
6	Task force on Occupational Safety in RMG	Ministry of Housing and Public Works	Joint Secretary, Ministry of Works
7	National Tripartite Committee for the Fire and Building Safety in RMG Sector	Ministry of Labour and Employment	
8	Rana Plaza Coordination Cell (RPCC)	ILO	
9	National Industrial Safety and Health Council	Ministry of Labour and Employment	Joint Secretary, MOLE

5.8.2.3 Efficacy of Functional Period

The first tripartite institution was formed in Bangladesh after its independence as the name of 'National Labour Advisory Boards'. Then it had 10 members from the government and 5 each from organizations of workers and employers. The 'National Labour Advisory Boards' was reformed as Tripartite Consultative Council (TCC) in 1980 through the ratification of the ILO Convention concerning Tripartite Consultations to Promote the Implementation of International Labour Standards, 1976 (No. 144) in 1979. It has reconstituted last on March 2009.

The formal tripartite consultation came into practice broadly from the last decade. It is found that out of ten currently existing tripartite forum, only two –TCC and National Industrial Safety and Health Council have been formed before the year 2000. The Crisis management committee has been formed in 2007. The Social Compliance Forum, two Taskforce on Labour Welfare and Occupational Safety, and Compliance Monitoring Cell has been formed

in the year 2005. The National Tripartite Committee for the Fire and Building Safety and Rana Plaza Coordination Committee (RPCC) has been formed in 2013.

Table5.28: Member Statuses of the Forums

Committee Name	Members	Representation Status
Tripartite Consultative Council (TCC)	60	20 each from government, workers and employers organization
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 Labour 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, 4from Employers Organizations and 2 from Workers Organizations
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 Labour and Employment; BGMEA, BEF; NCCWE; IndustriALL BD 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	I chairperson and 7 each from government, workers and employers organizations

5.8.2.4 Efficacy of Members of the Forums

The tripartite institutions /forums have been consisted of mainly representatives from three parties— government, workers and employers' organizations. The number of members varies from forum to forum but equal representation from government, workers and employers is available in most of the existing tripartite institutions/ forums. For example, the total members of the TCC are 60 of whom 20 each from government, workers' union and employers organization; and member of crisis management committee is 10 of whom one chairperson and 3 each member from government, workers and employers. The Minimum Wage Board consists of six members— a chairman, one independent member, two members to represent the employer (one

permanent and the other representing sector) and two members (one permanent and the other representing sector) to represent the workers.

The Social Compliance Forum is the 25- member forum and it includes the participation of Board of Investment (BOI), Secretaries of Commerce, Home, Labour, Textile, Industries, Works and Women and Child Affairs, Bangladesh Export Processing Zone Area (BEPZA), Export Promotion Bureau (EPB), Prime Minister's Office (PMO), Fire Service and Civil Defense, Department of Labour, Bangladesh Garment Manufacturers and Exporters Association, Bangladesh Knitwear Manufacturers and Exporters Association, Bangladesh Terry Towel and Linen Manufacturers and Exporters, Bangladesh Independent Garments Workers Union Federation, Representatives from Workers, Business Social Compliance Initiative, Nari Uddog Kendra (NUK), Karmajibi Nari, UNDP, GTZ, ILO, LCG.5 Below the table shows the member status of existing tripartite forum.

5.8.2.5 Efficacy of Central Authority

Most of the tripartite forums (4 out of 10 forums) like Tripartite Consultative Council (TCC); Minimum Wage Board (MWB); Crisis Management Committee and National Tripartite Committee for the Fire and Building Safety in RMG Sector) work under the authority of Ministry of Labour and Employment. Among the others three— Social Compliance Forum for RMG, Task Force on Labour Welfare in RMG and Compliance Monitoring Cell work under the supervision of the Ministry of Commence. The Task force on Occupational Safety in RMG, Rana Plaza Co-ordination Committee and National Industrial Safety and Health Council works under Ministry of Housing and Public Works, ILO and Ministry of Industry respectively.

5.8.2.6 Efficacy of Present Status of the Forums

At present all the forums' activity is going on but outcome of the activity is not equal in all cases. Meetings are not held regularly and lack of participation of the members' sometime delay to take decision. For example; the Crisis Management Committee is

required to meet at least once in every two months, but it meets almost two or three times around the year, reported a Key Informant.

5.9 Efficacy of Functions of Tripartite Forums

The functions of the Industrial Tripartite forums in general are to study and discuss the labour related problems of concerned industry with a view to bring better understanding between the workers and employers, and to recommend the government in solving these problems as well as make a workable formula agreeable to the parties concerned. Since the tripartite forums working in RMG sector were formed on the basis of different issues or incidence, their task is different, but their working nature is almost same. It is evidence that the members of each committee sit together to discuss the concerned issues and make action plan to carry out the responsibilities. In the meetings the participants'/ committee members also review and recommend appropriate action regarding critical needs. Meeting minutes is prepared and disseminated among the members.

The specific tasks of some forums are –

- ✚ TCC, in its meetings, discuss various issues of national importance such as formulation of labour policy, amendment of the existing labour laws, adoption of ILO Conventions and Recommendations by the Government, and improve of industrial relations etc. So far, TCC has discussed the feasibility of amendment of several laws. TCC examines the texts of ILO Conventions and Recommendations vis-a-vis existing laws and practices prevailing in Bangladesh and recommends to the Government the ratification of Conventions.
- ✚ The purpose of the formation of Rana Plaza Coordination Committee is to provide payments to the victims of the Rana Plaza accident and their families and dependents in a transparent and equitable manner. It develops a comprehensive and independent process that would deliver support to the victims, their families and dependents in a predictable manner consistent with international labour standards.

- ✚ The Minimum Wage Board recommends minimum rates of wages for certain workers if workers or employers or both parties of any sector (covered by BLA 2006) make application for fixation of minimum rates of wages. The wages board shall make its recommendation within a period of six months (Government may extend this period if the wages board so request) from the date of receipt of such direction made to it. The minimum rates of wages for any industry may be re-fixed after every five years as may be directed by the Government.
- ✚ Social Compliance Forum for RMG is working on ensuring compliance issue at workplace like safety and security, working hours, wages, weekly holiday and welfare of workers.
- ✚ The Taskforce on Labour Welfare in RMG has prepared short term, medium term and long-term work plan on the different social compliances including: (i) elimination of all sort of discrimination; (ii) abolition of forced labour; (iii) removal of all sort of harassment and abuses; (iv) free from child labour; (v) provide the worker with an appointment letter; (vi) reasonable working hour; (vii) health and hygiene; and (viii) right for freedom of association and collective bargaining.
- ✚ The Taskforce on Occupational Safety in RMG, also has prepared short term, medium term and long-term work plan - classifying in four security aspect e.g. fire safety, building safety, environment safety, and security and safety.
- ✚ Compliance monitoring Cell has been established with in the Export Promotion Bureau (EPB) to monitor activities related to welfare and improvement of working conditions in the country's RMG industries. The specific task of the CMC are as—
 - a) Provide secretarial support services to the 'Social Compliance Forum for RMG' and issue specific taskforces on compliance issues;
 - b) Review the reports received from the Taskforces and report to the 'Social Compliance Forum for RMG';
 - c) Keep regular contacts with the international buyer groups on compliance issues;
 - d) Raise awareness on social compliance among those involved in RMG production and export process;
 - e) Recommend EPB and Ministry of Commerce on activities

undertaken on compliance for building images abroad; f) Seek, consult and gather information from related ministries/ departments/ stakeholders including international buyers on compliance and safety related issues/aspects; g) Create database on RMG industry (ownership, location, items produced, production capacity, number of employee); and h) Other activities as suggested by the 'Social Compliance Forum for RMG' (EPB 2016).

- ✚ The purpose of the Crisis Management Committee is to prevent the labour unrest and instability in the garments sector. If any dispute rises in any industry or labour incentive area, the CMC resolve the problem through discussion with employers, workers and workers' representatives. The CMC also provide advice to the regional Crisis Management Committees. There are 8 regional Crisis Management Committees which take steps to avert labour unrest or instability through discussion with worker and employer at local level (MoLE, 2014).
- ✚ The task of the National Tripartite Committee (NTC) for Fire and Building Safety in RMG sector is to monitor the implementation of the National Tripartite Plan of Action (NTPA) in Bangladesh Garments Industries. A working group headed by the Joint Secretary (Labour), MoLE has been formed to assist the committee. The National Tripartite Plan of Action on Fire Safety (NTPA) in the RMG Sector is developed in response to the Tazreen fire aiming to take comprehensive action to prevent any further loss of life, limb and property through workplace fires and related incidents.

5.9.1 Efficacy of Coordination Mechanisms and Cooperative Arrangement of Forums

The Ministry of Labour and Employment played a leading role to coordinate at least tripartite forums working in RMG sectors followed by The Ministry of Commerce. The Ministry of Housing and Public Works and the Ministry of Industry is responsible to coordinate the Taskforce on Occupational Safety in RMG and National Industrial Safety and Health Council respectively. The ILO has played a most important role to help coordinate

the response to the Rana Plaza collapse. ILO is moreover asked by the Government of Bangladesh to assist in the implementation and coordination of the NTPA.

In most of the forums the coordination mechanisms are not elaborated. As such, the mechanisms to coordinate amongst the forums are to a great extent ad-hoc and irregular. The Tripartite forums are mostly coordinated by letter invitation, monthly meeting, report writing and report distribution. The frequency of the meetings held at different forums is irregular and sometimes all the members of the forums are not properly informed about the meetings. The meeting of crisis management committee should be held once in each three months, but it mainly held when any dispute arises in any industry.

5.9.2 Efficacy of Lack of Coordination among the Forums is also Noticeable

For example; members of Compliance Monitoring Cell hardly know about the activities of Crisis Management Committee or the Taskforce on Labour Welfare in RMG.

5.9.3 Efficacy of Minimum Wage Board

The Government shall establish a Board to be called the Minimum Wages Board. The Minimum Wages Board, hereinafter referred to in this Chapter as the Wage Board, shall consist of the following members, namely: - (a) Chairman; (b) 1 (one) independent member; (c) 1 (one) member representing the employers; and (d) 1 (one) member representing the workers. The following members shall also be included in the Wage Board, namely: (a) 1 (one) member representing the employers of the industry concerned; (b) 1 (one) member representing the workers employed in the industry concerned. (4) The Chairman and the other members of the Wage Board shall be appointed by the Government. (5) The Chairman and the independent member of the Wage Board shall be appointed from among such persons who have adequate knowledge of industrial labour and economic conditions of the country, and who are not connected with any industry or associated with any trade union of workers or employers. If any, of

such organizations as the Government considers being representative organizations of such employers and workers: Provided that if no nomination is received from the representatives of the employers or workers in spite of more than one effort, the Government may, in its own opinion, appoint such persons whom it considers to be fit to be representative of employers or workers.¹⁹

The long awaited garment minimum wage 2013 gazette has finally been published by the Minimum Wage Board on 21 November 2013. This shall be applicable from 1 December 2013 in all the garment factories within the territory of Bangladesh.

Table 5.29: Garment Workers’ Minimum Wage 2013²⁰

Basic	3000 BDT
House Rent	1200 BDT
Food Allowance	650 BDT
Medical Allowance	250 BDT
Travel Allowance	200 BDT
Total	5300 BDT

1 BDT =0.0097 Euro (Approx.) /1 Euro=103 BDT (Approx.)

¹⁹ BLA-2006, Section-138

²⁰ Garment Workers’ Minimum Wage 2013, Bangladesh (Lowest Wage Grade 7)

Table 5.30: Grade Wise Monthly Wage Structure for Garments Workers²¹

Serial No	Designation	New Basic	Proposed Total Wage	Existing Total Wage	Rise
Grade-1	Pattern master, chief quality controller, chief cutting master/cutting chief and chief mechanic	Tk 8,500	Tk 13,000	Tk 9,300	39%
Grade-2	Mechanic/Electrician, Cutting Master	Tk 7,000	Tk 10,900	Tk 7,200	51.38%
Grade-3	Sample machinist, Mechanic senior sewing, weaving, knitting and linking machine operator, senior cutter, senior quality inspector, senior marker/drawing man, senior line leader, senior over-lock machine operator, senior button machine operator and senior button hole machine operator	Tk 4,075	Tk 6,805	Tk 4,218	61.4%
Grade-4	Sewing machine operator, weaving machine operator, Knitting machine operator, Linking machine operator, marker/drawing man, cutter, mending operator, processing man/finishing iron man, folder (finishing section), packer, quality inspector, over-lock machine operator, button machine operator, buttonhole machine operator, poly-man, packing man lineman etc.	Tk 3,800	Tk 6,420	Tk 3,861	66.27%
Grade-5	Junior sewing, weaving, Knitting, Linking machine operator, Junior marker/drawing man, junior cutter, junior mending operator, junior processing man/finishing iron man, folder (finishing section), junior electrician, junior packer, junior over-lock machine operator, junior button machine operator, junior buttonhole machine operator	Tk 3,530	Tk 6,042	Tk 3,553	70.05%
Grade-6	General sewing, weaving, knitting, Linking machine operator, general machine operator, general fusing machine operator, general color tuning machine operator, general over-lock machine operator, general button machine operator, and general buttonhole machine operator.	Tk 3,270	Tk 5,678	Tk 3,320	71.02%
Grade-7	Assistant sewing, weaving, knitting and Linking machine operator, assistant mending operator, assistant marker/drawing man, pocket creasing machine assistant/creasing man, line iron man, assistant dry washing man, over-lock machine assistant, button machine assistant, buttonhole machine assistant, and finishing assistant.	Tk 3,000	Tk 5,300	Tk 3,000	76.66%

Amidst some of the biggest worker movements and unrest in the history of this South Asian Nation in which precious lives have been lost and hundreds injured, the wage board published the gazette not only declaring 5300BDT as the minimum wage. Previously, workers have been protesting against this proposed minimum wage, the low basic salary increase in the minimum wage, and a weak increase in the operator's wage. However, in its final publication the basic salary has been seen cut down by 200BDT to 3000BDT which would also mean lower overtime income (as overtime depends on basic salary) for the workers of a sector where overtime often climbs up and beyond every legal limits.

Although the worker federation leaders of Bangladesh agreed with the BGMEA not to take part or support any protests or movements in favor of 8000BDT as the minimum wage or the proportionate increase in the worker's salary, they still informed the media that they

²¹ Garment Workers' Minimum Wage 2013, Bangladesh (Lowest Wage Grade 7)

will however lodge a suggestion to the minimum wage board to revise their decision in the interest of the workers and their demands. Meanwhile, ordinary workers have been on the streets since the wage board 2013 was formed and till now after its 10th meeting decided the fate of more than 4 million lives and millions more of their dependents.

As per the wage board proposal, a worker, who will join the job as an apprentice, shall be appointed as an assistant operator after six months and will be entitled for a pay-package of 5300BDT with 3000BDT as basic pay under grade-7. Senior operators who are in the grade-3 category will get 6850BDT, which includes 4075BDT basic pay, as the maximum wage among the workers. In thus construction, the previous draft has been changed where 3200BDT was proposed to be the minimum basic salary of the grade-7 worker and 4592BDT was decided for the grade-3 worker.

A new addition was the 5% annual increment over basic wage for every worker until the formation of another wages board for the garment sector. In a country where inflation is over 7.13 percent, how this will help the workers cope with rising prices is still a mystery. Moreover, this increment can only affect the basic and not any other cost, which of course, is also subjected to inflation.

5.9.4 Efficacy of Labour Court

It is a formal judicial body lo provides justice to the workers. There are seven Labour Courts in Bangladesh. Among them three in Dhaka, two in Chittagong, one in Khulna and one in Rajshahi. It is formed with a District Judge or Additional District Judge as Chairman and two members of which, one is the representative of the employers and the other is the representative of the worker (Sec.214).²²

To promote industrial peace and to establish a harmonious and cordial relationship between labour and capital by means of conciliation mediation and adjudication. With this end in view different authorities have been created under the code to resolve an industrial dispute. Of these two bodies are adjudicatory or judicial. They are the labour

²² BLA-2006, (Section-214)

court and the labour appellate tribunal. The code has streamlined for some non-adjudicatory as well as adjudicatory authorities. Non-adjudicatory authorities include participation committee conciliator and arbitrator while adjudicatory authorities include labour court and labour appellate tribunal.

5.9.4.1 Application of the Labour Court

An industrial dispute may be referred to the labour court in any of the following ways:

- (1) If no settlement is arrived by way of conciliation and the parties agree not refer the dispute to an arbitrator and the parties have received a certificate of failure under section 210(11) the worker may go on strike or the employer may declare lock out. However, the parties raising the dispute may either before or after the commencement of a strike or lockout make an application to the labour court for adjudication of the matter (section 211)
- (2) Again if a strike or lockout lasts for more than 30 days the government may prohibits such strike or lockout and in that case the government must refer the dispute to the labour court¹ (section 211, (3,4,5))
- (3) Again under section 213 any collective bargaining agent or any employer or worker may apply to the labour court for the enforcement of any right guaranteed or secured to it or him by or under this code or any award settlement.

5.9.4.2 Jurisdiction of the Labour Court

Under section 214(10) a labour court shall have exclusive jurisdiction to

- (1) Adjudicate and determine an industrial dispute which has been referred to or brought before it under this code;
- (2) Enquire into and adjudicate any matter relating to the implementation or violation of a settlement which is referred to it by the government
- (3) Try offences under this code
- (4) Exercise and perform such other powers and functions as are or may be conferred upon or assigned to it by under this code or any other law.

5.9.4.3 Power and Status of the Labour Court in Trying Offences

Section 215 and 216 of the code provides the procedure and powers of labour court which is may be of two types;(1)Power and status in trying offences and (2) Power and status in civil matters;(a) The labour court shall follow as nearly as possible summary procedure as prescribed under the code of criminal procedure 1898 (Act V of 1898); (b) A labour court shall for the purpose of trying an offence under the code have the same powers as are vested in the court of a magistrate of the first class under the code of criminal procedure; (c) The labour court shall for the purpose of inflicting punishment have the same powers as are vested in Court of Session under that Code;(d) A labour court shall while trying an offence hear the case without the members.

5.9.5 Efficacy of Crisis Management Committee

A crisis management committee has been formed to solve problems prevailing in the garments sector. For Participating outside the Garments Factories, a committee formed named “Crisis Management Committee” assigned to monitor the payment situation (wages and festival allowances and other benefits) by the participation of workers, Owners and Government-which is called “Tripartite Bodies”.

Keeping with its practice set over the past few years, the Bangladesh Government has recently asked owners of the readymade garment (RMG) factories across the country to pay the workers’ Eid bonus by the 21st day of Ramadan while also asking them to disburse the workers’ June salary before the commencement of Eid-ul-Fitr holidays. This was reportedly informed to the reporters by Bangladesh State Minister for Labour Mujibul Haque Chunnu after a meeting of the “Crisis Management Committee” at the Secretariat held recently.²³

It may be mentioned here that following workers’ agitation for payment of their dues and festival allowances, the Bangladesh Government has made it a practice to sit with the factory owners and issue directives in this direction for the past several years now.

²³ <http://news.apparelresources.com/trade-news/bangladesh-govt-sets-deadline-for-payment-of-rmg-workers-eid-bonus-salary/>

Officials of the Labour Ministry, representatives of garment factory owners, workers and law enforcing agencies reportedly attended the meeting.

5.10 Efficacy of Achievements and Challenges

Some committees have made a number of laudable achievements through tripartite consultation. For example, the 'Minimum Wage Board' has set the minimum wage for 42 sectors including increase of minimum wage (76.7%) for garments workers. The labour law 2006 (Amended 2010 and 2013) and different policies like; National Labour Policy, Child Labour policy, Occupational Health and Safety Policy have been formulated by TCC's tripartite consultation. TCC also has played a significant role in adoption of ILO Conventions and recommendations by the government. The RPCC disbursed the compensation to the victims of the Rana Plaza accidents and their families and dependents successfully.

It is however evident that all the tripartite committees are not well functioning at all and are facing different challenges to run the organization. The key interviewees reported that lack of coordination and proper monitoring are the main challenges in this regard. Another challenge is predominant role of government and most importantly all the tripartite bodies suffer from inadequate and unskilled staff, logistic support and rigid structure. Lack of willingness of designated employers' representatives in attending meeting, also sometime make barriers in taking decision.

It is reported in a national daily newspaper that the mid-level officials of BGMEA and BKMEA attended in the meetings of govt. task force on labour welfare and occupational safety in RMG instead of the directors of the top apparel bodies. Such mid-level officials cannot give decision rather seek time again and again causing delay in implementation of various important decisions (The Financial Express, 15 February, 2014). The taskforce chairman and joint secretary of Ministry of Labour and Employment (MoLE) Faizur Rahman told to the reporter, "We have written to BGMEA and the BKMEA several times to ensure participation of nominated directors in the meetings. But they are not responding positively.

