

LABOUR LAW RESEARCH FOR BANGLADESH

Research for the Labour Wedge of the Oxfam International Trade Campaign



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EXECUTIVE SUMMARY

The garments sector in Bangladesh provides one of -limited success stories of which the country may feel proud. The fast rate of growth of this sector and its increasing contribution to development of national economy may be explained as a direct consequence of a number of factors. MFA and cheap but dedicated women workforce in Bangladesh are two such significant contributing factors. However, different studies show that despite remarkable growth, the status of workers and conditions in the workplace is far behind the satisfactory mark. Thus, success of garments in Bangladesh is at the same time a tale of deep sights, frustrations and deprivations of a large number of women labour force in the country. It is apprehended that the situation may worsen with the phasing out of the MFA in Dec., 2004.

Will this lead to closure of significant number of factories and consequent retrenchment of workers? Will MFA phase out lead to more precarious condition of women workers to keep the garment sector competitive in the global market? Is the Business is going to be sustain at the cost of workers legitimate rights and interests? These are but a few questions that the policy makers in Bangladesh need to ponder over as ATC emergencies in January 2005.

In the backdrop of this context and as part of Oxfam International's Global Campaign to "Make Trade Fair" this study was undertaken to test the basic hypothesis that the inadequacy and out of date state of national labour laws and their enforcement have led to increasingly precarious employment of women workers in global trading chains in Bangladesh.

The study constituted a thorough examinations of the relevant labour law and practices in the country. For this, a survey was conducted among 420 respondents comprising women garment workers. In addition to that 31 respondents were selected from different categories i.e. manufactures, lawyers, researchers, NGO activists, garment officials, trade union leaders and local representatives of sewing companies for indepth interview.

The study report consists of six chapters excluding 5 annexes and bibliography. Each chapter finishes with a set of key findings where as the last chapter contains major recommendations.

Major findings of the study may be described as follows

1. Existing labour legislation in Bangladesh is archaic and to a great extent obsolete.
2. Labour legislation is not garments industry specific and existing labour laws appear to be "unfit" for this sector.
3. Insufficient labour laws addressing the garments industry do not adequately protect women workers right. The predominant majority of garment workers are employed outside the EPZs and they are deprived of protection of 'special laws' applicable only in relation to EPZs.
4. Labour legislation is paternalistic in the sense that women rights have not been accommodated on an equal footing with male rights.
5. IFIs generally patronize of labour standard which not only recognizes the minimum international standards set by the ILO but ague infirm application of additional standards without taking into account the real conditions which lead to differential labour standards in the developing countries.
6. IFIs in Bangladesh pursue a policy that the employers would ensure a minimum labour standard. However, their actions fall short of direct intervention to protect and promote workers interest.

7. The sourcing companies generally demand of the garment manufactures compliance with existing labour laws and standards. They also prescribe their own business code of conduct, which conform to 120 standards. On the basis of compliance manufacturers are enlisted as a sourcing company chain. Quite strangely, however, whether the factory, after its initial enlistment continue to comply with the standards is never monitored. Thus, the necessity of compliance is very doubtful.
8. Bangladesh is likely to face competition in the global market with MFA phases out in 2004. The latter may have a detrimental affect on garment sector as this sector lacks backward linkages as well as skilled and educated labour force.
9. The MFA phase out may make a huge number of garment workers mostly women "Redundant" and this sector does not seem to be prepared to face this challenge.

In order to combat with the above said inconsistency/forth-coming problems, the following steps are recommended:

1. Fair trade at the sellers end must be matched by fair and ethical trade at the buyers end. For this, GOB in association with BGMEA must lobby at all levels including at the WTO to oblige the sourcing companies to share in the social upliftment program of the garment workers.
2. A global campaign has to be launched to retain the world market share of Bangladesh for garments. The global and national civil society movement can be of high utility to this end.
3. A uniform business code of conduct for garment industries of Bangladesh should be adopted and BGMEA may be entrusted with this task. This proposed code of conduct should contain elaborate provisions on labour standards, social and other security benefits of the workers, special provisions for women and child workers, obligations of workers vis-à-vis the employers/management, duties and obligation of GoB in relation to the garment sector and to the garment workers.
4. Up-to-date and comprehensive labour code should be enacted.
5. GOB should upgrade its labour policy in which it should emphatically mention corporate social responsibility of the garment manufacturers.
6. GOB may earmark special zone or area (may be a trading zone) specifically for garment industries, such a zone /area may be designated as "garments village". As a first step, recently closed Adamjee Jute Mills territory may be earmarked for this purpose.
7. The GOB may assume the responsibility of importing raw materials for the garment sector which will lead to drastically reduce for the manufacturers' shipment time (Lead time) after purchasing order has been placed.
8. The minimum working hours, days and weeks need to be increased keeping in view the practice of our neighboring countries of South Asia, so that, our garment sector can compete internationally.
9. The women garment workers should be organized to bargain collectively with the employers for the improvement of their working situations. Some problems such as gender differentials in wage rates, leisure deprivation, night work, sexual harassment etc., are unique to female workers. Moreover, unlike male workers female workers suffer from reproductive health problems due to occupational hazards. Hence arises the necessity of organizing the women workers.

CHAPTER ONE

INTRODUCTION

1.1 Background of The Study

Despite Bangladesh's long standing reputation as an international "basket case", the dramatic success recently achieved by its Garment Export Sector has kindled hopes of a brighter future and has resulted in well deserved recognition from foreign governments and international development agencies. However, the phasing out of Multi-Fiber Arrangement (MFA) in December 2004 and coming into effect from January 2005 of the Agreement on Textiles and Clothing (ATC), a dark cloud of doubts and uncertainties and challenges loom over this industry. The fundamental questions posed are how the MFA phase out is going to affect the otherwise vibrant garment sector, what would be the implications for and on the labour force in general and to the women labour force in particular. In this background in April 2002 OXFAM International (OI) launched its "make trade fair" campaign globally. As part of this trade campaign OI plans to launch in early 2004 Global Labour Wedge Campaign on women workers employed in the global value chain.

The campaign aims to address the trends eroding the labour standards, particularly for women workers employed in global value chain, whose jobs are precarious, insecure, not covered by social security and given inadequate protection by labour legislation. This study has been conducted in order to provide compelling and campaignable evidence to the global popular campaign addressing the women workers employed in the garments sector.

Trade and labour market policies are continuously being discussed and reformulated. Strangely enough much of this debate takes place in the absence of clearly articulated goals. The reasons, it would seem, are twofold. On the one hand, for some analysts, the goals (e.g. free trade, workers rights) are held to be self evident. On the other hand, the goals are themselves sometimes hard to be imparted. When does "free trade" give way to "fair trade"? When does the pursuit of one labour standard (e.g. free collective bargaining) take precedence over another (e.g. full employment)?

Policy choices are best discussed in terms of explicit, workable goals and it is proposed to start with the following two:

- a) Facilitating and expanding mutually beneficial trading opportunities
- b) Enabling workers to achieve higher real earnings and the fullest possible level of employment while maintaining basic work place rights¹.

It is useful at the outset to distinguish between a "labour standard" and a "labour right". A "labour standard" is something we would aim towards and rather have than not have, whereas, a "labour right" is something that is not to be violated except under the most extreme circumstances. "Labour standards" thus include "labour rights" but go beyond them.

The US Department of Labour has repeatedly upheld the desirability of the following list of labour standards:

1. Freedom of association
2. The right to organize and bargain collectively
3. Prohibition on forced and compulsory labour
4. A minimum age for the employment of the children
5. Guarantee of acceptable working conditions (possibly including maximum hours of work per week, a weekly rest period, limits to work by young persons, a minimum wage, minimum work place safety and health standards, and elimination of employment discrimination).²

The European Union's "social charter"³ specifies an even broader list of worker rights:

- Freedom of movement
- The right to employment and remuneration
- The improvement of living and working conditions
- The right to social protection
- The right to freedom of association and collective bargaining
- The right to vocational training
- The right of men and women to equal treatment
- The right of information consultation and participation
- The right to health and safety in the work place
- The protection of children and adolescents in employment
- The protection of elderly persons
- The protection of person with disabilities.

It is sad but true that standards like this are unattainable for most of the world's people. The reason is very basic: most of the world's economies are too poor to assure these standards for the majority of their people. The preceding lists are therefore too ambitious and unrealistic for the majority of the world's workers and the garments workers in Bangladesh are not an exception.

Even leading labour officials now recognize the impossibility of guaranteeing "acceptable working conditions" at an internationally uniform level. For instance, a former United States' Secretary of Labour said: ⁴

"It is inappropriate to dictate uniform levels of working hours, minimum wages, benefits, or health and safety standards. The developing countries' insistence that they must grow richer in order to afford American or European Labour Standards and that they must trade if they are to grow richer – is essentially correct."

These apparent distinctions between labour standards in developed and developing countries must be taken into serious account while evaluating and assessing the status of women garment workers in Bangladesh.

1.2 Study Objectives

The aim of this study is to investigate and provide compelling and campaignable evidence on:

Labour Law: the inadequacy of national labour laws and their implementation have laid to increasingly precarious employment (temporary contracts or no contracts, few or no social security benefits, extensive mandatory overtime, very high production targets, etc.)

The immediate purpose of the research is to provide compelling and campaignable evidence to the fact that the inadequacy and out of date state of national labour laws and their enforcement have led to increasingly precarious employment.

The study is based on the hypothesis **that national laws related to labour issues and their practices failed to provide women workers in global trading chain with adequate and safe livelihood and protection.**⁵ However, in order to examine the accuracy of this hypothesis the study has to investigate to what extent the following corollary hypotheses are true or false:

1. The national labour laws and their implementation do not protect the rights of women workers in global trading chain; because:
 - a) Labour legislation has been or is being weakened
 - b) Labour legislation is out of date because it fails to protect the many workers whose employment status falls outside of its scope.
2. International Financial Institutions (IFIs) have formally or informally advised or pressured governments to make legislative changes (weakening existing law, introducing new law, etc.) resulting in weaker labour standards and practices.
3. Sourcing Companies (TNCs) have directly or indirectly influenced the weakening of labour law and/or its implementation.
4. International Trade Rules such as MFA Phase-out under ATC influence labour law and/or its implementation.

1.3 Research Methodology

A combination of research strategies e.g. exploratory, descriptive and analytical studies have been used in this study. Since the problem and its contributing factors are not well defined so it was deemed appropriate to do an exploratory study before embarking on the more comprehensive phases i.e. description or comparative (analytical phases).

The research begun with an exploratory research phase, in which attempt was made to gain insight in the research problem by investigation. In preparing this exploratory phase, a number of topics and a number of general questions, which are mostly mentioned in the objectives of the study, were defined for systematic investigation. These topics were addressed in one – to – one interview, and secondary data compilation formats.

After the initial phase of the exploratory study, the list of questions and topics were reviewed, and the most important factors contributing to the problem were identified. The descriptive phase of the study ventured to a systematic collection and presentation of data to give a clear picture of the situation.

The analytical phase of the study attempted to establish causes or risk factors for women workers. The findings of this analytical phase also focus on the way in which women workers, garment owners, government and sourcing countries will cope with the situation after MFA phase-out.

The study thus followed a mixed strategy i.e. both qualitative and quantitative methods of data collection. While quantitative data are necessary to determine the prevalence of a phenomenon, it is the qualitative study that reveals the complexities. The former is more “external” in nature while the latter is inclined towards the more “internal” aspects of a garments workers’ life. Thus, the methodological framework upon which the research was conducted, included literature review, examination of legislation including bye-laws, questionnaire survey, secondary data review, personal and participatory observations etc. Special emphasis was also placed on focus group discussion and focused issue discussion.

1.3.1 Field Investigation

Pure academic analysis on the basis of secondary data cannot by itself be sufficient to show the whole picture of the impact and the implications of labour laws vis-à-vis women workers. Therefore, it was considered essential to gauge the actual perspectives of the labour standards vis-à-vis the women workers in the garments industry by undertaking a field visit. The primary purpose of the field investigation, *inter alia* was to inquire into-

- a) The perception of women workers as regards labour standards
- b) The status and degree of compliance with the labour standards
- c) Labour standards both within and outside the EPZ
- d) Stakeholders' perception of MFA phase-out and its impact on garment industry and on garment workers, especially women workers.

Primary data was collected on the basis of structured questionnaires. This process facilitated the framing of tables which demonstrate quantified direct responses. The respondents were selected on the basis of random methods of sampling.

1.3.1.1 Designing and Pre-testing the Questionnaires

As the success of the questionnaires method of collecting information depends largely upon the proper design of the questionnaire, a brainstorming session was undertaken involving the whole research team comprising all the three components of the study. During the brainstorming, consensus was reached as regards the following issues:

- a) the information to be sought
- b) the number of questionnaires required
- c) the manner in which the individual questions would be sequenced
- d) the form of response each question would have
- e) the content of each question
- f) the manner in which the questionnaires would be administered.

Different sets of questionnaires were framed for different groups of respondents i.e. women workers, trade union leaders, employers (owners), lawyers, NGOs and human right activists, government officials, independent analysts / academics / researchers. Although different sets of questionnaires were constructed, the content of the questions in all of them remained more or less the same with the exception of a few extra questions as and when required. This was so designed because the respondents were examined on the same issues in order to assess the differences in their perception, opinion, awareness and attitude.

Each questionnaire consisted of two parts, the first concerning factual information i.e. the respondents' identification and social status while the second dealt with a series of substantive questions. These questions were logically arranged in groups, maintaining the sequence in terms of the purpose and of the persons who supplied the information. In order to facilitate responses, the respondents were provided with the option of fixed alternative and multiple choice answers depending on the nature of questions asked. This was done not only to facilitate the tabulation of data but also to develop tables containing quantified direct responses.

After the questionnaires were drafted they were pre-tested on the samples. This pre-testing method formed significant part of the method, as it helped redesign the questionnaires on the basis of practical difficulties faced in gathering the required informations. It is through the pre-testing procedure that many problems regarding the questionnaires were settled before the actual field operation commenced. A two-days orientation programme was organized for the field investigators. Lead researcher at this stage was consulted as and when it was deemed necessary.

1.3.1.2 Sample Size and Sampling Frame

A total of 420 sample garments workers were considered appropriate for semi structured interview for the study. This sample size has been calculated and drawn with a statistical basis. Alongside, other seven categories of respondents in the following distribution: 6 NGOs, 2 Trade Union Leaders, 5 academicians, 2 Government officials, 5 manufacturers, 4

officials of International financial Institutions, and 2 representatives of sourcing companies have been addressed for qualitative data collection.

A larger sample was not deemed essential because the women garments workers of Bangladesh may be seen as a highly homogeneous group in so far as their socio-economic, cultural, religious, linguistic and ethnic background is concerned.

Dhaka City and EPZ Zone of Savar were selected for the location of the study as it continues to be the major garment industry belt in the country.

The trade union structure in Bangladesh comprises both factory level unions at the base and federations of trade unions at the national level. Therefore, the sample of trade union leaders was selected from basic union as well as from various national federations of trade unions.

Interviewees of NGOs, academicians, researchers was selected taking into consideration their respective acquired interest in the status of women workers. Sample of manufacturers are representative of factories connected with the trade chain of the garments sector.

1.3.1.3 Difficulties Encountered during Field Investigation

The field investigation was a mixture of both salt and pepper. To begin with, it was not easy to get access to women workers and manufacturers. Most of them did not have any free time to spare for interviews. Tight work schedule and restrictive attitude of the management compelled the field investigators to approach the sample workers in their residences/hostels/slums after work hours. Exhausted women busy with domestic care-giving were reluctant to entertain the investigators. Investigators also encountered a few raised eye-brows from the guardians/ husbands of the women workers. However, once they were convinced that the study was targeted to ultimately promote and protect their interest, they were more than willing to respond to the questions.

The women workers, however, often found some questions difficult to comprehend. In order to overcome this problem, field investigators had to explain the questions at great length before the women could fully grasp the fundamental of the exercise.

Some of the respondents were skeptical about the utility of the research and wondered what good it would bring them.

