STATE OF BANGLADESH GARMENT SECTOR TRIPARTISM AND THE SCOPE OF HARMONIOUS INDUSTRIAL AND LABOUR RELATIONS

Jakir Hossain
Afroza Akter
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Preface

The ready-made garment (RMG) sector has become one of the important lifelines of the national economy of Bangladesh because of its significant contribution in terms of manufacturing exports (more than 80 percent of the total export) and employment creation for a larger group. This sector has been substantially contributing for the social transformation of a significant portion of the society, particularly for the young women who are mainly from the rural area. At the same time, it is also an undeniable fact that Bangladesh’s garment workers with their dedication and sincere commitment have established themselves as the trigger for the sector itself to be competitive and to support the national economy. Unfortunately, due to lack of effective institutional mechanisms along with other challenges and constrains related industrial relations and fundamental labour rights – garment workers and industry both suffer the most, thus springing up labour disputes.

The study looks at the disputes of garment sector workers and maps out the different representation modalities to settle disputes amongst the different interest groups as there is a poor functioning of the social dialogue mechanisms within the factories in particular and the garment sector in general. The study maps all the existing tripartite representation structures and identify the modalities of setting up a broad based effective tripartite structure in the RMG sector. The study explores and sets out a new structure to bring these issues to the fore and ensure that Bangladesh’s reputation in the RMG is as strong and sturdy as ever.

The study argues that the lack of effective workers’ representation at the plant level leaves workers powerless to protect their own interests. The employers seek maintenance of stability, and accordingly intervene in a way only to establish industrial peace and to continue production. The means used subsequently to resolve disputes are pressure and persuasion to suppress workers’ demands and interests only to be forced to vent out in some other forms at a different time. Obviously, the circle leading no closer to the roots of the workers’ grievances and interests leads to consequences and outcome inequitable not only to workers but also to establish industrial peace. The outcome of such a vicious circle only produces either denial of genuine interests of the workers or a coercive agreement hardly accepted by the workers as well as employers.

The study highlights that a regular dialogue and quick and visible tripartite mechanism is necessary for ensuring safety at workplace, settlement of wage and ensuring decent work at the RMG sector. Tripartism ensures active interactions among the government, workers, and employers as representatives, equal and independent social partners. This tripartite mechanism has to convene regularly to have dialogue not only amongst employers, workers and government, may also include other stakeholders.

This research report is an output of the BILS-FES Workplace Cooperation programme, and has been prepared by Dr. Jakir Hossain, Professor, University of Rajshahi and Dr. Afroza Akter, Researcher, Bangladesh Institute of Labour Studies. The research team received generous support from BILS and FES in carrying out the
research activities. We are highly grateful to the BILS Research Advisory Committee members and specially thankful to Md. Habibur Rahman Shiraz, Chairman, BILS, Leaders of the BILS Advisory Committee and Executive Board Members for the research advisory supports. We are pleased to acknowledge the contribution of government officials, BGMEA, all the Employers, Trade Union leaders, key informants and participants of the consultation meetings for sharing their thoughts and experiences.

Our appreciation to Henrick Maihack, Former Country Representative, Friedrich-Ebert-Stiftung (FES) Bangladesh for his intellectual inputs to this study. We acknowledge support from BILS staff S.M. Kamruzzaman Fahim and Shajib Dey for their research assistance and Arunduty Rani, Program Coordinator, FES in organizing research.

The proposed permanent structure of a tripartite forum in the Bangladesh’s garment sector including its form, coverage, legitimacy and the institutional mechanism, we hope will work towards harmonious industrial and labour relations in the sector. Should this research report is fed into discussion amongst the tripartite and other stakeholders, we would hope the BILS and FES joint programme has made contribution towards establishing harmonious industrial and labour relation in the garment sector of Bangladesh. A permanent tripartite forum for the RMG sector to place recommendation to the government for a coordinated action in the sector is long outstanding.

In the second edition, we have incorporated some recommendations made by government high officials, leaders of Employers’ Federations and Associations, leaders of National Trade Union Federations, representatives of civil society, academicians and international experts. We hope, it will help in developing the maturity of the concept. We are thankful to Mr. Mikail Shipar, Secretary, Mr. Md. Aminul Islam, Joint Secretary and Mr. Khondaker Mostan Hossain, Joint Secretary, Ministry of Labour & Employment, Mr. Srinivas B. Reddy, Country Director, ILO, Dhaka Office, Mr. Faruque Hassan, Sr. Vice President, BGMEA, Mr. Mohammad Hatem, Former Vice President, BKMEA, Leaders of National Trade Union Federations and Representatives of Civil Society for their Participation in this regard.

Nazrul Islam Khan
Secretary General, BILS

Franziska Korn
Resident Representative, FES
## Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>BBS</td>
<td>Bangladesh Bureau of Statistics</td>
</tr>
<tr>
<td>BEF</td>
<td>Bangladesh Employers’ Federation</td>
</tr>
<tr>
<td>BILS</td>
<td>Bangladesh Institute of Labour Studies</td>
</tr>
<tr>
<td>DIFE</td>
<td>Department of Inspection for Factories and Establishments</td>
</tr>
<tr>
<td>DOL</td>
<td>Department of Labour</td>
</tr>
<tr>
<td>FGD</td>
<td>Focus Group Discussions</td>
</tr>
<tr>
<td>FES</td>
<td>Friedrich-Ebert-Stiftung</td>
</tr>
<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
</tr>
<tr>
<td>GoB</td>
<td>Government of Bangladesh</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Organization</td>
</tr>
<tr>
<td>KII</td>
<td>Key Informant Interviews</td>
</tr>
<tr>
<td>LFS</td>
<td>Labour Force Survey</td>
</tr>
<tr>
<td>MOLE</td>
<td>Ministry of Labour and Employment</td>
</tr>
<tr>
<td>MOC</td>
<td>Ministry of Commerce</td>
</tr>
<tr>
<td>MOHPW</td>
<td>Ministry of Housing and Public Works</td>
</tr>
<tr>
<td>SKOP</td>
<td>Sromik Karmochari Oikkya Parisad</td>
</tr>
<tr>
<td>TU</td>
<td>Trade Union</td>
</tr>
<tr>
<td>BJJSJ</td>
<td>Bangladesh Jatiya Sramik Jote</td>
</tr>
<tr>
<td>BNSMF</td>
<td>Bangladesh Mukto Sramik Federation</td>
</tr>
<tr>
<td>JSF</td>
<td>Jatiya Sramik Federation</td>
</tr>
<tr>
<td>TCC</td>
<td>Tripartite Consultative Council</td>
</tr>
<tr>
<td>SCF</td>
<td>Social Compliance Forum for RMG</td>
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<tr>
<td>CMC</td>
<td>Crisis Management Committee</td>
</tr>
<tr>
<td>NTC</td>
<td>National Tripartite Committee</td>
</tr>
<tr>
<td>NTPA</td>
<td>National Tripartite Plan of Action</td>
</tr>
<tr>
<td>BGMEA</td>
<td>Bangladesh Garment Manufacturers and Exporters Association</td>
</tr>
<tr>
<td>BKMEA</td>
<td>Bangladesh Knitwear Manufacturers &amp; Exporters Association</td>
</tr>
<tr>
<td>RMG</td>
<td>Ready Made Garment</td>
</tr>
<tr>
<td>EPZ</td>
<td>Export Processing Zones</td>
</tr>
<tr>
<td>BEPZA</td>
<td>Bangladesh Export Processing Zones Authority</td>
</tr>
<tr>
<td>BLA</td>
<td>Bangladesh Labour Act</td>
</tr>
<tr>
<td>EWWAIRA</td>
<td>Workers Welfare Association and Industrial Relation Act</td>
</tr>
<tr>
<td>DIR</td>
<td>Department of Industrial Relation</td>
</tr>
<tr>
<td>RPCC</td>
<td>Rana Plaza Coordination Cell</td>
</tr>
<tr>
<td>CBA</td>
<td>Collective Bargaining Agent</td>
</tr>
<tr>
<td>TCC</td>
<td>Tripartite Consultative Committee</td>
</tr>
<tr>
<td>EPB</td>
<td>Export Processing Bureau</td>
</tr>
<tr>
<td>OSH</td>
<td>Occupational Safety and Health</td>
</tr>
<tr>
<td>BTMA</td>
<td>Bangladesh Textile Mill Association</td>
</tr>
<tr>
<td>BCCMEA</td>
<td>Bangladesh Corrugated Carton and Accessories Manufacturers’ &amp; Exporters Association</td>
</tr>
<tr>
<td>BTTLMEA</td>
<td>Bangladesh Terry Towel &amp; Linen Manufacturer’s and Exporters Association</td>
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1. INTRODUCTION

Ready-made garments (RMG) are of immense importance to the economy of Bangladesh, accounting for around 80 percent of manufacturing exports and more than three million jobs. Surpassing country’s traditional export items, the garment products have experienced a quantitative leap in both the volume and value. Bangladesh garment workers, undeniably, serve as an asset for the sector itself to be competitive and to support the economy (please see Annex 1 for a brief on Bangladesh’s RMG sector profile).