5.11 Efficacy of Dispute Settlement Mechanisms

Industrial disputes and conflicts are an unavoidable part of industrial and labour relations because of the differences of interests. The Industrial disputes mainly relate to the strife or difference between employers and employees on the terms of employment. It is also a disagreement between employers and employees, or workers and workers, or employers and workers' representatives. According to The Bangladesh Labour Law, 2006 [Section 2 (62)]' "the 'industrial dispute' means any dispute or difference between employers and employees or between employers and worker or between worker and worker which is connected with the employment or non-employment or the terms of employment or the conditions of work of any person." Industrial dispute may be collective or individual in nature. Individual disputes are those involving a single worker whereas collective disputes involve groups of workers – usually represented by a trade union. When an industrial dispute occurs, both the management and the workers try to coerce each other. The management may resort to lockouts whereas the workers may resort to strikes, picketing or gherao.

There are mainly three processes of dispute settlement, which are as follows:

5.11.1 Efficacy of Negotiation

If, at any time, an employer or a collective bargaining agent finds that an industrial dispute is likely to arise between the employer and the workers or any of the workers and the employer, the collective bargaining agent shall communicate its view in writing to the other party. The party receiving the communication shall arrange a meeting for collective bargaining agent on the issue raised in the communication with a view to reaching an agreement within fifteen days from the date on which it was received. If the parties reach a settlement, it shall be recorded in writing and signed by both the parties and a copy shall be forwarded by the employer to the government, the director of labour and the conciliator.

5.11.2 Efficacy of Conciliation

If the party receiving communication fails to arrange a meeting within fifteen days or if the parties fail to do a settlement through negotiation within one month from the date of the first meeting for negotiation, any of the parties can apply to the conciliator within fifteen days from the expiry of the said fifteen days. The conciliator shall proceed to conciliate the dispute within ten days from the receipt of such dispute. The conciliator shall be such a person who is appointed by the Government by notification in the official Gazette for a specific area or any industrial establishment. The conciliator shall call a meeting of the parties to the dispute for the purpose of bringing about a settlement. If the parties reach a settlement, it shall be recorded in writing and signed by both the parties and a copy shall be forwarded by the conciliator to the government. If the conciliator fails to settle the matter within thirty days from the date of receipt of the dispute, it shall be deemed that the conciliation proceeding fails. If the conciliation proceeding fails, the conciliator shall try to persuade the parties to refer the dispute to the arbitrator. If the parties do not agree to refer the dispute to the arbitrator, the conciliator shall issue a certificate to the parties within three days that the proceedings have failed.

5.11.3 Efficacy of Arbitration

Arbitrator may be a person borne on a panel to be maintained by the government or any other person agreed upon by the parties. If the parties refer the dispute to the arbitrator than the arbitrator shall give Award within a period of thirty days from the date on which it was referred to him. After giving an award, the arbitrator shall forward a copy to the parties and the Government. This award shall be valid for two years and this award of the arbitration shall be final and no appeal shall lie against it.

The difference between conciliation and arbitration proceedings is the conciliator shall not give any decision to the parties to arrive a settlement. The conciliator shall only help the parties to reach in a settlement. The conciliator shall help the parties by making them

understand the pros and cons of the settlement. He shall make the parties understand that if the parties reach in a settlement than what will be their gain and if the parties fail to reach in a settlement than what will be their loss. Decision of settlement is depending on the parties and not on the conciliator. But in arbitration proceedings the arbitrator shall give a binding decision to the parties and the parties are bound to obey the decision of the arbitrator.

5.12 Efficacy of Loopholes of Existing Laws

The loopholes of existing laws and the weak performance of courts frustrate the aggrieved persons. Generally, the time limit to dispose a case in the Labour Tribunal is 60 days but about 50 percent of the cases took a time period ranging between 12 months to 36 months. The time required for 25 percent of the cases ranged between three years to five years. About 8 per cent of the cases took more than five years. The average time taken to decide the cases by the First Labour Court Industrial Dispute Settlement Mechanism and its Effectiveness in Bangladesh... 109 and the Second Labour Court of Dhaka was more than 17.5 months and 31 months respectively (Faruque, 2009). The Annual Report of Ministry of Labour and Employment shows that up to august, 2013 only 274 cases have been solved among 14427 and the rest 14153 numbers of cases are pending in different Labour Courts of Bangladesh (Annual Report of Ministry of Labour and Employment, 2013) for trial. Inadequacy of Courts for dealing with labour disputes, huge cases under different laws specially under section 114 of the Code Criminal Procedure, absence of members cause unnecessary delay in disposing of the case, frequent time petitions which are applied by the practicing lawyers and lack of logistic support of the Tribunal is the reason behind the backlog of cases in the Labour Tribunal.

5.13 Efficacy of Trends and Reasons of Industrial Disputes

The industrial and labour relations have hardly been harmonious in Bangladesh. There are a number of industrial disputes in different sectors each year; however, the number is highest in the RMG sector. Evidence shows that, during the period of 2008 to 2014 on an average 259 case of industrial disputes raised in different sectors and on an average,

there have been around 175 cases of collective disputes raised against the violation of labour standards and rights in RMG sector. It is however evident that in the years 2008, 2009, and 2013 the number of incidences observed in RMG sector more than the average incidences e.g. 209, 179 and 199 respectively. The lowest number of disputes (138 incidences) was raised in the year 2011.

The most common form of industrial dispute includes Strike, road blockades, demonstrations, sit in protests and protest marches, confinement of authority, human chain, and damage to factory and other property. During the period of 2006 to 2010 the most common forms of industrial dispute reported as sit in protest and protest marches (96 percent) followed by work stoppage or strike (89 percent). Then the other forms of industrial disputes took in place –blockades (78 percent), petition (32 percent) and damage of factory and other property (31 percent).

The reasons of labour disputes are many, but it can be broadly categorized under two heads— economic and non-economic reasons. The economic reasons include the issues like wages, bonus, allowances, and conditions for work, working hours, leave and holidays without pay, unjust layoffs and retrenchments. The non-economic factors contain unfair treatment to workers, employers' attitude towards workers, sympathetic strikes, political factors, indiscipline at workplace and rumor. The monetary or economic reasons are more obvious since these clearly pull in opposite directions in the conflicting interest between labour and capital.

It is commonly said that the garments workers and the management is engaged in disputes because the workers always want a better wage while the employers always try to minimize the cost. However it is evident that the disputes arise in the RMG sector as the workers are subject to systematic exploitation, long and stressful working hours, casual employment relationships, and exclusion from the rights and benefits they are entitled to.

An analysis of the disputes cases reveals that during 2006 to 2010, about 59 percent (53 percent for due wage and overtime payment, 3 percent for delayed payment schedule, and another 3 percent for due employment benefits) is somehow related to monetary dues; and only 19 percent is related to the increase in demand for salary and benefits.

Workers' protests are while largely in response to specific violations of rights such as non-payment or delay in payment of wages and overtime, their demands also relate to working hours, leave and rest, and freedom of association and collective bargaining (around 1 percent of cases each). Lay-off or factory closure was the background to around 7 percent of workers' protests. Violation of employment contract, particularly employers' misconduct and unlawful and arbitrary dismissal were the causes behind around 12 percent of incidences in the sector.

5.14 Relevance for Negative/Ineffective Roles of Employers & Government

The study clearly found out employers' negative attitude towards workers' participation in decision making of RMG. Besides, the study found that government has reluctances or ineffective role towards ensuring workers participation. So, the study attempts to identify the root causes behind the employers' negative attitude as well as governments' reluctant role.

A) Root Causes for Employers Negative Attitude: To identify the root cause of employers' negative attitude towards workers' participation, the study has undertaken some formal and informal discussion with resource persons, researchers, academia, employers and trade union representatives. On the basis of the findings of the discussion, following three major causes has been identified:

- i) Financial Factor** – Legally trade union is the main platform for workers' participation in decision making. Because the CBA and the members of other committees supposed to be nominated by the trade union and trade union has the only authority to bargain with employers. The employers are anxious to allowing trade unions in decision making process as it can influence the decisions, even can create force to the employers to change or modify or adopt decision as per

workers' interest. It could be financially losing concern for the employers as per their thinking. So, they do not allow trade unions or workers participation in decision making process.

- ii) **Psychological Factor** – Most of the employers preserve a conservative psychological mentality that they are the initiator, investor and owner of the industry. So, they have the only authority to take all the decisions for the industry. They opined that workers are hired and paid for their work; so they do not have any other thing to look into. Some of the employers found, who think that workers are living only on employers' sympathy. These employers even surprised with the issue of workers participate in decision making. The study revealed that most of the employers do not have any mentality to accept sharing their power of decision making with any others especially workers.
- iii) **Trade Union's Image Factor** – Although trade union of Bangladesh has a glorious past, but in the recent time image of the trade unions fallen down tremendously. There are number of reasons behind the trade union's image crises. Corruption, misuse of power and authority, political affiliation, multiplicity, lack of capacity etc. are the main reasons for negative image of the trade unions. Due to this negative image of trade unions employers are not willing to allow them in decision making process.

B) Root Cause for Government Reluctances: As there are legal provisions for workers' participation in decision making process of the industries, government can easily impose it in the RMG industries. But practically, it is found that government has reluctances or ineffective role in ensuring workers' participation in decision making of RMG industries. Naturally, a question comes into mind that why government is reluctant and what are the limitations of government? The study found out following reasons behind government's role:

- i) Considering the contribution of the sector towards the economy of Bangladesh, the government cannot take any rapid decision that might have

negative impact towards the development and sustainability of the sector. As the employers are not willing to accept workers' participation through trade unions, the government could not ensure it without the employers' cooperation. If the employers take opposition role, there is no way to have functional trade union inside the industries. So, the government is in a way to go slow, as stated some related government officials.

- ii) RMG owners are the major donors of the main political parties especially the ruling and the opposition parties. So, the government cannot take stand against the owners of the RMG industries due to fear of losing donation.

Numbers of the leaders of the political parties are the owners of RMG industries and a major portion of them are the part of the government. At present, about one-fourth of the Member of Parliament (MP) are directly owner of RMG industries. So, either they themselves take decisions or influence decisions in favour of their interest. So, the government cannot go against or bypass employers' interest. As a result, government cannot take initiative to ensure workers participation in decision making of RMG industries.

5.15 Chapter Summary

In this fifth chapter discussed the efficacy of various actions taken by the authority to produce sound relationships between workers and owners of garments industries sector of Bangladesh. The structures of WPDM mentioned in the chapter four, efficiently either works or not, is explains here. This is a broad elaborated chapter where every functions of structures are has discussed clearly from the original sources of relevant parties.

Chapter Six

Means of Improving Industrial Relations in Readymade Garments Sector of Bangladesh

6.1 Prelude

This chapter presents the 'means' of WPDM process, a huge number of elements act for creating new dimension with the help of efficient system which is 'means' herein. After a long efficacy, the system has begun effectively and by this, some means create to make good IR in this system. Those resources will help to increase sound WPDM, I mentioned them as 'means of improving IR', herein.

It includes government, employers, trade unions, union federations or associations, government bodies, labour courts, tribunals and other organizations which have direct or indirect impact on the industrial relations systems. Where the legal framework will be used for the guidance of conducting the labour to achieve the ultimate goal of the labour group, is Institution. The sub sections will be justice and equality-for taking good decisions by the two sides of bargaining the employer and the employee come in a common point with the basis of justice and equality. Freedom of opinion and expression-consist, freedom of association, training etc.

Sound industrial relations by workers' participation, while a recognizable and legitimate objective for an organization, every party should create relationships between: (a) Workers (and their informal and formal groups, i.e. trade union, organizations and their representatives); (b) Employers (and their managers and formal organizations like trade and professional associations); (c) The government and legislation and government agencies; and (d) 'independent' agencies like the Advisory Conciliation and Arbitration Service. Oversimplified, work is a matter of managers giving instructions and workers following them - but (and even under slavery we recognize that different 'managing' system produces very different results) the variety of 'forms' which have evolved to regulate the conduct of parties (i.e. laws, custom and practice, observances, agreements)

makes the giving and receipt of instructions far from simple. Two types of 'rule' have evolved: (i) 'Substantive', determining basic pay and conditions of service (what rewards workers should receive); (ii) 'Procedural,' determining how workers should be treated and methods and procedures. Then the question comes out how the workers raise their voice to their authority, as following:

6.2 Interest Articulation in General

Workers' participation is a phenomenon to discover the good and acceptable relation between employers and employees to achieve the ultimate goal of a factory for more production. Interest articulation is a process of conjoining of interest and then placing them to the proper authority with a view to get them passed and implemented. Interests are usually introduced as demands purposes aspirations, and feelings related to work, profession and life of individual and community as a whole. In a society interests come from the environment or from the community people, uttered by pressure groups or political parties or peoples representatives, congregated by the state machinery (public administration or bureaucracy)¹ and passed by the government (parliament or political executives).

Industrial sector as overriding structure is similar to the political and cultural system. Here the performers are divided in to two groups—state and non-state actors. The non-state performers are workers and employers. Interest may stem from both the workers and employers. Usually workers place their interests through their genuine and lawful organizations (trade union, sector-wide federation, national federation) to the employers who combined them and having consultation with the workers' leaders and if necessary with the help and negotiation of the government accept or reject them.

6.3 Interest Articulation and Representation in RMG Sector of Bangladesh

Interest in this chapter discusses on Interest Articulation in RMG Sector of Bangladesh and Interest Representation in RMG Sector of Bangladesh.

¹ Jakir Hossain, idem, 237-240, accessed August 2, 2016. http://eprints-phd.biblio.unitn.it/755/1/PhD_Dissertation_Jakir_Hossain_SIS_University_of_Trento__April_2012.pdf.

6.3.1 Interest Articulation in RMG Sector of Bangladesh

Industrial relation means the relations among all the stakeholders related to the industry. Particularly, it means the relations between the major three actors i.e. Worker, Employer and Government. It is very essential to have a harmonious industrial relation among the major stakeholders with a view to development of industry.

The study found out that there is a huge gap of industrial relations between workers and employers in the RMG sector of Bangladesh. Due to the negative attitude of the employers, workers cannot participate in any part of decision making process of the industry. As a result, a negative impact has been prevailing in the sector, which is a great barrier for develop of RMG sector of Bangladesh. So, to have an improved industrial relation in the sector, needs to ensure workers participation in all segments of decision making.

The previous chapters have been elaborated different structures of decision making process and its efficacy. On the basis of those findings, this chapter has been elaborated the means to have an improved industrial relation through ensuring participation in decision making process of RMG sector in Bangladesh.

6.3.2 Interest Representation in RMG Sector of Bangladesh

The participatory interest representation system in the RMG sector to comprise, aggregate, resolve, and mediate various interests of individuals and groups is a complex one. Currently, three tier of the structure exists i.e. a) Enterprise level b) Industrial level c) National level. According to records of the Register of Trade Unions, there are 32 national-level trade union federations representing workers in various industry including garments. In the garment sector itself, there are 23 national garment labour federations, and 20 division based garment federations.

Another key institutional group is the alliance of the National Federation of Trade Unions—Sramik Karmachari Oikkya Parishad (SKOP). The plant level trade unions are the associational groups for the sector. According to the records of the Register of Trade Unions, there are only 329 plant level unions (around 200 of which has been registered

in last 2 years) in the garment sector. These plant level unions are affiliated with the 36 national and division based garment federations.

The garment factories in the EPZs are still exempted from forming trade unions, and instead, workers are allowed to form associations (WWS) on the basis of referendum by workers. A total of only 143 (Dhaka – 54; Chittagong – 89) such workers' associations have until today formed in 264 enterprises at Dhaka (101) and Chittagong (163) EPZs of the country.² In view of the inadequacy of plant level unions and associations, the sector's workers' representation is carried out by multiple national and/or industrial federations. Whilst multiplicity of these interest groups is an important feature, it has some weaknesses in representing workers' interests. Three of the factors are mostly indicative in this regard.

First, along with the non-representative character of the unions at the plant level, the ever growing organizational multiplicity suffers from poor organizational strength caused by lack of membership.

Second, the female membership in trade unions varies widely, ranging from as low as two percent to as much as around 33 percent. The average rate of female participation in the selected federations stands at around 16 percent (BILS 2009).³

Third, unions along with their members often are highly politicized, and devoid of lacking working class ideology. The multiple national and industry-wise federations are mainly the result of political outsider wanting to establish unions of their own with a view to increasing their political influence (Flora, Ahmed and Kabir 2012).⁴

² Syed Robayet Ferdousi, Repon Khanii, Dr. Talukdar Golam Rabby, "Workplace Safety and Security of Readymade Garment Workers in Bangladesh: An Analysis from Legal Perspective", *BILS Journal Labour*, House No-20, Road No-32, Dhanmondi, Dhaka,2009, http://bilsbd.org/wp_content/uploads/2016/03/Labour_Eng_Journal_July-December_2016.pdf

³ Ibid

⁴ Flora Begum, Ahmed Hossain and Kabir Ahmad, "Readymade Garment Industry and its role on Changing Status of Women Workers in Bangladesh", retrieved May 5, 2017, <http://edepot.wur.nl/312760>

Fourth, the trade unions suffer heavily in terms of finance in representing workers' interests. The average income of most of the unions has been low and almost inadequate to carryout regular advocacy through direct and indirect means.

The non-associational and anomic groups, in contrast, are perceived to be more representative to workers' interests due to the existence of workers' apathy in expressing their interests through formal channels. There are unregistered trade unions numbering over thirty. There are too loosely structured platforms of unions and union leaders e.g., Garment Industry and Workers' Protection Alliance, Garment Sramik Sangram Parishad, and Garment Workers Unity Council, and forums run by workers' rights NGOs e.g., Sramik Nirapotta Forum which work to uphold garment workers' interests as non-associational groups. These platforms have less formalized structure, and many of them are issue based e.g., OSH, living wage. Nonetheless, all these groups consist of people who share a common interest.

The anomic groups in the sector are spontaneous uncoordinated protests by the workers themselves. The less confrontational struggles on the factory premises take place through workers coming together spontaneously to lodge a complaint with the factory management. In situations of extreme and prolonged violation of rights primarily related to delay and non-payment of wages and overtime dues, protests spill onto the streets and to other factories. Along with the regular demand of due wage and benefits, compensation, wage and benefits hike, it often requires a sudden action by the owner/management to spark off an outburst that unites all the workers and moves outside the factory floor.

With no mechanism within enterprises to alleviate labour-management tensions, employee dissatisfaction often builds up over a long period of time, and protests are sparked off by a specific incident. When they are denied outlets for their grievances by the lack of an effective collective bargaining system, they have little option but to make those grievances public by staging strikes, demonstrations, sit-ins and blocking roads and

highways nearby. This is the only way workers perceive that they can get employers and government officials to take their interests and aspirations seriously.

There are two types of structures existing in the RMG sectors, where there are scopes and provisions for workers to participate in decision making process. The structures are i) Inside the workplace ii) Outside the workplace.

6.4 Participation Inside and Outside the Workplace

Participation may be held for WPDM inside and outside of the organization. Inside participation occurs in the inside of the factory and outside participation occurs in the outside of the organization.

6.4.1 Participation Inside the Workplace

Participation inside the factory is the inside activities of workers, employers, government rules-regulations and its practices.

6.4.1.1 Trade Union

Trade union is the main and legal platform for the workers to participation in decision making process in RMG industries. But from the very beginning lots of obstacles found to form and functioning trade unions over the sector, both in EPZs and in outside of EPZs areas. Major obstacles found are employers' negative attitude, lengthy and bureaucratic registration process of trade union, lack of capacity of the trade union, lack of organizing initiatives by the national and sectoral trade unions, lack of advocacy initiative by the trade unions etc.