1.3.1.4 Formal and Informal Labour Markets, Women Workers and Their Issues

Bangladesh, like other developing countries, reflects a segmented labour market with a sharp dualism between traditional and modern manufacturing sectors. Labour market in Bangladesh is characterized by (i) high rate of labour force growth, (ii) low rates of employment, (iii) predominance of employment in agricultural followed by services sector, (iv) existence of high under employment, (v) dominant rural share in employment, (vi) smaller share of female employment, and (vii) low wage rates.

In the formal labour market, nationalized sector is the wage leader. Workers in the private sector take the Government determined wages as the reference point, though they prefer to resort to collective bargaining for wage fixation at the plant level. In the informal sector, poverty, unemployment etc., the so-called "push factors" create conditions that compel people to earn any kind of livelihood for themselves or their families. In a situation of limited or no job opportunities in the rural areas, poor people migrate to the urban centers, which provide better job opportunities, the so-called "pull factors". These migrants enter more into the urban informal sector. Many of them work in a daily demand and supply situation. Wage disparity between these two segments of workers is increasing with increasing trend of globalization.

The widespread fear in the labour market is that MFA Phase-out and globalization of the economy would (i) jeopardize the existing industrial relations system at the national level; (ii) would further reduce the practice of maintaining the proper labour standards, (iii) reduce the trade union and other human rights; (iv) create further economic exploitation among the workers in payment of wages and share of profit etc. and (v) reduce the scope of collective bargaining.

CHAPTER TWO

LABOUR LEGISLATION IN BANGLADESH

2.1 Labour Legislation in Bangladesh

The history of labour legislation in Bangladesh essentially begins from the days of the British Raj followed by the postcolonial United Pakistani period through to the Bangladesh era. This history indicates that the enactment of various labour laws was done as and when warranted by circumstances or under other pressures. Consequently, it is very difficult to trace a consistent and planned labour policy. However paradoxical it might sound most of the laws containing provisions related to labour standard had originated during British Colonial rule (1757 – 1947). Few of the laws had been initiated during Pakistan period (1947 – 1971). Some of the laws have been originated and few of the old standards have been amended after the Liberation of Bangladesh (1971 to till date). Table-1 shows major laws enacted during the British Colonial period.

Year of Origin	Name of the Law
1923	The Workmen's Compensation Act
1924	The Workmen's Compensation Rules
1934	The Workmen's Protection Act
1938	The Employers' Liability Act
1938	The Employment of Children Act
1939	The Maternity Benefit Act

At the time of partition of British India in 1947 Pakistan adopted the entire labour legislation as it existed at the time of partition under the Pakistan (Continuation of existing laws) Order, 1947. Though the government announced a series of labour policies in 1955 and 1959, recurring Martial Law regulations pre-empted implementation of those policies. However, between 1961 and 1969 a number of important labour laws was enacted of which the laws mentioned in Table-2 continue to be in force till the present time:

Year of Origin	Name of the Law
1961	The Minimum Wages Act
1965	The Factories Act
1965	The Employment of Labour (Standing Orders) Act
1968	Companies Profits (Workers Participation) Act
1969	The Industrial Relations Ordinance

The independence of Bangladesh brought fresh demands from all concerned, including workers and employers for comprehensive amendments and reforms of existing labour laws in view of the changing socio-economic scenario. Although modifications were made in respect of one or two labour laws they were largely on an *ad hoc* basis. *Ad hoc* amendments of labour laws only created complexities in the countries labour and industrial scenario. It is against this backdrop that the National Labour Law Commission was set up in 1992 to reform and modernize industrial relations. The commission evolved a Draft Labour Code 1994 which is yet to be enacted by the Parliament. Thus the existing labour legislation in Bangladesh is basically compilation of different laws enacted during the British Colonial Rule, Neo-Colonial Rule of Pakistan and the era of independent Bangladesh.

2.2. Emergence of Garments Manufacturing Industries and Introduction of Related Labour Laws

In Bangladesh, the Garments Manufacturing Industries emerged in the late 1970's. The existing labour laws of Bangladesh were quite inadequate for this sector. At the same time, the existing labour laws failed to attract foreign buyers and investors as well. So, to attract foreign buyers and get access into foreign market Bangladesh seized the idea of setting up Export Processing Zones (EPZ) in early 1980's and to this end an act "The Bangladesh

Export Processing Zones Authority Act, 1980” was enacted which came into force in 1981⁶. The EPZ Authority Act expressly denied the application of major existing labour laws, i.e. Factories Act, 1965, the Employment of Labour (Standing Orders) Act, 1965 and Industrial Relations Ordinance, 1969 (Article 18 of the EPZ Authority Act, 1980). Table-3 shows the laws enacted for EPZ:

Year of Origin	Name of the Law
1980	Bangladesh Export Processing Zones Authority Act
1989	Bangladesh Export Processing Zones Authority Instruction No # 1
1989	Bangladesh Export Processing Zones Authority Instruction No # 2

Quite interestingly, with the establishment of the EPZ garment industry began to flourish not only in the EPZ but also outside of such zones.

It is pertinent to note that while the labour legislation is not applicable in relation to the factories in the EPZ they set the labour standard for the factories situated outside of such zones. Therefore in order to get a picture of labour standard and status of the women workers in the garments industry we need to focus on both types of labour legislation: specialized labour laws for the EPZ and the general labour laws of national applications.

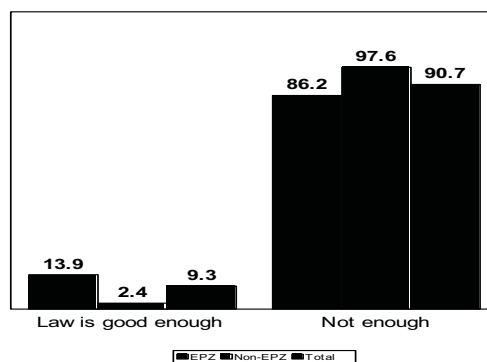
2.3 Basic Features of Existing Labour Laws

A close scrutiny of the existing labour laws pertinent to our study reveals the following salient features of the former:

1. These laws fail to regulate basic needs of the workers. They poorly ensure certain basic needs like – sanitation, safe working condition, pure drinking water and medical facility etc. during the working hours only . After the working hours, they return to their shabby living places which lack safe and healthy environment, healthy sanitary system, pure drinking water and proper medical facilities etc. Our existing labour laws do not provide anything for the betterment of their life after working hours, so that they do not have to return to an uncertain life.

About 91 percent of the female garment workers think that the existing labour law is not good enough to protect their rights. The corresponding figure for the EPZ workers is 86.2 percent. It is quite astonishing given the fact that the EPZ special rules provide for comparatively better protection of workers interest.

Figure 1: Workers perception of labour laws



Source: Annex 3 Table A.8

2. These laws provide labour standards only for those who work in different establishments, like – industrial and commercial establishments; but do not provide labour standards for the majority of workers, i.e. agricultural labours. Even after the Independence of Bangladesh only one Act has been enacted so far and that is – The Agricultural Labour (Minimum Wages) Ordinances, 1984.

Again, no labour standard, so far, has been maintained or introduced by the Government for the workers like – rickshaw pullers, construction workers, who work in the informal sector etc. Thus the informal sector, which employs the bulk of the labour force is not regulated by law.

3. Though it is ensured in the Constitution of Bangladesh under Article 27 that "all citizens are equal before law" and Article 28(2) that "Woman shall have equal rights with men in all spheres of the State and of public life", it is not equally reflected in the national labour standards of Bangladesh. In very few cases, women get equal status with men. They do not get equal wages; equal participation of women in different committees, like – managing committee for the management of the canteen [sec. 45 of Factories Act, 1965], has not been determined and nothing about the participation of women in Trade Unions has been mentioned in the relevant provisions. Maternity leave is permitted under The Maternity Benefit Act, 1939; but the penalty payable by the employer in case of contravention of any provision of this Act is very insufficient.

The situation of women workers in small industries is worse than those who work in large establishments, because, at least, there is inspection whether labour standard is maintained or not but there is no such inspection or attempt of inspection in small industries situated away from the cities. That's why, labour standard of women workers of these places are frequently violated.

4. Our national labour standard is pro-employer and do not protect the interest of the workers. It would be easier for us to understand if we observe Table-4 below which reflects the rate of penalty or fine which the employers shall pay in case of violation of any provisions of national labour standard –

Table 4: Penalty for contravention of labour laws.

Name of the Offence	Name of the Act	Rate of Penalty/fine
Violation of provisions under Factories Act	Sec. 93 of The Factories Act, 1965	Tk. 1000/- initially and 75/- for everyday of the period during which the contravention continues.
	Sec. 95 of the Factories Act	Offence involving the violation of the same kind → imprisonment for → 6 months or fine Tk. 1000/- or both.
Violation of Provisions under Employment of Labour (S.O.) Act	Sec. 27 of the Employment of Labour (S.O.) Act, 1965	Tk. 500/- + 50/- for everyday of the period during which the contravention continues. Tk. 500/- or simple imprisonment for subsequent offence + Tk. 50/- for continuing offence.
Penalty for unfair labour practice	Sec. 53 (1) of IRO, 1969	Tk. 5000/- or imprisonment for one year or both.
Penalty for illegal lock-out	Sec. 57 (2) of IRO, 1969	Tk. 5000/- or imprisonment for one year or both and Tk. 200/- everyday for continuous offence.
Penalty for other offences	Sec. 62 of IRO, 1969	Tk. 250/-
Penalty for offences under the Payment of Wages Act	Sec. 20 of Payment of Wages Act, 1936	(i) For violation of sec. 5 and secs. 7 to 13 → Tk. 500/- or Simple imprisonment for 6 months. (ii) For violation of secs. 4, 6 or 25 → Tk. 200/-
Penalties under Workman's Compensation Act	Sec. 18A of Workman's Compensation Act, 1923	Tk. 1000/-
Penalty under Companies Profits(Workers' Participation) Act	Sec. 5 of Companies Profits (Workers' Participation) Act, 1968	Tk. 10,000/- and Tk. 1000/- for everyday after the first day during which the failure continues.
Penalty for contravention of The Maternity Benefit Act, 1939 by an employer	Sec. 9 of The Maternity Benefit Act, 1939	Tk. 500/-
Penalty under Employment of Children Act	Sec. 4 of Employment of Children Act, 1938	Tk. 500/-

Thus information in the above table reveals that, in most of the cases the pecuniary punishment imposed upon the employer is very insignificant. Moreover, most of the time the employers get through after contravening the standards because the trivial amount of fine fails to signify any impact upon their main strength, i.e. their economical condition.

5. National Labour Laws of Bangladesh do not provide for any provisions related to introduction of modern technology in production sector so that workers do not have to work in old fashion and as well they get a chance to upgrade themselves into world standards of workers.
6. The National Labour Laws of Bangladesh do not comply with Article 15 of ILO Convention No. 107 which deals with "Recruitment and Conditions of Employment" of indigenous and other tribal and semi-tribal populations. No special measure has been taken so far so that they do not face discrimination in working places; their equal remuneration for work of equal value is ensured. Even they do not enjoy the right of association and freedom for all lawful trade union activities.
7. Some provisions concerning investigation and scrutinization by the Inspectors had been inserted but they are rarely used by them to investigate whether there is any contravention or violation of the existing labour standards. The process is totally complaint oriented, that means, no complaint will be filed and investigated unless it is presented before the Inspector and after his consideration actions are taken against such complaint. But to consider the problems and discriminations they need to act voluntarily. The Inspectors do not work neutrally and most of the times they refuse to consider most of the private grievances. The cause behind this is that the provisions related to inspection are scattered under different laws. Moreover, the total number of inspectors is highly inadequate to perform their functions at any satisfactory level.
8. There are no uniform wage policies under present National Labour Law of the country. For this reason, wages differ depending on whether workers are in the public or private sectors, whether they are in formal or informal sectors, and whether they are in urban or rural areas. And this does not take into account the fact that the agricultural workers remain unemployed for a long period.
9. Many of the minimum wage limits provided in the Minimum Wages Ordinance 1961(amended in 1994), and Minimum Wages Rules, 1961 are below market wages because they have not been adjusted for long periods, during which market wages and prices increased significantly. The law would appear to impose an obligation on the Board to reconsider minimum wage levels periodically, but this never occurred.
10. Where under-employment is widespread and administrative capacity is weak, it appears that the Government is unable to enforce minimum wage legislation in any sector. Because, the existing labour law system does not provide with proper and timely policies, which can regulate widespread impact upon the enterprises. Moreover, wages need to reflect enterprise performance rather than political considerations.
11. Under Industrial Relations Ordinance, 1969, trade unions are required to be registered by the Government Registrar of Trade Unions. To be registered, a union's membership must include at least 30 percent of the workers in the establishment in which it is formed. For such an easy proportion of support for the formation of trade union, Bangladesh has a large number of unions that are linked to political parties but represent a small fraction of the labour force. A large number of weak, highly politicized unions appear to characterize industrial relations in most of the public enterprises of Bangladesh and the Government failed to organize a strong CBA which is suggested as the sole remedy of the problem by most of the international bodies like World Bank, Asian Development Bank etc.
12. The Industrial Relations Ordinance, 1969 also provides for a fair and efficient system for resolution of disputes when they arise between employer and employee. But the performance of the Labour Court is so far unsatisfactory. Delays in processing cases are far too long, with 4 or 5 years often required to settle a case. Delays in proceedings are often caused by the absence of the chairman or one of the two members, without whom the hearing cannot take place. Despite the recurrent nature of this problem, no

check and balance system has been introduced and the problem is basically overlooked by the Government. **The Assistant Chief Inspector of Factories and Establishments mentioned during our interview that at present 10,000 cases are pending with the Labour courts for disposal.**

13. Parties cannot bring unfair labour practices and grievances to the courts without prior authorization of the Inspector of Labour. This procedure compromises the original intention of establishment of Labour Courts which was 'dispute settlement'. Parties should be allowed to bring unfair labour practices and grievances to the courts without prior authorization of the Inspector of Labour. Hence, the Government should consider reforming the labour court system to make it an informal and efficient forum for dispute settlement.
14. Provisions like minimum wages, maternity leaves and benefit, restrictions of women workers at night etc. are appearing to be largely ignored and they have very little impact on the welfare of female workers.
15. Safety Clauses provided in the Factories Act, 1965 and Factories Rules, 1979 are seldom observed in the Garments of Bangladesh. Because of this, accidents like – affray occurs frequently in the Garment factories and many innocent people die. Family members do not get any compensation either.
16. Violence against women in working place is very rampant. The character and nature of violence against women in working places is different from that of violence against women normally in the society. Here they are easily and frequently abused by their male counterpart. The very nature of the offence demands different grade of attention. Infliction of grave punishment on the accused is neither feasible nor harmonious. For ensuring a safe working place for the woman, Government need to introduce a set of laws which will inflict such a punishment which will not effect the harmonious working environment.
17. If we closely scrutinize the social security policy as laid down in national labour standard, then we can observe that, there is absence of any kind of visionary social policy at national level. For this reason we have to go through the following table –

Table 5: Social benefits of workers

Issue	Rule	Qualifying Condition	Concerned Section	Administrative Organization
Maternity Benefit	Cash payment for 6 weeks before and 6 weeks after confinement with amount depending on prior wages.	1. Maternity Benefit Act, 1939 – 9 months continuous service with employer by date of confinement. 2. Bangladesh Export Processing Zones Authority Instruction No – 1: (a)10 months continuous service. (b) the benefit is available only twice. (c) there must be 3 years gap.	Women employees of the industrial and commercial establishments and shops.	Department of Inspector of the Factories and Establishments under Ministry of Labour and Employment.
Sickness Benefits	1.50% of wage for factory workers and full wage for workers in shops, establishment and large factories, for up to 14 days per year. 2. 14 days with 50% wage in case of workers working in EPZs.	1. Factories Act, 1965 : sick leave shall not be accumulated and carried forward to the succeeding year.	1. Workers in factories and employing 10 or more workers; workers in shops and establishment of 5 or more excluding clerical staff. 2. EPZ workers.	
Temporary disability benefit	According to Schedule (IV) of Workman's Compensation Act, 1923, full wage for first 2 months, 2/3 wage for next 2 months, and wage for subsequent month for period of disablement or for one year, whichever is shorter.	1. A workman will not get the compensation if he files a suit for damages in the Civil Court. 2. No suit for damages instituted by a workman will be entertained if he - (i) has instituted a claim to compensation (ii) has come to an agreement with the employer for the payment of the compensation.	Workers who work in the factories, shops and establishments.	
Permanent disability benefit	According to Schedule (IV) of Workman's Compensation Act, 1923, Monthly wage paid during period of disablement, upto a maximum of 1 year and Tk. 10,000/- to Tk. 30,000/- depending on insurer's monthly wage.			
Survivor benefit	Tk. 8000/- to 21, 000/- depending on insured's monthly wages.			
Unemployment benefit	½ average basic wage for 120 days for monthly rated (permanent) workers; 60 days for casual workers; and 30 days for temporary workers. In addition, casual workers receive lump-sum payment of 14 days for each year of services. Permanent workers, 1 month salary for each year of service.		Workers in shops. Commercial and industrial establishments.	