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

In spite of the presence of institutional mechanisms, workers of this sector suffer due to poor working conditions, constant negligence of labour rights and weak enforcement mechanism. The series of accidents including the Rana Plaza disaster and fire at Tazreen Garments led to renewed focus on the occupational safety and health issues in the sector. Together, the garment sector is beset with numerous disputes amongst the conflicting interests of the employers and workers. As there is limited scope to address workers’ complaints at the factory level, eventually demonstration for rights of workers takes place as a form of protest.

The main reason for the dismal state of settling disputes among the conflicting interests is the lack of or poor functioning of the social dialogue mechanisms within the factories and in the sector level. There are both bipartite and tripartite institutions. Numerous committees too exist in the Ministry of Commerce and Ministry of Labour and Employment. But in most cases their authorities are not well defined. Accordingly, disputes are often settled on an ad-hoc basis and by different ministerial bodies at different times. Also, lacking the appropriate authority to any particular tripartite forum means that the workers’ rights are hardly ensured. The garment sector experience evinces the fact that whenever unrest emerges, government convenes some tripartite meetings but those are not arranged by any permanent committee. The roles of those who arrange such meetings are limited within the current regulatory framework of the country.

The available evidence of the nature of employers’ and government’s intervention in the workers’ protests makes it clear that the ad-hoc policies and strategies to settle crisis merely focus on establishing peace in the sector—by tackling the phenomena of civil disobedience and disturbance not by getting deep into what bring workers to the street protests/blockades in the first instance. But rather than helping to resolve disputes, the ad-hoc mechanisms actually create the conditions for other disputes to emerge and escalate into severe forms.

Indeed, this is a vicious circle. The lack of effective workers’ representation at the plant
level leaves workers powerless to protect their own interests. The employers seek maintenance of stability, and accordingly intervene in a way only to establish industrial peace and to continue production. The means used subsequently to resolve disputes are pressure and persuasion to suppress workers’ demands and interests only to be forced to vent out in some other forms at a different time. Obviously, the circle, leading not closer to the roots of the workers’ grievances and interests, leads to consequences and outcome inequitable to the workers, and it even deters the establishment of industrial peace. The outcome of such a vicious circle only produces either denial of genuine interests of the workers or a coercive agreement hardly accepted by the workers as well as employers.

A regular dialogue and quick and visible tripartite mechanisms are necessary for ensuring safety at workplace, settlement of wage and ensuring decent work at the RMG sector. Tripartism ensures active interactions among the government, workers, and employers as representatives, equal and independent social partners. This tripartite mechanism has to convene regular dialogues among employers, workers and government, and may also include in the dialogue other stakeholders such as brands, buyers, workers’ rights NGOs and other members of civil society. A permanent tripartite forum for the RMG sector to place recommendations to the government for a coordinated action in the sector is long outstanding.

The core objective of the study is to map the existing tripartite representation structures and identify the modalities of setting up a broad-based effective tripartite structure in the RMG sector. To this end the specific objectives are to: (a) analyse the trends and reasons of the industrial dispute, and identify the scope and challenges for settlement; (b) map the existing tripartite structures of the sector and review their roles, activities and challenges for settling crisis in the sector; and (c) identify and spell out clear guidelines for setting up modalities of advocacy for a permanent RMG tripartite structure, and make a set of recommendations for tripartite forum for regular social dialogue.

For developing the modalities of setting up a permanent/legitimate tripartite structure in the RMG sector, the information has been collected both from the primary and secondary sources. The secondary sources include the review and analysis of existing literature relating to existing bipartite and tripartite structures of the sector, its roles, activities and challenges. The primary information has been collected through key informants interviews (KII). The list of participants in these interviews and a checklist for discussion is annexed as Annex 2 and Annex 3. The draft report has been shared with both the national level and sectoral (RMG) trade unions along with multi-level stakeholders in discussion meetings.

The study is presented in four core sections. Following the introduction, the next section highlights the trends and reasons of industrial disputes and dispute settlement procedure. The section identifies the reasons of conflicting industrial and labour relation and focuses on the importance of labour tripartism in RMG Sector. Section three analyzed the current structures of bipartite and tripartite forums, their functions, coordination mechanisms, cooperative arrangements, and achievements and the challenges faced. The section also discussed on the desirable structural changes within the tripartite structures for harmonious industrial and labour relations. The final section outlines the advocacy directions for the TU’s regular social dialogue for setting a broad-based legitimate tripartite forum for RMG sector.
2. INDUSTRIAL DISPUTE AND DISPUTE RESOLUTION

Industrial disputes and conflicts are an unavoidable part of industrial and labour relations because of the differences of interests. The Industrial disputes mainly relate to the strife or difference between employers and employees on the terms of employment. It is also a disagreement between employers and employers, or workers and workers, or employers and workers’ representatives. According to The Bangladesh Labour Law, 2006 [Section 2 (62)] the ‘industrial dispute’ means, any dispute or difference between employers and employers or between employers and worker or between worker and worker which is connected with the employment or non-employment or the terms of employment or the conditions of work of any person.” Industrial dispute may be collective or individual in nature. Individual disputes are those involving a single worker whereas collective disputes involve groups of workers – usually represented by a trade union. When an industrial dispute occurs, both the management and the workers try to coerce each other. The management may resort to lockouts whereas the workers may resort to strikes, picketing or gherao.

This section explores the reasons of industrial disputes and trends of dispute settlement procedure as well as identifies the reasons of conflicting labour relation in Bangladesh. The importance of labour tripartism in Bangladesh’s RMG sector is also analyzed in this section.

Trends and Reasons of Industrial Disputes

The industrial and labour relations have hardly been harmonious in Bangladesh. There are a number of industrial disputes in different sectors each year, however the number is highest in the RMG sector. Although, the exact statistics is hardly available, the evidence based on newspaper reporting shows that, during the period of 2008 to 2014 on an average 259 case of industrial disputes arose in different sectors and on an average, there have been around 175 cases of collective disputes raised against the violation of labour standards and rights in RMG sector. It is however evident that in the years 2008, 2009, and 2013 the number of incidents observed in RMG sector was more than the average incidents e.g. 209, 179 and 199 respectively. The lowest number of disputes (138 incidents) was raised in the year 2011 (Chart-2.1).

The most common form of industrial dispute includes strike, road blockades, demonstrations, sit-in protests and protest marches, confinement of authority, and human chain. During the period of 2006 to 2010 the most common forms of industrial dispute reported as sit in protest and protest

---

**Chart: 2.1 Distribution of RMG sector's agitation against total number of disputes**

![Chart showing distribution of RMG sector's agitation against total number of disputes from 2008 to 2014.](chart.png)

Source: BILS Database on Labour related Media Reports
Marches (96 percent) were followed by work stoppage or strike (89 percent). Then come the other forms of industrial disputes that took place—blockades (78 percent), petition (32 percent) and damage of factory and other property (31 percent).

The reasons of labour disputes are many, but it can be broadly categorized under two heads—economic and non-economic reasons. The economic reasons include the issues like wages, bonus, allowances, and conditions for work, working hours, leave and holidays without pay, unjust layoffs and retrenchments. The non-economic factors contain unfair treatment to workers, employers’ attitude towards workers, sympathetic strikes, political factors, indiscipline at workplace and rumours. The monetary or economic reasons are more obvious since these clearly pull in opposite directions in the conflicting interest between labour and capital.

It is commonly said that the garment workers and the management are engaged in disputes because the workers always want a better wage while the employers always try to minimize the cost. However it is evident that the disputes arise in the RMG sector as the workers are subject to systematic exploitation, long and stressful working hours, casual employment relationships, and exclusion from the rights and benefits they are entitled to (Chart 2.2).

An analysis of the dispute cases reveals that during 2006 to 2010, about 59 percent (53 percent for due wage and overtime payment, 3 percent for delayed payment schedule, and another 3 percent for due employment benefits) is somehow related to monetary dues; and only 19 percent is related to the increase in demand for salary and benefits (Chart 2.2).

Workers’ protests are largely in response to specific violations of rights such as non-payment or delay in payment of wages and overtime, and their demands also relate to working hours, leave and rest, and freedom of association and collective bargaining (around 1 percent of cases each). Lay-off or factory closure was the background of around 7 percent of workers’ protests. Violation of employment contract, particularly employers’ misconduct and unlawful and arbitrary dismissal were the causes behind around 12 percent of incidents in the sector (Hossain, 2012).

The demands are broadly related to work and workplace, and specifically in relation to systematic exploitation much of which is beyond the demands of a decent living from the current below poverty-level wages. Overall, the interests are general in nature, not at all of any special type.