With a view to find out the major barriers of formation and functioning of trade union in RMG as well as to identify the ways out, the study has undertaken different consultations, focus group discussion, and key informant interview with trade union leaders, employers' representatives, government representatives, researchers and resource persons. Summary of the findings are as follows:

- ✚ The registration of the trade unions in the readymade garment sector has increased in recent years but the unions remain ineffective at the factories across the country. Labour rights activists said that under special circumstances (amid Bangladesh's efforts to regain GSP facility in the US market) the government was compelled to give registration to trade unions in the sector but the unions could not play its role in the factories due to barriers put by the factory authorities and lack of proper initiative from the government.
- ✚ Labour leaders said 5766 trade unions got registered with the labour directorate in the RMG sector so far but less than 20 per cent of them could run their primary activities in the factories. Of the 326 trade unions, 138 got registered in 1983-2012 and the rest got registered in 2013-16 after the Rana Plaza building collapse that killed more than 1,100 people, mostly garment workers. Though the government has officially allowed trade unions in the RMG factories, the factory authorities are creating critical situation for the workers who are engaged in trade union formation, labour leaders alleged. (KII and FGD)
- ✚ Government officials, however, said that there was no restriction on trade union activities in the RMG sector from the government side and no one had filed so far any complaint with the labour directorate over facing troubles in their units for involvement with the trade union. 'Despite the rise in the number of trade unions in the RMG sector no progress in terms of collective bargaining has been seen in the factories,' commented Syed Sultan Uddin Ahmed, Executive Director of Bangladesh Institute of Labour Studies. He said for free and fair trade union activities in the sector the government should ensure protection for the workers who are engaged in the process. At the same time the national federations in the respective sector also have responsibility to activate the basic unions in the sector. (FGD/Dhaka)
- ✚ Amirul Haque Amin, president of the National Garment Workers Federation, said that less than 20 per cent of the registered unions could run their activities in the garment factories and the authorities of the most of the factories did not allow

association in their units. He said to implement trade union rights in the factories owners must have to change their mindset. 'Two basic unions under our federation are working in two factories namely Friends Style Ltd and Basic Apparels Ltd but no unrest has taken place in the factories so far. This can be an example that trade unions never hamper working condition as well as production in factories,' Amin said. He, however, alleged that the registration of trade unions in the RMG sector dropped this year as the government took a go-slow policy to giving registration to the entities. Amin said a good number of applications had been rejected due to the government policy. Brushing aside the allegation, SM Ashrafuzzaman, director of the labour directorate, told New Age that some of the applications were rejected based on valid ground. (KII) 'We know the government has allowed trade unions in the readymade garment sector under special circumstances and to show an increase in the number of trade unions in the sector to the international community the government has given registration to the most of the trade unions under its negotiation with the federations loyal to factory owners,' said Mahbubur Rahman Ismail, President of Bangladesh Textile Garment Workers Federation. (FGD, KII)

- ✚ The trade unions which have got registration under such negotiation cannot play effective role in protecting workers' rights, he said. Bangladesh Garment Workers Employee League president Sirajul Islam Roni said that less than 50, out of the 326 registered trade unions, were effective in the factories. 'No basic unions are effective in the sector as the workers who are the leaders of the unions remain under tremendous pressure from the owners,' he said.
- ✚ Sirajul alleged that the workers engaged in the unions were receiving frequent threat of termination and harassment from the owners. Labour director Ashrafuzzaman, however, said that they were not aware of any such intimidation as no one filed any compliant with the directorate in this regard yet. 'If we get any complaint, action will be taken as per law,' he

said. Md. Siddiquir Rahman, a former vice-president of Bangladesh Garment Manufacturers and Exporters Association, claimed that the mindset of owners has changed and they have no reservation about the constructive trade union activities in the sector. 'But the key problem of introducing trade union in the factories is that the workers who are the leaders of the unions are not aware of the labour act,' he said.

6.4.1.2 Characteristics of Current RMG Trade Union Movement

- Trade unions movement involvement in RMG sector is of two types
 - ❖ Directly: Factories outside EPZs are obliged to establish trade unions. Although in practice, hardly there are any plant level trade unions. Even though, workers' issues are represented by the existing plant level unions, sectoral federations, and national level federations and also though various non-associational groups consisting trade unions of both registered and non-registered ones.
 - ❖ Indirectly: Factories within EPZs are yet exempt to form trade unions by the differential labour law regime, and as such national level and sectoral federations represent workers in the RMG factories within EPZs through indirect means.

For the establishment of readymade garments sector backward and forward linkage industry should be made. Every industry must need their demandable gas, electricity and water. In case of electricity supply industry should have priority. Wastage treatment plant must be applied and for this reason government help must be needed. Violence, arson, racketeering against labour and industry by the terrorist, problem created by the 'Jhut businessman' should be strictly prohibited. Obstacles, corruption, bureaucratic problem in case of export, import, production and transportation should be prohibited. A united relation between government and all kind of owner must be needed to meet the demand of the customer for price.

6.4.1.3 Causes of organizing Trade Unions in RMG

In earlier times when industry was on a small scale and the few apprentice and craftsmen whom the master craftsmen employed usually lived with him, conditions of employment and any grievances were easily discussed individually or in small groups and quickly settled. Modern industry is very difficult. It is organized on a large a scale, and the maintenance of the close direct relation between employee and employer for the settling of differences is difficult. The status and security which workers had in earlier communities have gone and in their place they need the protection of trade unions. Considerably, to answer the question why trade unions are organized; we have to say that, it is created to bargain and ensure the status, rights, wages and demands of workers of the modern world of industry. Thus modern industrial policies are complex due to the expansion on business; it is very much needed to have a group of people or volunteers who actively work for the labour negotiations. So it is clear that trade unions are growing rapidly in an economy because of the expansion of business and economic growth. A number of trade unions exist to represent workers of the RMG-sector. Currently, three tier of the structure exists in the trade union movement of Bangladesh i.e. a) Enterprise level b) Industrial level c) National level. According to Bangladesh Labour Act, 2006, at least 30 percent of the total workers in an enterprise can form a union and thus maximum 3 unions can exist in an enterprise. But in practice, there are numbers of enterprises where more than 3 unions exist. Members of the basic unions must be workers of that enterprise. Outsiders are not allowed to be member of any basic union. According to Article 200 (1) of BLA, 2006, any two or more registered trade unions formed in establishments engaged, or carrying on, similar or identical industry may, if their respective general bodies so resolved can constitute a federation by executing an instrument of federation and apply for the registration of the federation. At present, a total of 108 industrial federations are registered. National level federations are combination of basic and industrial federations. According to Article 200 (5) of BLA, 2006, not less than 20 trade unions formed in different types of industries may, jointly, constitute a federation on national basis. At present, 32 National Trade Union Federation are registered. A percent of outsiders is eligible to be office bearer of any industrial and national federations.

6.4.1.4 Basic Union or Unit Union

Unit unions in the RMG sector in Bangladesh are formed in two ways. One, the federations try to form unions in as many factory units as they can, so that, as umbrella bodies of various unit unions, they can emerge as legitimate bargaining agents in this specific area of the private sector. In this process, the federation leaders themselves organize the workers in various units, secretly obtaining the signatures of 30 per cent of workers interested in joining unit unions and doing all the necessary legwork (including, they claim, bribing the officials at the office of the Registrar of Trade Unions). Unit unions can also be formed subsequent to the involvement of federations in non-unionized labour disputes: for instance, when workers of a factory face problems such as delay in payment of wages and overtime benefits, scrapping of holidays, or deterioration of the factory environment, they come to the federations for assistance. The federations then provide various kinds of assistance, such as organizing demonstrations and moving the matter to relevant labour courts and so on. Thereafter, they slowly explore the possibility of forming unit unions in the factory, and then try to persuade workers to join by explaining how easy it would be for them to handle industrial disputes if they had their unions there. When the workers become interested, they explain to them the required procedures for obtaining registration, and if necessary, provide them legal, institutional and other support. Theoretically speaking, of course, the workers of any factory can form their unit unions independently if they can muster support from 30 per cent of the workers of that factory and get their signatures on the “Form D” before submitting it to the office of the Registrar of Trade Unions. The Registrar, on being satisfied that the signatories have complied with all the requirements of the Industrial Relations Ordinance of 1969 for being registered as a trade union, is supposed to register the trade union in a prescribed register and issue a registration certificate in the prescribed form within a period of 60 days from the date of receipt of the application. However, as can be seen from our survey, this procedure has rarely taken place in Bangladesh, first because very few of the garment workers, most of whom are females and rural migrants, are aware of the procedures regarding the formation of trade unions. Second, even if they know the

procedure, they are worried about possible harassment from the management. Nevertheless, the author can attest that some workers did try in certain factories to form independent trade unions. But after some time, they were forced to seek the assistance of different federations for various reasons, including the bureaucratic hassles involved in unionization.

Owner of the industry always think that, labour organization which are situated in the factory those created problem by demanding their rights offensively and they also believe that those labours will not follow their order properly by demanding their rights. Sometimes regional labour organization cannot handle big problem. In that case they contact with their central organization to meet the solution of those problem because those central organizations can contact with the related party to fulfill any demand. So without the help of central union any demands meet impossible.

6.4.1.5 Federation Initiative

Bangladeshi garments worker are leading their life with sorrow and poverty by the government and from the owner all the time. The price of all necessary products is growing up and for this reason it is very difficult by a garment worker to provide necessity facilities for their children's study, their medical costs and the cost of the daily food for the family. In Dhaka city and beside is all area the rent of the house is very high due to garments sector and for the garments worker and for this reason the owner of the house behaves very badly with those workers. On the other, land robber with the name of housing company business taking all the government land making huge money as well. If the governments wish, then this land can be used for the purpose of worker living place. Then the helpless workers going to labour court for their demand but after the first date they have their next date after 4 or 5 month. After that workers spend years for this reason in court. But in Labour law clearly indicate that the case will be finished within 60 days. For this reason, garments leaders want, lengthy process of Labour Court should be abolished.

6.4.1.6 Seven Demandable Segments for RMG

There are seven demandable segments which are the basic need by the RMG workers in their mode of occupation those are as follows:

- 1) New regulation for the house rent should be applicable.
- 2) Through ration system rice, water, flour, oil, sugar must be supply to the garments worker.
- 3) As soon as possible the labour law of 2006 should be amendable and the black law related to against the labour should be abolished and the idea of omission of labour court must be abolished also.
- 4) For the establishment of rights of the trade union workers must be free from the shadow of owners and government and similar with the government job female workers must have the 6 months' maternal leave.
- 5) Every garments factory should provide appointment letter, identification card, wage slip, overtime slip to the worker.
- 6) For the need of the garments worker residence facilities and the medical facilities should be ensured.
- 7) Speakers complain that last three years' trade union of EPZ are closed and it must be open.

6.4.1.7 Recent working Segment of Trade Union in RMG

- ✚ 13th January, 2010 Bangladesh Garments Unity Cooperation for the demand of rising of house rent they launch a human bond programme with 7 demandable segments. Leaders of the workers want all the segment must be fulfilling as soon as possible otherwise they will be going towards a movement.
- ✚ 20th January, 2012 Bangladesh joint Garments Labour Federation for the demand of the hundred percent helping allowances, established ration system, healthy living condition, lengthiness of labour court they make human bond in front of press club. In human bond leaders says that immediately if all the demand will not fulfill then dissatisfaction will create in garments sector and if dissatisfaction create then the responsibility will go to the owner and government.

- ✚ 3rd February.2012 Knit Dying Garments Workers Federations launch a garments worker's human bond in front of National Press Club and in this human bond many garments workers participated. In this programme federations leader present their major demand and they request to government to fulfill their all demand
- ✚ Owners who are not abiding laws and the imprisonment is flexible for them but it must be re-appointed for them.
- ✚ Small industry which created regional trade union and create economic region to reduce the right by trade union and labour law and which created for the betterment of the owners and for this reason in Parliament there are 3 bill passed. So garments workers demand is to amendment of the bill must be present in front of parliament and it must be passed.
- ✚ The increasing rent of house, garments workers are in very much trouble. For this reason this topic must be present in parliament for controlling the house rent.

6.4.1.8 The Owners' Response for Unionization in the RMG Sector

It goes without saying that the structure of ownership and management determines both the structure of trade unions and the mechanisms for resolving industrial disputes. In the emerging formal private sector of Bangladesh, particularly in the field of RMG industries, the owners, who generally tend to be patrimonial as a class, still try to resolve industrial conflicts through autocratic and unilateral decisions. One reason for this could be a historically sustained inbuilt authoritarianism in all spheres of Bangladesh's entrepreneurial class. The earlier dominance of the semi feudal and large land owners has influenced the attitudes of most of the industrialists of Bangladesh in their dealings with subordinates and workers. Just as the agricultural workers were treated as virtual serfs on the landed estates of *Jamindars* a few decades ago, so workers in the RMG enterprises, with a few exceptions, are still dealt with by a mixture of authoritarian and paternalistic managerial practices. Against such a backdrop, it is no wonder that most garment factory owners do not have a positive attitude toward unionization in the RMG

industries. The industrialists' apprehensions are also based in part on their perceptions of industrial conflicts in the public sector, particularly in terms of the workers' organizational strength and the militancy of some of their professional trade union leaders, which is in turn linked with these leaders' political aspirations. It would not be inappropriate to mention here that the workers and their unions in the public sector industries of Bangladesh often display the characteristics of early industrial development, including multiplicity of unions, serious inter union rivalries, and allegiance of workers to different unions (Khan, 1986). But then, the reason for the multiplicity of unions as well as inter-union rivalries may partly lie, as Khundker correctly points out, in the management structure of the public sector industries, which is often centralized and is normally in the hands of civil servants. Civil servants are generally perceived as being unsympathetic to labour causes by union leaders. And this, along with a somewhat restricted collective bargaining mechanism — since wages and other benefits are determined by National Pay Commissions (for government and public sector employees) and National Wages and Productivity Commissions (for industrial workers in the public sector) — influence the trade union leaders to rely heavily on political parties in pursuing their objectives (Khundker, 1997). There is also another factor which one needs to take into consideration in discussing the state of affairs of the unions in both public and private sectors — their lack of funds. In Bangladesh, workers generally pay their union dues only at those times when their demands are being raised. Some union leaders therefore try to raise disputes simply for the purpose of refurbishing their union funds.

Labour-management relations in the RMG industries are affected by a lack of mutual trust between union leaders and owners. That is why union leaders always try to pursue their unionization process as secretly as possible, while the garment factory owners always try to find out what the federations and garment workers in respective factories are up to. In fact, most of the male federation leaders as well as female unit union leaders whom we interviewed claimed that in order to remain informed of the activities of the federations and their activists, most garment factory owners place people in crucial places both in the factories and at the Directorate of Labour. Tables 4 and 5 explain at

what stages and how the owners — according to the federation and unit union leaders — came to know about the unionization processes of federations and unit unions. The owners implicitly corroborated the information of Tables 4 and 5 regarding the unionization process.

Table 6.1: The Stage at Which the Owner Came to Know About the Unionization

Stage that owners learned about unionization
Before submitting the application to the office of the Registrar of Trade Unions
↓
After submitting the application to the office of the Registrar of Trade Unions
↓
After getting Registration Certificate from the office of the Registrar of Trade Unions

Source: UNRISD

The table supports the contention in factories the owners had employed *agent's provocateurs* so that they could know beforehand which workers of their factories were trying to form unit unions, in order to force those workers out from the factories before they could even submit applications for registration to the office of the Registrar of Trade Unions. It was important for the owners that, if they had to go for this kind of pre-emptive attack, they did so before the submission of the application for registration, because once the application for registration was submitted, it would have become not only more difficult for the owners to stop the process of unionization but any attempt to do so could have also made them subject to legal prosecution for misconduct under Article 15 of the Industrial Relations Ordinance, 1969. As Table 5 further reveals, the owners also had their informants in the office of the Registrar of Trade Unions, who informed the owners as soon as they learned about the submission of the applications for registration. In most cases, the owners then traced the office bearers who were involved in the unionization process and tried to stop the process in various ways.

Table 6.2: How the Owners Came to Know About Unionization Procedures

Channels through which owners came to know about unionization:
1) Through the agents of the owners among the workers
2) Through unofficial channels of the office of the Registrar of Trade Unions
3) Informed by the union leaders themselves after obtaining Registration Certificates

Source: UNRISD

We were informed by federations and or unit level leaders that in the cases that the owners were not informed beforehand of the unionization process, either the office bearers of the unit unions or the federations bribed officials at the Registrar of Trade Unions, or the federations had such political backing that the officials of the Registrar of Trade Unions did not dare to disclose the information to owners. The general response of the owners, as described to us by the federation and unit union leaders, are discussed in Table 6. The majority of our respondent owners did not agree with the information provided in Table 6. Some owners did not contradict the authenticity of the information, but claimed that they themselves never resorted to any such activity. The findings below clearly show that owners used all sorts of possible methods to stop the unionization process, and also to destroy, wherever they could, the unit unions. To achieve their goals, they first tried to employ pressure tactics, including verbal threats, physical assault, and intimidation through hired musclemen. If these pressure tactics failed to bear any fruit, they tried to stop the process simply by bribing influential federation and/or unit union leaders. When that ploy did not work, they started filing criminal charges against union leaders so that they could harass them with the help of the police. Since most of the unit union leaders were female and also often poor, they could not withstand such pressure indefinitely. In the end, many unit leaders left the factories. The unions, if constituted but not yet registered, ceased to exist. In other cases, the owners simply dismissed union leaders. It was often quite easy for owners to dismiss union leaders because many union leaders did not have proper appointment letters, and hence no proof that they were working in a particular factory. If the unions were registered, the owners sometimes tried to fire union leaders with packages of three months' wage compensation.

Table 6.3: Immediate Response of the Owners toward Unionization Process

1) Verbal threats
2) Physical assaults
3) Threatening through hired musclemen
4) Filing false criminal charges
5) Dismissing main leaders without compensation on charges of “gross insubordination”
6) Firing the main leaders with compensation on charges of “misconduct”
7) Bribing the main leaders
8) Police harassment with false criminal charges
9) Compelling the main leaders, through various means, to give up their jobs
10) Fulfilling some demands
11) Laying-off
12) Transferring ownership and/or selling factories
13) Forming counter unions

Source: UNRISD

However, in some cases where the unions were very strong and the general workers were united, the owners either declared a lock-out of the factories or met, at least for the time being, some demands of the workers.

6.4.1.9 The Owners’ Attitudes toward Trade Unions

Irrespective of their educational, socio-cultural and economic background, most of the garment factory owners seem to have a very negative attitude toward the existing garment federations and their affiliated unit unions. The root cause of this negative attitude seems to be grounded in their perceptions of trade unionism which, again, emanates from what they have seen of the activities of the trade unions in the public sector. According to most of our respondent owners, the Bangladeshi entrepreneur involved in RMG industries at the moment faces a few common labour-related problems. These are:

- 1) Lack of discipline among workers;
- 2) Workers not committed to productivity;
- 3) Illegal and unreasonable demands placed by representatives of garment workers;
- 4) An unfavorable labour code that specifies privileges but does not spell out duties of workers;
- 5) Politicization of trade unions;
- 6) Multiplicity of federations and unit level unions and consequent rivalries between them;
- and 7) Too many work stoppages.

Under these conditions, according to some garment factory owners, the situation is not yet ripe to allow full-fledged unionism in a nascent industrial sector like RMG. However,

some owners claimed that they would have no objection to unit unions if they were formed independently, and not through what they called the instigation of outsiders or “professional trade unionists”. But before these unions are formed, the workers must be properly educated regarding existing labour laws, basic rights, and inalienable obligations so that they cannot easily be manipulated by “professional unionists” with vested interests. These owners suggested that NGOs might like to develop awareness-building programme for female garment workers which could provide education about their legal rights. They also suggested that there should be provision for on-the-job training programme for garment workers but that these should be linked to their duration of service. Most of garment factories do not have a proper working environment and adequate facilities for workers. But for that they squarely put the blame on the “corrupt” inspectors from the office of the Chief Inspector of Factories and Establishments. No Inspector of Factories and Establishments would be satisfied with the prevailing conditions and working environment of any factory, however excellent the condition of that factory might be, until and unless he receives a significant cash contribution from the owner. Consequently, as he argued, for some garment factory owners it really did not matter whether or not the working conditions in their factories were up to the standard, for they would have to pay a few thousand Takas’ monthly to the inspectors in any case. Most owners refuted the allegations of the federation and unit union leaders that they resorted to all kinds of intimidation tactics to sabotage the unionization process in RMG industries. Rather, they mentioned the preoccupation of the garment workers, and their high turnover rates as the two most important factors hindering the process of unionization. As far as existing labour management relationships in the garment industries are concerned, most of the owners indicated that they maintained contacts with the general workers primarily through the floor supervisors and or production managers. Regarding the linkage of wages with labour productivity, most garment factory owners opined that the RMG industries’ capacity to pay the workers a minimum wage should be linked to their profitability, which, again, depended on the prices of their products relative to material input prices, and on labour productivity trends. However, the owners

were divided on the issue of providing wages on the basis of piece rate work. Some favored the idea but others expressed apprehensions that this would increase the cost of supervision. The reason for this is the fact that in RMG industries the workers work in an assembly line according to their job specialization, and a piece rate work wage system would require much better coordination in terms of speed and specialization. Federation leaders and garment workers were also equally divided on the issue of piece rate work. For some garment workers, the main benefit of a piece rate work was that it would make their work more quantifiable in terms of production performance and therefore would make it easier to link performance with the wage structure as well as the pay for overtime. It would also help to take into consideration the existence of different levels of expertise in the work force, and the value of overtime work could then be measured in terms of production rates instead of time frames. Others, however, argued that the piece rate wages would work to the disadvantage of workers because, in the name of differentiating between different levels of expertise in the work force, the owners would simply manipulate the principle of “equal wages for equal work” to their advantage and, if and when necessary, try to play one worker against the other.

6.4.1.10 Failure of the Trade Unions to Defend Workers Rights of RMG Sector in Bangladesh

The readymade garment industry has emerged as the main manufacturing sector in Bangladesh since the 1980s when the World Bank and other international agencies in cooperation with the local elites ushered in an export-oriented development policy in the third world. The sector has also attracted a large number of unskilled rural women. Major issues ranging from low wages, worsening working and physical conditions of the factories, lack of welfare facilities such as healthcare, day-care, housing, education for the workers’ children, physical and sexual harassments, etc. have yet to be addressed in a telling manner, either by the state or by the owners. Although there is no bar, the workers in the RMG sector seldom address the labour issues using labour unions. In a broad sense, the labour unions in Bangladesh in the era of globalization have mostly failed to address labour rights although the workers in this sector are ‘absolutely exploited’ by the

owners as some social scientists, such as Ronaldo Munck, think on this. Thus, it is very important to identify the major constraints of labour movements in Bangladesh in the RMG sector in the era of globalization.