From the above table we can easily anticipate that the existing labour law related to social security does not cover the enterprises/production units having less than 10 workers, and shops and establishments having less than 5 workers. As a result, majority of the labour force is out of the scope of the law related to social security. Moreover, the working people in the informal sector are not covered by existing social security laws and schemes. It is also found that Department of Inspector of the Factories & Establishments under Ministry of Labour and Employment, which is responsible for administering the laws have low capacity to ensure the enforcement of relevant laws on social security and labour inspection in this regard. The lack of enforcement of relevant laws and labour inspection is quite serious in the private organized sector.

18. In Bangladesh, while fixing minimum wage, no consideration is given to the living standard of workers, and their family, their needs, social and other facilities. ILO Convention on 'Minimum Wages Fixing' provides for these considerations before determining the minimum wage rate. A labour and his/her family members require calories, transport fare, education cost of his/her children –these factors are required to be considered before fixing the minimum wage.
19. There is no provision related to trade unionism in Bangladesh Export Processing Zones. In the absence of trade unions there is none to represent the workers in case of any kind of disparity or violation of minimum labour standards guaranteed by the Bangladesh Export Processing Zones Authority Instruction No – 1& 2 of 1989. In such a scenario, a tripartite communication system comprising BEPZA, investors and labour representatives should be developed to take care of workers' grievances.
20. There are no specific guidelines regarding working hours (Daily/Weekly/Monthly) excluding and including overtime in BEPZA Instructions. According to clause 12 (c) (d) full salaries along with two-day compensatory salary is to be paid against work on festival day. There is no rule for any other alternative leave.
21. In case of termination of only permanent and temporary workers notice is to be served or salary for 120 days and 60 days respectively is to be paid under clause 13. But other workers, employees who are apprentices, contractually do not fall in the above criteria although they are defined as labours under the clause 2 (h) and the service book is also applicable to them under the clause 6.
22. The BEPZA Instructions do not cover affairs like medical check-up, locker, air passage, drinking water, dinning hall, ambulance etc. There is no provision of appointing any labour welfare officer. There is no specific guidelines on emergency exit, fire-extinguishing equipment system and safety arrangements in danger. For employment, the age limit of children, teenager and youth is not fixed. The working hour of the female workers is not fixed. There is no guideline for labour education and development though it was mentioned as one of the duty of the Bangladesh Export Processing Zone Authority.

2.3.1 Basic Features of EPZ Rules and Regulations

Rules and regulations of EPZ can be divided into two categories, i.e., for the establishment of the EPZ and regulating the conditions after establishment. EPZ rules and regulations have derived mainly from four enactments. They are:-

- a) Export Processing Zones Authority Act, 1980
- b) The Bangladesh Private Export Processing Zones Act, 1996
- c) Bangladesh Export Processing Zones Authority Instruction No. 1 of 1989, and
- d) Bangladesh Export Processing Zones Authority Instruction No. 2 of 1989.

Hence we need to discuss these four enactments –

A. Export Processing Zones Authority Act, 1980

This act was enacted for the establishment of the Bangladesh Export Processing Zones Authority for creation, development, operation, management and control of EPZs and for matters connected therewith. It came into force on April 14, 1981.

The general direction and administration of the affairs of the Authority is vested in the Executive Board [s.3 ss.1] and the Board, in discharging its function, acts in accordance with the guidance, order, instructions given by the Board of Governors of the Authority[s.3 ss.2].

Objects of the Authority are:[s.4]

1. To foster and generate economic development of Bangladesh by encouraging and promoting foreign investment in a zone;
2. To diversify the sources of foreign exchange earnings by export;
3. To encourage and foster the establishment and development of the industries and commercial enterprises in a zone;
4. To generate productive employment opportunity and to upgrade labour and management skills through advanced technology.

The act provides for the establishment of Board of Governors, Executive Board, Consultative Committee and Post Sanction Clearance Committee. The compositions of Board of Governors, Executive Board, Consultative Committee and Post Sanction Clearance Committee have been described respectively in Ss.5, 5B, 6A and 6B.

□ The functions of the Authority are: [s.7]

1. to take possession of land by acquisition or requisition;
2. to allot land and building spaces in a zone;
3. to provide infrastructure facilities;
4. to process application for setting up industries within a zone and accord sanction in accordance with the guidelines;
5. to provide customs bonded facilities in accordance with customs regulations;
6. to allow import of raw-materials or semi processed or other goods required for use in the zone;
7. to assist in transportation of imported raw-materials and export of finished products;
8. to provide necessary banking facilities;
9. to establish liaison with port, Municipal and other authorities to make arrangement for transportation;
10. to sanction employment of foreign nationals;
11. to enter into any contract or agreement for the purpose of this ordinance, with the approval of the Government;
12. to do such other act as may be necessary.

B. The Bangladesh Private Export Processing Zones Act, 1996

It is an act to establish Private Export Processing Zones and the objective of this act is to make provisions for export oriented industries and their development, operation, management and regulation and for matters connected therewith.

The act provides for the establishment of Board of Governors and an Executive Cell. The compositions of Board of Governors and an Executive Cell have been described respectively under section 3 and 6.

Powers of the Board are: [s.4 ss.(1)]

1. to formulate policies for the declaration, development, operation, management and regulation for zones
2. to review the performance and activities of the sponsor company
3. to grant license for the establishment of a zone.

Functions of the Executive Cell are: [s.7]

1. to arrange custom bonded facilities for importation into a zone of building and materials for construction purposes, packaging, raw materials and intermediate goods for the purpose of processing for export.
2. to establish liaison with Government, port, municipal and other authorities to make arrangement for transportation of imported raw materials and intermediate goods on bonded conditions and for export of finished goods.
3. to oversee and monitor the operation of the customs authorities in a zone.
4. to oversee and monitor the operation of the police outpost authorities in a zone.
5. to take up the requirement of electricity, water, gas, telecommunication and other utility services of a zone.
6. to assist in registration process.
7. to provide guidelines to the sponsored company in the matter of issue of export and import.
8. to supervise and monitor the activities of sponsor company.
9. to assist in transportation.
10. to provide necessary banking facilities.
11. to sanction employment of foreign nationals.
12. subject to the approval of the Board, to enter into any contract for the purposes of this act.
13. to do all such acts as required by the Board to do, from time to time.
14. to do such other acts as may be necessary.

According to section 8, Board may appoint such officers, advisors, experts and employees for the efficient discharge of the functions of the Executive Cell. The Board shall constitute the committees necessary for assistance and it will fix the members of such committee. [s.9]

The Board may, by notification in the official gazette, issue permission letter to a sponsor company for selection of site for zone and after selection the sponsor company may take other actions as may be necessary. [s.10] The Board may by gazette notification declare any place to be a zone, whether or not selected under section 10. Thereafter, the Board may grant license to the sponsor company for the establishment of a zone. No sponsor company is entitled to make a zone without a license issued by the Board. A license granted under this section shall be affective subject to the conditions and there may conditions additional to the rules provided in this act. [s.11]

Where any land need to be acquired by GOB, then it will acquired under Acquisition and Requisition of Immovable Property Ordinance, 1982 and in case of any compensation, the rules provided in the said act shall apply. [s.12]

Responsibilities of Sponsor Company are – [s.13]

1. To foster and generate economic development of Bangladesh by encouraging and promoting local and foreign investment in a zone
2. To diversify the sources of foreign exchange earnings by export;
3. To encourage and foster the establishment and development of the industries and commercial enterprises in a zone;
4. To generate productive employment opportunity and to upgrade labour and management skills through advanced technology.
5. To provide where necessary infrastructure facilities where necessary
6. subject to the provisions of this act, to do such acts or things as may be directed by the Board or the Executive Cell
7. A sponsor company may allot land, building or part of building to an investor.

If any license holder or permission letter holder violates any of the rules of this act or terms and conditions upon which the license or permission letter was issued, and a report is made on that behalf by the Executive Cell then the Board may cancel or withdraw the license or permission letter. The license or permission letter holder is given a reasonable opportunity of being heard. The aggrieved party may appeal to the GOB and the decision of the GOB shall be final on this matter. [s.19]

Bangladesh Export Processing Zones Authority Instruction No. 1 and 2 of 1989 have been included as Annexure in the Report.

2.3.2 Unions and Workers Organizations

Although the Constitution of Bangladesh guarantees freedom of association, fundamental rights of the workers have been restricted in many areas by the Government. A large portion of workers (e.g. agricultural workers, Government workers and employees in essential and security services, hospitals and clinics, NGOs and EPZ workers etc.) cannot form and join trade unions.

Workers democratic rights are important in making decision on their own future. Human rights and rights to trade union activities are democratic rights. Workers right of minimum wage rages labour cost. But workers should have the right to negotiate their wages with their employers through their freely chosen trade unions. Democratic rights are not protected by the free market economy, which does not necessarily go by fair-play.

Women workers rights are least protected in the RMG sector where they account for around 90% of total employment. They work 12/14 hours a day with low wages generally in relations to male workers and very little over-time rate, no weekly holiday or maternity leave, very little or no medical and welfare facilities, poor health and safety condition, above all, no employment contract letter. Every year a large number of RMG workers loose their lives due to fire accidents. The fundamental principles and rights at work of the RMG women workers are guaranteed and protected. This is particularly because a) they are not organized and have no bargaining power, b) employers are exploitative, and c) around 40% of them have no formal education and training.

2.4 Labour Legislation and It's Implication for Women Garments Workers

A critical analysis of labour laws relating to women garment workers shows that the predominant majority of the labour legislation was enacted prior to the emergence of garments sector. Naturally, the concerns and issues of women garment workers were not and could not have been reflected and accommodated in labour legislation. From this perspective it is all too evident the existing labour laws are obsolete and archaic.

Existing labour laws on matters relating to women workers may also be characterized as paternalistic. Existing labour laws reinforce gender subordination and seclusion of women from the labour market. They fail to acknowledge the fact of a gradual erosion of the traditional patriarchal values caused thanks to the flourishing of the garment industry and increasing recruitment of women workers in that sector.⁷

Field investigation also testifies to the bare fact that the physical structures of the garments factories and industries do not conform to various safety, hygiene, environmental etc. standards set by different labour laws. These standards are as such surprisingly low but even these low standards are not complied with. It appears necessary now to focus on the status of the women workers and in doing so, analysis will be made based on the 420 sample workers interviewed in the study. The background characteristics of these sample workers are presented in Table 6.

Table 6: Percentage distribution of garments worker by age, religion and marital status

Indicators	EPZ	Non-EPZ	Total
Age:			
Upto-19	18.3	56.5	33.6
20-24	51.6	30.4	43.1
25-29	23.4	7.1	16.9
30-34	5.6	2.4	4.3
35 and above	1.2	3.6	2.1
Total	100	100	100
Average age	22.54	20.35	21.66
Religion:			
Muslim	97.6	98.2	97.9
Hinduism	2.4	1.8	2.1
Total	100	100	100
Marital Status:			
Married	67.1	35.7	54.5
Unmarried	24.6	56.5	37.4
Divorced/separated	6.7	7.1	6.9
Widow	1.6	.6	1.2
Total	100	100	100
N	252	168	420

2.4.1 Maternity Benefit and Other Privileges

Maternity Benefit Act, 1939 ensures no welfare for mothers except leave with wages during maternity period. The law does not define the term "women worker", which lead us to ambiguity about the scope of this law. Except leave during 8 weeks preceding and 8 weeks after delivery, this law does not provide any rule concerning security of service, leave during continuity of maternity and income during that period. For example, if for any reason the delivery does not take place within allotted 8 weeks, this law fails to provide for any rule offering guideline on this problem. **This law does not offer for any medical facilities or consultation during the maternity period. Moreover, for violation of any of the rules provided in this law, the amount of fine is so petty that it does not discourage them to violate and it ultimately fails the objective of this law.**

It is important to note that over 50 percent of the female garments workers are married. Although many of them reported maternity leave provisions, 95 percent reported that they do not get assurance of joining after the leave and most do not even know the reasons thereof. It could also be anticipated that the workers do not have clear ideas about the maternity leave as per labor laws or government rules. This implies that awareness building of the workers on legal issues pertaining to maternity benefits and privileges should be given top priority.

Table 7: Assurance of joining after maternity leave

Indicators	EPZ	Non-EPZ	Total
Do you get any assurance of joining after leave?			
Yes	3.6	6.6	4.8
No	96.4	93.5	95.2
Total	100	100	100
If 'not' why?			
Factory does not wait	11.1	9.1	10.0
DK	88.9	90.9	90.0

2.4.1.1 Maternity Benefit in the EPZ

Bangladesh Export Processing Zones Authority Instruction No-1 elaborates provisions regarding maternity benefit. Sec.10 of the instruction stipulates that in order to avail of this benefit a woman must work for 10 months continuously. The instruction further specifies that this benefit may be available only twice in the whole period of service. Furthermore, there must be a three years gap between two maternity periods.

2.4.2 Breast-feeding

Breast-feeding is the best introduction to the life of a baby. Breast-feeding provides full nutrition for children, lays the foundation of their normal growth and mirth. Lacks of favorable atmosphere discourage women workers to breast feed their child. For this problem, some women quit jobs. If an environment for breast-feeding is provided, then the risk of losing skilled employee narrows; the babies are protected from severe diseases and mothers become more interested and attentive in their duties.

Mothers need to be allowed at least, thrice for breast-feeding spanning half an hour during the 8 hours in the work places where child-keeping facilities are available. Our national labour legislation lacks this standard.

2.4.3 Safety

The law provides special safety measures for women and children who are engaged in industrial undertaking.

2.4.3.1 Work on or Near Machinery in Motion

The Factories Act, 1965 prohibits women and children in any factory to clean, lubricate or adjust in part of the machinery in motion, or to work between moving parts or between fixed and moving parts, of any machinery in motion (Sec. 24).

2.4.3.2 Prohibition of Employment of Women and Children Near Cotton Openers

The Factories Act, 1965 also prohibits the employment of women and children in any part of a factory for pressing cotton in which cotton-opener is at work.

2.4.4 Excessive Weight

Rule 48 (1) of the Factories Rules, 1979 provides that no women shall be employed in any factory to lift, carry or move by hand or on head, unaided by another person, any material, article, tool or appliance exceeding the following maximum limit in weight:

Adult Female	50 lbs
Adolescent Female	40 lbs
Female child	30 lbs

Rule 48 (2) of the Factories Rules, 1979 states that while she is pregnant, no women must be employed in any factory to lift, carry or move by hand or on head, any material, article, tools or appliance.

2.4.5 Welfare

Provisions of welfare for the care and comfort of the women workers are also provided in the law. Factories act, 1965 and Factories Rules, 1979 detail out the minimum welfare standard for the care and comfort of women workers.

2.4.5.1 Rules for Children

Every factory employing more than 50 women workers must have a suitable room or rooms for the use of their children under the age of 6 years. Such rooms must provide adequate accommodation, be adequately lit and ventilated and be maintained in clean and sanitary conditions. The rooms will be in charge of women trained or experienced in the care of the children and infants (sec. 47 of the Factories Act).

2.4.5.2 Crèches

Rule 64 of Factories Rules, 1979 provides for crèches for children of mothers working in any factory. It must be conveniently accessible to the mothers of the children accommodated as far as practical, must not be situated in close proximity to any part of the factory where obnoxious fumes, dust or odours are given off or in which excessively noisy processes are carried on.