The general interests of workers are mainly exhibited by two other facts of the workers’ agitations. Findings of a study (Hossain 2012)

<table>
<thead>
<tr>
<th>Chart 2.2  Background Demands in Garment Workers’ Agitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not related to work and workplace</td>
</tr>
<tr>
<td>Withdrawal of Police Case</td>
</tr>
<tr>
<td>Lay-off or factory closure</td>
</tr>
<tr>
<td>Freedom of association and collective bargaining</td>
</tr>
<tr>
<td>Employment contract</td>
</tr>
<tr>
<td>Work and workplace environment</td>
</tr>
<tr>
<td>Working hours, leave and rest</td>
</tr>
<tr>
<td>Wage and benefit payment schedule</td>
</tr>
<tr>
<td>Due wage and overtime</td>
</tr>
<tr>
<td>Salary and benefits increase</td>
</tr>
</tbody>
</table>

Source: Hossain, 2012
reveal that, the majority sites of workers’ agitation and protests were solely inside factory (59 percent), however sometimes it started from inside the factory and stretched beyond the factory (36 percent). The focus of the conflict was predominantly individual factory. Around 81 percent of agitation cases during 2006 to 2010 were targeted towards individual factory; mass scale protests were recorded in around 19 percent cases (Chart 2.3).

The manifested workers’ interests pursued by their representatives go far deeper than the problem of poverty level wages. Temporary contracts, systematic exclusion from social security benefits, repression of trade union organizing, and problems in accessing state provision of basic services are often the issues taken forward by the representatives along with the problem of low wages. However, the workers’ interests as exhibited in their agitations are of latent nature. The latent interests get manifested by workers themselves only when systematic exploitation becomes unbearable to them.

The reason of the workers’ interests being latent is that workers keep their grievances suppressed since they understand that expression to them might lead to abuse by mid-management or even to job-loss. In the mentioned study (Hossain, 2012), the workers identified fear of job-loss as the main reason for lack of initiative for collective action. The study however revealed that workers see moving to another factory as an easy and relatively less costly alternative to protests and mobilizations. Thus the interests are mostly covered. And these interests only get ignited with sudden outburst of a particular incident e.g., humiliation and abuse, termination of job, or even sudden lay-off or closure of factories. When conditions become too oppressive or when there is no scope for bargaining, a worker either simply leaves the job (for good or for joining move to another factory) as a silent protest, or channels the demands through formal or informal interest groups. When management arbitrarily dismisses workers or even keeps workers’ wage and overtime payment unpaid, workers are often left with little option but to stage a public protest in the hope of forcing the employers to listen to them, or the government to intervene on their behalf.

In situations of extreme and prolonged violation of rights primarily related to delay and non-payment of wages and overtime dues, protests spill onto the streets and to other factories.

Along with the regular demand of due wage and benefits, compensation, wage and benefits hike, it often requires a sudden action by the owner/management to spark off an outburst that unites all the workers and moves outside the factory floor. The actions which trigger off such outbursts include harassment

![Chart 2.3 Sites and Spread of Workers’ Agitation]

Source: Hossain, 2012

<table>
<thead>
<tr>
<th>Sites of Agitation</th>
<th>Spread of Agitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inside only 481 (59%)</td>
<td>Few factories 36 (4%)</td>
</tr>
<tr>
<td>Outside only 39 (5%)</td>
<td>Individual factory 759 (94%)</td>
</tr>
<tr>
<td>Spreaded out from inside 288 (36%)</td>
<td>Many factories 13 (2%)</td>
</tr>
</tbody>
</table>
and abuse of workers (5 per cent), closing factory, sudden lay-off of the factory (7 per cent), police cases filed against workers (2 per cent) etc. (Chart 2.4).

With no mechanism within enterprises to alleviate labour-management tensions, worker dissatisfaction often builds up over a long period, and protests are sparked off by a specific incident. Protests are perceived to be ways workers can motivate employers and government officials to take their interests and aspirations seriously.

This is not to claim that no individual protest takes place. Individual action by garment workers even by female workers transcending the feudal, religious, and traditional gender relations is increasingly being used to protest unfair treatment, to bargain for higher wages, or to demand arrear payments. Nonetheless, workers’ resistance against workers’ rights violation is primarily collective.

**System of Industrial Dispute Resolution**

Dispute resolution is an essential part of any well-functioning labour market and industrial relations system. Where there are labour relations one inevitably finds labour disputes and the need to resolve them efficiently, effectively and equitably for the benefit of all the parties involved and the economy at large. Effective dispute resolution may help employers to maintain good relationship with their employees by dealing with workplace issues.

This section highlights the legal aspects of industrial dispute resolution in Bangladesh and analyses how industrial disputes between employers and employees are actually resolved. The issues have been discussed here in terms of— Labour Administration, Labour Judiciary and Interest Representation.

**Labour Administration**

Labour administrations in each country typically establish labour dispute resolution procedures in national legislations. Resolving system of labour dispute in Bangladesh is clearly outlined both in The Bangladesh Labour Law 2006 (BLA 2006) and EPZ Workers Welfare Association and Industrial Relation Act 2010 (EWWAIRA 2010). The BLA 2006 provides procedures to settle industrial disputes by the employer or the collective bargaining agent (CBA)\(^1\) outside the EPZ (Sec. 210), while the EWWAIRA provides industrial dispute resolving procedure inside the EPZ. According to these legal instruments, the industrial disputes of both rights and interests can be settled through three steps – negotiation, conciliation, and arbitration.

<table>
<thead>
<tr>
<th>Chart 2.4 Trigger of Workers’ Agitation</th>
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<tr>
<td>Due wage &amp; benefits</td>
</tr>
<tr>
<td>Wage and benefits hike 4.5 % (36)</td>
</tr>
<tr>
<td>Harrassment/ abuse 6.7 % (54)</td>
</tr>
<tr>
<td>Arbitrary dismissal</td>
</tr>
<tr>
<td>Work &amp; workplace environment 5.5 % (44)</td>
</tr>
<tr>
<td>% of Cases 0 5 10 15 20 25 30 35 40 45 50</td>
</tr>
</tbody>
</table>

Source: Hossain, 2012

\(^1\) Generally Trade Union is allowed to work as a collective bargaining agent (CBA). If there is one registered trade union in an establishment, it shall be treated as a CBA, but if there is more than one trade union in an establishment then CBA determine through election from the TUs(BLA 2006, Section 202). In EPZ workers representatives of Workers Welfare Association are entitled to work as CBA [EWWAIRA 2010, Section 37 (1)].
Negotiation:
When an industrial dispute is likely to arise between the employer and the workers or any of the workers and employer, at first the collective bargaining agent shall communicate with the other party in writing. Then the recipient party shall take initiative to arrange a meeting for negotiation within fifteen days of the receipt of the communication. If the both parties make a positive solution to the disputed issues, a deed of settlement shall be recorded and signed by both the parties and the copy of the deed is forwarded to the government and the conciliator thereof. [Section 210 (1,2,3)]

Conciliation:
If the negotiation fails within a period of one month from the date of the first meeting of negotiation, it shall be forwarded to the conciliator for the process of conciliation. If the dispute is settled through conciliation the conciliator shall report it to the government along with the settlement deed but if not settled within 30 days of initiation of conciliation it will be treated as to have failed. However, the consultation may be extended after the period if both parties agree in writing. [Section 210 (4-b)]

Arbitration:
If the conciliation also turns into failure, the conciliator shall try to influence the parties to agree to refer the dispute to an arbitrator. When both parties agree, then the conciliator shall forward the matters to an arbitrator chosen by both parties. The arbitrator shall present award within the thirty days or such further period as may be agreed upon by them after the dispute is received. After making award the arbitrator shall forward a copy of it to the parties and to the Government. [Section 210 (4-b)]

Right to Strike or Lock-out
If the parties (in case of industrial disputes outside EPZ) do not agree to refer the dispute to the arbitrator, then the conciliator shall issue a certificate to the parties within three days that the proceedings have failed. In this case the party which raised the dispute may provide the notice of strike or lock-out to the other parties. The date of commencement not to be earlier than seven days and not later than fourteen days of serving that notice. But for serving notice consent of two third members is needed to call a strike (BLAA, 2013). If a strike or lock-out lasts more than 30 days the conciliator may refer the dispute to the Labour

Chart 2.5 Status of Disputes Taken Up for Conciliation

<table>
<thead>
<tr>
<th>Year</th>
<th>Fully settled</th>
<th>Partially Settled</th>
<th>Not Proceeded</th>
<th>Failed</th>
<th>Pending</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>14</td>
<td>0</td>
<td>6.3</td>
<td>61.5</td>
<td>20.6</td>
</tr>
<tr>
<td>1991</td>
<td>13</td>
<td>0</td>
<td>7.5</td>
<td>62.1</td>
<td>20.0</td>
</tr>
<tr>
<td>1992</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>22.6</td>
</tr>
<tr>
<td>1993</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>1994</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>1995</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>1996</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>1997</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>1998</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>1999</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>2000</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>2001</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>2002</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>2003</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>2004</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>2005</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>2006</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>2007</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>2008</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>2009</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>2010</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
<tr>
<td>2011</td>
<td>12</td>
<td>0</td>
<td>7.4</td>
<td>62.1</td>
<td>21.2</td>
</tr>
</tbody>
</table>

Court prohibiting strike or lock-out. In case of EPZ if the negotiation and conciliation process fails, the parties involved in the dispute are not entitled to go for strike or lock-out. Though the EWWAIRA allows the concerned parties to go to The EPZ Tribunal for settling dispute, however, no such Tribunal has been set up till now in EPZ. Nonetheless, the issue can be raised in the labour courts.