Firstly, labour movement in Bangladesh in RMG, in modern sense, is very weak although some Bangladeshi writers (mostly activists) see a glorious past of labour movements in Bangladesh. Even if we accept those movements as partially successful ones, those movements, in a broad sense, are the offshoots of various political movements developed against various repressive regimes such as colonial and military ones. Hence, many historical peasant and worker movements, integrally related to the broad political movements, lacked independent working class character. Some notable political movements that merged labour movements are Fakir-Sannyasi movements, Faraizi movements, Swadeshi movements and Khilafat-non-cooperation movements against the British colonial regime, six-point demand movements during the 1960s and the anti-autocratic movements during the 1980s. Hence, broadly speaking, modern labour movements in Bangladesh developed in the 1905s, 1920s, 1930s, 1960s and 1980s in various sectors were parts of the ongoing political movements launched for the national liberation and or the restoration of democracy, far from the sole agendas of the working class. But in RMG, the movement of the trade union began in 1994, while the sector started to boost up.

Secondly, unlike Revisionism philosophy in Germany, Syndicalism in France, Fabianism in England, or Class Collaborationism in America labour unions in Bangladesh could not develop any unique labour ideology or philosophy as well as in RMG labour union there is no labour ideology also. This limitation was even identified 50 years ago by some social scientists when they studied the constraints of labour movements in the British colonial rule. The possible ideologies that could have developed in this region were the radical and leftist kind of labour movements, developed during the 1920s, 1930s and 1960s in the jute and cotton mills, and the tea gardens in Bombay and Bengal and the Sattagraha ideology, i.e. non-militant, peaceful and democratic movements, introduced

by Gandhi in the cotton textile mills in India in the 1920s. The possibility of emergence of a radical-militant kind of labour movement was foiled partially by the influence of the Cold War politics, by the hegemonic influence of the US, by the collapse of the Soviet Union, and partially by the existence of the traditional social formation (largely based on feudal and peasant relations) that has yet to be transformed into a modern form. Also, lack of union culture is a remarkable historical feature in the labour unions in Bangladesh. Contributions toward the union in the form of membership fees, internal union democracy and transparency, regular meeting and agenda settings, development of new leadership through votes, having permanent union offices and officials, institutional mechanism for developing working class solidarity, the prerequisites for modern unionism, are all absent in the labour union politics of RMG sector in Bangladesh.

Thirdly, like the development of the major social and political institutions, development of the labour unions and labour movements were immensely influenced by the 200 years of British colonialism. Hence, similar to the forms of political protests developed by the political parties during the colonial regime, labour unions of RMG in Bangladesh developed various forms of protest movements such as street protest, occupation or gherao of a manager's office or a factory, spontaneous and sporadic outburst, vandalism, assault and militancy largely representing spontaneous, unorganized and unplanned forms of protest movements in the twenty-first century. In fact, absence of formal channels and absence of social justice in the colonial regime (since colonial regime was essentially an exploitative regime in the history) rendered these primitive forms of protest movements in Bangladesh. Absence of the formal-modern channels of easing workers grievances are still absent and hence the primitive kinds of movements still continue as the colonial nature of the state and colonial attitudes of the elites dominate in the society opposing workers' unions right.

Fourthly, labour unions in Bangladesh could not develop independently because of their overwhelming dependency on the political parties and leaders amalgamated during the colonial regime and it is very hard to establish in RMG sector. It is interesting to

mention here that, unlike in the west, a large number of political leaders in this subcontinent holding the powerful positions of presidents, prime ministers and ministers were the main executives of the All India Trade Union Congress and other labour unions. Similarly, using state power various political parties in power started politicizing labour unions beginning during the 1930s. Two such notable examples are the Bengal National Chamber of Labour, and the Indian National Trade Union Congress developed by the Muslim League and the Indian National Congress respectively when the parties were in power in Bengal and other provinces in India. Both the labour organizations were developed opposing the hegemony of the communist leaders dominating in the All India Trade Union Congress, the umbrella organization of the workers during the colonial regime. Later, the successive regimes in Pakistan and Bangladesh, especially the military rulers, politicized labour unions and thereby undermined the interests of the working class. Thus, politicization of labour unions and inter-union rivalry became one of the main barriers for strong labour movements in Bangladesh. It is very interesting that unlike the domination in the public sector unionism, political parties in Bangladesh have yet to develop any intimate relationships with the labour unions in the RMG industries. Hence, labour unions in the RMG sector do not get strong supports from the major political parties in Bangladesh. One possible cause might be that many political leaders belonging to the mainstream political parties became the owners of many readymade garment industries since RMG business has been a very profitable one.

Fifthly, backward, docile and timid nature of the migrant rural women workers are the major constraints forming labour unions and launching labour movements in the RMG sector. Because of overwhelming majority of the rural migrant's women, who did not have any past experience, who uphold feudal allegiance toward their owners and other management officials, and who have been socialized with traditional purdah system and patriarchal values, the owners exploit these meek and docile workers absolutely. Hence, because of feudal, religious and traditional gender relations, women workers do not even think about raising questions against any management decisions and their exploitations,

let alone organizing unions or launching protest movements. Also, paternalism that has guided political-social relationships for a long time in a feudal and or semi capitalist country like Bangladesh also works in the contemporary industrial relations. In fact, this paternalistic attitude obstructing the development of formal industrial relationship still exists both among the workers and the owners of the RMG industries. Most of the RMG workers are illiterate and hence they don't have any knowledge about workers' rights and labour laws.

Finally, 'overdeveloped' and 'soft' nature of the state, gelatinous and premature nature of civil society, absolute profit-seeking motives of the owners which is the most important role play by the owners to restrict the movement of the RMG workers through their own unionization, role of military rules in spreading neo-liberal and unregulated market forces, the irresistibility of capital in terms of power of the multinational corporations and the supranational organization such as the World Bank, the International Monetary Fund and the World Trade Organization all have undermined the labour movements in Bangladesh in the era of globalization. In this case the role of the foreign buyers also play a vital role in case restriction of unionization of RMG workers, As we see, in the most postcolonial states the military, civil bureaucracy, politicians and business elites are the main beneficiaries enjoying enormous power. Intervened by military rules, many third world countries, such as Chile, Brazil, Philippines, Indonesia, Pakistan, Bangladesh etc., produced the prototypical structural features in terms of labour-capital relations. In a very common fashion, these military dictators implemented the neo-liberal agendas by introducing structural adjustment policy, patronized the powerful business elites while repressed and suppressed the workers' rights either by banning the activities of labour unions or by introducing the 'politics of cooption'.

In Bangladesh, the two successive military regimes restrained labour protests by buying many radical and left labour leaders and by providing them lucrative state posts such as

ministers and advisors. The other two major apparatuses such as civil bureaucracy and political parties have immersed into corruption, nepotism and lootings, whose members seldom think about the welfare of the poor workers. The essence of ‘overdeveloped state’ is very similar to what Gunnar Myrdal termed the third world states, i.e. the notion of ‘soft state’. According to Myrdal, all third world states are inefficient in terms of managing huge activities by various public wings, rather than by the civil society being common in the west. In reference to the labour rights of the poor workers, we see that the state does not provide enough supports to the poor workers since the poor workers are powerless and have no voices. Although Bangladesh ratified various ILO conventions and although labour rights are vividly conceded in the constitution and other labour policies and documents, violations of labour law and ILO ratification is a very common thing in case of Bangladesh and it is mostly common in RMG sector; very little evidence might be found where the state officials monitor the applications of labour laws and the ILO conventions.

In fact, no actions are taken against the owners even though concomitant violations of labour laws and ILO conventions have been a common phenomenon in all the private sectors including the RMG industries. Since the colonial regime, on many occasions, it has been found that the workers’ protest movements have been instigated by the repressions of the state and the private forces of the employers, i.e. by the state police and hired thugs. In fact, for both the premature development of the educated middle class and civil society, the poor workers do not get any moral supports specially it is very much common in case of RMG workers, valuable resources and pressures that might be acted otherwise as a pressure to the powerful state apparatuses and the employers on behalf of the working class.

6.4.1.11 Problems of Trade Unions of RMG in Bangladesh

Currently trade unions of RMG are beset with problems. The following are some of the reasons:

- ✚ Politicization or political affiliation of trade unions of RMG prevents them from becoming strong partners in collective bargaining. Politicization of a trade union also causes the loss of its distinct identity;
- ✚ Lack of solidarity among trade unions of RMG, provincialism, patronage of vested interest groups and internal conflict are some of the reasons that have led to the fragmentation of trade unions. The trade unions must be free from influences from political groups, government influence and owners;
- ✚ Workers at the grass root level are not aware of their rights. At the national level, trade unions are divided into many federations with diverse ideological and political philosophy. Such division at the national level is commonly reflected in industrial relations at the plant level causing intra and inter-union rivalries due to ideological and political overtones. This scenario is also the picture of RMG sector. In the public sector, it is found that trade unions are often unable to pursue their objectives through the normal collective bargaining process as (a) management in public sector is highly centralized (b) government participates directly in wage setting procedures in the public sector, and (c) collective bargaining in major issues is formally restricted in the public sector.

In order to strengthen the trade union movement of RMG sector in Bangladesh, the following issues of good governance should be considered:

- ✚ Legitimacy of trade unions of RMG sector, which hinges upon whether the trade union leaders have the consent of the common workers and that they can be removed through peaceful labour processes.
- ✚ Accountability of the trade union leaders of RMG sector, which requires a network of checks and balances between labour institutions, and defined performance standards for both common workers and trade union leaders.

- ✚ Competence of the trade union leaders of RMG sector, which involves the capacity to formulate appropriate charters of demand, takes timely decisions, and implements them effectively.

6.4.1.12 Measure to Improve and Establish Trade Union Culture in RMG of Bangladesh

In the context of the world industry, Bangladesh is very younger. So it should follow some measurements in order to increase its stability of economy. In case of RMG, to improve the industrial relation situation it is most essential establish and improve trade union culture in the sector. In this regard, this study attempts to identify the measures to be undertaken to have a sound trade union practice in the sector. For the purpose, number of discussion, consultation and key informant interview has been undertaken and following steps suggested to be considered:

- Multiplicity of trade union creates the rivals in a union. So it must be reduced.
- Strengthening bilateral collective bargaining for solving problems quickly and effectively.
- Political involvement must be reduced. A trade union without the control of politics only can be the way of all solution of the problems of management and worker.
- Organization must support financially as trade unions support the worker, it will change the motives of worker and will be more productive for company.
- Workers are less knowledgeable, so training programme under trade union should be helpful to develop the skills of the workers.
- Trade union's function should be increased and widened throughout the organization. It will help workers to work voluntarily for organizational growth.

- Union leader must be given importance and encourage him many ways to play positive role in the union as his power implications.
- Trust is a big asset of an organization. If trust between workers and management increases, productivity increases. This is the job of an effective trade union.
- Management must help and guide trade unions to settle industrial clashes and crisis. It is trade union who has control over the workers. It helps totally to stop strikes and rivals of workers.
- The demand of trade union matters a lot to the economy. If demands are reasonable and real then it should be worked out. But if it is not, then a strike breaks out. So trade unions always should demand reasonable thing to the management.
- More needs to be done to ensure speedy registration of trade unions and to promote social dialogue. Improving labour rights Consultations are needed on further amendments to Bangladesh's labour related legal framework towards ensuring full compliance with core ILO Conventions and to address the conclusions and recommendations of the ILO supervisory bodies, including with regard to freedom of association.
- In promoting Social Dialogue in RMG sector there remains a widespread distrust in Bangladesh between employers and trade unions. Such negative attitudes pose barriers to the formation of new unions and for existing labour unions to operate effectively. Better understanding of the positive role trade unions can play as well constructive cooperation between employers and workers will help in this regard. A new ILO social dialogue initiative funded by Sweden and Denmark will focus on the development of dialogue mechanisms and relations at workplace level between employers and workers. By doing so it will seek to prevent disputes. The initiative will furthermore develop conciliation and arbitration mechanisms into a more credible, trusted and transparent system. To ensure the sustainability of

social dialogue, collective bargaining and workplace cooperation efforts, ILO is also upgrading the premises and equipment of the Industrial Relations Institute (IRI) as well as the training curricula and the capacity of the trainers. The IRI will be an important vehicle for delivering rights training for social partners.

- Trade union registrations the growth in the formation of new RMG unions slowed in the later part of 2015. It is therefore vital to ensure that the registration process is carried out as a smooth and expeditious formality, in accordance with objective and transparent criteria.
- Further efforts are also needed to ensure that alleged anti-union discrimination and unfair labour practices are investigated and if necessary, prosecuted in a timely and transparent manner. For this reason, it is important that the Directorate of Labour has the necessary staff and resources to carry out its role effectively. ILO has worked with the Directorate of Labour (DoL) to help it launch online systems for the registration of trade unions and case management related to unfair labour practices. Training for DoL officials and union members is helping them better understand what constitutes discrimination while standard operating procedures to deal with discrimination are also being developed. ILO is working with the National Coordination Committee for Workers Education (NCCWE) and the 'IndustriALL Bangladesh Council' (IBC) to build the capacity of trade union organizations and create an enabling environment for worker organizations and collective bargaining at RMG factory level. The capacity of over 2,500 workers' representatives, trade union organizers, mid-level managers and employers' organization members has been enhanced through various training events aimed at generating better understanding of labour rights and obligations. Outreach activities such as radio talk shows, drama and song performances, posters, brochures and other materials aimed at workers in the RMG industries also help raise awareness of rights and responsibilities.

6.4.1.13 Participation Committee

The government is setting some criteria regarding formation of participation committees in readymade garment (RMG) factories as per the requirement of the recently-framed labour law rules. Trade union (TU) leaders will nominate the workers' representatives, if there is no registered trade union in factories. The workers' representatives will be elected in presence of the chief inspector in absence of both TU and WPC, according to the rules.

Bangladesh Garment Manufacturers and Exporters Association (BGMEA) recently asked its member-factories to form both participation committees and also make them effective. The trade body also requested its members to inform the BGMEA about those committees. The DIFE's regular inspection, conducted in August 2016 in some 159 factories, revealed that 41 per cent garment factories do not have any participation committee, according to a DIFE inspection report.

Sixty-one per cent of the inspected BGMEA-listed factories have such committees while it was found in 65 per cent of Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA) registered units. On the other hand, percentage of non-compliance with the requirement is higher in factories that are not associated with either BGMEA or BKMEA. Babul Akhter, a labour leader, alleged that majority of the registered trade unions in some 500 garment factories cannot freely exercise their rights as most of them are formed by owners' nominated representatives or controlled by factory management. On the other hand, participation committees in factories are just on papers, not functional, he noted. He requested the DIFE to strictly monitor the formation of safety committees and also whether they are functional or not. "The information as to which a factory has safety committee and which does not have any such body should be incorporated in the publicly accessible database," he added.

For a few years now workers unrest has been counted as a major threat to the success of Bangladesh's ready-made garment industry (RMG). According to the Bangladesh

Institute of Labour Studies, 72 instances of labour unrest took place between January 1 and June 30, 2010. The major causes were demands for dues payment, declaration of factory lay-offs, closures, termination or curtailment of leave or holidays.

A study conducted by PROGRESS in July-August 2010 showed that in most cases unrest in the RMG sector could have been avoided if an effective channel of communication to solve grievances had been in place. Therefore, in the absence of collective bargaining (trade union), a Participation Committee can play a vital role in bridging the communication gap and can even successfully ease labour disputes.

According to Bangladesh's Labour Act of 2006, section 205 (1), each employer of an establishment in which fifty or more workers are employed is under a legal obligation to constitute a Participation Committee in the workplace. The committee essentially acts as a platform for social dialogue, and is comprised of the owners' representatives and elected workers' representatives. The number of owners' representatives cannot exceed workers' representatives. The PC's functions are to: (i) promote mutual trust, understanding and co-operation; (ii) ensure application of labour laws; (iii) foster a sense of discipline and to improve and maintain safe and healthy working conditions; (iv) encourage vocational training, workers' education and family welfare training; (v) adopt measures to improve welfare services for the workers and their families; and (vi) meet production targets, improve productivity.

"PROGRESS" is keen to reduce labour disputes and therefore has taken a number of steps. Through partner NGOs, about 2,000 female workers were trained as leaders. Among them, around 300 workers have already proved their skills in negotiating their rights for themselves and their fellow workers in a peaceful manner. Currently, 47 trained workers are members of participation committees in 32 factories located in Dhaka and in Chittagong.

This study finds out some good practice of participation committee in 10 factories, where the members of PC are trained by some NGOs. Findings show that although the legal

provision for electing workers' representatives was not followed, regular meetings are being held and workers are raising their issues. Ms. Halima Khatun, PC member Babylon Garments Ltd. stated: 'It is a great opportunity for us to discuss our grievances. We (PC members) are well accepted by the workers and they have confidence on us. I do believe if it is replicated to every factory, workers will never take hard path for their demands'. However, one of the bottlenecks, as reported by the respondents to the study is the lack of negotiation skills and labour law knowledge on the part of the workers' representatives. Save for the trained few, none of the workers are capable of advocating for their legal rights.

To solve these problems, NGOs are offering training through qualified trainers to improve the capacity of the PC. Recently, the Awaj Foundation has conducted a two-day training session in Viyellatex Ltd. for their PC members. As well as customized training sessions, a "Six-day training programme for workers" and a "Four-day training programme for the management" is also available.

6.4.1.14 Means to Improve Participation Committee

This study attempts to identify the means to make the Participation Committee effective with a view to improved industrial relation in RMG sector. According to the resource persons and key informants following measures need to be undertaken in this regard:

- As per the Labour Law of Bangladesh, Government should take initiative to make the participation committee mandatory for all the RMG industries. In this regard, Government can give a timeline to the owners of factories to form participation committee to all the factory level. Afterwards, legal action will be undertaken where there will be no participation committee.
- Labour Inspection department will regularly monitor each of the RMG industries to oversee the situation of Participation Committee, its functioning and effectiveness. In this regards, manpower of labour inspection department should be increased and

to be sufficient to conduct inspection on a regularly. To do so, Government can advocate with international organizations as well as donor communities.

- Most of the factories, which have the participation committee existing, are not well-functioning as per the findings of the study. It is also evident that employers are forming and functioning participation committees just to fulfill buyers' requirement. In practical, there is no standard practice found regarding participation committee. So, labour inspection department should take measures to investigate the role, function and effectiveness of each participation committee.
- The study found that where there is participation committee, most of the members (both employers and workers side) cannot play effective role in the committee due to their lack of knowledge. So, it is mostly essential to build their capacity in this regard. In this connection, support from some related national and international organizations can be taken such as International Labour Organization (ILO).
- Trade unions with the support of Labour rights related organizations can advocate with the employers and government to form and function participation committee. Besides, initiative needs to be undertaken to make the employers understand about the positive impact of participation committee towards improved industrial relation.

6.4.1.15 Safety Committee

Today's Bangladesh has become an icon in the epoch of RMG revolution where Bangladesh has been able to demonstrate before the world RMG giants that we have immense potentialities in this sector.

We have already achieved the prestigious second position, are now aspiring to hold the first place within few years and will be the hardest competitor in the coming global RMG battle. To sustain its present encroachment and keep in touch with the world RMG pioneer, Bangladesh is giving its effortless efforts to establish a 100% compliant RMG

sector within the couples of years where safety issues have been given the prime emphasis to ensure its eye-catching development and to sustain its dominating approach towards the global RMG. In this regard, the formation of procedure of a safety committee, its perfect establishment, proper functioning and monitoring have been depicted in the Bangladesh Labour Rules 2015 which is a praiseworthy initiative to be acknowledged.

Demonstrating and designing the core purpose is a significant element to form a safety committee. Here, the purpose should be specific and authentic to execute an effective and sustainable safety committee. Otherwise, the feasibility of a safety committee will be a hard one to be materialized. Indeed, bringing workers and managements altogether on a regular basis is an effective initiative to promote occupational safety and health in the workplace.

Taking recommendations for improving safety issues in the meeting and applying them accordingly justifying its vulnerability are also significant to avoid workplace hazards and to prevent fatalities by increasing safety awareness. In this way, we can pave the right way to make our safety committee visible and approachable for safety and health concerns, suggestions, and problem solving.

To materialize the purpose of a safety committee to be successful, we need to identify and prioritize goals and establish action plans to achieve each goal, develop a written statement in the light of specific local laws, define duties and responsibilities of safety committee individuals, and set clear meeting agendas to utilize all the member's resources in a proper way.

Minutes should be published, provided to each committee member and all employees; provide feedback on workers' suggestions and promote and monitor compliance with health and safety regulations; promote health and safety policy and programme.