The building in which the crèches is situated must be soundly constructed and all the walls and roofs must be water proof and made of hit resisting materials. The law also provides clear specifications for the crèches in addition to mentioning other facilities which must accompany the crèches for the children.

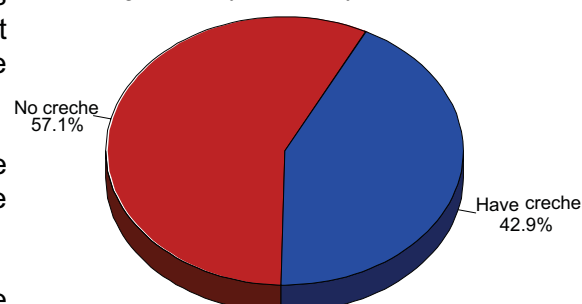
It is evident from figure 2 that in 57.1 percent of garment factories there are no creches of similar child care centres. In the absence of these facilities women workers' are compelled to leave their breast feeding children under the care of varied persons (Table 8).

Table 8: With whom and where your infant stays while you are at work

Respondents answer to the Question	EPZ	Non-EPZ	Total
No breast feeding children	11.1	9.5	10.5
With parents	15.5	3.6	10.7
With husband	3.2	4.2	3.6
with brothers/sisters	3.2	1.2	2.4
with brother/sister in laws	.8		.5
Landlorn	2.0	2.4	2.1
Neighbour	7.1	2.4	5.2
Step mother	1.2		.7
Alone	1.6	.6	1.2
DK	4.4	.6	2.9
NA	50.0	75.6	60.2
N	252	168	420

Source : Annex-1, Table 14

Figure 2: Do you have any child care center?



Source: Annex-1, Table 15

This table reveals that almost 18 percent of the breast-feeding children are left under the care of persons with whom the children have no blood relation. This cannot but significantly affect productivity of their mothers working in garment factories.

2.4.5.3 Supply of milk and refreshment

Rule 66 of the Factories Rules, 1979 provides that children in the crèches must be supplied with at least 2.5 lb (1 pawa) of pure milk each everyday, this must be provided in addition in to an adequate supply of wholesome refreshment.

2.4.5.4 Washroom

- a) Rule 65 of the Factories Rules 1979 requires a wash room in or adjoining the crèches for the washing of the children and their clothing.

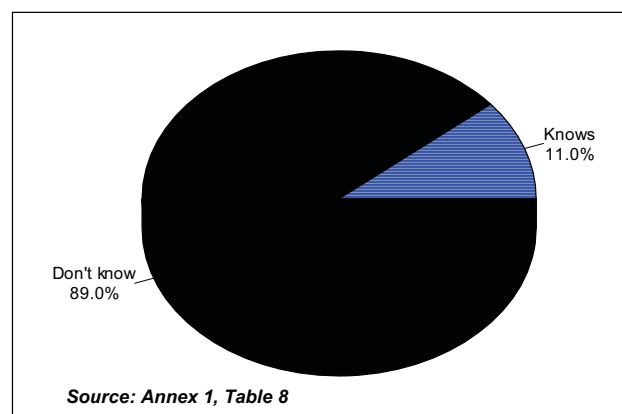
2.4.6 Working hours

Apart from the standard hours of work the Factories Act, 1965 places supplementary restrictions on women workers' hours of work.

Section 65 of the Factories Act states that no women shall be allowed to work in a factory except between 7 a.m. and 8 p.m. However, the government may by notification in the official gazette, in respect of any class or classes of factories and for the whole year or for any part thereof, vary the specified limits to any span of 10 and a half hours between 5 a.m. and 8.30 p.m. However, section 13 of the BEPZA Instruction No.1 provides for a maximum of 60 hours work per week, provided that the average working hour per week does not exceed 56 hours in any year. It further stipulates that no female worker shall be allowed to work in a factory except between 7 a.m. and 8 p.m. Our investigation shows that women garment workers are made to work overtime as a regular feature though no government gazette notification to this effect has ever been made. The situation is that of a flagrant violation of existing laws.

Quite interestingly, during our study the respondents (70.0%) mentioned that they are not made to work overtime. However, when asked about the length of a working day, it turned out to be far more than legally permitted duration. Ultimately it was found that the workers have no idea about legally permissible working day and are under an illusion that for whatever duration they are told to work constitute their working day. This is the consequence of the fact that overwhelming majority of the workers' are not aware about labour laws in general and daily hours of work in particular (Figure 3, Table A.8).

Figure 3: Workers knowledge about labour laws (in EPZ) EPZ and in Non-EPZ



2.4.7 Medical Examination

Rule 18 of Workers' Compensation Rules, 1924 lays down that no woman can be medically examined by a male practitioner without her consent, except in the presence of another woman.

No woman is required to be medically examined by a male medical practitioner if she deposits a sum, sufficient to cover the expenses of an examination by a male practitioner.

2.5. Laws protecting women from workplace violence

Abuse of and violence against women workers is a common complaint. Our study shows that 42.1 percent workers demand that new law be enacted to protect them from work place abuse. Another 18.6 percent wish new laws for protection of pension, provident fund etc. i.e. economic interests, whereas another 13.1 percent would like to have new laws providing for training facilities at the cost of the management (Table 9). This is significant for at least twofold reasons: first, workers are not interested merely in economic rights but, second, they are equally interested in skills development to survive in the labour market. This has additional significance for this campaign in view of the uncertainties predicted as corollaries of introduction of ATC.

Table 9: Enactment of new laws for protection of women freedom and interest

Indicators	EPZ	Non-EPZ	Total
Wage protection	.8		.5
Against abuses	41.7	42.9	42.1
Leave protection	5.6	1.2	3.8
Pension, provident fund	6.7	36.3	18.6
Work load	10.7	3.6	7.9
Trade union	4.8	4.8	4.8
Training	17.1	7.1	13.1
Work for students	3.6	.6	2.4
Overtime payment	3.2	1.2	2.4
Transport allowance	1.6		1.0
Social security	.8		.5
Right time wage	1.6	1.2	1.4
Job security	1.6	1.2	1.4
Retrenchment protection	.4		.2
Same like government service rules	.8		.5
DK	32.1	16.7	26.0
N	252	168	420

Source: Annex-1 Table 19

Although there is no specific law protecting women from violence and maltreatment in places of employment *per se*, provisions under other laws enable workers to seek remedies in the event of workplace violence. The Penal Code, 1860 for example, has provisions that may be effectively applied to redress violence of certain nature. Redress may be sought for disciplinary measures, like slapping and hitting, by factory authorities under the provision of voluntary causing of hurt under section 321 of the Penal Code. The section lays down that a person voluntarily causes hurt if he does any act (a) with the intention of thereby causing hurt to any person, or (b) with knowledge that he is likely thereby to cause hurt. In the present context, workers may resort to section 321 for any transgression on their person by the factory authorities. Section 324 and 326 of the Penal Code provides punishment for causing aggravated forms of hurt or grievous hurt. Instances of grievous hurt include injury by an instrument, fire or deterring substance. Workers may seek reprieve under these provisions in case of workplace injuries caused by heavy instruments, machinery and even fire, which is a common occurrence in Bangladeshi factories.

Workers can also avail of the provisions regarding wrongful restraint and wrongful confinement contained in sections 339 to 341 of the Penal Code. Section 339 provides measures against any person who voluntarily obstructs another or prevents that person from

proceeding in any particular direction in which he wishes and in which he has a right to proceed. This is construed as wrongful restraint. In this regard, even a show of force that impedes a person's movement may amount to wrongful restraint. The provisions on wrongful confinement in section 340 state that whoever wrongfully restrains any person in such a manner as to prevent him from going beyond certain circumscribing limits is said to be guilty of wrongfully confining a person. Wrongfully confinement implies a total constraint. In this regard, detention by the use of physical force is not necessary – evidence of a mere application of moral force is sufficient to substantiate the claim. As such, even an attempt to wrongfully confine a person is punishable under section 357 of the Penal Code.

Workers can have recourse to these various legal provisions in their attempt to evade restricting measures adopted by the factory authorities. The common practice in Bangladeshi factories, more particularly in the garment factories, is to lock the principal gates of the factory after all the workers have gone in. Apart from the fact that accidents leading to even death may occur if workers are not free to make emergency exits as in the case of fire, the practice of locking up workers without allowing them the freedom to go out is a transgression on their right to liberty. Extortion of a confession is also punishable under section 348 of the Penal Code. Where workers are forced to confess to theft they did not commit or compelled to sign or put thumb impressions on documents waiving their rights to benefits or where they are simply asked to sign a resignation letter under duress may be actionable under this provision.

Workers can also charge the management or the employers for using criminal force and assault. Section 353 of the Penal Code prescribes that whoever intentionally uses force to another without his consent (a) in order to commit any offence, or (b) with the intention of causing injury, fear or annoyance to the person against whom it is used. Section 351 of the Penal Code further describes that whoever makes any gesture or preparation intending or knowing that it is likely that such gesture or preparation will cause a person to apprehend that the former will use criminal force on the latter will be guilty of assault. Assault falls short of actual infliction of physical pain; nevertheless, the apprehension of imminent danger is enough to constitute a punishable offence. The intent to outrage the modesty of a woman and to dishonour a person falls within the ambit of sections 354 and 355 of the Penal Code respectively. These legal provisions may be utilized by industrial workers when faced with any of the above mentioned situations in their workplaces.⁸

Although the Penal Code applies to both sexes, there are provisions in other laws that protect women in particular from abuse and harassment. The Nari and Shishu Nirjatan Damon (Bishesh Bidhan) Ain 2000 contains aspects that seek to protect women and children from different aspects of violence including abuse, exploitation, rape and sexual harassment. Like other women, women workers may utilize these laws in their attempt to seek protection against workplace violence. Since the focus of the present study is not violence against women workers in their workplaces, the chapter does not deal extensively with the matter. However, it may be useful to note that the unprecedented entry of young women into wage brought in its wake increased rate of violence against women in workplaces. Incidences of rape, acid throwing and sexual harassment are but some instances of violence that women workers are frequently subjected to. Studies conducted on garment women workers reveal that female workers are violated at the workplace, on the streets and even at their residences⁹. Female workers encounter acts ranging from insults, suggestive comments, bad language, demeaning remarks to unwelcome touching, grabbing and other physical assaults. There is an urgent need therefore, to ensure effective implementation of laws for the protection of women from such bestial acts in order that they feel secure in their various undertakings.

Findings in Table 10 below reveal the degree of violation against women workers and gender discrimination in the garment sector. Almost 50 percent of the respondents indicate

that they have experienced some kind of abuse and violation in the work place. What is more debilitating is the fact that women workers feel helpless to redress the situation. 86.9 percent of the respondents in the EPZ and 81.3 percent in the Non-EPZ areas complain that threat to dismissal is a commonly recurring repression faced by them. The figures for the EPZ area are quite alarming given the fact that compliance with labour standards is at a much higher level there than in Non-EPZ areas.

Table 10: Gender discrimination and abuses

	EPZ	Non-EPZ	Total
Faced discrimination as women			
Yes	16.3	10.7	14.0
No	83.7	89.3	85.9
Total	100	100	100
N	252	168	420
If 'yes' type of discrimination (Multiple)			
Overload than male workers	48.8	55.6	50.8
Misbehave	14.6	11.1	13.6
Bad attitude	4.9	0.0	3.4
Scolding	26.8	16.7	23.7
Helplessness	4.9	27.8	11.9
Assaulting	17.1	11.1	15.3
Favoring	0.0	22.2	6.8
N*	41	18	59
Faced repression at work?			
Yes	33.3	9.5	23.8
No	66.7	90.5	76.2
Total	100	100	100
N	252	168	420
If 'yes' type of repression?			
Mental torturing	2.4	6.3	3.0
Threat to dismissal	86.9	81.3	86.0
Punishment	7.1	0.0	6.0
Assaulting	33.3	12.5	30.0
Suspension	1.2	0.0	1.0
Deduction of payment	6.0	6.3	6.0
Extra work	7.1	0.0	6.0
Force prostitution	1.2	0.0	1.0
N*	84	16	100

The Sad Saga of Rosulan

Rosulan, a young pretty girl of 15 years is from the village of Miruna in Madaripur district. People of this village live in extreme poverty with almost no scope for employment. Fatema, a cousin-sister of Rosulan, of 25 years of age, lives in the neighboring village and works in a garment factory in Dhaka. After insistent requests from Rosulan's parents Fatema agreed to take Rosulan to Dhaka and find her a suitable job. Rosulan accommodated with Fatema in a slum where many migrant garments workers from different districts also live. Fatema requested the manager of her factory to recruit Rosulan as a worker. The manager wanted to see Rosulan first and then decide. During the interview the manager was impressed with Rosulan's beauty and immediately employed her. Fatema never disclosed to Rosulan about the hard and cruel environment of the working place. Fatema's working hours stretch from 9 in the morning till 7 in the evening. Quite often, it extends till 9 p.m. For Fatema this is a normal working day and she is happy to draw a salary of 1500 Taka per month irrespective of the duration of the working hours or of overtime works.

However, Rosulan was appointed with a monthly salary of Taka 700 only as she is very new to this profession. She received no appointment letter or identity card of the factory. Neither did Fatema receive any appointment letter but she received a gate pass as a permanent worker. When Fatema requested the same for Rosulan the manager replied that Rosulan will be issued gate pass after 6 months if she earns faith and credibility of the factory authority. Rosulan does not understand the significance of the document/gate pass. But she understands that the meager amount of Taka 700 is inadequate for her survival in Dhaka. She requested her neighbors to find her another job with at least Taka 1000 per month so she could manage herself and could send a small amount to her poor, needy parents in the village. But the slum dwellers convinced her by saying that this is the standard salary for a beginner in almost all the factories at Dhaka and they advised her to have patience. At last she compromised with the situation and joined the garments factory.

After two months, Rosulan felt that the manager always follows her and tries to be intimate with her, and if she did not respond positively the manager became quite angry and hostile, scolding her for very simple mistakes. Even he threatened to sack her from the job. Rosulan does not understand why the manager is so angry and cruel with her. She asks Fatema about the manager but Fatema consoles her saying that he is of that nature and she should not take things so close to heart and obviously not disclose this to anyone else.

One day Fatema was very sick and could not go to work and Rosulan went alone. In the late hour of the evening, when most of the workers were gone, the manager called Rosulan and proposed to make love with her. He allured Rosulan by indicating that if she agrees her job will be made permanent and her salary will be increased at par with Fatema's. He told that he was in love with her and promised to marry her. Rosulan felt very helpless but she was also allured of a better life. The manager also gave her a 500 Taka note. Rosulan could resist no more! The manager accompanied Rosulan back to her slum but on the way warned her not to disclose this to anyone. Rosulan did not disclose to anybody even to Fatema. After 3 months Rosulan felt very sick and understood that she was pregnant. She asked the manager to marry her but he denied and behaved very rudely.

Rosulan did not know what to do, as this is her first pregnancy and did not have enough money to go for doctor's assistance. She could not report to the work, as she often felt sick. The manager convinced the authority to retrench Rosulan for her irregularity and absence from the workplace. Meanwhile Fatema understood Rosulan's case and after interrogations Rosulan told her everything that had taken place between her and the manager. Then Fatema talked to the manager but the manager threatened Fatema to retrench her from job too. He gave Fatema 1500 Taka to take Rosulan to a clinic for MR. Fatema became afraid and kept mum.

Gone was not only Rosulan's job at the garment factory but also her dreams for a happy future!

2.6. Key Findings

The forgoing analysis enables us to draw the following conclusions:

- i. Labour legislation in general is archaic and to a great extent obsolete.
- ii. Labour legislation is paternalistic in the sense that women rights have not been accommodated on an equal footing with male rights.
- iii. Labour legislation is not garments industry specific because existing labour laws seem to be “unfit” for this sector.
- iv. Even insufficient labour laws addressing the garments industry do not adequately protect women workers’ rights and again the predominant majority of the garment workers are employed outside the EPZs and are not covered by those specialized laws.
- v. Existing labour legislation does not address the peculiar and gender-specific offences and crimes committed against women workers in their workplace. Recourse to regular criminal justice system because of the latter’s weaknesses, leaves women-victims without any or sufficient redress.
- vi. Provisions relating to Maternity benefits are not adequate both in terms of contents and duration of enjoyment.