It is observed in recent years that more than 90 percent of dispute cases are reported to have fully been settled through the conciliation machinery. The average fully settled cases during the first decade were 37 percent, which increased to 67 percent in the following decade. The statistics however reveal the number of failed and pending cases decreased during the years (Chart 2.5). It implies that when conciliation is utilized as means of dispute settlement, it works effectively in settling the disputes.

The above chart amply reveals that over the years, only a small number of industrial dispute cases have been taken up for conciliation. For example, during the period of 1990 to 2000, on an average, some 403 disputes per year went through the conciliation machinery, which was only 74 per year during the period of 2001 to 2010, and 246 cases per year during the period of 1990 to 2010. In contrast, on an average, 4995 and 274 disputes annually went through the labour courts and labour appellate tribunal respectively during 1990-2010 (Table 2.1).

These mean that the labour administration for promoting compliance with labour laws and for resolving labour disputes is weak. The administrative mechanisms often fail to provide the workers with amicable solution to grievances and disputes putting undue pressure on the labour judiciary to settle disputes originating from the conflicting interests of workers and employers.

**Labour Judiciary**

The labour courts deal with both industrial disputes and individual grievances. A dispute may be referred to labour courts by the employers, the workers, or by the government. When the bipartite negotiation and conciliation are exhausted, the disputant parties either before or after the commencement of a strike or lock-out may make an application to the Labour Court for the adjudication of the matter. A worker can apply to the Labour Court for resolution if any deduction is made from the wages, or any payment of wages is delayed, or payment of wages or gratuity under any rule or his dues in the provident fund is delayed. An individual worker who has been dismissed, retrenched, laid-off or otherwise removed from employment can make a complaint to the Labour Court.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Cases</th>
<th>Conciliation</th>
<th>Labour Courts</th>
<th>Appellate Tribunal</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average 1990-2000</td>
<td>6522</td>
<td>403</td>
<td>5957</td>
<td>161</td>
<td>6118</td>
</tr>
<tr>
<td>Average 2001-2010</td>
<td>4271</td>
<td>74</td>
<td>3936</td>
<td>522</td>
<td>4458</td>
</tr>
<tr>
<td>Average 1990-2010</td>
<td>5450</td>
<td>246</td>
<td>4995</td>
<td>247</td>
<td>5269</td>
</tr>
<tr>
<td>2011</td>
<td>7719</td>
<td>142</td>
<td>7577</td>
<td></td>
<td>7577</td>
</tr>
<tr>
<td>2012</td>
<td>7663</td>
<td>159</td>
<td>7504</td>
<td></td>
<td>7504</td>
</tr>
<tr>
<td>2013</td>
<td></td>
<td></td>
<td>7175</td>
<td>538</td>
<td>7713</td>
</tr>
<tr>
<td>2014</td>
<td></td>
<td></td>
<td>7414</td>
<td>672</td>
<td>8086</td>
</tr>
</tbody>
</table>

Data Source: Bangladesh Labour Journal, various issues, Department of Labour, GoB
The worker (or legal heir in case deceased) or any legal representative may apply to the Labour Court for redress.

While for workers filing a case at the labour courts is subject to time-limits, the time taken to settle a case is rather long. Most of the labour courts fail to dispose of the cases within the statutory time limit of 60 days. “Six months to over a year appears to be normal, and the actual time for resolution can be much longer, particularly if brought to appeal, (Hossain, 2012)” Farooque (2009) in his study shows that, about 50 percent of the cases at Chittagong Labour Court took a time period between 12 months and 36 months. The time required for 25 percent of the cases ranged between three years and five years. About 8 per cent of the cases took more than five years. The average time taken to decide the cases by the First Court and the Second Court of Dhaka was more than 17.5 months and 31 months respectively.

An annual average of 4047 cases were filed at labour courts during 1990 to 2010, of which on an average 2248 cases were disposed of and others remained pending. The pending cases increased in proportion to number of cases filed (Chart 2.6 and Chart 2.7).

The long time period for settling disputes through labour courts is due to a number of reasons. Two of which is of paramount importance in terms of government’s action in providing adequate resources to make the labor judiciary functional.

First, on adequacy of courts: the coverage of labor courts is low due to the inadequate number of courts. Currently, there are seven Labor Courts—three in Dhaka, and one in each of the four divisional headquarters. The maiden appellate tribunal with only one Bench is in Dhaka.²

Second, on composition of the courts: the BLA 2006 provides that a Labor Court shall

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² The inadequacy looms large against the vested power of the government. The government has according to the BLA 2006 the power to establish as many Labour Courts as it considers necessary. Also, the Government is empowered to appoint as many as members as required for the Tribunal to form several Benches for smooth functioning (BLA 2006, Article 214).
consist of a chairman and two members—one of whom is the representative of employers and the other is the representative of workers. This representative character of the labour courts is not extended to cases related to wage and payment, and to workers’ compensation for injury by accident (BLA 2006, Chapters X and XII) for which the court is constituted with the Chairman only. The chairmen of the courts are appointed by the government from sitting District Judges or Additional District Judges. The selection of judges for labour courts follows no standardized procedures, thus political pressure from the ruling party at times play important part for recruitment. Remuneration and benefits of the members of the courts are reported to be poor leading to disinterest in attending court sessions. Absence of employers’ and workers’ representatives is often the cause to this kind of delay.

Another important barrier to access to labour judiciary is the lack of awareness about the entitlement. Garment workers hardly know whether they can take legal measure in case of conflict with their employers. The lack of knowledge on the case-filing procedures, in effect, causes the emergence and growth of the middlemen (intermediaries) to access the legal facilities, which often cost the workers handsome amount of money. The discontent in terms of the access to justice is widespread amongst workers. They allege that the court always favours the employers; the nature of the verdict often depends on the amount of money given as bribe, muscle or corrupt practices (Hossain, 2012 b).

**Interest Representation**

The participatory interest representation system in the RMG sector to comprise, aggregate, resolve, and mediate various interests of individuals and groups is a complex one. Currently, three tiers of the structure exist: a) Enterprise level b) Industrial level c) National level. According to records of the Register of Trade Unions, there are 32 national-level trade union federations representing workers in various industry including garments. In the garment sector itself, there are 23 national garment labour federations, and 20 division based garment federations.

Another key institutional group is the alliance of the National Federation of Trade Unions—Sramik Karmachari Oikkya Parishad (SKOP). The plant level trade unions are the associational groups for the sector. According to the records of the Register of Trade Unions, there are only 329 plant level unions (around 200 of which were registered in last 2 years) in the garment sector. These plant level unions are affiliated with the 36 national and division based garment federations.

The garment factories in the EPZs are still exempted from forming trade unions, and instead, workers are allowed to form associations (WWS) on the basis of referendum by workers. A total of only 143 (Dhaka – 54; Chittagong – 89) such workers’ associations have until today formed in 264 enterprises at Dhaka (101) and Chittagong (163) EPZs of the country. In view of the inadequacy of plant level unions and associations, the sector’s workers’ representation is carried out by multiple national and/or industrial federations.

Whilst multiplicity of these interest groups is an important feature, it has some weaknesses in representing workers’ interests. Three of the factors are mostly indicative in this regard.

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3 National level federations are combination of basic and industrial federations. According to Article 200(5) of BLA, 2006, not less than 20 trade unions formed in different types of industries may, jointly, constitute a federation.

4 According to Article 200 (1) of BLA 2006 (amended in 2013), any five or more registered trade unions formed in establishments engaged, or carrying on, similar or identical industry may, if their respective general bodies so resolved can constitute a federation by executing an instrument of federation and apply for the registration of the federation. At present, a total of 108 industrial federations are registered.
First, along with the non-representative character of the unions at the plant level, the ever growing organizational multiplicity suffers from poor organizational strength caused by lack of membership.

Second, the female membership in trade unions varies widely, ranging from as low as two percent to as much as around 33 percent. The average rate of female participation in the selected federations stands at around 16 percent (BILS 2009).

Third, unions along with their members often are highly politicized, and devoid of lacking working class ideology. The multiple national and industry-wise federations are mainly the result of political outsider wanting to establish unions of their own with a view to increasing their political influence (Ahmed, Hossain and Kabir 2012).

Fourth, the trade unions suffer heavily in terms of finance in representing workers’ interests. The average income of most of the unions has been low and almost inadequate to carryout regular advocacy through direct and indirect means.