Safety committees are composed of the employees and management in the traditional sense though these traditional notions have changed now. However, safety committees

should never become complaint sessions rather it should emphasize on what is going wrong with the safety issues. The employees on the safety committee need to be involved in suggestions or corrective actions decided in the meeting.

There is no alternative without forming a safety committee. Workplace safety has become everyone's concern. In Bangladesh, we have some definite rules regarding safety committee formation and so we must have better knowledge on the safety committee requirements. There are certain elements of forming a safety committee like principles of forming a safety committee, procedure of electing the president, vice-president, member-secretary and the other members and so many related issues need to have a clear understanding to form a committee in the light of Bangladesh Labour Rules 2015.

According to Bangladesh Labour Rules 2015, there is a requirement to form a safety committee with the proper combination of different terms and conditions. However, is there any hard and fast rule for the all factories or institutes to form safety committee? There is a certain instruction in the rules.

The owners of the institute where 50 or more workers are employed or were employed in a certain period in the year shall form safety committee. It also emphasizes that safety committee must be formed within 6 months of the application of this Code in the present institutions. In this connection, it is mandatory to know how many members are required to form a safety committee. As per Bangladesh Labour Rules, 2015 the total number of members in the Safety Committee shall not be less than 6 or more than 12 and there shall be equal number of representatives in it from the employer and employee side.

As per Bangladesh Labour Rules, 2015 there shall be a President, a Vice President and a Member Secretary and other members in the committee. The committee shall nominate its President. On the other hand, the authority will nominate their representative.

All members shall unanimously select a Member Secretary in the first meeting of the committee; this committee can distribute the responsibility of different departments.

Now, the question is, can we include more representatives on behalf of the worker's in that safety committee and how can we do this? If we want to include any representative in the safety committee, the representative for joint bargaining shall nominate workers' representative from the workers working in each section, department, floor, storehouse and unit separately.

Then, the representative shall be included in the Safety Committee. Taking initiatives is necessary to select the workers' representative; if there is no initiative for arranging the nomination of Workers' Representative in the Safety Committee the Inspector General shall arrange election among the employed workers for electing the workers' Representative.

However, in this case, the representative for joint bargaining or the committee shall nominate the Workers' Representative within 30 (thirty) days' of formation of the committee. If there are at least one-third of female workers in any institute, at least one-third of the Workers' Representative must be nominated from female.

Within 15 days of this type of nomination, the President shall call the first meeting of the safety committee. Safety committee's feasibility and accuracy mostly depend on proper functioning and performing of its president, vice-president, member-secretary and other members' wholehearted cooperation.

Therefore, duties and responsibilities of a safety committee need to be specific and accountable. In this connection, the president is expected to schedule meetings notify members, provide appropriate and timely follow-up on problems and recommendations developed by the committee, ensure all discussion items end with a positive decision, review and approve the minutes.

On the other hand, the primary duties of a vice-president are to assume leadership of the committee when the chairperson is unavailable on a short-term basis. Whereas, the member-secretary has to maintain record and disseminate minutes of each meeting; actively promote safety and health by giving personal example and by ensuring active communication.

It is a good practice that the president should appoint the member-secretary for a one-year term. However, the other members also have duties like attending meeting regularly, working with supervisors to eliminate hazardous conditions and unsafe work practices to set a good example, listening to employee suggestions, attending training necessary to gain the skills and experience to promote safety and health within the organization.

According to the recent compliance survey conducted at 1,236 factories across the country of this year (January-July period 2016) by The Department of Inspection for Factories and Establishments, there was no safety committee at 66% of the RMG factories. We are disappointed in the regard that the deadline framed by the government is over; nevertheless, many factories failed to form the safety committee in due time.

According to the Department of Inspection for Factories and Establishments, out of the 1,236 factories surveyed, 236 are affiliated with the BKMEA and 816 are members of the BGMEA and rest of the 184 are not affiliated with any trade body.

Moreover, the recent compliance report showed that 41 % of the factories have no arrangement for workers' personal safety and 65% of them do not maintain safety record books and boards; but we are still optimistic that safety committee will be formed in the rest of the factories very soon Bangladesh is dominating in the world's RMG with an extensive experience almost of forty years; more than 4.0 million people are working in this labour-intensive industry and at the same time billions of dollars have been invested in this sector.

According to the Bangladesh Bureau of Statistics, Bangladesh earned \$31.2 billion from export in FY 2014-15, where ready-made garments' share was 81.69%. Therefore, this is not a joke at all; it is our collective achievement, an outcome of wholehearted collective efforts and an inspiration to the next generation to have their contribution as an energetic, innovative and potential entrepreneur to sustain our present glory and to compete with the competitive world with immense credits.

In the concluding remarks, we can denote that if we become alert today, we will be safe for tomorrow. This is why; we cannot endanger our potential future of this sector merely for the issue of safety. Therefore, it is time to demonstrate and prove ourselves as an unmatched competitor in the arena of the global RMG by ensuring zero tolerance in respect of safety issues and to make sure of 100% compliant practice in our readymade garments industries.

In this regard, we should form and maintain a sustainable safety committee as a prime initiative to ensure its proper functioning in our labour-intensive industries. So, it's our crying need to ensure safety committee establishment in each and every labour-intensive industry in the light of Bangladesh Labour Rules, 2015 and then, we can be able to create value in this sector by branding ourselves.

Local and international collaboration Since Rana Plaza, local and international stakeholders have worked together to enhance workplace safety in the RMG sector. ILO launched its Improving Working Conditions in the Ready Made Garment Sector Programme with the support of Canada, the Netherlands, and United Kingdom on 22 October 2013. This initiative has worked with the government as well as workers' and employers' organizations to enhance workplace safety and support the reform of the labour inspectorate. It has also helped foster a culture of Occupational Safety and Health, provided support to Rana Plaza survivors and launched Better Work Bangladesh. Other key initiatives include the Bangladesh Accord on Fire and Building Safety, which brings together over 200 apparel corporations, global and local trade unions, NGOs and workers' rights groups in a legally-binding arrangement. Meanwhile, the Alliance for Bangladesh Worker Safety comprises 28 mainly North American brands. Both the Accord and Alliance have carried out comprehensive programme to improve the safety of the factories they source from as well as train workers in areas such as fire safety. They have also regularly shared their valuable experience and expertise with the government inspection efforts supported by ILO. A Sustainability Compact for the RMG Industry was launched by the European Union and governments of Bangladesh and USA

with support from ILO in July 2013. In January 2016, Canada also became a Compact partner. The Compact sets out a series of commitments and deadlines for changes relating to safety, legislation and working conditions as well as responsible business conduct. It has proven an important mechanism to assess progress in the industry through its regular review process. A range of other organizations have also made significant contributions. Both the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) and Fire Service and Civil Defense Department (FSCD) have given safety training to workers. The ILO's US Department of Labour funded project to enhance fire and building safety is enhancing the regulatory framework while building capacity of the fire service. German development agency GIZ is working to train the labour inspectorate as well as providing equipment and resources for the fire service. Denmark has also launched a project aimed at enhancing occupational safety and health. A strong local collaboration and coordination effort has been required and the Private Sector Development Group of the Local Consultative Groups (LCGs) coordinated by the Netherlands Embassy plays an important role in bringing together key stakeholders and coordinating further action. An improved legislative environment in the aftermath of Rana Plaza it was clear that fundamental legislative and regulatory changes needed to be made. Revision of the Bangladesh Labour Act (2006) was identified as a priority to create a solid foundation upon which safety in the RMG sector could be built. The Act was revised in 2013. Major changes included the simplification of provisions relating to the registration of trade unions and the stipulation for safety committees including members of the workforce to be established in every factory with over 50 workers. Although the revised Labour Act still falls short with regards to ILO Conventions 87 and 98 on Freedom of Association and Collaborative Bargaining the revisions provide a firmer foundation for more equitable labour practices that can and will continue to be built upon. The issue of Implementation rules for the Bangladesh Labour Act (2006) on 15 September 2015 was another key milestone in the evolution of the legislative environment. These rules provide guidance on how central elements of the BLA such as formation of safety committees are to take place.

The inspection of RMG factories was carried out by three initiatives. The Bangladesh Accord on Fire and Building Safety and the Alliance for Bangladesh Worker Safety inspected factories that their members source from. The remaining factories were assessed by a government effort supported by the International Labour Organization with funding from Canada, the Netherlands and United Kingdom. By the end of December 2015 the inspection process was complete with 3,632 factories inspected by the three initiatives. Of these, 39 have been closed for presenting immediate danger to workers while a further 42 have been partially closed: actions which have potentially saved the lives of many thousands of workers. The inspection process had to overcome a series of challenges. An intense period of coordination and collaboration saw harmonized inspection standards agreed between the initiatives based on the Bangladesh National Building Code and international good practices. A common reporting template was developed to ensure consistency between inspection reports produced by different groups. ILO has played a central role in facilitating stakeholder cooperation. The process of harmonization is a significant achievement that helps create a solid foundation which the Bangladesh inspection service can build on for the future. Whilst the completion of inspections marks a major milestone, no factory can be considered fully safe until it has carried out all actions highlighted in the inspection reports. Emphasis is now being placed on the development of Corrective Action Plans and follow up remediation work. A number of factories also need to complete Detailed Engineering Assessments where further information to assess their safety is required. Looking to the future while much of the inspection work has been carried out through the support of Accord, Alliance and development partners, Bangladesh must ensure that it is ready to take ownership of this process once external support ends. ILO is helping enhance the capacity of the Department of Inspections for Factories and Establishments (DIFE) to be able to effectively follow up on the findings of fire and structural inspections in a systematic, comprehensive and transparent manner. The Fire Service and Civil Defense Department as well as the Capital Development Authority (RAJUK) have also been involved in this process in view of their important role relating to fire and building safety. An important outcome has been the commitment between the fire and labour inspection services to

carry out joint inspections of factories. Supporting RMG factories to carry out remediation requires considerable resources and expertise. For this reason, ILO is working with the government and other stakeholders to establish a Remediation Coordination Cell (RCC). Staffed by members of the key regulators as well as by specialist private sector engineers, the RCC would oversee the process of remediation for some 1,500 non Accord and Alliance factories. It is expected that the RCC should be established in early 2017. Major changes to DIFE include its upgrade to a department, the installation of high-level leadership and the creation of 392 new inspector positions. Budget allocations for DIFE also increased considerably, from US\$900,000 in 2013-14 to US\$4.1 million for the period 2015-2016. By August 2015, 200 new inspectors had been recruited, taking the total to 284, a significant increase compared to the 92 active inspectors on duty at the time of Rana Plaza. The number of female inspectors has also increased to 20 percent of the total, which help DIFE should better interact with the predominantly female RMG workforce. As part of the reform process, DIFE has embarked on an ambitious drive to significantly strengthen its planning and operational mechanisms with the active technical support of ILO and its RMG programme funded by Canada the Netherlands and United Kingdom. Key steps include development of a road map for inspection management reform that has seen the establishment of a number of dedicated operational units within DIFE dealing with areas such as Occupational Safety and Health. A labour inspection strategy has been drawn up highlighting priority industries such as RMG, tea and ship breaking. Meanwhile, a labour inspection checklist for various industries and standard operating procedures for inspectors are being developed. Both new and existing staff has been provided comprehensive training in a number of areas. This has ranged from basic training for new inspectors to more specialized areas such as fire assessment follow up. A significant programme of foundational training took place from late 2015 to early 2016 helping 160 inspectors gain an in depth understanding of International Labour Standards and Bangladesh Labour Laws as well as areas such as the Bangladesh and global economy, government service rules, procedures, team work and office management. As part of the reform process this course will become standard for all new inspectors.

6.4.2 Participation Outside the Workplace

There are some platforms outside the workplace for the workers' participation in decision making process and thus play role toward improve industrial relations in the RMG sector of Bangladesh. These platforms are tripartite i.e. representation of workers, employers and government. Previous chapters have elaborated its structure and functions. This section elaborated the means to improve the platforms towards sound industrial relations with the effective participation of the workers.

6.4.2.1 Tripartite Structures in RMG

Tripartism is the process through which the foundation for a harmonious industrial relations system can be laid at the national and enterprise level. Several tripartite institutions and committees/forums were set up at different times to address various labour market issues and create and implement labour regulations in Bangladesh. Tripartism is institutionalized in the country mainly through the ratification of the ILO Convention concerning Tripartite Consultations to Promote the Implementation of International Labour Standards, 1976 (No. 144) in 1979.

This section explores the current state of labour "Tripartism" in RMG sector. To do this, the section analyses the current structures of existing tripartite forum in RMG sector, its functions, co-ordination mechanisms and cooperative arrangement, and its achievement and challenges. To that end, we explore whether there are requirements of structural changes of tripartite forum in the RMG sector for a harmonious industrial and labour relations. The current structure of the forums, its functions, co-ordination mechanisms and cooperative arrangement, and its achievement and challenges are analyzed in this section manly based on review of the reports, meeting minutes, government gazette and the information received from key informants.

6.4.2.2 The Needed Structural Changes for Harmonious Industrial Relations

There are at least ten tripartite forums working currently in Bangladesh, but except the TCC and Minimum wage Board the others forum did not have any meaningful achievements in

establishing harmonious industrial relations in RMG Sectors. Most of the tripartite forums are almost non-functional or are hardly executing their mandates effectively.

In case of legitimacy it is found that among the forums only the Minimum Wage Board has legal foundation. The Tripartite Consultative Council (TCC) was formed through ratification of ILO Convention no 144 and the others were formed through government notification. It is therefore evidence that no tripartite forum or institution particularly formed for RMG sector has any legal foundation. Except TCC and MWB, the other forums are ad-hoc based and was formed mainly in special circumstances or after any accidents/incidents.

The activities of the forums are issue based and fragmented. There is lack of coordination among the forums. A committee does not know the activities of other committees. Overlapping is also noticed in the activities and in the membership of forums. Specific workers representative selection criteria are not mentioned in the committees.

Based on the above, it is important that the structural changes for a harmonious industrial and labour relation take the form of legitimacy, coverage and representation, and authority. The changes have to be in line forum that has strong legitimacy and covered by true representative mechanisms and at the same time have wide ranging authority in ensuring the decisions taken for harmonious industrial and labour relations.

6.4.2.3 Towards Permanent Structure of a Tripartite Forum

Based on the need of structural changes for harmonious industrial and labour relations, it is proposed for a permanent structure of a tripartite forum including its form, coverage, legitimacy and the institutional mechanism. While, the rationality of establishing a permanent tripartite forum for RMG sector in Bangladesh has been elaborated in the previous section. There is explicit contention in establishing such forum. The trade union's representatives agreed with the importance of establishing new permanent statutory tripartite forums for RMG sector, while some others views are quite negative in this regard. One of the employer's representatives stated his opinion that there is no need

to form such tripartite forum for RMG sectors. Two of the interviewees however recommended for strengthening and restructuring the existing tripartite forum like Social Compliance Forum or Crisis Management Committee.

The current study, looking at the need of a permanent structure of a legitimate body with broader participation of stakeholders and inbuilt authority, recommends for a structure of the permanent statutory Tripartite Forum for RMG sector which may be newly formed or can be transformed or restructured from an existing committee through strengthening its coverage.

6.4.2.4 The Proposed Tripartite Structure

A Structure is proposed for making the tripartite body which will be helpful for future industrial relations. That is as follows:

6.4.2.4.1 Form, Coverage and Legitimacy

The proposed forum will be mainly a statutory tripartite body consisting of the equal representation from government, workers and employers and will work for RMG sector. The study also propose to involve brands/buyers, academic/researcher and national, international workers' rights organization as observer, but they could not participate in the decision making. It will be the central authority and others committee (existing or may be newly formed) will work under it as sub-committee. It will be a monitoring and recommending body. It will monitor the functions and overall progress of the sub committees and make concrete recommendations to the concerned authority for future action. For example; the proposed committee may recommend the rate of minimum wage for RMG sector to the Minimum Wage Board (MWB) for its consideration. Another function of the committee will be dispute resolution. It will monitor the regular industrial dispute and if any dispute or crisis arise it will response promptly and try to settle it through social dialogue directly or through sub-committee.

6.4.2.4.2 Representative Selection Procedure

The current study suggests the following government, workers and employers representatives' selection criterion. The forum would consist of 27 members, 9 each

from the government, employers and workers' representatives. The Minister, Ministry of Labour and Employment would lead the committee as the head of the committee. As such the total members of the new statutory forum would be 28 (Twenty Eight).

The government representatives would be selected from the representative institutions relevant for policymaking and implementation in the garment sector. The government institutions (along with designated person) involved in the sector include (not according to priority) (a) Ministry of Labour and Employment (Labour Secretary; IG, DIFE; Joint secretary, Labour; and Director of Labour); (b) Ministry of Commerce (Commerce Secretary and DG, Export Promotion Bureau); (c) Ministry of Textile and Jute (Secretary; and Director, Textile Directorate); (d) Ministry of Industries (Secretary; and Chief Inspector, Boilers); (e) Ministry of Home Affairs (DG, Industrial Police; DG Fire Service); and (f) Ministry of Power Energy and Mineral Resources (Chief Electrical Inspector, Inspectorate of Electricity, Power Department); and (g) Ministry of Housing and Public Works (Secretary; Chief Engineer, PWD).

For the spirits and purposes of the 'Tripartism', trade unions as workers' representatives must be representative, competent and responsible. Workers representatives may thus be selected from the most representatives' national and Sectoral organizations. The number of representatives will be total 9—3 from top 3 national federations (NTUC) and 6 from top 6 Sectoral unions based on the majority of registered members reported in the Labour Directorate.

The Employers representatives (9) may be from Sectoral representative organizations. Such organizations include (a) BEF; (b) BGMEA; (c) BKMEA; (d) BTMEA; (e) BCCMEA; (f) BTTMEA; (g) Garments Washing Factory Association; (h) Garments Printing factory Associations; and (i) Garments Embroidery Associations

The committee may consider including few observers from other broad-based stakeholders of the sector. Such broad-based stakeholders include a) Buyers; b) Academic and Researcher; c) National Organizations (e.g. BILS, BLAST, Karmojibi

Nari, Ain O Shalish Kendra, and Safety and Rights; BUET); and d) International organizations (like ILO, GIZ, FES, Solidarity Centre and Action Aid Bangladesh).

6.4.2.4.3 The Institutional Mechanism

The Minister of Labour and Employment would be the head of the forum and will be responsible for overall coordination in establishing harmonious industrial relation in RMG sector. For performing its functions, the committee is required to organize meeting at least once in every two or three months. The committee is required to meet to review the activities of sub- committees, and to discuss and exchange views as well as make recommendations on the selected issues. The forum shall submit and share the proceedings to the relevant stakeholders for further action. The proposed Forum will submit an annual report to the MoLE.

6.4.2.4.4 The Challenges and Way Forward

There is no legal coverage under the Bangladesh Labour Law 2006 about formation of such Sectoral tripartite forum. It is the main challenge to form a statutory permanent tripartite forum in RMG sector.

Another challenge is what will be the position/role of existing forums. Though the current study proposed that the existing forum will work under this committee as sub-committee, however question is whether the existing forums will be motivated to work under this forum.

Truly, 'Tripartism' means active interaction amongst three partners—government, workers, and employers. The representatives of workers and employers require participating on an equal footing with those of government representatives in all decisions and the processes of decision making. The challenge remains how best to select representatives who would be truly representative of the workers, competent and responsible to seek mutually agreeable solutions for issues of common concerns.

To overcome the challenges it is important that we embark on the following.

At first; amendment of labour law is needed especially to form a statutory permanent tripartite forum in RMG sector. This is important because the partnerships amongst three tripartite stakeholders must be formalized and also have to be sustained. The three stakeholders must openly negotiate their expectation of and commitments to each other.

Second; social dialogue should be arranged to make consensus among the different stakeholders about the importance of establishing separate permanent forum for RMG sector. Consensus must be made among the existing forums about the position of the existing tripartite forums particularly working in RMG sector. The partnership must be vigorous not symbolic or merely consultative. Instead, the work of tripartite institute must be integrated into the work of labour sector governance.

Last but not least, the capacity of all active partners in the tripartite mechanism must be enhanced in order for them to be committed, competent, and active for reaching mutually agreeable solutions.

6.4.2.4.5 Weaknesses and Implementation Challenges of Tripartism in Bangladesh

In line with the principle of 'Tripartism', trade unions are important partner to those above-mentioned national level initiatives. Representatives from the unions participate in the various tripartite forums and committees that are formed time to time for particular issue.

However, several external factors are hampering the growth and capacity development of the trade unions and their participation in the national level tripartite institutions.

Important among these are as follows:

- Due to privatization and restructuring of the economy, the trade union membership has not increased commensurate with the number of workers in the private sector enterprises and establishments;
- Bangladesh economy, despite the steady growth of the nonagricultural sectors, is still dominated by the agriculture sector in terms of employment. Agriculture sector workers are not unionized and they do not have any voice or representation in the national policy making.