CHAPTER THREE

INTERNATIONAL FINANCIAL INSTITUTIONS AND LABOUR STANDARDS AND PRACTICES

3.1 International Labour Standard

Many researchers have shown that the booming of garment industry in Bangladesh is a direct consequence of the free flow of private capital in late 1970's. The trend was subsequently strengthened by effecting open market economy and privatization of state owned enterprises in Bangladesh. In these latter schemes international financial institutions (The World Bank, the IMF, and the Asian Development Bank etc.) had a crucial role to play. IFIs pursued a policy that the employers would conform to a minimum labour standard. Precursor of such an international standard was the Havana Charter of 1948¹⁰ which specified

“the members recognized that – all countries have a common interest in the achievement and maintenance of fair labour standards related to productivity, and thus in the improvement of wages and working conditions as productivity may permit. The members recognize that unfair labour conditions, particularly in production for export, create difficulties in international trade and accordingly each member shall take whatever action may be appropriate and feasible to eliminate such conditions within the territory.”

The Havana Charter however never came into existence but these rights were subsequently addressed by GATT and form the basis of a minimum international labour standard. This standard concentrates largely on five of the most widely recognized labour rights. These five rights are:

1. The freedom of association;
2. The right to organize and bargain collectively;
3. The freedom from forced or compulsory labour;
4. A minimum age for the employment of children; and
5. Measures that set forth minimum standards for work conditions.

These standards as well as others are internationally recognized by the international labour organization in its conventions. The ILO has 182 conventions of which Bangladesh has ratified 31 conventions.

Various research show that IFIs and some of the home countries of private capital invested in the garments sector have been pressuring for additional labour standards. Labour relations and standards cannot be examined in isolation of other socio-economic realities of a country. Harmonization of labour standards, therefore, may not be fully desirable. Labour standards should rather be left to the individual countries. Pressuring Bangladesh to elevate labour standards especially in export oriented garment industries appears to be unfair, *inter alia*, for the following reasons:

1. Although developed countries' concerns for developing countries' labour standards are motivated in part by a humanitarian desire to improve the conditions of work in other countries like in Bangladesh, they nonetheless strike many in the developing world as unwarranted intrusion into their internal affairs and affronts to their national sovereignty. We are obviously offended when we are treated as been incapable of deciding what would be appropriate for ourselves and there is nothing wrong in regarding developed countries advice as patronizing.

2. It may be argued that the developed countries call for labour standards is protectionism of a badly – disguised sort. It is, therefore, only natural that protestations about benevolent motives are regarded with considerable skepticism and, anyhow, motives are not observed. What is observable is that most of the support for labour standards comes from labour unions and labour ministries in some of the developed countries. It is obvious that the professed concern about workers welfare is motivated by selfish interest. Sanctimonious pronouncements on humanitarian, democratic and environmental issues are likely to be motivated by a similar selfish desire to put as many obstacles as possible in the way of anyone attempting to catch up and compete with the West.
3. The garments sector of Bangladesh lacks backward-forward linkages. If additional labour standards are put into effect, for example as regards working hour and working week, it might lead to a critical situation when timely shipment will become impossible, thus risking the fate of the contract. Should not these realities be taken into consideration in evaluating labour standards in a country like Bangladesh?
4. Massive poverty in Bangladesh is a fact only too well known to the entire world. Should the labour of Bangladeshi women in garments factories beyond 8 p.m. be outlawed when entire families rely on that labour for their livelihoods? Or, would it be right to impose a 8 hour day or a 48 hour week on people who want to work longer?
5. Finally, it is interesting to note that the ILO itself has opposed sanctions against countries that have failed to comply with conventions they have ratified or with the ILOs universal principals. Why? The answer appears to be quite convincing: "in addition to implementing of sanctions the mere prospect of sanctions is capable of discouraging ratification, or even membership of the organization.....To link trade concessions such as access to their markets to compliance with certain labour standards with a view to combating what they refer to as 'social dumping'.... would cause our supervisory machinery to suffer if the conclusions that result from it are used in a context of coercion."¹¹

Therefore, 'fair trade' in the context of Bangladesh (LDCs) is bound to be different from 'fair trade' from a buyers' (developed countries) perspective. Let us now examine the role of different IFIs in Bangladesh.

3.2. International Financial Institutions and Labour Legislation of Bangladesh

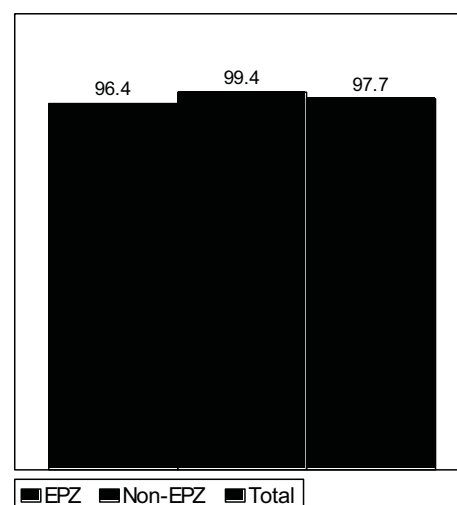
The IFIs are playing a crucial role in the socio-economic development of Bangladesh through their financial and technical assistance. But unfortunately these institutions are not focused on the existing labour laws and practices i.e. in garments sector. They never provide any substantial financial or technical assistance for the development of this sector. Our discussion with experts on labour law and legal consultants of BGMEA shows that IFIs, at least in relation to Bangladesh did not impose any conditionality which ultimately weaken the labour legislation. This however does not exclude the fact that IFIs through their studies and consultations with GOB did not try to influence the latter in bringing about important changes in the existing labour legislation. World Bank's country study "**Bangladesh: Labor Market Policies for Higher Employment**" (Study 1996) makes the following propositions:¹²

1. "Reducing central government's role in wage determination is key to improving industrial relations. In addition, the issue of worker representation at the national level should be resolved, and procedural reforms are needed to help de-politicize the union movement. Finally, government needs to improve present dispute resolution mechanism."

2. "Collective bargaining is not functioning effectively due to public sector norms and policies. Bargaining takes place in private firms within the framework of the IRO and is practiced more widely than in the public sector. However, the process of collective bargaining in the private sector is often disturbed by links between private and public sector unions and the influence exerted by the latter on the former. Developing orderly collectively bargaining in the public sector should help improve industrial relations throughout the economy".

Despite such positive attitude of IFIs in relation to Trade Union, our study shows that in 97.7 percent Garments factories trade union is not existent with 96.4 percent in the EPZ and 99.4 percent in the non-EPZ factories. Even in those 2.4 percent of factories where they do exist it is very doubtful whether they play any positive role to safeguard workers' interest (Figure 4). 100 percent of the respondents expressed their ignorance of whether trade unions play any role to implement their rights.

Figure 4: Absence of Trade Union in garments factory (% reported no trade union)



Source: Annexure-1, Table 10

The role of the IFIs in influencing the labour legislation of Bangladesh is explicit in the following WB formulation for Bangladesh¹³:

"Government should also avoid introducing new regulations that increase the cost of female workers and thereby discourage their employment, such as maternity leave policies and regulations against women's working at night. Women have had good access to formal sector jobs in garments, where regulations have been minimal. The kind of growth that has taken place in the garments industry, with its great opportunities for women's formal employment, needs to be replicated in leather, electronics, processed food, toys, etc."

Another research finding¹⁴ indicates that the WB always ignored the garments sector though the Bank has always been a strong advocate of trade liberalization, private sector investment, and appropriate state incentives¹⁵. It explains why IFIs like the WB did not in any significant way influence the labour legislation especially as pertinent to the garment sector in Bangladesh. The same point was reiterated by the WB officials when interviewed by this research team.

However, it is very likely that IFIs like the WB influence labour standards indirectly through their economic policy prescriptions to the GOB. For example, the PRSP contains a few prescriptions¹⁶, which in our understanding will ultimately influence the existing labour standards by emphasizing the role of private entrepreneurs in the economic development of Bangladesh. Examination of this thesis is however outside the scope of this study.

Identical situation exists with other IFIs. For example, the ADB official interviewed mentioned that this organization is now engaged in collaboration with the ILO in offering technical assistance to GOB for implementation of the ILO Conventions relating to equal employment opportunity and equal wage for similar work for women workers. It is worth mentioning that WB-prescribed national strategy for economic growth and poverty reduction for Bangladesh also envisages these interventions relating women's employment and economic opportunities.¹⁷

During our over-the-telephone interview with some of the IFI officials the sentiment that was expressed is very simple: **the basic problem lies not with inadequacy of existing labour laws and standards in Bangladesh but with their implementation and they are interested in more effective implementation of existing laws.**

It may be argued that non-compliance with the existing laws and standards is a significant factor in keeping the Bangladeshi labour comparatively much cheaper and this is one of the reasons why foreign capital, whether direct or portfolio, comes to Bangladesh. IFIs concerned with protection of private capital therefore, are not inclined in enhancing the existing labour standards and they do not seem to pressure the GOB to effectively implement the existing laws and standards. Any demand from the buyers / importers of garments as regards conformity with existing labour laws and ensuring a minimum international standard apparently comes from the trade unions and labour – interest lobbies of the home countries of foreign capital or investment. The garments sector in Bangladesh has been flourishing in this dichotomy and it is difficult to say that the IFIs play any role in weakening the labour laws and standards of Bangladesh.

3.3. Key Findings

On the basis of our interviews with officials of different IFIs operating in Bangladesh and a review of their publications, policy documents etc., the following conclusions are in order.

1. IFIs in Bangladesh consistently pursued a policy that the employers would conform to a minimum labour standard. However, their actions fall short of direct interventions to protect and promote workers' rights.
2. IFIs generally patronize a labour standard which not only recognizes the minimum international standard set by the ILO but argue uniform application of additional standards, thereby leaving no scope for discrimination or diminishing the difference in the labour standards of the developing countries and the developed world.
3. In the opinion of the IFIs in the context of Bangladesh the basic problem lies not with inadequacy of existing labour laws and standards but with their due and effective implementation.
4. The IFIs influence the government in reducing its role in wage determination and undertake measures to depoliticize the trade union movement. This is viewed to be ultimately impacting the labour laws to the detriment of the workers' interest.
5. The IFIs in Bangladesh though have been found not to play any direct role in setting the labour standards in the country and thus invoke reforms in labour legislation. Some of them like the WB at times are found to influence the Government in implementing certain ILO prescriptions. For example, WBs role in eradicating child labour from the garments sector has been crucial. Similarly IFIs channel resources through the ILO for better implementation of the labour standards in the country. Thus, it is only indirectly that the IFIs influence progressive development of labour legislation in Bangladesh. Recently, IFIs have been found to be active in areas like gender equality, market reform, structural adjustment policy, child labour etc.

CHAPTER FOUR

SOURCING COMPANIES (TNCS) AND EXISTING LABOUR LAW AND PRACTICE

4.1 TNCS, Business Code of Conduct and Garment Workers

The growth of the garments sector has provided unprecedented wage-employment opportunity for the women since their labour is comparatively cheaper and garments manufacturing coincide with women's traditional image of being "clothing people". Women constitute more than 80% of the total work force employed in the garments sector¹⁸.

Predominant majority of this women labour force is employed in garment factories which are either 100% foreign owned (62.6% in the EPZ) or in joint venture factories (16.1% in EPZ) and 100% Bangladeshi owned account for 21.3% share¹⁹. Thus, if to consider EPZ, 78.8% share is controlled by foreign capital in the garments sector. Of these different categories of enterprises more than 80% are garment related. Consequently, we can say predominant majority of the working women are employed in the garments sector which cater to the demand of the sourcing company. These sourcing companies are, more often than not Transnational Corporations (TNCS).

The implications of the existing labour laws and standards on women work force, especially in the garments sector warrant a close scrutiny. Waged employment outside the home provides women increased income which presumably should increase their status. However, waged works more often doubly disadvantages women as they occupy low status and low wage jobs along with retaining the overwhelming burden of child care and house work. It is therefore worthwhile to investigate whether the sourcing companies have in any way directly or indirectly influenced the weakening of labour law and/or its implication.

All the owners/manufacturers interviewed were unanimous in their opinion that they implement existing labour laws and standards and the sourcing companies also demand of them such compliance and implementation. As a matter of fact, lawyers advising the BGMEA and other owners, human rights activists, academicians also expressed similar opinion. The various TNCS have their own business code of conduct which specify the labour standard to be ensured in their respective factory. As an illustration we can refer to The Code of Vendor Conduct pursued by GAP. The code applies "to all factories that produce goods for GAP, Inc. or any of its subsidiaries, divisions, affiliates or agents". The code of conduct stipulates –

"The factories that produce goods for GAP shall operate in full compliance with the laws of the respective countries and with all other applicable laws, rules and regulations.

- A. the factory operates in full compliance with all applicable laws, rules and regulations, including those relating to labour, worker health and safety and the environment.
- B.²⁰

However, our field study proves the contrary i.e. rate of compliance with labour laws is not very high. For example, 60.4 percent of the respondents mentioned that the statutory provision for advance payment of salaries before retrenchment is not adhered to by the management (Table 11). Similarly, 61.4 percent of the respondents indicated that they can not file complaint with the inspector in case of violation of labour standards. To the question what prevents them from complaining, 95.7 percent of the interviewed workers mentioned fear of dismissal to be the main reason.

Table 11: Right of complaint for non-compliance with labour standards and consequences

Indicators	EPZ	Non-EPZ	Total
Can you file objection to the monitor inspector for non-compliance with labour standard?			
Yes	24.2	16.1	21.0
No	70.6	47.6	61.4
No objection	5.2	36.3	17.5
Total	100	100	100
N	252	168	420
If not why? (Multiple)			
Fear of dismissal	95.5	96.3	95.7
No chance to talk	0.6	1.3	0.8
Fear of torture and punishment	1.7	0.0	1.2
No action	0.6	0.0	0.4
Fear of scolding	1.1	0.0	0.8
N*	178	80	258
Are they duly notified before retrenchment?			
Yes	24.6	3.0	16.0
No	75.4	97	84.1
Total	100	100	100
N	252	168	420
Are you paid in advance before retrenchment?			
Yes	61.5	6.5	39.5
No	38.5	93.5	60.4
Total	100	100	100
N	252	168	420
On what basis? (Multiple)			
Payment for three months advance	60.6	6.5	38.9
No benefit	.8		.5
All bonus	1.2	1.2	1.2
NR	37.5	92.3	59.4
Total	100.0	100.0	100.0
N	252	168	420

The code of conduct in a nutshell seeks to adopt international fair labour standards and defines this internationally recognized worker rights including:

- The right of association
- The right to organize and bargain collectively
- No use of forced labour
- Respect for the minimum age of employment of children
- Acceptable provisions relating to minimum wages, hours, occupational safety and health and if applicable, housing.²¹

All the stakeholders interviewed expressed their sincerity about implementation of the existing labour laws and standards. However, what concerns a very basic workers right and which features prominently not only in the national laws but also in the TNCs code of conduct refers to the right of association, right to organize and bargain collectively. Quite interestingly the practice shows that at least these two rights were never seriously taken by any of the stakeholders: the GOB denies trade union rights in the EPZs, the United States insists on the introduction of trade unions, and Japanese and Korean investors threatened to withdraw investment from EPZs if trade union rights are implemented. Looked from a different angle Bangladesh has ratified the ILO Conventions guaranteeing workers right of association and collective bargaining and the exemption of EPZs therefore is in breach of its

commitments. While some investors are threatening to withdraw if existing labour standards are fully implemented, and US threatening to withdraw if they are not implemented, thus creating a critical dilemma for GOB. In our opinion, the emphasis on such labour rights or worker rights as rights of an association is wrongly emphasized in the context of a country like Bangladesh where “a highly politicized and divided trade union movement has resulted in a high rate of industrial action. Trade unions are seen by many in government and business to have largely promoted the personal and political interest of their leaders, neglecting the genuine interests of labour”²². These factors have allegedly interfered with the smooth operation of enterprises, lowered productivity, and increased production costs. The government therefore decided to exclude trade unions in order to make EPZs safe places for investment by both foreign and domestic investors. The policy in fact boils down to a trade – off between the perceived protection of investment and employment, on the one hand, and workers rights on the other.