The non-associational and anomic groups, in contrast, are perceived to be more representative to workers’ interests due to the existence of workers’ apathy in expressing their interests through formal channels. There are unregistered trade unions numbering over thirty. There are too loosely structured platforms of unions and union leaders e.g., Garment Industry and Workers’ Protection Alliance, Garment Sramik Sangram Parishad, and Garment Workers Unity Council, and forums run by workers’ rights NGOs e.g., Sramik Nirapotta Forum which work to uphold garment workers’ interests as non-associational groups. These platforms have less formalized structure, and many of them are issue based e.g., OSH, living wage. Nonetheless, all these groups consist of people who share a common interest.

The anomic groups in the sector are spontaneous uncoordinated protests by the workers themselves. The less confrontational struggles on the factory premises take place through workers coming together spontaneously to lodge a complaint with the factory management. In situations of extreme and prolonged violation of rights primarily related to delay and non-payment of wages and overtime dues, protests spill onto the streets and to other factories. Along with the regular demand of due wage and benefits, compensation, wage and benefits hike, it often requires a sudden action by the owner/management to spark an outburst that unites all the workers and moves outside the factory floor.

With no mechanism within enterprises to alleviate labour-management tensions, employee dissatisfaction often builds up over a long period of time, and protests are sparked off by a specific incident. When they are denied outlets for their grievances by the lack of an effective collective bargaining system, they have little option but to make those grievances public by staging strikes, demonstrations, sit-ins and blocking roads and highways nearby. This is the only way workers perceive that they can get employers and government officials to take their interests and aspirations seriously.

The Need for RMG Sector Tripartism

Tripartite cooperation plays an important role in promoting harmonious labour relations. Tripartism is the process whereby representatives of workers, employers and the government work together and facilitate the improvement of labour standards and protection of workers’ rights, as well as resolve employment related tension of common concerns through consultation and discussion. Tripartism is defined as “the interaction of government, employers and workers (through their representatives) as equal and independent partners to seek solutions to issues of common concern”. It also refers to the involvement of employers’ and workers’ organizations, alongside the government, in an equal footing, in decision-making. (ILO, 2013).
Since in tripartism, three parties (Government representatives, workers’ representatives and employers’ representatives) work together, and trade union or workers are encouraged to dialogue with the management as a team, it becomes easy to make consensus on the relevant issue and the establishment can get better corporate result. However the policies and measures that are initiated through tripartite consultation would find greater acceptance and ownership and could then be implemented smoothly.

The tripartite consultation helps to settle industrial disputes. The earlier discussion reveals that a large number of disputes regarding different issues e.g. wage and benefit, workplace environment, compensation, harassment, arbitral dismiss, have been raised at workplace and a significant number of them have been settled through tripartite consultation. It has been found that the disputes which are taken up for conciliation around 95 percent of them are fully settled and a little proportion are pending, while the status of handing the cases in labour courts indicates that on an average during the last two decades only about 35 percent cases have been settled and the others remained pending. It is therefore evident that tripartism has significant role in dispute resolution. Furthermore, the tripartite cooperation helps to ensure smooth political and economic transitions and mitigate the impacts of crises. Above all it is considered significant for creating a business friendly environment and attracting foreign investment.
3. CURRENT STATE OF LABOUR TRIPARTISM

Tripartism is the process through which the foundation for a harmonious industrial relations system can be laid at the national and enterprise level. Several tripartite institutions and committees/forums were set up at different times to address various labour market issues and create and implement labour regulations in Bangladesh. Tripartism is institutionalized in the country mainly through the ratification of the ILO Convention concerning Tripartite Consultations to promote the implementation of International Labour Standards, 1976 (No. 144) in 1979.

This section explores the current state of labour tripartism in RMG sector. To do this, the section analyses the current structures of existing tripartite forum in RMG sector, its functions, co-ordination mechanisms and cooperative arrangement, and its achievement and challenges. To that end, we explore whether there are requirements of structural changes of tripartite forum in the RMG sector for a harmonious industrial and labour relations. The current structure of the forums, its functions, co-ordination mechanisms and cooperative arrangement, and its achievement and challenges are analyzed in this section mainly based on review of the reports, meeting minutes, government gazette and the information received from key informants.

Current Structures of Tripartite Forums in Bangladesh

In Bangladesh, there are mainly three regular tripartite institutions at the national level which have relevance for the RMG sector along with other industrial sectors.

These are (a) Tripartite Consultative Council (TCC); (b) Minimum Wage Board (MWB); and (c) National Industrial Safety and Health Council.

There are also some ad-hoc based tripartite forums engaged in establishing harmonious industrial and labour relations in RMG sector. Noteworthy, the government often institute committee for settling particular disputes for example in Tuba garments (case 1), Swan garments (Case 2).

Case 1:

The incident of Tuba group is an example how due to lack of effective role of workplace cooperation mechanism an isolated incident of workers’ dissatisfaction over pay issues turn into a national issue that threatens wider labour unrest in the RMG sector. After Tazrin fire accident, Tuba group with 1600 workers did not get any orders from the buyers as the owner of Tazrin fashion and Tuba group is the same. They made jerseys for the world cup football and other garment product overseas from January until June. The company earned Tk. 39 crore selling the products, but it was past more than one month that they did not pay the workers. The Participation committee met two or three times to solve the problems. The management representatives gave word that they would pay the workers soon, but workers did not receive their dues. The workers representatives of PC failed to negotiate with management, and the management ignored the committee’s decision. This creates dissatisfaction among the workers. As it was before Eid, the workers started agitation including strike and fast-until-death against the factory owners demanding due salary and bonus.

Case 2:

With 1300 workers in the two factories of Swan group— Swan Garments and Swan Jeans, there was no workplace cooperation mechanism like participation committee, OSH committee, and canteen management committee. The workers of these factories usually used to solve their personal or workplace related problem individually through supervisor or line chief. Due to ownership conflict the two factories declared closed on April 10, 2015, without any discussion with workers and without paying salary and bonus of workers. As there was no workplace cooperation mechanism, the workers indirectly heard about the factory closing, but they did not understand how and in what ways they could consult with the management about the issue. When the factory had closed they started agitation including sit-in protest, demonstration, road blockade, and hunger strike until death for their due salary and bonus.
These committees are purely ad-hoc and not any regular one. A list of existing regular tripartite institutions and forums working in RMG sector is presented in the following Table (Table- 3.1). Out of ten existing tripartite forums, the Minimum Wage Board is the only statutory tripartite forum. The Tripartite Consultative council (TCC) was formed through ratification of ILO Convention no 144 and rest of the forums established through government’s ordinance/notification.

**Functional Period**

The first tripartite institution was formed in Bangladesh after its independence as the name of ‘National Labour Advisory Boards’. Then it had 10 members from the government and 5 each from organizations of workers and employers. The ‘National Labour Advisory Boards’ was reformed as Tripartite Consultative Council (TCC) in 1980 through the ratification of the ILO Convention concerning Tripartite Consultations to promote the implementation of International Labour Standards, 1976 (No. 144) in 1979. It has been reconstituted last on March 2009.

The formal tripartite consultation came into practice broadly from the last decade. It is found that out of ten currently existing tripartite forum, only two –TCC and National Industrial Safety and Health Council have been formed before the year 2000. The Crisis management committee has been formed in 2007. The Social Compliance Forum, two Taskforces on Labour Welfare and Occupational Safety, and Compliance Monitoring Cell have been formed in the year 2005. The National Tripartite Committee for the Fire and Building Safety and Rana Plaza Coordination Committee (RPCC) has been formed in 2013.