- Majority of the labour force (about 87.5%) work in the informal economy, they remain outside the purview of labour laws and thus their condition remain precarious and they are not able to organize in a proper way to raise their voices and interest;
- Government institutions under the Ministry of Labour and Employment remain weak or understaffed to play their role in a number of important labour matters such as:
 - ✓ registration of trade unions and promotion of labour-management cooperation,
 - ✓ enforcement of the law for protection of the rights and conditions of workers,
 - ✓ fixing of minimum wages, and
 - ✓ Other labour welfare measures as provided in the country's labour laws.
- Trade unions remain weak and fragmented thus undercutting their role and voice in the national forums. They are not adequately equipped to articulate the workers voices and concerns to influence the policy makers and other national authorities.

Therefore, it is important that as an important social partner, trade unions should be strengthened through capacitating them with knowledge and advocacy materials and preparing the trade union leaders with the existing and emerging new trends and developments including the post-2015 development agenda which include decent work as an important component.

BILS, being in an important position for the trade unions, can play such capacity building exercise and is able to enter into partnership with ILO and other important actors towards promoting the role of trade unions in the tripartite process. It has proved experience in such partnerships and is committed to strengthening of the trade union movement in Bangladesh.

The system of 'Tripartism', tripartite consultations and formation of tripartite bodies requires clearer rules. For example, the BLL is silent on the tenure of the tripartite members of the Wage Board and the manner and criteria guiding the selection of the worker' and employers' representatives in the Wage Board.

6.4.2.4.6 Enforcement Mechanisms

Punishment for labour law violations is not spelled out under the Bangladesh Labour Act. In some cases, the law is simply silent like in the case of forced labour prohibition. In other cases, the penalty is insufficient or meager, for example Tk. 5000 as fine for violation of provisions on maternity leave, employment of child and adolescent workers, and minimum wage. Still in other cases, the application of penalty defies logic, for example, imprisonment up to one year for the violation of minimum wage provision but not in the violation of the laws on maternity and employment of child and adolescent workers. In addition, there is a recent amendment weakening the penalties for erring employers – payment of only Tk. 5000 as fine for the previous punishment of ‘imprisonment up to three months, or fine up to Tk. 1000, or both’. As discussed in the research findings, there are also numerous problems related to the system of labour inspection.

6.5 Chapter Summary

With the common sense, it can be said that the term “workers’ participation” has democratically diverse in meaning. In light of management, it is a managerial technique, to some scholars it is a political theory, to some it is a social theory and there are some who claim it as economic or workers’ democracy. Amongst this diversity, I conceptualize it, a democracy as a combination of all theories—political, social and economic and also a controllable managerial technique. The reason behind such conceptualization is that, labour is a community that is not isolated from the political, social and economic contexts in a country. The mechanisms of democratic labour governance and workers’ participation in Management decision making are the component of rule of law, fundamental rights, and scope for workers participation and representation. These modules are not independent of and separated from the essential characters of national governance. Rather than that, they are strong-minded and even deployed by the ideology of the political parties, owners of garments industries and governments.

The rule of law comprises regulatory framework, enforcement appliances, and dispute settlement tools etc. The democratic characters of regulatory framework are determined by the degree, they reflect workers' rights, protective measures, and penalty structure for

the loop hole of law. The regulatory framework also requires enforcement appliances—a system of labour administration, inspection and dispute settlement mechanisms. The contribution of these mechanisms towards democratization of industrial and labour relations depends on their structures and the process and democratic norms they follow for welfare of their functions.

Then second component of democratic labour governance is the allocation of workers' fundamental rights—rights to equality, rights to opinion and expression, rights to association and rights to collective bargaining. Those rights stem mainly from the obligations of national constitution which acts as the base and guiding principle of national labour policy and labour laws. Interest articulation and inclusive decision making is the closely related with this activity. The enforcement and exercise of "workers' rights and the procedures of handling grievances through the institutional mechanisms—system of labour administration and inspection, workers' and employers' associations, state and non-state dispute settlement—depend on the extent to which they follow the practice of democracy.

The third component of democratic labour governance is the scope and institutions of workers' participation and representation with the help of their Trade union leaders. The democratic characters of workers' participation and representation is determined by the availability of institutions to participate, the mechanisms to represent, and the democratic means of participation and representation. The effectiveness of participation and representation is assessed through the process of interest articulation, inclusive decision making, and outcomes.

I claim that this theoretical framework of democratic labour governance and workers' participation in Management decision making can effectively be applied in the context of Bangladesh to find out the practices and deficits of democratic norms in the existing labour governance procedures for making a good industrial relation.

Chapter Seven

Summary and Conclusion

7.1 Introduction

The RMG sector became a flourishing and promising sector with the highest exports and employment in the economy. But due to lack of harmonious industrial relation among the key actors, growth of this sector is hampering. Because of lack of good industrial relations, number of industrial disputes and unrest taking place in every year. With a view to ensuring sound industrial relation in the sector, workers participation in decision making of the industry is very essential. When workers are able to participate effectively in decision making, a sense of responsibility towards the industry will be developed among them, which will create positive impact for the progress and sustainability of the industry. Besides, the employers' liabilities will be reduced through sharing of authority.

In this chapter, I tried to summarize the findings of the 'Structures' of workers participation in decision making, its 'Efficacy' and 'Means' to improve the situation. Moreover, implication of this dissertation has been pointed out in line with the central questions as well as tried to identify further scopes of the study.

7.2 Summary of Findings

The summary of Findings of the study is as follows:

7.2.1 Structures

The study found number of structures in RMG industries of Bangladesh; of which some are related to management, industrial relations, safety, environment etc. and some are related to workers' rights, welfare, working environment etc. Out of all, two levels of structures are found for workers participation in decision making i.e. i) Inside workplace structure; and ii) Outside workplace structure.

Participation inside the factories includes Participation Committee, Safety Committee, Workers Welfare Society, Canteen Committee; Establishment based Trade Union, Bipartite Negotiation etc.

Participation Outside the factories includes Tripartite Bodies i.e. Labour Court, Minimum Wage Board (MWB), and Crisis Management Committee (CMC), Social Compliance Forum for RMG (SCF), Task Force on Labour Welfare (TFLW) in RMG, Task Force on Occupational Safety (TFOS) in RMG, National Tripartite Committee for the Fire and Building Safety (NTCFB) in RMG Sector, Rana Plaza Coordination Committee (RPCC), National Industrial Safety and Health Council (NISHC).

7.2.2 Efficacy

Participation Committee: The study found those structures non-functioning to the great extent. Specifically, majority of the factories do not have any participation committee. Those which have the committees, just have it in the paper to mitigate buyers' compliance audit. The study reveals that more than half of the workers do not have any knowledge about participation committee. Those who know about it, most of them cannot explain properly about the provision, role and function of the participation committee.

Workers Welfare Society (WWS): In line with the EPZ Act, 2013, most of the RMG industries in EPZs formed Workers Welfare Society (WWS). The government and the employers are claiming it as trade union. But the trade union leaders opined that WWS cannot be a trade union or an alternative of trade union; because this WWS do not have any capacity of collective bargaining with the employers about their rights or welfare issues. In this regard, government should take initiative to amend the law to include collective bargaining provision over there.

Establishment Based Trade Union: There was no establishment based trade union in RMG since its inception. For every 100 workers, the employers must have to allow a TU, which is mandatory. But there were 45 sectoral trade union federations registered under the Department of Labour (DoL). These sectoral federations have been working from outside to ensure workers' rights. But due to employers' negative attitude, those are not being functioning well. Recently, government started to promote trade union in the sector considering national and international pressure. As a result, establishment based trade union

started to register recently. Up to December 2016, a total of 576 trade unions have been registered in Dhaka and Chittagong. But still the trade union activists and organizers are in pressure of the employers.

Safety Committees: As per Labour Rules 2015, RMG industries just started to form Safety Committees, where there will be workers representatives in the committee. But the progress of formation of safety committee is very slow. For every 50 workers, the employers must have to set a 'Safety Committee', which is mandatory.

Canteen Committee: Canteen Committee is another platform for workers participation. For every 100 workers, the employers must have to set a canteen and a 'Canteen Committee' as well, which is mandatory. But the employers only maintain it in paper to mitigate buyers' compliance requirement. Practically, there is no scope for workers to participate in decision making of the committee.

Tripartite Forums: There are about ten 'Tripartite Forums' for RMG sectors, where workers can participate in decision making. Tripartite Forums i.e. Labour Court, Minimum Wage Board, and Crisis Management Committee, Social Compliance Forum for RMG (SCF), Task force on Labour Welfare in RMG, Task force on Occupational Safety in RMG, National Tripartite Committee for the Fire and Building Safety in RMG Sector, Rana Plaza Coordination Committee (RPCC), National Industrial Safety and Health Council. But all the forums are consultative, and do not have any executive authority. As a result, the decisions of the forums are mostly not considered. Besides, the workers representatives are nominated by government and in most cases they are incapable to play effective role.

7.2.3 Means

Participation Committee: In this regard, government should take initiative to make the participation committee mandatory for all the RMG units, where workers effective participation should be ensured and to be monitored by the 'Inspection Department'.

Workers Welfare Society (WWS): In this regard, government should take initiative to amend the law to include collective bargaining provision over there.

Establishment Based Trade Union: In this regard, government should keep continuous effort in establishing trade unions. Besides, registration process of the trade union should be easier and prompt. At the same time ‘National Trade Union Federations’ and ‘Sectoral Trade Union Federations’ should take initiative to form and activate their basic unions in the sector.

Safety Committees: As per Labour Rules 2015, RMG industries just started to form Safety Committees, where there will be workers representatives in the committee. But the progress of formation of safety committee is very slow and paper based.

Canteen Committee: Canteen Committee is another platform for workers participation. According to BLA 2006, for every 100 workers, the employers must have to set a canteen and a Canteen Committee as well, which is mandatory seems paper based only. But the employers only maintain it in paper to mitigate buyers’ compliance requirement. Practically, government should motivate and encourage makingscope for workers to participate in decision making through the committee.

Tripartite Forums: In this regard, government should take initiative to make the committees effective through providing executive authority instead of consultative role. At the same time, trade union should advocate with government to make communication easy.

7.3 The Central Questions

The labour sector of Bangladesh is highlighted with enormous concentration for twenty years and this massive conflict is growing both in numbers and in scale of strength. Bangladesh has democratically enacted labour laws, labour management and inspection, and grievance handling appliances to execute and enforce the provisions of laws. The workers are given some constitutionally guaranteed rights that are protected in the labour

laws. The laws provide the workers with a number of institutional appliances that are supposed to act as labour management structures. These institutional appliances are designed to allow workers' voice, to express their demands and grievance to attribute their troubles and difficulties, and to hold bipartite and tripartite dialogues towards democratic considerations for solving problems and handling grievances. But in real sense, we see, the workers protesting on the street with ferocious means destruction to express their demands and to solve their problems avoiding the democratic process of grievances resolution. We hardly knew whether the principles of rule of law have been incorporated in the regulatory framework and whether the workers were allowed to exercise their rights they are entitled to and efficacy of the structures for WPDM are nourishing or not. In addition, it will assume that what will be the means of improving the industrial relations. We neither knew the instruments for workers' participation and representation are functioning well.

The questions addressed in the dissertation are: (1) what is the present structures that creates scopes for "workers' participation" in decision making process in the RMG sector of Bangladesh? (2) What is the level of "efficacy" of the structures that entitled the workers in RMG to participate in decision making process? (3) What are the "means" to ensure workers effective participation in decision making with a view to make harmonious industrial relations within the sector? The objectives of this dissertation are: (i) To observe the present 'Structures' and legal framework of workers' participation in decision making process in the RMG Industry in Bangladesh; (ii) To evaluate the level of 'Efficacy' of workers' participation for making good and acceptable decisions in this Sector; (iii) To find out the 'Means' by which workers improve the relations with management for a sound decision making process.

7.4 Implications

The findings will have significance for government, the policy makers in the RMG industry as well as the management of the manufacturing industry. The findings seem to have wide implications in the present context of garment sector in Bangladesh.

Management of a garment industry can benefit immensely by adopting appropriate measures, in the light of the present study by reducing poor participation of the workers in decision making.

The study finds that all over the world, the labour laws make no provision on forced labour. It is strongly prohibited in the constitution of Bangladesh but the BLA 2006 neither defines nor prohibits forced labour and compulsory labour. I argue that due to this lack and weakness, the employers being benefitted and the workers are and being bound to work for longer period than usual working hours. This is recommended that the fault should be removed and the law and regulations should be amended with respect to the constitution and ILO conventions.

In line with the labour culture in Bangladesh, all these are either due to acts of omission or commission by the state and non-state actors, but certainly prove the circumstance that these are the areas where the conflicting interests of workers and employers are unwell balanced. These disparities with the expected transformative action: the prioritization of certain forms of standards does not get interpreted in the same fashion. What standards would be promoted and what would not at the national level is hardly a function of what is stimulated through the standards communication. It instead depends upon how the trade-off between the conflicting interests of workers and employers are played at the national level, and balance in between are accomplished. These are the areas in which the rights provisions expanded in the legal frameworks of Bangladesh and the standards provisions originating from the three spreading routes have fully or mostly converged in terms of availability but diverged widely in terms of efficacy.

The diverse interests of employers and employees result in conflicts. Employers' and government's mania with order and stability reinforced by the vision and logic of action of the industrial and labour relation means that the speed and effectiveness of interference in labour conflict is in direct proportion to the scale of that conflict and its socio-economic and political impacts. Conflicts involving large numbers of people that have a hypothetically

damaging social impact are dealt with quickly and relatively and efficiently, with employers and government giving protesters a prompt hearing and promise to settle some of their grievances through discussions. However, the outcome of those negotiations is neither balanced to the scale of the conflict nor reflects workers' interest entirely.

In various cases, we see, Workers' interests hardly gets reflected in the negotiations since their interests are either not satisfactorily represented or even misrepresented by various interest groups, and accordingly, the outcome of the interest representation is undemocratic for the workers. The failure to attain the desired outcome from the negotiations disempowers workers, and produces further intimidating and induced participation in the interest articulation channels, notably through interest coercion as against advocacy. This in effect makes workers vulnerable to further misrepresentation of their interests only to produce undemocratic terms.

The standards-rights-security nexus for making good and acceptable workers' participation can only work for an impartial outcome for workers if there are suitable and effective forms of workers' representation in the institutional mechanisms. The politics of representation of the interests define the outcome for workers.

7.5 Areas of Further Research

Labour Management may be Looked at: The study finds that the regulatory framework of labour governance and workers' participation in decision making in Bangladesh has both democratic strengths and weaknesses. I did not focus about the democratic conditions of labour management in Bangladesh; but I have seen only the conditions of workers' participation in decision making in RMG sector of Bangladesh. Another study may be done on democratic manner of the same issue.

Gender-Wise Workers' Participation : This is a limited study for time and financial constraints, while the study set out to see whether or not labour ethics interpret into workers' economic safety, freedom of choice, freedom of expression in the era of globalization, it, however, provided insufficient attention to gender-wise workers'

participation. As such, outcome in the country can hardly be differentiated in terms of women and men. Further study may, thus, be conducted from a gendered perspective looking at the differential outcomes in relation to attaining economic conditions of male and female workers separately. Factors exploring the underlying reasons of under-representation and downgrading of women in terms of representation need to be studied.

Effectiveness of Trade Union in RMG Units may be Interesting:Consequently, a further study is called for on the hurdles e.g., legal provisions, structure and policies of the trade unions for making good industrial relations and smooth workers' participation, hostility of collective actors, and lack of women's capability and consciousness on fundamental value of demonstrative appliances and the differential outcomes in terms of gender ahead of workers' participation in decision making.

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Appendices

Appendix- I: Lists of Focus Group Discussions (FGDs)

FGD 1: Dhaka

Place: BILS Office, H-20, Road No-32 (Old), Dhanmondi, Dhaka,
Participants: 11 (**National Trade Union Leaders**), Dated: 11/06/2016

SL	Name	Age	Experience (Year)	
			Present Factory	In the Sector
1	Mst. Roushan Akter	30	9	14
2	Md. Hanif	31	9	15
3	Akhi Begom	14	1	1
4	Khadiza Begum	24	8	9
5	Nazma Akter	18	3	3
6	Fahmida Yasmin	20	5	5
7	Sabina Akter Moyna	17	1	2
8	Abdur Rashid	30	12	12
9	Rokaya Begom	23	6	9
10	Md. Nayeem Azad	30	14	16
11	Birupakkha pal	29	12	12

FGD 2: Dhaka

Place: BILS Office, H-20, Road No-32 (Old), Dhanmondi, Dhaka,
Participants: 9 (**Sectoral Trade Union Leaders**), Dated: 23/06/2016

SL	Name	Age	Experience (Year)	
			Present Factory	In the Sector
1	Md. Naurul Islam	30	12	15
2	JahidHossain	25	10	12
3	Ruby Akter	16	1	2
4	Sabbir Ahmed	23	7	7
5	Manik Howladar	25	8	9
6	Khurshida Begom	21	5	5
7	Sapura Aktar	22	6	7
8	Noman Mia	30	13	15
9	Rafiq Mia	23	6	7

FGD 3: Dhaka

Place: NASA Group Garments Area, Ashulia Dhaka,
Participants: 13 (**Management level Staff**), Date: 27/10/2016

SI	Name	AGE	Experience (Year)	
			Present Factory	In the Sector
1	Torikul Islam	21	7	7
2	Fatima Begum	17	3	4
3	Anaka Chakma	21	2	5
6	Md. Abdul Momin	21	5	6
7	Shomsher Mollah	22	7	8
8	Saiful Islam	24	9	9
9	Golam Wahed	21	6	6
10	Abdul Khaleque	24	8	8
11	Rosy Aktar	21	1	3
12	Saila Khatun	21	5	5
13	Rumi Aktar	22	6	7

FGD 4: Dhaka

Place: Awaj Foundation. Mohakhali, Dhaka
Participants: 10 (**Basic Trade Union Activists**), Dated: 25/10/2016

SL	Name	Age	Experience in Job	
			Present Factory	In the Sector
1	Sanjida Aktar	20	5	6
2	Manik Howladar	16	1	2
3	Khurshida Begom	22	5	5
4	SajuaAktar	16	1/2	1/2
5	Md. Joynal Mia	20	5	6
6	Md. Rofiqul Islam	24	5	8
7	Md. Fojol Mia	31	15	17
8	Md. Abul Kashem	32	7	7
9	Abdul Malek	25	15	16
10	Morsheda Begom	32	14	14

FGD 5: Dhaka- Uttara

Place: ImaratNirman Sramik Union Office, Azompur, Uttara, Dhaka

Participants: 11 (RMG Workers), Dated: 23/10/2016

SL	Name	Age	Experience (Year)	
			Present Factory	In the Sector
1	Sailala Khatun	21	2	5
2	Mst. Rahima Aktar	22	3	3
3	Fatima Begum	17	4	4
4	Md. Raihan	23	9	9
5	Md. Delowar Hossain	26	12	12
6	Hafizur Rahman	32	16	16
7	Shafiqul Islam	31	14	15
8	Abdul Haq	30	14	14
9	Khairunnahar Begom	27	11	13
10	Amirun Nisa	25	10	11
11	Monju Ara Begom	26	11	11

FGD 6: Dhaka- Agargaon

Place: ChatraKallyanShangathan, West Agargaon, Dhaka

Participants: 10 (RMG Workers), Date: 20/10/ 2016

SL	Name	Age	Experience in Job(Year)	
			Present Factory	In the Sector
1	Md. Abdul Majid	25	10	11
2	Md. Zahurul Islam	24	8	10
3	Md. Shafiqul Islam	25	9	12
4	Md. Abul Kalam Azad	28	12	14
5	Md. EnayetUllah	31	14	16
6	S. M. Raju Hasan	22	7	8
7	Md. Azad	30	12	15
8	Saleh Ahmed	25	10	10
9	Abdul Awaal	25	9	11
10	Md. Lal Mia	27	14	15

FGD 7: Gazipur-Konabari

Place: Standard Group Garments, Konabari, Gazipur
Participants: 10 (**Basic Trade Union Activists**), Date: 21/08/2016

SL	Name	Age	Experience in Job(Year)	
			Present Factory	In the Sector
1	Md. Abdul Khaleque	21	5	5
2	Md. Abdur Rashid	22	6	6
3	Abul Hossain	17	4	4
4	Manik Hawladar	23	9	9
5	Md. Zakir Hossain	26	12	12
6	Khairunnahar Begom	32	16	16
7	Md. Khalilur Raihan	31	14	15
8	Hanifa Begom	30	14	14
9	Amirun Nisa	27	11	13
10	Monju Ara Begom	25	10	11

FGD 8: Gazipur- Tongi

Place: Nippon Garment Ltd, BSCIC, Garments, Tongi, Gazipur
Participants: 9 (**Management Level Staff**), Date: 29/08/2016

SL	Name	Age	Experience in Job (Year)	
			Present Factory	In the Sector
1	Md. Noor Hossain	21	5	5
2	Md. Abdul hakim	22	6	6
3	Md. Aminur Rahman	17	4	4
3	Md. Abdul Samad	23	9	9
4	Naimul Islam	26	12	12
5	Mst. Anisa Aktar	32	16	16
6	Md. MohoranaBegom	31	14	15
7	Nazma Aktar Begom	30	14	14
8	Ramisa Begom	27	11	13
9	Harisa Aktar	25	10	11