It is in the area of the compliance with other labour standards that the honesty and genuinity of sourcing companies may be tested. In order to clarify the situation we need to see how the garments sector functions in Bangladesh.

It is widely known that the sourcing companies purchase RMG from Bangladesh not directly from the manufacturer but via the buying houses. These buying houses are virtually the local representatives of the sourcing companies though possessing a distinct legal entity. However, their distinct legal status can not hide the fact that they are integral to sourcing companies' international economic operations and thus are in a position of subsidiary or affiliates of the mother sourcing companies. Legal diversity in economic unity is the true picture of a transnational corporation. This complicated inter-relation between the sourcing company and the buying house is used by the sourcing companies to their advantage. Let us give an illustration: a US sourcing company obliges a garment manufacturer to fully comply with their business code of conduct. The onus of compliance is shifted on to the manufacturer and his state i.e. *de jure* the GOB. On its part the GOB owing to a series of grounds is unable to effectively ensure compliance because effective compliance of some of the existing labour law provisions (for example – health, hygiene, crèche) demands huge investment which it lacks. The sourcing companies on their part are extracting astronomical profits (in some cases 1400%²³) but not willing to share its social/corporate responsibility towards workers i.e. unwilling to share implementing value and risk. This in our opinion is highly paradoxical and must be remedied.

The buyer companies in reality act as middlemen willing to extend their share of the profit. The manufacturer is thus compelled to compromise with many of the labour standards in order to produce the goods at a cheaper price. The manufacturer, it should also be mentioned, is equally interested in extending his share of profit. Thus the whole burden of profit making mechanism falls upon the poor workers. On the other hand, it is the duty of the buyer to confirm payment as terms of letter of credit which often mentions payment at sight. But unfortunately the seller never receives payment at sight after submission of the shipping documents as per contract. As a result, this late payment affects the workers not getting wage in time. Even their payments for work and also payments for overtime work remain unpaid for two or three months. Our field study produced some astounding figures in this respect: 94.8% in the EPZ and 97% in the non-EPZ factories (with an average of 95.7%) told that they are made to work overtime (Table 12). 84.9% of the respondents also complained that payment for overtime is made rather belatedly: in the 3rd week of the month following the month of overtime work. Corresponding figures for the EPZ are is 75.2 percent making the claim that situation in the EPZ is much better compared to the non-EPZ area sound ridiculous. So, it seems only logical that fair trade from the producers side should correspond fair trade from the buyers side only which may benefit the worker and make trade fairer.

Table 12: Overtime, mode of payment, time receiving overtime payment and monthly salary

Indicator	EPZ	Non-EPZ	Total
Whether the respondent perform overtime			
Yes	94.8	97.0	95.7
No	5.2	3.0	4.3
Mode of payment for overtime			
Monthly basis	92.1	97.0	94.0
Weekly basis	.8		.5
Not getting payment for overtime	2.0		1.2
NR	5.2	3.0	4.3
Total	100	100	100
N	252	168	420
Time of receiving payment for overtime after performing overtime			
Within 1 st week of the month	20.5	.6	12.3
Between 1 st -2 nd week of the month	4.3	.6	2.8
After 2 nd week of the month	75.2	98.8	84.9
N*	234	163	397
Date/week of receiving monthly salary			
In the first week of the month	81.3	50.0	68.8
In the second week of the month	17.5	50.0	30.5
After one month	1.2		.7
Total	100	100	100
N	252	168	420

However, generally sourcing companies have no relation with GOB in policy making process. While field visit and discussion with the officers of BEPZA, it is found that sourcing companies may have an influence on the factories of EPZ as they monitor that whether the factories comply with their social services policy and the laws of the country.

If Sourcing Companies want to build Private Export Processing Zone in Bangladesh under The Bangladesh Private Export Processing Zones Act, 1996, then they may have a relation with GOB, which is limited to granting license and to monitor whether the authority of that Private EPZ complying the Acts and rules which they are bound to follow.

4.2 Key Findings

Our field investigation reveals that the garment factories generally cater to the demands of the sourcing companies situated in the developed countries. On their part, the sourcing companies, many of whom are TNCs, procure garments via buying houses. These buying houses are virtually the middlemen between the garment manufacturers and the sourcing companies. Key findings of this chapter are:

1. Sourcing companies generally demand of the garment manufacturer compliance with and implementation of existing labour laws and standards.
2. Sourcing companies (TNCs) prescribe their own business code of conduct which specifies the labour standard to be upheld and ensure in the factories enlisted as their suppliers. These codes of conducts as we have seen in GAP and Wal-Mart provide for the minimum labour standards conforming to the ILO standards.
3. These codes of conduct, *inter alia*, provide for workers' right of association and the right to organize and bargain collectively. However, the absence of these rights in the manufacturers' factories was not seen as an obstacle or impediment for GAP or Wal-Mart to not to procure garments from those factories.

4. Our interviews with various buying houses show that to be enlisted as a sourcing company chain it must confirm its compliance capacity. The factory is rigorously inspected either by the sourcing company or its local representatives (buying house) to see whether the factory is in compliance with existing labour laws of the land and the sourcing companies' business code of conduct. However, quite strangely whether the factory after its initial enlistment continues to comply with the requirements of law and code of conduct is never monitored. Thus, compliance with laws and standards ultimately becomes a fallacy.

CHAPTER FIVE

MFA PHASE-OUT AND ITS IMPACT ON WOMEN WORKERS

5.1 MFA-Phase out

The Multi-Fiber Arrangement (MFA) as an exception of GATT rules was introduced in 1974. The MFA provided a special framework for restraints on import. The essential features of MFA were the following:

- (i) annual levels of exports were established by an exporting developing country and importing developed country through bilateral agreements in respect of specific textiles and clothing products;
- (ii) Growth rates and certain flexibilities regarding the use of the individual export levels were also established by mutual agreement. (These flexibilities were: *swing*, i.e. the use of the export quota of one product partly for the export of another product; *carry over*, i.e., the use of this year's quota partly during the next year; and *carry forward*, i.e., the use of the next year's quota partly for this year.);
- (iii) A dispute between members of the MFA could be considered in a body called the *Textiles Surveillance Body* (TSB).

MFA contained contingency provisions for unilateral restraints in case there was no mutual agreement and the domestic industry in the importing country was suffering from serious damage and market disruption. As such "quota" and Generalized System of Preferences (GSP) ensured market access for the developing and under developing countries by the developed countries and also pave the way of promotion of textile and garments industries in the developing and under developing countries. It is also true that this quota system is one kind of protection of the industries of the developed countries from the flow of imports.

However, this MFA system will phase out on 31 December 2004 and from 1 January 2005 the Agreement on Textiles and Clothing (ATC) will be enforced under the rules of WTO. The trade relations between parties will be set through bilateral and multi-lateral agreements. So, a global competition between importers and exporters seems to be happening and each actor will protect its position by its own credibility and capacity.

5.1.1 Position of the 'Actors' after the MFA

Abolition of MFA will have varied impact on different actors. The developed countries importers will be able to import more efficiently, rationalize their own production and consumption patterns and will not have to pay the cost of quotas in their import prices. No extra commitment like GSP will be carried on. As a result they will have opportunity for maximum bargain and look for maximum profit.

The phase out of MFA means withdrawal of quota and other restrictions. The developing countries like China, Thailand, Taiwan, Korea, and India etc. will get greater opportunity to supply their products into the markets of developed countries with a very competitive price which is the actual goal of the WTO. Because, these countries are well equipped with their backward and forward linkages and also preserve cheaper labour market. However, a new horizon of business with textiles and clothing will emerge with MFA phase out.

Whether the least developed countries' exporters would gain or lose after phase out of MFA is a more complex question. But it is clear that the exporters who are likely to suffer loss from the abolition of MFA are those countries whose quota limits were very large in relation to their current comparative advantage level and secondly by exporters who might have been induced by the MFA to enter the production of textiles and clothing without possessing a comparative advantage in these goods²⁴. Bangladesh is one of that category whose garment sector has been developed without possessing the relevant sectors i.e. backward and forward linkage.

5.2 MFA and Establishment of Garment Sector in Bangladesh

An ensured market (in the USA and the EU) together with the availability of cheap, female labour encouraged both national and international investors to invest in the garment sector in Bangladesh. In addition to these facilities, industrial policies of the GOB also encouraged the multi-national companies to invest in the garments sector of Bangladesh. These policies focused in particular on waiving regulatory provision pertaining to investment in Bangladesh and gave the management of public sector corporations somewhat greater autonomy for commercialization of their operations. Among the other policy instruments having important bearing on the multinational companies entrance into the export oriented garment industries of Bangladesh are exchange rate adjustment, lower interest rate, duty drawback scheme, export performance benefit, bonded warehouse scheme, tax holiday to export industries and back to back letter of credit²⁵. So, many foreign importers and investors moved to the countries where labour market is very cheap and as such the garments sector emerged in Bangladesh with the existing labour laws. Unfortunately, these laws are not quite fit and adequate with the working mechanism of garment sectors. We do understand that these laws are a bit good for the workers while inside the work place. But the basic inadequacy seems to rest with the mechanism the garments factories are established. The government has no such law regulating socio-demographic nature or strategy of establishment of a factory i. e. the basic qualifications and commitments of a factory owner, factories geographical location, environmental policy related to factories, social security of the workers of the factory etc. For this reason it is seen that the garments factories are established anywhere and everywhere in the cities, even in the residential areas not covered by adequate industrial safety measures. At present, maximum buildings of the garment factories are not constructed for establishment of factory. As a result many of the provisions, like drinking water, latrine, canteen, workers working space etc. of the labour laws are not possible at all to implement. Initially, the government has overlooked this issue just to encourage the establishment of the garments factories and the demand of implementation of or compliance with the laws has never been raised neither by the government, nor the importer of any country.

5.2.1 Gender and Garments Sector

With the emergence of garments sector a new horizon for labour market has opened. The young generation of the poor villages migrated to the cities where the 'garments factories' are located. In the beginning, this sector was male dominated and with the turn of time it became female dominated. Of course some socio-economic reasons are related to this change. In the beginning of the industry, the participation of women workers may have been circumstantial, even cultural. Sewing is traditionally women's work in Bangladesh society, although men have always dominated commercial sewing in tailor shops. However, it became a strategic decision consciously made by manufacturers to hire women workers. They wanted a female dominated workforce at the operator level, not at the supervisory and managerial level. The reason was simple: the fear of unionization of workers, the worst threat that an entrepreneur feels in Bangladesh. The fact that the women workers in Bangladesh are naturally dexterous with sewing machines, hardworking, ambitious, more manageable than their male counterpart, and in abundant supply, helped further the cause

of female worker employment in the garment factories.²⁶ Same opinion was expressed during our discussion with the manager of a garment factory that comparatively male workers are more skill, capable, productive but uncontrollable and make many problems whereas women workers despite having many limitations are more disciplined, regular and easily manageable.²⁷ By this above statement it is clear that women workers are easy manageable in all aspects even in case of overtime with less payment, abuse, over burden etc. Their deprivation and tolerance to exploitation made them dominating working force in this sector.

5.3 MFA Phase Out, Globalization and Its Impact

As the MFA phase out time approaches so is felt the acute necessity of reforms as per requirement of globalization under WTO formula. We are now facing many obstacles in export where buyers' business code of conduct requires full compliance of labour laws of the producing country. The buyers are looking for shorter lead time after placement of order. In such case it is worthy to remember that our manufacturer needs 120 days lead time after placement of order when countries like India, Sri-Lanka, China, Taiwan etc. need only 20-45 days. This time gap is related with the import of raw materials from third countries. We have not enough developed textile industries to support our export trade in this sector. Still we are depending on 90% imported textiles for RMG to remain competitive in the international market. After phase out we don't know how far the supply of raw materials will be available or whether the raw materials supplier will be interested to promote his own RMG business. Ultimately, to escape from this unwanted situation we need to set up immediately our own textile manufacturing factories i.e. backward linkage. To resolve the lead time problem it is suggested²⁸ that government may study with BGMEA assistance on the export fabrics and import these on its own initiative and keep in its 'central bond house'. The manufacturer upon receiving order will buy textiles from that bond house and export RMG within 20-45 days like other exporting countries. By doing this GOB can earn extra benefit and promote its manufacturers and the industries as well. During our interview²⁹ it has been told that after phase out of MFA we will face two very serious problems: 1. Compliance with labour law and 2. setting up of backward linkage. After tenure of MFA only group of companies like "Opex group", "Mohamadi group", "Win group" etc. who already have their own backward linkages will survive. Small garments industries would not be able to survive individually. However, it may be questioned whether we will be totally out of problems or dependency even if we establish backward linkages. It is apprehended that then we will be dependant on those countries who will supply us raw material for the backward linkages. Additionally, the importing countries (developed countries) may demand from us compliance with some other conditions which are not at the table now. Consequently, our dependence may be far greater, even perpetual.

The cheap labour is considered to be one of the main attractions of foreign capital in the garments sector in Bangladesh. Labour costs remain low because little effort is made to improve its productivity. Bangladesh offers the opportunity to exploit this cheap labour and to side-step national labour standards. The promotion of cheap labour dictates not only low wage rates, but also low non-wage benefits and poor working conditions. The demands of globalization often tempt employers to violate labour laws. A number of studies have shown that violation of main labour laws is widespread in the garments sector³⁰. International labour standards are also violated in most garment factories.

The labour law requires that all workers receive an appointment letter, since this protects labour rights; but our field investigation reveals that only 46.4% of the women workers received this document (Table 13).

This table is interesting further because it shows that 63.1% of the garment workers were either unemployed or housewives before coming to this profession. It means that garment

sector in Bangladesh may be credited for empowering a significant portion of women in Bangladesh. It also means that MFA phase-out, if sufficient and adequate protective measures are not taken the same amount of women may fall into a precarious situation.

Table 13: Percentage distribution of garments worker by length of service, previous occupation and recruitment procedure

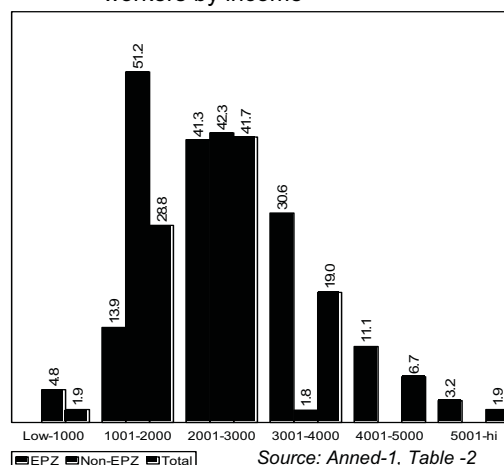
Indicators	EPZ	Non-EPZ	Total
Length of service: in year			
1-2	32.1	43.5	36.7
3-4	33.7	34.5	34.0
5-6	16.7	13.1	15.2
7-Hi	17.5	8.9	14.0
Total	100	100	100
Reasons for choosing this job: (Multiple)			
For income	73.4	63.7	69.5
For future carrier	31.0	46.4	37.1
Easy access	9.5	13.1	11.0
No education required	2.8	4.8	3.6
Escape from village touts	.4		.2
No alternative choice		.6	.2
Right time wage	.4	1.2	.7
N	252	168	420
Previous occupation:			
Service	13.5	25.0	18.1
Housewife	22.2	23.8	22.9
Maid servant	1.2	.6	1.0
Unemployed	39.3	41.7	40.2
Student	21.4	6.5	15.5
Tutoring	2.0		1.2
In other garments factory	.4	1.8	1.0
In cottage industry		.6	.2
Total	100	100	100
How did you get this job:			
By advertisement	36.1	14.3	27.4
Through somebody known to the person (relative, neighbour, some in the field)	41.7	80.4	57.1
Official process	11.5	1.2	7.4
Verbal order by high authority	7.5		4.5
Security guard	1.2	1.2	1.2
By self initiative	2.0	3.0	2.4
Total	100	100	100
Have provision for appointment letter:			
Yes	81.3		48.8
No	18.7	100.0	51.2
Total	100	100	100
Have you got an appointment letter:			
Yes	77.4		46.4
No	22.6	100	53.6
Total	100	100	100
N	252	168	420

Violation of this law results in widespread job insecurity in the garments sector. Workers are often dismissed from their jobs without prior notice or any prior payment as provided for in the labour laws.