<table>
<thead>
<tr>
<th>Sl.</th>
<th>Committee Name</th>
<th>Central Authority</th>
<th>Headed by</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tripartite Consultative Council (TCC)</td>
<td>Ministry of Labour and Employment</td>
<td>Labour Minister</td>
</tr>
<tr>
<td>2</td>
<td>Minimum Wage Board (MWB)</td>
<td>Ministry of Labour and Employment</td>
<td>Chairman (district judge)</td>
</tr>
<tr>
<td>3</td>
<td>Crisis Management Committee</td>
<td>Ministry of Labour and Employment</td>
<td>Joint Secretary</td>
</tr>
<tr>
<td>4</td>
<td>Social Compliance Forum for RMG (SCF)</td>
<td>Ministry of Commerce</td>
<td>Commerce Minister</td>
</tr>
<tr>
<td>5</td>
<td>Task force on Labour Welfare in RMG</td>
<td>Ministry of Commerce</td>
<td>Secretary, Ministry of Labour and Employment</td>
</tr>
<tr>
<td>6</td>
<td>Task force on Occupational Safety in RMG</td>
<td>Ministry of Housing and Public Works</td>
<td>Joint Secretary, Ministry of Works</td>
</tr>
<tr>
<td>7</td>
<td>National Tripartite Committee for the Fire and Building Safety in RMG Sector</td>
<td>Ministry of Labour and Employment</td>
<td>Ministry of Labour and Employment</td>
</tr>
<tr>
<td>8</td>
<td>Rana Plaza Coordination Cell (RPCC)</td>
<td>ILO</td>
<td>ILO</td>
</tr>
<tr>
<td>9</td>
<td>National Industrial Safety and Health Council</td>
<td>Ministry of Labour and Employment</td>
<td>Joint Secretary, MOLE</td>
</tr>
<tr>
<td>Committee Name</td>
<td>Members</td>
<td>Representation Status</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>---------</td>
<td>----------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Tripartite Consultative Council (TCC)</td>
<td>60</td>
<td>20 each from government, workers and employers organization</td>
<td></td>
</tr>
<tr>
<td>Minimum Wage Board (MWB)</td>
<td>6</td>
<td>1 chairman, 1 independent member, 2 employer representative and 2 workers’ representative</td>
<td></td>
</tr>
<tr>
<td>Crisis Management Committee</td>
<td>10</td>
<td>1 chairman and 3 each member from government, workers and employers</td>
<td></td>
</tr>
<tr>
<td>Social Compliance Forum for RMG</td>
<td>31</td>
<td>Different ministry/department of government-15, workers organisations-4, employers organisations-4 and from NGOs-3 and International Organizations-4</td>
<td></td>
</tr>
<tr>
<td>Task force on Labour Welfare in RMG</td>
<td>11</td>
<td>1 chairman, 5 from Government, 3 from Employers Organizations and 2 from Workers Organizations</td>
<td></td>
</tr>
<tr>
<td>Task force on Occupational Safety in RMG</td>
<td>14</td>
<td>1 chairman, 7 from Government, 4 from Employers Organizations and 2 from Workers Organizations</td>
<td></td>
</tr>
<tr>
<td>National Tripartite Committee for the Fire and Building Safety in RMG Sector</td>
<td>16</td>
<td>1 chairman and 5 each member from government, workers and employers</td>
<td></td>
</tr>
<tr>
<td>Rana Plaza Coordination Committee (RPCC)</td>
<td>12</td>
<td>Neutral Chair ILO and representative of the Ministry of Labour and Employment; BGMEA, BEF; NCCWE; IndustriALL BD Council; BILS; IndustriALL Global Union; and nominated brands (Bonmarché, El Corte Ingles, Loblaw, Primark) and the Clean Clothes Campaign.</td>
<td></td>
</tr>
<tr>
<td>National Industrial Safety and Health Council</td>
<td>22</td>
<td>1 chairperson and 7 each from government, workers and employers organizations</td>
<td></td>
</tr>
</tbody>
</table>

**Members of the Forums**

The tripartite institutions/forums have been constituted with mainly representatives from three parties—government, workers and employers organizations. The number of members vary from forum to forum but equal representation from government, workers and employers is available in most of the existing tripartite institutions/forums. For example, the total members of the TCC are 60 of whom 20 each from government, workers union and employers organization; and the number of members of crisis management committee is 10 of whom one chairperson and 3 each members from government, workers and employers. The Minimum Wage Board consists of six members—a chairman, one independent member, two members to represent the employer (one permanent and the other representing sector) and two members (one permanent and the other representing sector) to represent the workers.

The Social Compliance Forum is the 25-member forum and it includes the participation of Board of Investment (BOI), Secretaries of Commerce, Home, Labour, Textile, Industries, Works and Women and Child Affairs, Bangladesh Export Processing Zone Area (BEPZA), Export Promotion Bureau (EPB), Prime Minister’s Office (PMO), Fire Service and Civil Defense, Department of Labour, Bangladesh Garment
Manufacturers and Exporters Association, Bangladesh Knitwear Manufacturers and Exporters Association, Bangladesh Terry Towel and Linen Manufacturers and Exporters, Bangladesh Independent Garments Workers Union Federation, Representatives from Workers, Business Social Compliance Initiative, Nari Uddog Kendra (NUK), Karmajibi Nari, UNDP, GTZ, ILO, LCG. Below the table shows the member status of existing tripartite forum (Table 3.2).

Central Authority

Most of the tripartite forums (4 out of 10 forums) like Tripartite Consultative Council (TCC); Minimum Wage Board (MWB); Crisis Management Committee and National Tripartite Committee for the Fire and Building Safety in RMG Sector) work under the authority of Ministry of Labour and Employment. Among the others, three— Social Compliance Forum for RMG, Task Force on Labour Welfare in RMG and Compliance Monitoring Cell work under the supervision of the Ministry of Commerce. The Task force on Occupational Safety in RMG, Rana Plaza Co-ordination Committee and National Industrial Safety and Health Council works under Ministry of Housing and Public Works, ILO and Ministry of Industry respectively (See Table-3.1).

Present Status of the Forums

At present all the forums’ activity is going on but outcome of the activity is not equal in all cases. Meetings are not held regularly and lack of participation of the members sometimes delay the taking of decision. For example; the Crisis Management Committee is required to meet at least once in every two months, but it meets almost two or three times around the year, reported a Key Informant.

Functions of Tripartite Forums

The functions of the Industrial Tripartite forums in general are to study and discuss the labour related problems of concerned industry with a view to bring better understanding between the workers and employers, and to recommend the government in solving these problems as well as make a workable formula agreeable to the parties concerned. Since the tripartite forums working in RMG sector were formed on the basis of different issues or incidents, their task is different, but their working nature is almost the same. It is evident that the members of each committee sit together to discuss the concerned issues and make action plan to carry out the responsibilities. In the meetings the participants/committee members also review and recommend appropriate actions regarding critical needs. Meeting minutes are prepared and disseminated among the members.

The specific tasks of some forums are –

- TCC, in its meetings, discuss various issues of national importance such as formulation of labour policy, amendment of the existing labour laws, adoption of ILO Conventions and Recommendations by the Government, and improvement of industrial relations etc. So far, TCC has discussed the feasibility of amendment of several laws. TCC examines the texts of ILO Conventions and Recommendations vis-à-vis existing laws and practices prevailing in Bangladesh and recommends to the Government the ratification of Conventions.

- The purpose of the formation of Rana Plaza Coordination Committee is to provide payments to the victims of the Rana Plaza accident and their families and dependents in a transparent and equitable manner. It develops a comprehensive and independent process that would deliver support to the victims, their families and dependents in a predictable manner consistent with international labour standards.

- The Minimum Wage Board recommends minimum rates of wages for certain workers if workers or employers or both parties of any sector (covered by BLA 2006) make
application for fixation of minimum rates of wages. The wage board shall make its recommendation within a period of six months (Government may extend this period if the wages board so request) from the date of receipt of such direction made to it. The minimum rates of wages for any industry may be re-fixed after every five years as may be directed by the Government.

- Social Compliance Forum for RMG is working on ensuring compliance issue at workplace like safety and security, working hours, wages, weekly holiday and welfare of workers.

- The Taskforce on Labour Welfare in RMG has prepared short term, medium term and long-term work plan on the different social compliances including: (i) elimination of all sorts of discrimination; (ii) abolition of forced labour; (iii) removal of all sort of harassment and abuses; (iv) free from child labour; (v) providing the worker with an appointment letter; (vi) reasonable working hour; (vii) health and hygiene; and (viii) right for freedom of association and collective bargaining.

- The Taskforce on Occupational Safety in RMG, also has prepared short term, medium term and long-term work plan - classifying in four security aspect e.g. fire safety, building safety, environment safety, and security and safety.

- Compliance monitoring Cell has been established within the Export Promotion Bureau (EPB) to monitor activities related to welfare and improvement of working conditions in the country’s RMG industries. The specific tasks of the CMC are— a) to provide secretarial support services to the ‘Social Compliance Forum for RMG’ and issue specific taskforces on compliance issues; b) to review the reports received from the Taskforces and report to the ‘Social Compliance Forum for RMG’; c) to keep regular contacts with the international buyer groups on compliance issues; d) to raise awareness on social compliance among those involved in RMG production and export process; e) to recommend EPB and Ministry of Commerce on activities undertaken on compliance for building images abroad; f) to seek, consult and gather information from related ministries/departments/stakeholders including international buyers on compliance and safety related issues/aspects; g) to create database on RMG industry (ownership, location, items produced, production capacity, number of employee); and h) to perform other activities as suggested by the ‘Social Compliance Forum for RMG’ (EPB 2016).

- The purpose of the Crisis Management Committee is to prevent the labour unrest and instability in the garments sector. If any dispute arises in any industry or labour incentive area, the CMC resolves the problem through discussion with employers, workers and workers representatives. The CMC also provides advice to the regional Crisis Management Committees. There are 8 regional Crisis management Committees which take steps to avert labour unrest or instability through discussion with workers and employers at local level (MoLE, 2014).

- The task of the National Tripartite Committee (NTC) for Fire and Building Safety in RMG sector is to monitor the implementation of the National Tripartite Plan of Action (NTPA) in Bangladesh Garments Industries. A working group headed by the Joint Secretary (Labour), MoLE has been formed to assist the committee. The National Tripartite Plan of Action on Fire Safety (NTPA) in the RMG Sector is developed in response to the Tazreen fire aiming to take comprehensive action to prevent any further loss of life, limb and property through workplace fires and related incidents.
Coordination Mechanisms and Cooperative Arrangement of Forums

The Ministry of Labour and Employment played a leading role to coordinate at least tripartite forums working in RMG sectors followed by The Ministry of Commerce. The Ministry of Housing and Public Works and the Ministry of Industry are responsible to coordinate the Taskforce on Occupational Safety in RMG and National Industrial Safety and Health Council respectively. The ILO has played a most important role to help coordinate the response to the Rana Plaza collapse. ILO is moreover asked by the Government of Bangladesh to assist in the implementation and coordination of the National Tripartite Plan of Action (NTPA).