FGD 9: Joydevpur, Gazipur

Place: Style Craft Garments Ltd, Joydevpur, Joydevpur, Gazipur

Participants: 10 (RMG Workers), Date: 03/09/2016

SL	Name	Age	Experience in Job (Year)	
			Present Factory	In the Sector
1	Md. Noor Hossain	21	5	5
2	Most. Farida Begum	22	6	6
3	Most. Masuda Begum	17	4	4
4	Laila Hasan	23	9	9
5	Sheuly Akter	26	12	12
6	S. M. Raju Hossain	32	16	16
7	Md. Azad	31	14	15
8	Shamima Aktar	30	14	14
9	Alpana Akter	27	11	13
10	Sultan Ahmed	25	10	11

FGD 10: Gazipur

Place: Islam Garments Ltd, Konabari, Gazipur

Participants: 13 (RMG Workers), Date: 06/09/2016

SL	Name	Age	Experience in Job (Year)	
			Present Factory	In the Sector
1	Aleya Begom	25	7	8
2	Syeda Khatun	28	5	7
3	Mazeda Begom	25	9	9
4	Najma Aktar	25	9	10
5	Hafeza Khatun	33	10	12
6	Mahfuja Aktar	25	12	12
7	Liakat Ali	25	9	10
8	Md. Monirul Islam	32	12	15
9	Md. Abul Bashar	35	12	15
10	Md. Imam Hossain	33	14	15
11	Md. Nazrul Islam	33	12	16
12	Nasimul Islam	35	15	17
13	Md. Salim Mondal	33	12	14

FGD 11: Narayanganj

Place: AnarKoli Garments, BCIC, Narayanganj

Participants: 12 (**Basic Trade Union Activists**), Date: 08/11/2016

SL	Name	Age	Experience (Year)	
			Present Factory	In the Sector
1	Kunika Chakma	21	5	5
2	Dibshi Chakma	22	6	6
3	Anaka Chakma	17	4	4
4	Rumi Aktar	23	9	9
5	Rosy Aktar	26	12	12
6	Liakat Ali	32	16	16
7	Md. Monirul Islam	31	14	15
8	Md. Abul Bashar	30	14	14
9	Md. Imam Hossain	27	11	13
10	Samiran Paul	25	10	11
11	Md. Ariful Islam	21	5	5
12	Md. Nasir Ali	22	6	6

FGD 12: Narayanganj-BSCIC

Place: Fakir Apparels Ltd, BSCIC, Fatullah, Narayanganj

Participants: 11 (**Management Level Staff**), Date: 14/10/2016

SL	Name	Age	Experience (Year)	
			Present Factory	In the Sector
1	Parveen Sultana	35	1	2
2	Roksana Akter	20	2	2
3	Liakat Ali	22	2	2
4	Happy Akter	20	2	2
5	Sondha Khatun	25	1	5
6	Rosina Khatun	25	9	10
7	Md. Monirul Islam	32	12	15
8	Md. Abul Bashar	35	12	15
9	Md. Imam Hossain	33	14	15
10	Monira Begum	25	1	5
11	Pinki Akter	30	1	6

FGD 13: Narayanganj - EPZ

Place: Pioneer Fashions, Narayanganj – EPZ, Narayanganj

Participants: 9 (RMG Workers), Date: 16/10/2016

SL	Name	Age	Experience (Year)	
			Present Factory	In the Sector
1	Belal Hossain	18	6	6
2	SulaimanHowladar	23	8	8
3	Mustafijur Rahman	25	10	11
4	Md. Shah Alam	16	1	3
5	Md. Raihan	21	6	6
6	Md. Delowar Hossain	26	10	10
7	Sondha Khatun	24	10	13
8	Monira Begum	25	11	15
9	Pinki Chakma	30	15	16

FGD 14: Chittagong -Agrabad

Place: Choice Garments, Agrabad, Chittagong

Participants: 12 (Basic Trade Union Activists), Date: 09/11/2016

SL	Name	Age	Experience (Year)	
			Present Factory	In the Sector
1	Md. Lokman Mia	31	14	14
2	Rina Majumdar	25	9	10
3	Ozifa Khatun	26	8	12
4	Moriom Begum	25	10	11
5	Rubi Akter	18	4	4
6	Aklima Aktar	18	5	5
7	Munni Begum	20	5	6
8	Renu Begum	25	8	9
9	Kohinoor Akter	18	2	4

FGD 15: Chittagong,
Place: Alpha Textile Ltd, Kalurghat, Chittagong
Participants: 11 (**Management Level Staff**), Date: 07/11/2016

SL	Name	Age	Experience in the Job	
			Present Factory	In the Sector
1	Suman Chakma	21	5	5
2	Midi Chakma	22	6	6
3	Nayan Chakma	17	4	4
4	Likhon Chakma	23	9	9
5	Md. Noor Hossain	26	12	12
6	Md. Abdul hakim	32	16	16
7	Md. Aminur Rahman	31	14	15
8	Md. Abdul Samad	30	14	14
9	Rinu Chakma	27	11	13
10	Elin Chakma	25	10	11
11	Purno Vikash Chakma	21	5	5

FGD 16: Chittagong
Place: Kenperk Apparel Ltd, KEPZ, Sholoshahar, Chittagong
Participants: 10 (**Workers**), Date: 05/11/2016

SL	Name	Age	Experience in Job (Year)	
			Present Factory	In the Sector
1	Md. Noor Hossain	21	5	5
2	Most. Farida Begum	22	6	6
3	Most. Masuda Begum	17	4	4
4	LailaHasan	23	9	9
5	S. M. Raja Hossain	32	16	16
6	Md. Azad	31	14	15
7	Shamima Aktar	30	14	14
8	Milian Chakma	27	11	13
9	Sheuri Chakma	25	10	11
10	Proma Chakma	21	5	5

Appendix- II: List of Key Informants

Area of Key Informant	No.	Persons
National Trade Union Federation (Dhaka)	1.	Mojibur Rahman Bhuiyan, General Secretary, Bangladesh Mukto Sramik Federation
	2.	Adv. Delwar Hossain Khan, General Secretary, Jatio Sramik Federation
Sectoral Trade Union Federation (Dhaka)	3.	Aminul Islam Amin Jatio Garment Sramik Federation
	4.	Mosharafa Mishu, President Garment Sramik Oikko Forum
Employer (Dhaka)	5.	Anwar Hossain Khan ABC Fashion Ltd., Banani, Dhaka
Employer (Chittagong)	6.	Azim Hossain, Global Garments Ltd.
Employer (Gazipur)	7.	Kamal Uddin, Kaptex Sweater
Management Staff (Dhaka)	8.	Capt. Arif Ahmed, Sr. General Manager, Mashihata Group
Management Staff (Gazipur)	9.	Helal Mamun, General Manager, Kaptex sweater
Workers' Rights Activists (Dhaka)	10.	Nazma Akhter, Executive Director, Awaj Foundation
	11.	Anwar Hossain, Joint Conveyor Sramik Karmachari Oikkyo Parishad (SKOP)
Labour Expert (Dhaka)	12.	Syed Sultan Uddin Ahmmmed, Executive Director, Bangladesh Institute of Labour Studies-BILS
	13.	Roy Romesh Chandra, IndustriAll Bangladesh
Labour Administration (DOL)	14.	S.M. Anamul Haque, Joint Director, Department of Labour, MoLE
Labour Administration (MoLE)	15.	Md. Aminul Islam, Joint Secretary Ministry of Labour and Employment, Govt.
Labour Inspectorate (Dhaka)	16.	Md. Manjur Kader, Joint Inspector General, DIFE
	17.	Mahfuzur Rahman Bhuiyan, DIG, DIFE
Labour Inspectorate, (Chittagong)	18.	Md. Abdul Hye Khan, DIG, DIFE
Labour Court (Dhaka)	19.	Rajekuzzaman Ratan, BJSJ
Labour Court (Chittagong)	20.	Rezwanur Rahman Khan, Jt. Secretary, BFTUC

Appendix- III: FGD Guideline & Checklist

Workers' Participation in Decision Making in RMG Sector of Bangladesh: Structures, Efficacy and Means

Focus Group Discussion Guideline & Checklist

Participants: *RMG Workers*

Group Discussion Norms

We have gathered here for a discussion. We all will take part in this discussion and I will take all of your opinions. So, I hope, all of you will give your personal opinion without any hesitation.

The set of rules for this group discussion is - we would not talk more than one person at a time. Because we want to hear all of your opinions with the same importance. So, I would like to request you all to give attention while someone express his/her opinion and then express own opinion.

I have a small voice recorder with me to record your opinions. Because it is not possible to write down and remember all of your provided information. If you allow that it will be helpful for me to write my report.

Self-Introduction of the Participants

I would like to request all of you to introduce yourself one by one.

Starting the Discussion

#	Discussion Questions	Probing Options
1.	What is the General Structures of the RMG industries?	<ul style="list-style-type: none"> ▪ What is the condition of workers’ rights (wage, working hour, working condition, benefit etc.)? ▪ How is the working environment inside industries in general? ▪ What is the occupational health and safety condition for workers? ▪ What do you know about your legal rights? ▪ What is the employers/management attitude towards workers’ rights?
2.	What types of structures currently exist for workers participation in decision making of RMG industries of Bangladesh?	<ul style="list-style-type: none"> ▪ Is there any scope(s) for workers to participate in decision making process of the industry? ▪ Do you know about any legal structures in your workplace where workers have participation in decision making? If so, what are those? ▪ Is there any structure of workers participation in practice other than legal ones? If so, what are those?
3.	How effectively the workers can participate in the structures of decision making of RMG industries?	<ul style="list-style-type: none"> ▪ Do you know about how each of the existing structures function in your factory? ▪ Is there any legal structure(s) that non-functioning? If so, which ones? And reasons for non-functioning? ▪ Do you know how far the workers can participate in each of the structures? ▪ Is there barrier for workers participation? ▪ If so, what are the barriers for workers participation? ▪ What are the roles/motive of employers/management about workers participation in decision making?
4.	What are the means to ensure effective participation of the workers in decision making of RMG industries?	<ul style="list-style-type: none"> ▪ How workers participation can be ensured in the structures of decision making? ▪ What can be role of different actors in this regard?

Discussion will be closed by vote of thanks to the participants

Workers' Participation in Decision Making in RMG Sector of Bangladesh: Structures, Efficacy and Means

Focus Group Discussion Guideline & Checklist

Participants: *Trade Union Leaders*

Group Discussion Norms

We have gathered here for a discussion. We all will take part in this discussion and I will take all of your opinions. So, I hope, all of you will give your personal opinion without any hesitation.

The set of rules for this group discussion is - we would not talk more than one person at a time. Because, we want to hear all of your opinions with the same importance. So, I would like to request you all to give attention while someone express his/her opinion and then express own opinion.

I have a small voice recorder with me to record your opinions. Because it is not possible to write down and remember all of your provided information. If you allow that it will be helpful for me to write my report.

Self-Introduction of the Participants

I would like to request all of you to introduce yourself one by one.

Starting the Discussion

#	Discussion Questions	Probing Options
1.	What is the General Structures of the RMG industries?	<ul style="list-style-type: none"> ▪ What is the condition of workers' basic rights (wage, working hour, working condition, benefit etc.)? ▪ How is the working environment inside industries in general? ▪ What is the occupational health and safety condition for all employees? ▪ Workers' level of knowledge about their rights? ▪ How far trade unions can work to ensure workers right? ▪ Is there any barrier for trade union? If so, what are those?
2.	What types of structures currently exist for workers participation in decision making of RMG industries of Bangladesh?	<ul style="list-style-type: none"> ▪ How many legal structures are there for workers' participation? What are those? ▪ How many structures are in practice other than legal ones? What are those? ▪ What are the general structures of the industries that related to workplace and workers' rights? ▪ What are the structures of workers' participation? Both legal structures and out of legal structures? Is that common in nature?
3.	How effectively the workers can participate in the structures of decision making of RMG industries?	<ul style="list-style-type: none"> ▪ How each of the structures function? ▪ Is there any legal structure(s) that non-functioning? If so, which ones? And reasons for non-functioning? ▪ How far workers participation ensured within each of the structures? ▪ Is there barrier for workers participation in decision making? ▪ If so, what are the barriers for workers participation? ▪ What are the roles/motives of different actors about workers participation in decision making? ▪ What is the role of trade unions in ensuring workers' participation in decision making of RMG?
4.	What are the means to ensure effective participation of the workers in decision making of RMG industries?	<ul style="list-style-type: none"> ▪ How workers participation can be ensured in the structures of decision making? ▪ What can be role of different actors in this regard? ▪ How trade union can play effective role to ensure workers participation in decision making process of RMG?

Discussion will be closed by vote of thanks to the participants

Workers' Participation in Decision Making in RMG Sector of Bangladesh: Structures, Efficacy and Means

Focus Group Discussion Guideline & Checklist

Participants: *Management level staff of RMG*

Group Discussion Norms

We have gathered here for a discussion. We all will take part in this discussion and I will take all of your opinions. So, I hope, all of you will give your personal opinion without any hesitation.

The set of rules for this group discussion is - we would not talk more than one person at a time. Because, we want to hear all of your opinions with the same importance. So, I would like to request you all to give attention while someone express his/her opinion and then express own opinion.

I have a small voice recorder with me to record your opinions. Because it is not possible to write down and remember all of your provided information. If you allow that it will be helpful for me to write my report.

Self-Introduction of the Participants

I would like to request all of you to introduce yourself one by one.

Starting the Discussion

#	Discussion Questions	Probing Options
1.	What is the General Structures of the RMG industries?	<ul style="list-style-type: none"> ▪ What is the condition of workers' rights (wage, working hour, working condition, benefit etc.)? ▪ How is the working environment inside industries in general? ▪ What is the occupational health and safety condition for workers? ▪ What is the role of management in ensuring workers' rights?
2.	What types of structures currently exist for workers participation in decision making of RMG industries of Bangladesh?	<ul style="list-style-type: none"> ▪ How many legal structures are there for workers' participation? What are those? ▪ How many structures are in practice other than legal ones? What are those? ▪ Is there any legal structure that is not in practice in your factory? If so, which ones?
3.	How effectively the workers can participate in the structures of decision making of RMG industries?	<ul style="list-style-type: none"> ▪ Role and function of different structures of workers participation in decision making? ▪ Is there any legal structure(s) that non-functioning? If so, which ones? And reasons for non-functioning? ▪ What is the attitude/motive of the management towards workers participation in decision making process? ▪ How far workers participation ensured within each of the structures? ▪ Is there barrier for workers participation in decision making? ▪ If so, what are the barriers for workers participation? ▪ What are the roles/motives of different actors about workers participation in decision making? ▪ What is the role of employers in ensuring workers' participation in decision making of RMG?
4.	What are the means to ensure effective participation of the workers in decision making of RMG industries?	<ul style="list-style-type: none"> ▪ How workers participation can be ensured in the structures of decision making? ▪ What can be role of different actors in this regard? ▪ How management can play effective role to ensure workers participation in decision making process of RMG?

Discussion will be closed by vote of thanks to the participants

Appendix- IV: KII Guideline & Checklist

Workers' Participation in Decision Making in RMG Sector of Bangladesh: Structures, Efficacy and Means

Key Informant Interview (KII) Guideline & Checklist

Participants: TU/Employer/Govt. Official/Expert/Resource person

Name of the Key Informant	
Designation	
Name of the Organization	
Address	
Date of Interview	

1. What is the importance of workers participation in decision making of RMG industries of Bangladesh?
2. What are the general structures for workers participation in the decision making of RMG industries?
3. As per your knowledge, how far the legal structures of workers participation exists and functioning?
4. How far the workers can participate effectively in decision making process?
5. Is there any barrier for workers participation? If so, what are the barriers?
6. What is the attitude of the employers towards workers participation in decision making of RMG industries?
7. What is the attitude of the govt. and other stakeholders towards workers participation in decision making of RMG industries?
8. How workers participation can be ensured in the decision making process of RMG?
9. What measures need to be undertaken for ensuring worker participation in decision making of RMG?
10. What can be the possible roles of different stakeholders towards ensuring workers participation in decision making of RMG?

Appendix- V: Structured Questionnaire (Translated from Bangla)

**Institute of Bangladesh Studies (IBS)
University of Rajshahi, Rajshahi**

Questionnaire

Dissertation Titled

**Workers' Participation in Decision Making in Readymade Garments
Sector of Bangladesh: Structures, Efficiency and Means**

Assalamu Alaikum,

This is Sadruddin Ahmad, a PhD Fellow of Institute of Bangladesh Studies (IBS) in the University of Rajshahi. My Topic is "*Workers' Participation in Decision Making in RMG Sector of Bangladesh: Structures, Efficiency and Means*". The answer given by you will be used in my higher education research work. Please help me by giving me your opinion and information, your information and opinion will be secret and that will not be used in rather than research work.

Sadruddin Ahmad
PhD Researcher, Session: 2014-15, IBS, University of Rajshahi, Rajshahi
Mobile No. 01971-963253, 01711-963253, Email: sadruddinmgt@gmail.com

Section 1: Personal information and Socio-economic condition of the Respondent

#	Question	Answer	Code	Skip to	
Q101	Name of the Respondent				
Q102	Age	.....year		
Q103	Name of the workplace/factory				
Q104	Address				
Q105	Sex	Male	01		
		Female	02		
Q106	Educational Qualification	No education	01		
		Aged education	02		
		Diploma	03		
		Primary	Up to class...	04	
		Secondary	Up to class...	05	
		College	Up to year...	06	
		University	Up to year...	07	
Q107	Marital Status	Unmarried	01		
		Married	02		
		Divorcee	03		
		Widow/Widower	04		
		Living separately	05		
Q108	Type of Family	Nuclear	01		
		Extended	02		
		Joint	03		
		Broken	04		
Q109	With whom living now?	Single	01		
		With Family	02		
		With colleague at workplace	03		
		In mess with colleague	04		
		.....others	00	
Q110	How many persons live in a room?	..... persons		
Q111	Number of earning member in family	.....persons		
Q112	Monthly income of the family	Total cost: .. . . . .Taka Personal Income:.. . . . .Taka Income of family: .. . . . .Taka			
Q113	Monthly income of the family	Total cost: .. . . . .Taka Personal Income:.. . . . .Taka Income of family: .. . . . .Taka			

Q114. Information related to Family members:

SL #	Relation with Respondent	Sex	Age (year)	Education	Marital Status	Profession	Salary (Monthly)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
01							
02							
03							
04							
05							
06							
07							
08							

Code for Q114:	(c) Sex	(f) Marital Status	(g) Profession
b. Relation with the Respondent 1. Self 2. Husband /Wife 3. Father/mother 4. Brother/sister 5. Son/daughter 6. Daughter-in-law/Son-in -law 7. Grandson/grand daughter 8. Uncle/aunt 9. Maternal aunt/maternal uncle 10. Cosine brother/sister 11. others	1. Male 2. Female	1.Unmarried 2.Married 3.Divorcee 4.Widow 5.Widower 6.Separate living	1. Housewives 2. Farmer 3. Day labour 4. Labour (Monthly) 5.Rickshaw/van/trolley/tampoo/Easy bike driver/boatman/ 6Bus/Truck driver 7. Domestic worker 8. Fisherman 9.Professionals/Lawyers/Doctors /Engineers 10. Govt./non-govt. service holder 11. Students
	(e) Education 1. No education 2. Primary 3. Secondary 4. College 5. University 6. Aged education 7. Reciting Quran/Hafez		

Section 2: Status of the Respondents related to Rights

#	Questions	Response Option	Code	Skip to
Q201	What is the type of your recruitment?	Regular	01	
		Contract basis	02	
		.....(others")	00	
Q202	What is the level of your category of work at present?	Apprenticeship	01	
		Semi-skilled	02	
		Skilled	03	
Q203	What is your designation in workplace?	.....	
Q204	How many months are you working?	.....months		
Q206	Have you any appointment letter or ID card?	yes	01	
		no	02	Q207
Q208	Do you know that having appointment letter and ID card is your right?	yes	01	
		no	02	
Q209	How many hours you work in a day?	..... hours		
Q210	Do you know the legal working hour a day?	yes(.....hour)	01	
		no	02	
		Don't know	03	
Q211	[If the answer of Q209 is more than 8 hours]	yes	01	