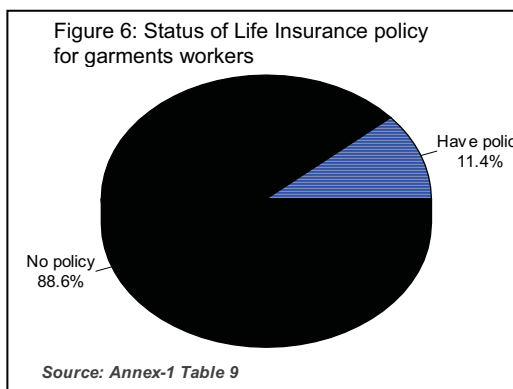
Our study shows that most of the garment workers are appointed on muster-roll. Hence, they are not even put on probation. On the other hand, supply of women labour force is quite in abundance. Advocate Sigma Huda, one of the leading female lawyers involved in protection of the right of the women workers, mentions that abandonment of wives by their husbands and erosion of land ultimately push village women to turn to the garments sector. The employers, on their part take the advantage of this precarious situation of village women – temporary women workers on grounds of very trifling excuses are driven out and new women workers replace them. But again merely on muster-roll basis. This has assumed a kind of permanent feature in our garment sector.

Our study also manifests that 1.9% of women garment workers do not receive the minimum wage fixed for the lowest category workers by law and 98.1% receive at list the minimum wage of 930 taka per month (Figure 6). It is important to note here that fixation of this minimum wage dates back to 1994 and during the last about ten years prices of essential commodities increased by about two times. Therefore the equivalent of 1994 minimum wage of Tk.930 in 2003 should be around Tk.2000. Considering this required real minimum wage, almost one-third of the women workers are deprived of minimum wages. By depriving the workers of the real minimum wage garment employers are benefiting greatly and this is the main issue of conflict between employers and employees.

Figure 5: Percentage distribution of garment workers by income



Formal sector workers are entitled to various non-wage benefits including accommodation, transport, meal and medical allowances, bonuses, pension, and provident fund and insurance benefits. All these benefits are provided under the Factories Act, 1965. Due to the absence of a formal appointment letter, however, garment industry workers, particularly women, are largely deprived of these benefits.



About 89% female garment workers are not protected by life insurance schemes (Figure 6). Even the rest 11.4 percent who think that they are protected by life insurance policy confuse insurance with other bonuses and benefits that they occasionally enjoy. A closer examination may lead to an appealing figure of workers deprivation of lawful rights and benefits.

Garment workers are also largely deprived of medical allowances and facilities. Only 67.9% (see Annex-1, Table-15) of surveyed workers reported that their firm appointed a regular doctor, while the Factories Rules, 1979 provide that “the medical practitioners shall always be available on call during working hours.” Lack of medical facilities and allowances means their incomes are drastically eroded, since they have to spend a considerable amount of money on health problems resulting from occupational hazards and workplace stress. On average, a female garment worker spends 8% of her monthly earnings on health care, whereas her male counterpart spends only 4%³¹.

While the forces of globalization may set the stage for violation of national labour standard, the government has fairly neglected its responsibility to apply and enforce its labour legislation, and employers seem to have taken advantage of this situation. This puts Bangladesh in a vulnerable situation as MFA phases out in 2004 and WTO rules are put in place from January 2005.

So the MFA phase-out will leave us in a global competition where the actors must have all kinds of facilities i.e. backward and forward linkages. Meanwhile before the phasing out we need to make necessary arrangement to strengthen our garments sector, so that, in any circumstances it can survive by its own capacity and internal force. If not then it will survive under threat and dictation of the importing countries and may close down at any time to embrace unemployment and reproduction of poverty. Then the present garment workers will re-migrate to their respective native places. The dominating women workers will be disempowered and will be home-binding. Their experiences and endeavors of these years will go into vain.

5.4. Key findings and Recommendations

As an exclusive rule of general agreements on tariffs and trade, the MFA was introduced in 1974 which ensured market access of the developing and underdeveloped countries in the developed countries through quota and GSP facilities.

1. The MFA has promoted the developing and least developed countries to establish garments sector and a huge number of employment. Specially, women have got opportunity to engage themselves in garments sector where their ratio is 70%³² in comparison with male counterparts.
2. The flexible nature of MFA allowed the actor countries to get into market of each other through investment of capital and use of cheap labour.
3. Bangladesh exploited the opportunity of its cheap labour to get access into the market of developed countries and is the sixth largest apparels supplier to the USA and EU countries.
4. Countries like Bangladesh will face competition and hardship as it has not enough backward linkage as well as skilled and educated labour.
5. Bangladesh has not been able to comply in full with the existing labour laws during MFA regime; but after phase out of MFA how far she will be able to comply with the labour laws and buyers' business code of conduct is very much doubtful.
6. The phase out of MFA will rearrange the livelihood of thousands of garment workers who are mostly women which presents a huge challenge in the labour movement.
7. Efficiency of the marketing agents / government representatives and officials should be enhanced for the competitiveness in global business.

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

Garment workers spend a significant part of their life within the four walls of the garment factories and in the irritating sound and fury of machines and tools and unbearable odour of chemicals. What labour legislation and vendors' code of business conduct does is simply to take care of a workers life as long as he or she remains in the workplace. This is important but we cannot forget that as the worker leaves the workplace he or she enters the gloomy world of thatched roofs, if any, unhygienic surroundings and accompanying misfortunes of life. So if the workplace provides heavenly conditions and security it makes his or her real life even more unbearable where he or she is tormented with the insignificance of a life totally in conflict with elementary human dignity. So in our view any campaign for "fair trade" must be based on a world wide campaign for eradication of exploitation of the workers, fair trade must make a workers life and living condition fair. Until that happens fair trade would remain another trap of the capitalist production relations for bestowing upon the workers trickling effect of capitalist development while keeping them as disempowered and as invisible as ever. It is in this background the following recommendations are made:

1. The minimum working hours, days and weeks need to be increased keeping in view the practice of our neighboring countries of south Asia, so that, our garment sector can compete internationally.
2. The minimum wage of women workers must be fixed at a higher level considering a cost of living and proper mechanism should be devised to monitor effective implementation of wage laws.
3. A uniform business code of conduct for garment industries of Bangladesh should be adopted and BGMEA may be entrusted with this task. This proposed code of conduct should contain elaborate provisions on labour standards, social and other security benefits of the workers, special provisions for women and child workers, obligations of workers vis-à-vis the employers / management, duties and obligation of GoB in relation to the garment sector and to the garment workers.
4. Up-to-date and comprehensive labour code should be enacted.
5. GOB should upgrade its labour policy in which it should emphatically mention corporate social responsibility of the garment manufacturers.
6. GOB may earmark special zone or area (may be a trading zone) specifically for garment industries, such a zone /area may be designated as "garments village". As a first step, recently closed Adamjee Jute Mills territory may be earmarked for this purpose.
7. The GOB may assume the responsibility of importing raw materials for the garment sector which will lead to drastically reduce for the manufacturers' shipment time (Lead time) after purchasing order has been placed.

8. GOB to take measures so that the manufacturers/buying houses/sourcing companies make arrangements for continuous skills training of the garment workers in order to keep the working force competitive in the global market after MFA phase-out.
9. Fair trade at the sellers end must be matched by fair and ethical trade at the buyers end. For this GOB in association with BGMEA must lobby at all levels including at the WTO to oblige the sourcing companies to share in the social upliftment program of the garment workers.
10. A global campaign has to be launched to retain the world market share of Bangladesh for garments.
11. The women garment workers should be organized to bargain collectively with the employers for the improvement of their working situations. Some problems such as gender differentials in wage rates, leisure deprivation, night work, sexual harassment etc., are unique to female workers. Moreover, unlike male workers female workers suffer from reproductive health problems due to occupational hazards. Hence arises the necessity of organizing the women workers.

Most of the above recommendations pertain to necessary amendments and sophistication of labour legislation in Bangladesh. From our field visits, however, we can draw the conclusion that the prime impediment for decent labour standards in garment industries is not necessarily the law but the enforcement of the law. It is in this context, the following suggestions are given to augment and strengthen enforcement mechanism of the labour laws particularly in the garments sectors:

1. Despite the garments sector being one of the most successful sectors in the economy of Bangladesh it still lacks a national policy to depend on. It is believed that adoption of a national policy on garments sector will add fresh impetus to this booming sector.
2. In order to face and combat the global competitions in garments related trade, Bangladesh needs to set up a 'garments village', where adequate facilities for the workers should be introduced as per labour legislation.
3. It is essential to develop a mechanism of 'check and balance' of administration in garment sector. The number of inspectors to monitor the garments sector scattered in the EPZ and non-EPZ areas is evidently inadequate. It is suggested to increase the number of inspectors in such a proportion with the garment factories that effective monitoring of the implementation of labour legislation is made viable and possible.
4. Existing labour laws in Bangladesh focus on the safety of workers while in the work place. It is important to amend the laws so that rights of the workers beyond the work place are also duly protected.
5. It is recommended that a tripartite organization composed of representatives of labour unions, Government, and BGMEA is established to monitor the process of maintenance of labour standards.
6. Compulsory awareness building and training programmes need to be introduced so that the workers of the garment sector can cope with the changing situations of this sector.

7. Access to the labour court should be made easier. Specially, this is essential for the EPZ workers as there are no such provisions in the EPZ rules and regulations.
8. Given the prime importance of the garments sector as a major foreign currency earner, establishment of a textile ministry independent of the 'Jute, Textile and Industry Ministry' may be considered.
9. Since the EPZ workers are deprived of rights of association and given the remote possibilities of recognition of this right of the EPZ workers in the near future some kind of workers welfare association (for example, in the form of Workers Welfare Committee – WWC) may be suggested to function to redress workers deprivations and grievances.
10. For a healthier and secured life of the garment workers, a separate residential area / hostels may be established.
11. Every garment factory, under threat of penalty should be required to submit a quarterly "zero abuse report" to the tripartite body and a copy of that report to be sent to the Ministry of Textile and ILO local office to ensure the implementation of labour legislation in respective factories.

It is believed that recourse to the above mentions suggestions may lead to better implementation of the existing labour legislation. However, devising and appropriate law enforcement mechanism may be the ultimate key to successful implementation of the labour laws and complies with labour standards. The scope of this study does not permit us to venture more on this problem but it is very strongly recommended that an independent study be undertaken to identify possible effective law enforcement mechanism.

Comments and Responses on Draft Report

Non TOR Issues:

1. Method of survey and identity of the target group: See 1.3.1.2 at Page 6.
2. Recommendations on how to improve law enforcement mechanism: See Pages 44, 45.

TOR Issues:

1. Key Story: See "The Sad Saga of Rosulan" at Page 26.
2. Scenario of Women Workers in various women issues between RMG sector and non-RMG sector: See 1.3.1.4 at Page 7.
3. EPZ Rules and Regulations: See 2.3.1 at Pages 15-18.
4. Unions and Workers Organizations: See 2.3.2 at Page 18.
5. Role of IFIs: See Key Findings No. 5 at Page 31.
6. Relationship of the sourcing companies with GOB: See the last para at Page 34 and the 2nd para at Page 35.
7. "Status of the review on labour": This comment is extremely unclear and ambiguous. Moreover, if it concerns the present status of labour law reform initiatives, it resides beyond the scope of TOR.

END NOTE

- ¹ Bhala, International trade Law: Theory and Practice, Lexis Publishing, 2001:1536.
- ² Ibid.
- ³ Ibid.p.1537.
- ⁴ Ibid.p.1538.
- ⁵ OXFAM, Research for the Labour Wedge of the OI Trade Campaign, Terms of Reference, April, 2003
- ⁶ Muhammad Muqtada et al (ed), Bangladesh: Economic and Social Challenges of Globalisation, UPL, 2002, p.19
- ⁷ More on this see: MoWCA, Women in Labour Market. Impact and Implications of labour laws,2002.
- ⁸ Ibid. p.93
- ⁹ Salma Choudhury Zohir, Protima Paul-Majumder, Garment Workers in Bangladesh: Economic, Social and Health Condition, BIDS, 1986.
- ¹⁰ Bhala, Raj, Op.cit. p.1534
- ¹¹ Ibid.
- ¹² World Bank,Bangladesh: Labor Market Policies for Higher Employment, 1996.
- ¹³ Ibid. p:44, 45.
- ¹⁴ Munir Kuddus, Salim Rashid, Entrepreneurs and economic Development: The Remarkable Story of Garment Exports from Bangladesh, 2000, p.143
- ¹⁵ Munir Kuddus *et al*: 2000.
- ¹⁶ Ministry of Finance, Economic Relations Division, GOB, Bangladesh: A National Strategy for Economic Growth and Poverty Reduction, Dhaka, 2002.
- ¹⁷ Bangladesh: A National Strategy for Economic Growth and Poverty Reduction; Economic Relations Ordinance, Ministry of Finance; 2002: 81.
- ¹⁸ Paul-Majumder; Choudhuri Zohir,1994.
- ¹⁹ Muhammad Muqtada *et al*, 2002: 175.
- ²⁰ GAP.
- ²¹ GAP.
- ²² Muhammad Muqtada *et al*, 2002: 170.
- ²³ Informed by Kamrul Hassan, Manager of Arrow Sports Wear, Mirpur, Dhaka
- ²⁴ Bagchi, Jayanta, *World Trade Organisation: An Indian Perspective*, New Delhi, 2000, p.20.
- ²⁵ Pratima Paul-Majumder and Sunanda Majumder, "Mapping Sub-contracting Chain in the Garments Sector of Bangladesh" (Research paper presented in the mid-project workshop on garment industry subcontracting organized by women working worldwide (WWW) held in Bangkok during 4-9 February 2003, p. 5.
- ²⁶ See, Munir Quddus, Salim Rashid, *Entrepreneurs and Economic Development the remarkable story of Garment Exports from Bangladesh*", *The University Press Limited,Dhaka:2000, P.,76*
- ²⁷ Discussion has taken place with the manager/owner of Awrro Sports wear Ltd, Mirpur, Dhaka.
- ²⁸ Interview conducted with Nasir Uddin Ahmed, proprietor of Natan Fashion Ltd. Dhaka.
- ²⁹ Interview has taken with the Director/Manager of Naz Apparel, Mirpur, Dhaka. July, 2003.
- ³⁰ Afsar, 2000; Amin, 1997; Paul-Majumder, 2000; Paul-Majumder, 1998.
- ³¹ Paul-Majumder, Begum, 2000.
- ³² Protima, Paul-Majumder et al. op. cit.p.5

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Annex-I: Tables

Table 1: Response about normal working days/hours

Indicators	EPZ	Non-EPZ	Total
Actual Sequence of normal working day/hours:			
7.00-15.00	.4		.2
7.30-16.00	2.8		1.7
7.30-16.30	3.6		2.1
7.30-17.00	11.5		6.9
7.30-18.00	4.8		2.9
7.30-18.15	9.1		5.5
8.00-13.30	1.6		1.0
8.00-16.30	37.7		22.6
8.00-17.00	28.2	100.0	56.9
8.30-17.30	.4		.2
Total	100	100	100
N	252	168	420

Table 2: Percentage distribution of garments workers by income

	EPZ	Non-EPZ	Total
Income from employment (Tk):			
Low-1000		4.8	1.9
1001-2000	13.9	51.2	28.8
2001-3000	41.3	42.3	41.7
3001-4000	30.6	1.8	19.0
4001-5000	11.1		6.7
5001-hi	3.2		1.9
Total	100	100	100
N	252	168	420

Table 3: Proportion of total earning from employment

Earning sources	EPZ		Non-EPZ		Total	
	Mean	% of total	Mean	% of total	Mean	% of total
Over time (hours)	46.22		57.12		50.58	
Earning from employment except overtime (Tk.)	2242.7	73.7	1406.9	74.7	1908.4	74.0
Income from overtime (Tk.)	556.1	18.3	355.7	18.9	476.0	18.5
Income from food/tiffin (Tk.)	154.8	5.1	23.5	1.2	102.3	4.0
Income from incentives(encouraging)	88.5	2.9	98.1	5.2	92.3	3.6
Total Income from employment (Tk)	3042.1	100	1884.2	100	2578.9	100
N	252		168		420	