In most of the forums the coordination mechanisms are not elaborated. As such, the mechanisms to coordinate amongst the forums are to a great extent ad-hoc and irregular. The Tripartite forums are mostly coordinated by letter invitation, monthly meeting, report writing and report distribution. The frequency of the meetings held at different forums is irregular and sometimes all the members of the forums are not properly informed about the meetings. The meeting of crisis management committee should be held once in each three months, but it is mainly held when any dispute arises in any industry.

Lack of Coordination among the forums is also noticeable. For example; members of Compliance Monitoring Cell hardly know about the activities of Crisis Management Committee or the Taskforce on Labour Welfare in RMG.

Achievements and Challenges

Some committees have made a number of laudable achievements through tripartite consultation. For example, the ‘Minimum Wage Board’ has set the minimum wage for 42 sectors including increase of minimum wage (76.7%) for garment workers. The labour law 2006 (Amended 2010 and 2013) and different policies like; National Labour Policy, Child Labour policy, Occupational Health and Safety Policy have been formulated by TCC’s tripartite consultation. TCC has also played a significant role in adoption of ILO Conventions and recommendations by the government. The RPCC disbursed the compensation to the victims of the Rana Plaza accidents and their families and dependents successfully.

It is however evident that all the tripartite committees are not functioning well at all and are facing different challenges to run the organization. The key interviewees reported that lack of coordination and proper monitoring is the main challenge in this regard. Another challenge is predominant role of government and most importantly all the tripartite bodies suffer from inadequate and unskilled stuff, logistic support and rigid structure. Lack of willingness of designated employers’ representatives in attending meeting, also sometime make barriers in taking decision.

It is reported in a national daily newspaper that the mid-level officials of BGMEA and BKMEA, instead of the directors of the top apparel bodies, attended the meetings of govt. task force on labour welfare and occupational safety in RMG. Such mid-level officials cannot give decisions rather seek time again and again causing delay in implementation of various important decisions (The Financial Express, 15 February, 2014). The taskforce chairman and joint secretary of Ministry of Labour and Employment (MoLE) Faizur Rahman told to the reporter, "We have written to BGMEA and the BKMEA several times to ensure participation of nominated directors in the meetings. But they are not responding positively.

The Needed Structural Changes for a Harmonious industrial relations

There are at least ten tripartite forums working currently in Bangladesh, but except the TCC and Minimum wage Board the other forums
did not have any meaningful achievements in establishing harmonious industrial relations in RMG Sectors. Most of the tripartite forums are almost non-functional or are hardly executing their mandates effectively.

In case of legitimacy it is found that among the forums only the Minimum Wage Board has legal foundation. The Tripartite Consultative Council (TCC) was formed through ratification of ILO Convention no 144 and the others were formed through government notification. It is therefore evident that no tripartite forum or institution particularly formed for RMG sector has any legal foundation. Except TCC and MWB, the other forums are ad-hoc based and was formed mainly in special circumstances or after any accidents/incidents.

The activities of the forums are issue based and fragmented. There is lack of coordination among the forums. A committee does not know the activities of other committees. Overlapping is also noticed in the activities and in the membership of forums. Specific workers representative selection criteria are not mentioned in the committees.

Based on the above, it is important that the structural changes for a harmonious industrial and labour relation should take the form of legitimacy, coverage and representation, and authority. The changes have to be in line with the forums so that the forums get strong legitimacy and be covered by true representative mechanisms and at the same time have wide ranging authority in ensuring the decisions taken for a harmonious industrial and labour relations.
4. TOWARDS PERMANENT STRUCTURE OF A TRIPARTITE FORUM

Based on the need of structural changes for harmonious industrial and labor relations, it is proposed for a permanent structure of a tripartite forum including its form, coverage, legitimacy and the institutional mechanism. While the rationality of establishing a permanent tripartite forum for RMG sector in Bangladesh has been elaborated in the previous section, there is explicit contention in establishing such forum. The trade union’s representatives agreed with the importance of establishing new permanent statutory tripartite forums for RMG sector, while some others’ views are quite negative in this regard. One of the employers’ representatives stated his opinion that there is no need to form such tripartite forum for RMG sectors. Two of the interviewees however recommended for strengthening and restructuring the existing tripartite forum like Social Compliance Forum or Crisis Management Committee.

The current study, looking at the need of a permanent structure of a legitimate body with broader participation of stakeholders and inbuilt authority, recommends for a structure of the permanent statutory Tripartite Forum for RMG sector which may be newly formed or can be transformed or restructured from an existing committee through strengthening its coverage.

The Proposed Tripartite Structure

Form, Coverage and Legitimacy

The proposed forum will be mainly a statutory tripartite body consisting of the equal representation from government, workers and employers and will work for RMG sector. The study also proposes to involve brands/buyers, academic/researcher and national, international workers’ rights organization as observer, but not to participate in the decision making. It will be the central authority and other committees (existing or may be newly formed) will work under it as sub-committees. It will be a monitoring and recommending body. It will monitor the functions and overall progress of the sub-committees and make concrete recommendation s to the concerned authority for future action. For example; the proposed committee may recommend the rate of minimum wage for RMG sector to the Minimum Wage Board for its consideration. Another function of the committee will be dispute resolution. It will monitor the regular industrial dispute and if any dispute or crisis arises it will response promptly and try to settle it through social dialogue directly or through sub-committees.

Representative Selection Procedure

The current study suggests the following criteria to select the representatives of government, workers and employers. The forum would consist of 27 members, 9 each from the government, employers and workers’ representatives. The Minister, Ministry of Labour and Employment would lead the committee as the head of the committee. As such the total members of the new statutory forum would be 28.

The government representatives may be selected from the representative institutions relevant for policymaking and implementation in the garment sector. The government institutions (along with designated person) involved in the sector include (not according to priority) (a) Ministry of Labour and Employment (Labour Secretary; IG, DIFE; Joint secretary, Labour; and Director of Labour); (b) Ministry of Commerce (Commerce Secretary and DG, Export Promotion Bureau); (c) Ministry of Textile and Jute (Secretary; and Director, Textile Directorate); (d) Ministry of Industries (Secretary; and Chief Inspector, Boilers); (e) Ministry of Home Affairs (DG, Industrial Police; DG Fire Service); and (f) Ministry of Power Energy and Mineral Resources (Chief Electrical Inspector, Inspectorate of Electricity, Power Department); and (g) Ministry of Housing and Public Works (Secretary; Chief Engineer, PWD).
For the spirits and purposes of the tripartism, trade unions as workers’ representatives must be representative, competent and responsible. Workers’ representatives may thus be selected from the most representative national and sectoral organizations. The number of representatives will be total 9—3 from top 3 national federations (NTUC) and 6 from top 6 sectoral unions based on the majority of registered members reported to the Labour Directorate.

The Employers’ representatives (9) may be from sectoral representative organisations. Such organisations include (a) BEF; (b) BGMEA; (c) BKMEA; (d) BTMEA; (e) BCCMEA; (f) BTTMEA; (g) Garments Washing Factory Association; (h) Garments Printing factory Associations; and (i) Garments Embroidery Associations.

The committee may consider to include few observers from other broad-based stakeholders of the sector. Such broad-based stakeholders include a) Buyers; b) Academics and Researchers; c) National Organizations (e.g. BILS, BLAST, Karmojibi Nari, Ain O Shalish Kendra, and Safety and Rights; BUET); and d) International organizations (like ILO, GIZ, FES, Solidarity Centre and Action Aid Bangladesh).

**The Institutional Mechanism**

The Minister of Labour and Employment would be the head of the forum and will be responsible for overall coordination in establishing harmonious industrial relation in RMG sector. For performing its functions, the committee is required to organize meeting at least once in every two or three months. The committee is required to meet to review the activities of sub-committees, and to discuss and exchange views as well as make recommendations on the selected issues. The forum shall submit and share the proceedings to the relevant stakeholders for further actions. The proposed Forum will submit an annual report to the MoLE.

**The Challenges and Way Forward**

There is no legal coverage under the Bangladesh Labour Law 2006 about formation of such sectoral tripartite forum. It is the main challenge to form a statutory permanent tripartite forum in RMG sector.

Another challenge is what will be the position/role of existing forums. Though the current study proposed that the existing forum will work under this committee as sub-committee, however question is whether the existing forums will be motivated to work under this forum or not.

Truly, tripartism means active interaction amongst three partners—government, workers, and employers. The representatives of workers and employers require to participate on an equal footing with those of government representatives in all decisions and the processes of decision making. The challenge remains how best to select representatives who would be truly representative of the workers, competent and responsible to seek mutually agreeable solutions to issues of common concerns.