#	Questions	Response Option	Code	Skip to
	Do you get extra payment for overtime work?	no	02	
Q212	[If the ans. Of Q211 is yes] What is the rate of overtime payment?	Normal rate	01	
		Double of Normal rate	02	
		Not fixed	03	
Q213	Is it mandatory to work overtime?	yes	01	
		no	02	
Q214	Can you manage your livelihood with the wage you get from your work?	yes	01	
		no	02	Q214
Q215	[If the ans. of Q214 is no] How do you manage the extra amount you need?	Do extra work	01	
		Take loan from my colleague	02	
		Take loan from NGO	03	
		Take loan from traders	04	
		.....others"		
Q216	Do you get any leave?	yes	01	Q216, Q220
		no	02	
Q217	[If the ans. Of Q216 is yes] What kind of leave you get? (Tick mark on what type of leave you get and write down how many days)	<input type="checkbox"/> weekly day	01	
		<input type="checkbox"/> monthly day	02	
		<input type="checkbox"/> yearly day	03	
		<input type="checkbox"/> sick leave day	04	
		<input type="checkbox"/> festival leave day	05	
		<input type="checkbox"/> others" (.....)day	00
Q218	Do you have any maternity leave in practice at your factory?	yes	01	
		no	02	
		Don't know	03	
Q219	[if the ans. Of Q218 is yes] How many days is your maternity leave?	... .. day	00	
Q220	Is the maternity leave with pay or without pay?	With pay	01	
		Without pay	02	
		Don't know	03	
Q221	[If the ans. of Q216 is yes] What is the type of your leave and how many days?	i). with pay .....day		
		ii). Without pay .....day		
Q222	Do you know that a weekly holiday is your right?	yes	01	
		no	02	
Q223	What is your working time?	day	01	
		night	02	Q224
		shifting	03	
Q224	[If the ans. of Q223 is 'night'] Do you get extra money for night shift?	yes	01	
		no	02	
Q225	What is your daily wage rate?	... .. taka	00	
Q226	Do you get any benefit without wage?	yes	01	
		no	02	
Q227	[If the ans. of Q226 is 'yes'] What type of benefit(s) you get?	Festival allowances	01	Q227
		Incentives	02	
		Medical allowances	03	
		... ..(others")	04	
Q228	What is your wage payment system?	daily	01	

#	Questions	Response Option	Code	Skip to
		weekly	02	
		monthly	03	
		uncertainly	04	
Q229	What is your expected Wage?	... .. Taka	00	
Q230	Do you get all amount of your wage at a time in your hand?	yes	01	
		no	02	Q221
Q231	Does any amount cut from your Salary?	yes	01	Q222
		no	02	
Q232	[If the ans. of Q231 is yes] If cut, what cause they showed?	.....	
Q233	When you are absent for sick, what action does your employer take?	dismissed	01	Q234
		Cut salary	02	
		Recruit new worker	03	
		misbehaves	04	
		Don't allow for over time	05	
		Make over load of work	06	
		Grant leave with full pay	07	
		..... (others")	00	
Q234	[If the ans. of Q233 is the first one] If dismissed, does the employer pay all the dues to the workers? [Legal arrears are, 1 month gratuity for every year job and extra 3 months' salary]	yes	01	
		no	02	
		Don't know	03	
Q235	Do you know that in case of dismissal, employer needs to give one month prior notice to the worker?	yes	01	
		no	02	
		Don't know	03	
Q236	Have you suffered from any occupational sickness /or diseases?	yes	01	
		no	02	
Q237	[If the ans. of Q236 is yes] By what diseases are you affected? [Questioner: don't the name of any diseases, mansion the symbol of the diseases]			
Q238	[If the ans. of Q236 is yes] Have you got any assistance for the treatment of these diseases from your employer?	yes	01	
		no	02	
Q239	Do the workers get compensation in case of occupational accident in your workplace?	yes	01	
		no	02	
Q240	If the ans. of Q239 is yes] What kinds of compensation are there?	Medical assistance	01	
		Financial assistance	02	
		.. .. (others")	00	
Q241	Do you know it is your right to get compensation in case of any accident at workplace? [Verify if the ans. is yes]	yes	01	
		no	02	
Q242	What is the place of your work?	Inside the factory	01	Q243
		Outside the factory	02	Q244
		Inside and outside the factory	03	
Q243	[If the ans. of Q242 is 01]	Very good	01	

#	Questions	Response Option		Code	Skip to
	In case of work inside the factory, what is the facility of lighting and ventilation?	good		02	
		neutral		03	
		bad		04	
		Very bad		05	
Q244	[If the ans. of Q242 is 02]	yes		01	
	In case of work outside the factory, is there any arrangement for protection from sunlight?	no		02	
		Don't know		03	
Q245	Do you have the following facilities at your workplace?				
	Facilities	Options			
	a. Toilet	yes (01)	bv (02)	Don't know (03)	
	b. If yes, are there separate for male and female?	yes (01)	bv (02)	Don't know (03)	
	c. Are there any scope for wash and bath?	yes (01)	bv (02)	Don't know (03)	
	d. If yes, are there separate for male and female??	yes (01)	bv (02)	Don't know (03)	
	e. First Aid Kit	yes (01)	bv (02)	Don't know (03)	
	f. Water and drinks	yes (01)	bv (02)	Don't know (03)	
	g. Free form dust and sand	yes (01)	bv (02)	Don't know (03)	
Q246	What type of behave do you get from your employer at workplace?	Very good		01	
		good		02	
		neutral		03	
		bad		04	
		Very bad		05	
Q247	Do you have faced any torture at the workplace?	yes		01	Q247
		no		02	
Q248	[If the Ans. of Q247 is yes] What kind of torture you faced at your workplace? (maybe multiple answer)	<input type="checkbox"/> Physical Hit		01	
		<input type="checkbox"/> Sexual		02	
		<input type="checkbox"/> Misbehave		03	
		.....(others")		00	
Q249	Do you have any job security?	yes		01	
		no		02	
Q250	What step would you take in case of illegal dismissal?	Complaint to Police		01	
		File a case		02	
		Inform to Trade Union		03	
		Inform to local political Leader		04	
		Nothing to do		05	
		..... (others")		00	
Q251	Do you have any scope for legal assistance in case of rights violation? [Interviewer: Explain the matter of 'Rights']	yes		01	
		no		02	
Q252	If the Ans. of Q251 is no What is the barrier to take help of law?				
Q253	Do you have any personal protective equipment at your workplace?	yes		01	
		no		02	
Q254	If the Ans. of Q253 is yes] What type of equipment(s)?	Helmet		01	
		Safety Belt		02	

#	Questions	Response Option	Code	Skip to
		Hand Glove	03	
		Spectacle/Glass	04	
		musk	05	
		Gum boot	06	
		Security dress	07	
		... ..others	00	
Q255	Do you have any security of your workplace?	yes	01	
		no	02	
Q256	If the Ans. of Q255 is 'yes'? What is the security system?	Fire service Machines	01	
		Emergency exit Stair	02	
		Conscious basis symbolic system	03	
		...exit system	04	
		others	00	
Q257	Do you know about labour law of Bangladesh?	yes	01	
		no	02	
Q258	If the ans. of Q257is 'yes', What are those?	Labour Law	01	
		EPZ Law	02	
		others	00	
Q259	Have you any scope for your recreation?	yes	01	
		no	02	
Q260	If the Ans. of Q256 is 'yes', How do you enjoy the recreation?	Travel for pleasure at relatives home	01	
		Gossiping with friends	02	
		Cinema/watch TV	03	
		others	00	

Section 3 : Trade Union Related Matters/ Affairs

#	Questions	Response Option	Code	Skip to
Q301	Do you know about Trade Union?	yes	01	Q302
		no	02	
Q302	Do you have any Trade Union at your workplace?	yes	01	
		no	02	
Q303	If the Ans. of Q302 is 'yes', Are you involved with TU?	yes	01	
		no	02	
Q304	In best your knowledge, at your factory, Is there any barrier to organize workers in TU?	yes	01	
		no	02	
Q305	If the Ans. of Q304 is 'yes', What type of barriers are present?	Non-cooperation of owners	01	
		Non-cooperation of Administration	02	
		Unwillingness of workers	03	
		Division between workers	04	
		..... others	05	
Q306	In best your knowledge, at your factory, have any scope to participate in decision making by Trade Union?	yes	01	
		no	02	
Q307	If the Ans. is 'yes', In what fields Trade Union participate/ can	To improve the working environment	01	

#	Questions	Response Option	Code	Skip to
	participate?	Welfare of the workers	02	
		Matter of security at the workplace	03	
		wages/overtime duty	04	
		On the matter of leave	05	
		On the unfair means adopt by the upper authority	06	
		others	00	
Q308	According to you, how far efficient the role of Trade Union on the mentioned above?	Very much efficient	01	
		Normally efficient	02	
		Not at all	03	
Q309	If the Ans. is '03' why is not effective as your assumption?	Incompetency of Representatives	01	
		Avoiding tendency of owners	02	
		others	00	
Q310	According to you, are the workers' representatives' participate in fixing wage?	yes	01	
		no	02	
Q311	If the Ans. is 'yes', what are the levels of workers' representatives' participation acceptance?	Acceptable little bit		
		Not accept at all		
		Fully accept		
Q312	Is any cooperation of Government is available in formation of Trade Union?	yes	01	
		no	02	
Q313	If the Ans. is 'yes', what kind of cooperation is this?	In case of registration	01	
		In motivation to the workers	02	
		For training to the workers	03	
		others"	00	

Section 4: Participation of Workers in Decision Making Process

Q401	In the factory, have you any scope to participate for making decisions on Workers' Rights?	yes	01	
		no	02	
Q402	If the Ans. is 'yes', in what cases has scope to participate in decision making?	To improve the working environment	01	
		Welfare of the workers	02	
		Matter of security at the workplace	03	
		wages/overtime duty	04	
		On the matter of leave	05	
		On the unfair means adopt by the upper authority	06	
		others	00	
Q403	Do you know about participation committee?	yes	01	
		no	02	
Q404	If the Ans. is 'yes', are you the member of this committee?	yes	01	
		no	02	
Q405	If the Ans. is 'yes', in various decision making how many opinions of you /workers' representatives are accepted?	Most of the cases are not accepted	01	
		Sometimes accepted	02	
		Accepted not at all	03	
Q406	In best of your knowledge, have any 'Safety Committee' at your factory?	yes	01	
		no	02	
Q407	In best of your knowledge, have any workers'	yes	01	

	representative in this committee?	no	02	
Q408	If the Ans. is yes, in your sense, how many opinions of workers' representative are accepted?	Fully accepted	01	
		Sometimes accepted	02	
		Accepted not at all	03	
Q409	At your factory, have any scope to participate for making decisions on Management related affairs by workers or workers' representatives	yes	01	
		no	02	
Q410	If in any affairs workers have any complaints, have any scope to discuss in bipartite or tripartite committee?	yes	01	
		no	02	
Q411	If the Ans. is no, why the scope is un available?	No scope for representative	01	
		Reluctant by the owners	02	
		others	00	
Q412	Have you any scope to express free opinion?	yes	01	
		no	02	
Q413	If the Ans. is no, why the scope is un-available?	Workers are not organized	01	
		Reluctant of owners	02	
		Fear of loss the job	03	
		others	00	
Q414	For the workers who are in EPZ area Do you know about Workers' Welfare Society?	yes	01	
		no	02	
Q415	How many scope are available in this society for making decisions by participating workers?	Full scope is available	01	
		neutral	02	
		No scope at all	03	

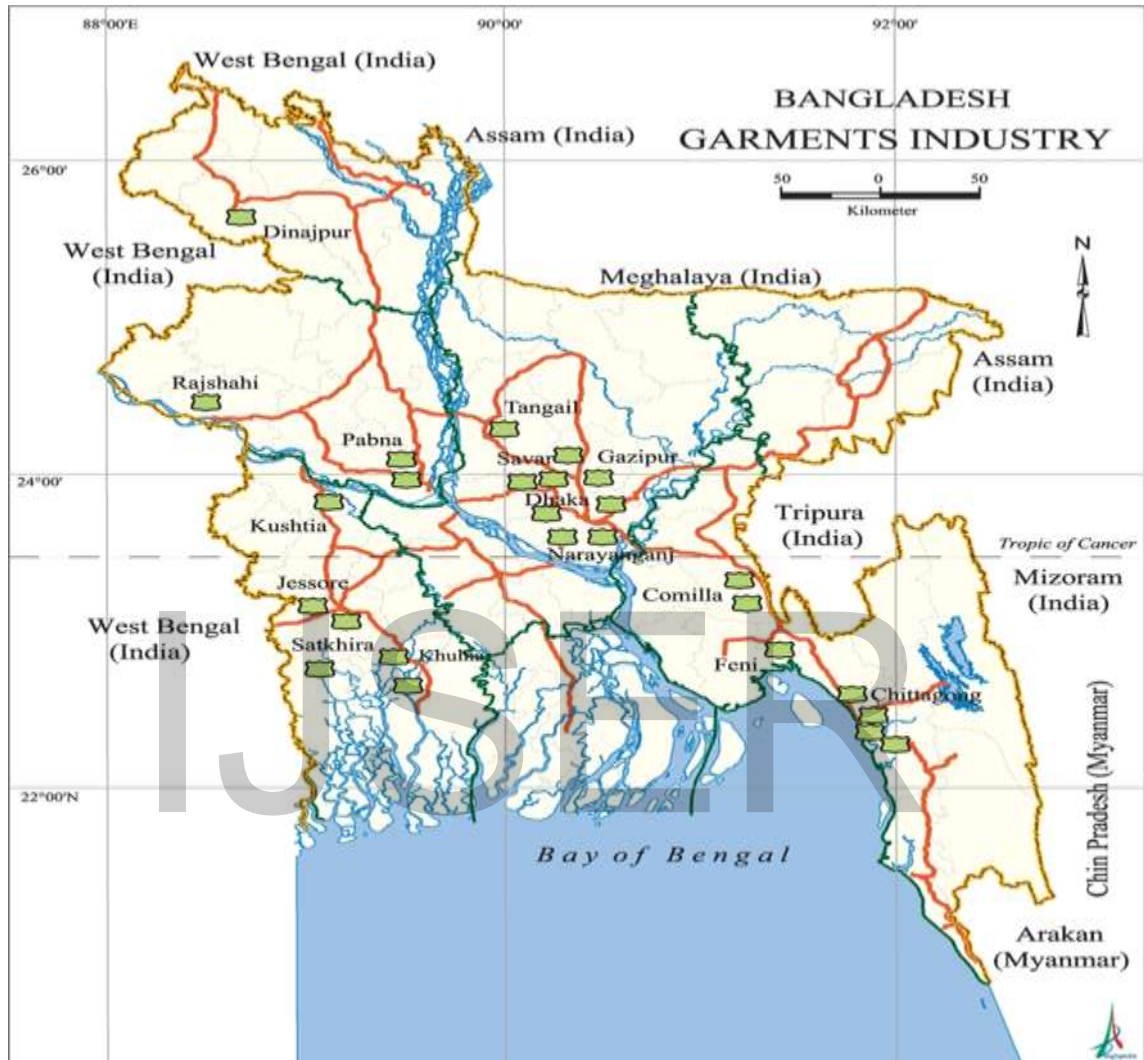


DATA VALIDATION: ALL THE RESPONSES HAVE BEEN COLLECTED FROM THE RESPONDENTS AND IT IS WRITE DOWN ON THE QUESTIONNAIRE AS IT IS WHAT THE RESPONDENT SAID.

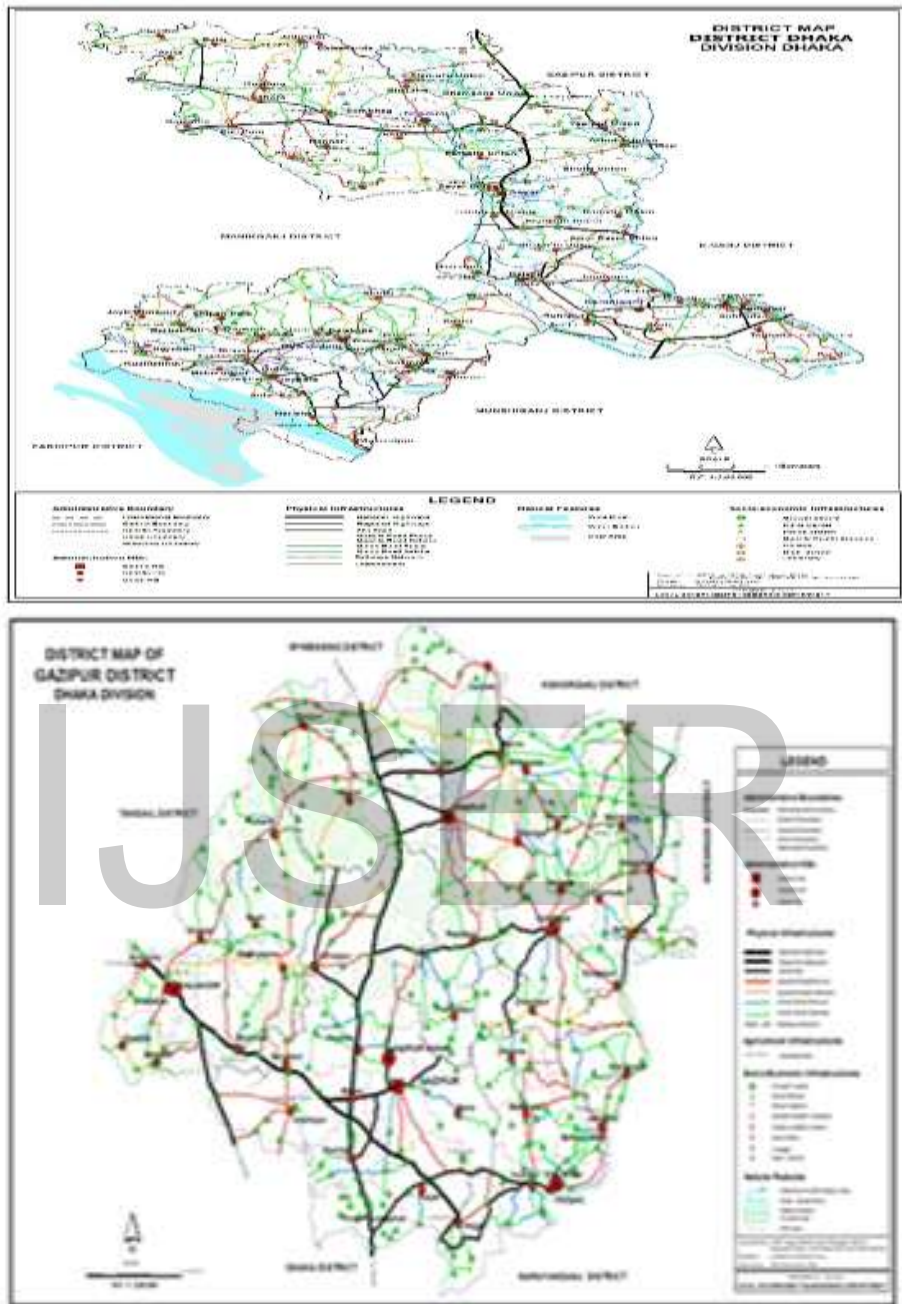
Name, Signature & Date of the Field Investigator:

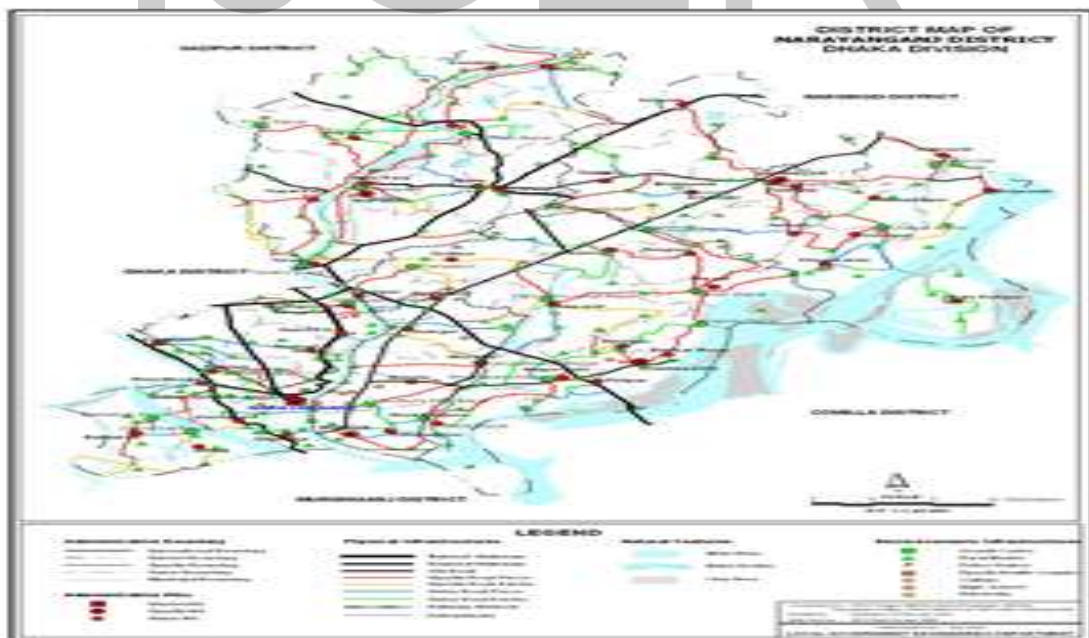
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Appendix- VI: Location of Garments Industries in Bangladesh



Map of Dhaka, Gazipur, Narayanganj and Chittagong District for Garments







Appendix- VII: A Notice Given by BGMEA for Opening Various Committees



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