Table 4: Overtime work

	EPZ	Non-EPZ	Total
Performed overtime:			
Yes	42.5	11.3	30.0
No	57.5	88.7	70.0
Total	100	100	100
Had forced to work overtime:			
Always	15.5	.6	9.5
Occasionally	42.9	13.1	31.0
Never	41.7	86.3	59.5
Total	100	100	100
N	252	168	420
Reasons for over time work: (Multiple)			
Work load	97.3	91.3	96.5
Less work	5.4	0.0	4.7
Less time	8.8	0.0	7.6
For mistakes done	0.7	0.0	0.6
Fear of scolding	0.7	0.0	0.6
Self responsibility	1.4	4.3	1.8
Lay off	2.0	0.0	1.8
DK	0.0	4.3	0.6
N*	147	23	170

Table 5: Average daily overtime work (hours)

Name of Month	EPZ	Non-EPZ	Total
January	2.020	1.774	1.922
February	2.019	2.214	2.097
March	2.040	1.795	1.942
April	2.036	2.012	2.027
May	2.163	1.809	2.022
June	2.233	2.314	2.266
July	2.093	1.699	1.935
August	1.953	1.559	1.796
September	1.808	1.581	1.717
October	1.721	1.884	1.786
November	1.744	2.088	1.881
December	1.673	2.171	1.873
N	252	168	420

Table 6: Knowledge on wage, employment benefits and work-place problems

Indicators	EPZ	Non-EPZ	Total
Knowledge about wage determination laws:			
Yes	11.5	1.8	7.6
No	88.5	98.2	92.3
Total	100	100	100
Benefits provided (except salary): Multiple			
Medical allowances	29.8	14.9	23.8
Maternity allowances	90.9	28.0	65.7
Festival bonus	97.2	98.2	97.6
Transport facilities	11.1		6.7
Yearly bonus	8.3	.6	5.2
Launch	9.5		5.7
Attendance bonus	17.9	38.7	26.2
Advance payments	.4	1.2	.7
N	252	168	420
Existing problems: (Multiple)			
No bonus	4.4	.6	2.9
Less wage	7.1	11.3	8.8
Heavy work load	8.7	6.0	7.6
No leave	8.7	1.8	6.0
No medicare centre	10.3	1.8	6.9
No food	14.3	6.0	11.0
Scolding	1.2	4.2	2.4
less festival leave	.8		.5
Retrenchment	1.6		1.0
No prayer place	.8		.5
No launch break	.4		.2
No canteen		.6	.2
Open on Friday		2.4	1.0
No monitoring	.4		.2
No child care	.4		.2
No rest time	.4		.2
NR	61.9	78	68.3
N	252	168	420

Table 7: Workers' Association and activities

Indicators	EPZ	Non-EPZ	Total
Have any Workers' Association/ representative (Not Trade Union):			
Yes	13.1	1.2	8.3
No	86.9	98.8	91.6
Total	100	100	100
Activities done by such representative for workers welfare: (Multiple)			
Solving problems	60.6	100.0	62.9
Dispute settlement	12.1	50.0	14.3
Laundering without percentage	24.2	0.0	22.9
Child education	3.0	0.0	2.9
Disaster assistance	3.0	0.0	2.9
Communication with authority	9.1	0.0	8.6
Communication with buyer	3.0	0.0	2.9
N*	33	2	35
Benefits came: (Multiple)			
Solving employment problem	60.6	0.0	57.1
laundering without interest	18.2	0.0	17.1
Child education	3.0	0.0	2.9
Quality food	12.1	50.0	14.3
No benefits	0.0	50.0	2.9
Justice ensure	6.1	0.0	5.7
DK/NR	9.1	0.0	8.6
N*	33	2	35

Table 8: Workers perception of labour laws

Indicators	EPZ	Non-EPZ	Total
Knows any labour law:			
Yes	16.3	3.0	11.0
No	83.7	97.0	89.0
Total	100	100	100
Existing labour law is good enough for workers:			
Yes	13.9	2.4	9.3
No	86.2	97.6	90.7
Total	100	100	100
Reasons for not sufficient to protect garments workers benefits (Multiple)			
No rules on retrenchment	1.2		.7
Threat to dismissal	.4		.2
Non compliance	3.6		2.1
NR/NA	95.2	100	97.2
N	252	168	420
Do you think any necessary to enact new laws for protection of your interest			
Yes	70.6	42.9	59.5
No	29.4	57.1	40.5
Total	100	100	100
Reasons for enactment new laws: (Multiple)			
Inconsistent wage	44.4	77.8	54.0
For enhance labour law	63.5	55.6	61.2
Employment guarantee	20.2	8.3	16.8
Wage on training period	1.7	0.0	1.2
Specific working day/hours	0.0	2.8	0.8
In time wage	2.2	9.7	4.4
Child day care	0.0	2.8	0.8
Not to cut basic pay	0.6	0.0	0.4
Against punishment	1.1	0.0	0.8
Training facilities	0.6	0.0	0.4
DK/NR	12.9	1.4	9.6
N*	178	72	250

Table 9: Information on WTO, its impact and necessary steps to cope with WTO system

Indicators	EPZ	Non-EPZ	Total
Heard about World Trade Organization:			
Yes	27.0	17.9	23.3
No	73	82.1	76.7
Total	100	100	100
Heard about new business opportunities by WTO:			
Yes		.6	.2
No	100	99.4	99.7
Total	100	100	100
What opportunities:			
No response	100	100.0	100
Comments on termination of quota systems and its effects: (Multiple)			
Protect garments industries	65.3	22.0	48.0
Income less	24.3	22.0	23.4
Unemployment	13.1	31.0	20.3
Girls will be derailed	4.8	5.4	5.0
Look for new job	17.5	43.5	27.9
Labour strike	6.8	2.4	5.0
Depend on luck	.4	1.8	1.0
High competition	.8	.6	.7
DK	2.4	8.3	4.8
N	252	168	420
Steps to be taken for development of garments workers: (Multiple)			
Shelter arrangement	27.0	16.7	22.9
Arrangement of permanent worker	2.0	.6	1.4
Increase of wage	76.6	74.4	75.7
Pension facility must be ensured	5.2	.6	3.3
Provident fund	6.3	6.5	6.4
Transport allowance	13.9	17.9	15.5
Food arrangement	2.4	8.9	5.0
Intime wage payment	2.8	.6	1.9
Increment after 6 months	.8		.5
Timely payment for overtime	4.4	2.4	3.6
Extension of leave duration	1.6	3.6	2.4
Medical allowance	1.2		.7
Child care	3.2		1.9
Arrangement for workers development	.4		.2
Job security	.4		.2
DK	6.0	15.5	9.8
Have any life insurance policy for workers':			
Yes	18.3	1.2	11.4
No	81.7	98.8	88.6
Total	100.0	100.0	100.0
N	252	168	420

Table 10: Existence of Trade Union

Indicators	EPZ	Non-EPZ	Total
Have Trade Union in the factory:			
Yes	3.6	.6	2.4
No	96.4	99.4	97.7
Total	100	100	100
Have involvement:			
Yes	1.2	.6	1.0
No	98.9	99.4	99
Total	100	100	100
If yes/No Reasons: (Multiple)			
Leader are careless	.4		.2
Do not like politics	.4		.2
Believe in cooperative	1.6	.6	1.2
We will develop by ourselves	2.4	.6	1.7
DK/NR	95.6	98.8	97
How trade union works for you all? (Multiple)			
Don't Know	100	100	100
How trade union works with garments owners to implement the existing labour law? (Multiple)			
Don't Know	100	100	100
How is the present state relationship of workers with owners?			
Very good	13.5	28.0	19.3
Good	44.4	66.7	53.3
Average	36.9	5.4	24.3
Bad	4.8		2.9
Very bad	.4		.2
Total	100.0	100.0	100.0
N	252	168	420

Table 11: Foreign buyers' interest in labour and labour laws

Indicators	EPZ	Non-EPZ	Total
Foreign buyers talk with workers:			
yes	54.0	38.1	47.6
No	46.0	61.9	52.4
Total	100	100	100
If 'yes' what do they talk about?(Multiple)			
Authorities behaviour with us	23.5	32.8	26.5
In time wage payment	54.4	59.4	56.0
Payment for overtime	2.9	0.0	2.0
Workers facilities	75.7	84.4	78.5
Cost effectiveness of wage	6.6	4.7	6.0
About food	0.7	0.0	0.5
N*	136	64	200
If 'not' whom they talk to?			
Higher authority	24.1	59.6	40.9
Supervisor	92.2	96.2	94.1
Manager	0.0	1.0	0.5
N	116	104	220
Do they give you any advice?			
Yes	27.8	13.1	21.9
No	72.2	86.9	78.0
Total	100	100	100
N	252	168	420
What kind of advice? (Multiple)			
Counseling on facilities	82.9	86.4	83.7
On hard work	8.6	0.0	6.5
Cleanliness of work place	1.4	4.5	2.2
To inform them on misbehave	14.3	9.1	13.0
n*	70	22	92

Table 12: External Monitor or Inspectors' inspection

Indicators	EPZ	Non-EPZ	Total
Any external monitor or inspectors visit your work place?			
Yes	91.7	81.5	87.6
No	8.3	18.5	12.4
Total	100.0	100.0	100.0
N	252	168	420
Average day after any visitors visit the garments (All cases)			
Govt. labour departments- Inspector	27.49	7.17	19.36
Buyers representative	17.37	8.28	13.74
NGO representative	6.69	9.11	7.66
ILO/World Bank	5.50	1.76	4.00
Foreign buyer	21.01	27.40	23.57
Unknown visitor	1.41	24.46	10.63
N	252	168	420

Table 13: Average day after any visitors visit the garments (Reported cases)

	EPZ		Non-EPZ		Total	
	Mean	N	Mean	N	Mean	N
Govt. labour department –Inspector	65.98	105	34.40	35	58.09	140
Buyers representative	23.54	186	19.05	73	22.27	259
NGO representative	105.37	16	49.39	31	68.45	47
ILO/World Bank	115.58	12	42.14	7	88.53	19
Foreign buyer	40.42	131	46.98	98	43.23	229
Unknown visitor	50.71	7	97.86	42	91.12	49

Table 14: Marital status, children, and family members

	EPZ	Non-EPZ	Total
Marital Status			
Yes	72.2	42.3	60.2
No	27.8	57.7	39.8
Total	100	100	100
Number of children (son and daughter)			
1.00	31.7	16.7	25.7
2.00	12.7	7.1	10.5
3.00	5.6	.6	3.6
None/NA	50.0	75.6	60.2
Total	100	100	100
With whom and where your infant stays while you are at work? (Multiple)			
No breast feeding children	11.1	9.5	10.5
With parents	15.5	3.6	10.7
With husband	3.2	4.2	3.6
with brothers/sisters	3.2	1.2	2.4
with brother/sister in laws	.8		.5
Landlorn	2.0	2.4	2.1
Neighbour	7.1	2.4	5.2
Step mother	1.2		.7
Alone	1.6	.6	1.2
DK	4.4	.6	2.9
NA	50.0	75.6	60.2
N	252	168	420
Who manage home in your absence?			
Husband/Parents/Brother/sister/mother-in-laws/Relatives	34.5	52.4	41.7
Lock and key	48.4	40.5	45.2
Neighbors/land lord	8.3	2.4	6.0
Servant	.4		.2
NR	8.4	4.8	6.9
Total	100	100	100
N	252	168	420

Table 15: Health care facilities

Indicators	EPZ	Non-EPZ	Total
Is there any physician in your factory?			
Yes	86.1	99.4	91.4
No	13.9	.6	8.6
Total	100	100	100
Is the doctor available all time?			
Yes	82.1	46.4	67.9
No	17.9	53.6	32.1
Total	100	100	100
Doctors availability time (Hour) -average time/day	7.6	3.2	5.9
N	252	168	420
Do you have any child care center?			
Yes	38.1	50.0	42.9
No	61.9	50	57.1
Total	100	100	100
N	252	168	420

Table 16: Extra benefit for female workers

	EPZ	Non-EPZ	Total
Do you get any extra benefits as female workers?			
Yes	11.5	29.8	18.8
No	88.1	70.2	81.0
No Response	.4		.2
Total	100	100	100
N	252	168	420
Types of extra benefits? (Multiple)			
Early leave	36.7	42.0	40.0
Bonus facility	43.3	0.0	16.3
Provide transport at night to reach home	10.0	0.0	3.8
Separate toilets/prayer room	20.0	82.0	58.8
Female doctor	6.7	14.0	11.3
Entertain to complaints	3.3	2.0	2.5
No misbehave by others	0.0	4.0	2.5
Nursing on illness at factory	10.0	2.0	5.0
DK	0.0	4.0	2.5
N*	30	50	80
What problems do you face here as a women?			
Carelessness on sickness	6.3	3.0	5.0
Misbehave	2.4	6.5	4.0
Precarious	8.7	12.5	10.2
No attendance bonus	2.8		1.7
Less payment than male workers	5.6	7.1	6.2
Scolding and punishment	2.4	4.2	3.1
Assaulting	70.6	72.0	71.2
DK/NR	3.6	3.0	3.2
Are you scolded/ teased for working in a factory?			
Yes	32.9	25.0	29.8
No	67.1	75.0	70.2
Total	100	100	100
N	252	168	420
What types of scolding or teasing?			
Miscalling	31.3	85.7	49.6
Punishment	8.4	7.1	8.0
Bad looking	9.6	4.8	8.0
Bad attitudes and proposals	54.2	19.0	42.4
Underestimate	1.2	0.0	0.8
N*	83	42	125
Who makes?			
Factory authority	15.7	47.6	26.4
People around	43.4	40.5	42.4
Husband	15.7	2.4	11.2
Beighbours	36.1	11.9	28.0
Village people	1.2	0.0	0.8
N*	83	42	125

Table 18: women workers' double burden of work place and home

Indicators	EPZ	Non-EPZ	Total
Can you manage both works in time?			
Yes	65.1	78.6	70.5
No	34.9	21.4	29.5
Total	100	100	100
N	252	168	420
Problems faced at home (multiple)			
Early rising	1.6	2.4	1.9
Can not take care of husband	1.6		1.0
Kitchen management problem	10.3	3.6	7.6
Time constrain	26.2	13.7	21.2
Can not live with freedom	17.9	3.6	12.1
Shortage of toilet, water, bathroom	4.4	3.6	4.0
Precarious life	2.4	9.5	5.2
No problem	.8	.6	.7
No response	54.8	78.0	64.0
N	252	168	420

Table 19: Enactment of new laws for protection of women interest

Indicators	EPZ	Non-EPZ	Total
What new laws to be enacted for protection of women freedom and interest (Multiple)			
Wage protection	.8		.5
Against abuses	41.7	42.9	42.1
Leave protection	5.6	1.2	3.8
Pension, provident fund	6.7	36.3	18.6
Work load	10.7	3.6	7.9
Trade union	4.8	4.8	4.8
Training	17.1	7.1	13.1
Work for students	3.6	.6	2.4
Overtime payment	3.2	1.2	2.4
Transport allowance	1.6		1.0
Social security	.8		.5
Right time wage	1.6	1.2	1.4
Job security	1.6	1.2	1.4
Retrenchment protection	.4		.2
Same like government service rules	.8		.5
DK	32.1	16.7	26.0
N	252	168	420
Do you have to do precarious work?			
Always	11.9	.6	7.4
Sometimes	47.6	11.9	33.3
Never	40.5	87.5	59.3
Total	100	100	100
N	252	168	420
When and why? (Multiple)			
Workload	68.0	90.5	70.8
Shipment time	38.0	4.8	33.9
For extra production	0.7	4.8	1.2
Buyers pressure	1.3	4.8	1.8
Winter season	1.3	4.8	1.8
Never	0.7	0.0	0.6
Before sample preparation	3.3	0.0	2.9
N*	150	21	171