To overcome the challenges it is important that we embark on the following:

At first; amendment of labour law is needed especially to form a statutory permanent tripartite forum in RMG sector. This is important because the partnerships amongst three tripartite stakeholders must be formalized and also have to be sustained. The three stakeholders must openly negotiate their expectation of and commitments to each other.

Second; social dialogue should be arranged to make consensus among the different stakeholders about the importance of establishing separate permanent forum for RMG sector. Consensus must be made among the existing forums about the position of the existing tripartite forums particularly working in RMG sector. The partnership must be vigorous not symbolic or merely consultative. Instead, the work of tripartite institute must be integrated into the work of labour sector governance.

Last but not the least, the capacity of all active partners in the tripartite mechanism must be enhanced in order for them to be committed, competent, and active for reaching mutually agreeable solutions.
BIBLIOGRAPHY


ANNEXES

Annex 1: RMG Sector Profile: Industry, Labour and Business

The Ready Made Garment (RMG) sector is one of the key contributors to Bangladesh economy in terms of employment, production, export and foreign exchange earning. According to BGMEA currently (Year 2014-15) there are 4296 RMG factories in the country (in the year 2012-13 the number was 5600), while the information of DIFE shows that about 3808 factories are currently running in the country. The number however does not include the factories in EPZ. There are 101 garments factories in the EPZ (BEPZA Annual Report 2011-12). The membership status of the employers’ association shows that the current members of the BGMEA and BKMEA are about 3507 units and 1953 units respectively. The RMG factories are mainly situated in two divisions of the country— Dhaka (86.4%) and Chittagong (13.5%). RMG industry is comprised of different factories of different nature of products e.g. knit, woven and sweater (though sweater is the part of knit products). Among the factories, the proportion of knit and woven factories is in the parallel range—39.2 percent and 39.1 percent respectively. The share of sweater factories is 16.49 percent and 3.14 percent factories produce both knit and woven products. The woven factories are higher in Chittagong division (more than half of total factories of Chittagong), while in Dhaka division the number of knit factories is higher.

The country’s RMG industry employs a large number of workforces, but getting a right figure of the workforce is difficult. According to BGMEA, the RMG industry presently employs 4 million workers, while the government estimate shows that there are about 2.2 million workers employed in this sector (MOLE, 2015). The gender distribution of RMG workers reveals that most of the employees are female in this sector. The gender distribution of the workers cannot be ascertained from the BGMEA claim since its data is not disaggregated in this regard. Information provided by MOLE depicts that there are 9,29,570 male workers and 12,45,957 female workers are engaged in RMG factories. The statistics reveals the proportion of male and female workers are 43 percent and 57 percent respectively (Ibid). This gender distribution is highly conflicting with the existing general perception of over 80 percent of workers of this sector are female.

The RMG sector is the biggest export earner in Bangladesh. The country earns over 81 percent of the nation’s export earnings with a volume of US $ 25491 million in 2014-15 from the RMG sector (From Woven 1365 million and Knit 12427 million) (BGMEA, 2015). Bangladesh exports mainly shirts, T-shirts, trousers, jackets and sweater in the 37 countries (BGMEA Website). At the earlier stage (1990’s) the United States was the main export destination for Bangladeshi RMG followed by the European Union, but at present the European Union has surpassed the United States. In the FY2014-15 Bangladesh has exported 61 percent RMG products to EU countries and 21 percent to USA (BGMEA Website). The RMG sector is also the largest formal sector in Bangladesh which generates 59 percent of total formal sector employment of the country (Ahmed and Akond, 2013). In terms of GDP, RMG’s contribution is however remarkable. The sector contributes to 17% of GDP.

The substantial and conspicuous factors of RMG industry in Bangladesh are cheap labour cost, safe investments relative to other competing countries, congenial working atmosphere, government support, and a dynamic private entrepreneurship. All these factors have easily patronized Bangladesh to become the second largest RMG exporting country in the global apparel market.
ANNEX-2: List of key Informants

Key Informant Interviews

Khondaker Mostan Hossain Joint Secretary, Ministry of Labour and Employment, Govt. of Bangladesh.
Md. Shahidullah Azim Vice President, Bangladesh Garment Manufacturers and Exporters Associations (BGMEA).
Dr. Wajedul Islam Khan General Secretary, Bangladesh Trade Union Kendra, and Member, TCC
Roy Ramesh Chandra General Secretary, IndustriALL Bangladesh Member, Crisis Management Committee
Mashuda Khatun Shefali Executive Director, Nari Uddug Kendra (NUK) Member, Compliance Monitoring Cell
Taufidur Rahaman President, Bangladesh Garments Industry, Workers Federation
A K M Nasim Sr. Legal Counselor, Solidarity Center, Bangladesh
Rob Wayss Executive Director, Accord on Fire and Building Safety in Bangladesh (Accord)
Henrick Maihack Former Country Representative, Friedrich-Ebert-Stiftung
Syed Sultan Uddin Ahmmed Assistant Executive Director, Bangladesh Institute of Labour Studies

Consultation Meetings

BILS Leadership (23 November 2015)

Shah Mohd. Abu Zafar Member, BILS Advisory Council
Roy Romesh Chandra Member, BILS Advisory Council
Md. Zafrul Hasan Joint Secretary General, BILS

IndustriAll Representatives (13 November 2015)

Humayun Kabir Bangladesh Chemical Workers Federation
Shamima Nasrin Shadhin Bangla Garments Sramik, Karmichari Federation
Hedayatul Islam Bangladesh Jatiyo Sramik Karmoachhari, Federation
Habibur Rahaman Bangladesh Garments, Textile and Leather, Workers Federation
Tahmina Rahman Bangladesh Apparels Workers Federation
Safia Parvin National Garments Workers Federation
Md. Shahidullah Badal Bangladesh Metal Workers League
Salauddin Shapon Bangladesh Revolutionary Garment Workers Federation
Aleya Akter Bangladesh Garment and Industrial Workers Federation
Ali Ajgor Garments Tailor Workers League
Babul Akter IndustriAll Bangladesh Council
Roy Romesh Chandra United Federation of Garments Workers
Yeasin Ahmed Bangladesh Federation of Workers Solidarity
Seminar Participants (29 November 2015)

Khondaker Mostan Hossain  Ministry of Labour and Employment, Govt. of Bangladesh
Md. Shahidullah Azim  Bangladesh Garment Manufacturers and Exporters Associations (BGMEDA)
Alhaj Sukkur Mahmood  Jatiya Sromik League (JSL)
Dr. Wajedul Islam Khan  Bangladesh Trade Union Centre (BTUC)
Roy Ramesh Chandra  United Federation of Garment Workers (UFGW)
Adv. Delwar Hossain Khan  Bangladesh Labour Federation (BLF)
Md. Anower Hossain  Bangladesh Jatiyatabadi Sramik Dal (BJSD)
Razequzzaman Ratan  Somajtantrik Sramik Front (SLF)
A.S.M. Zakaria  Jatiyo Sromik Federation (JSF)
Henrick Maihack  Friedrich-Ebert-Stiftung (FES)
Alonzo Suson  Solidarity Center
Rokeya Rafique  Karmojibi Nari
Mahatab Uddin Ahmed  Center for Policy Dialogue (CPD)
Kutubuddin Ahmed  Bangladesh Garments, Textile & Leather Workers’ Federation (BGTLWF)
Shamim Ara  Bangladesh Jatiyo Sromik Federation (BJSF)
Nazma Akter  Sammilito Garments Sromik Federation
Sirajul Islam Rony  Bangladesh National Garments Workers Employees League (BNGWEL)
A.K.M. Nasim  Solidarity Center
Farhana Nasrin  Solidarity Center
Probhat Tudu  Bangladesh Legal Aid and Services Trust (BLAST)
Dr. ATM Saiful Rashid  CDPO
Refayet Ullah Mirdha  The Daily Star
Faisal Murshed  BGIWF
Nazma Akter  JSFDB
Aditya Arafat  Banglanews24.com
Moinul Haque  New Age
Abu Hena Mujib  Samakal
M. Saim Tipu  Kaler Kantho
Md. Badrul Alam  Banik Barta
Hasan Ahmed  Poriborton.com
Jakir Hossain  University of Rajshahi
Syed Sultan Uddin Ahmed  Bangladesh Institute of Labour Studies-BILS
Nazma Yesmin  Bangladesh Institute of Labour Studies-BILS
Afroza Akter  Bangladesh Institute of Labour Studies-BILS
Annex 3 KII Guideline

State of Tripartism in Bangladesh RMG Sector and the Scope of Harmonious Industrial and Labour Relation

1. Need for Tripartism
   - Do you think that the tripartite dialogue mechanism is necessary for ensuring safety at workplace, settlement of disputes and ensuring decent work at the RMG sector? Why do you think so?

2. Current State of Tripartism in RMG Sector
   2.1 Current Structure of Bipartite and Tripartite Forum
      - We know that you are a member of a tripartite forum/committee. In how many committees do you represent?
      - Would you please share the structure of bipartite/tripartite forum or committee you are involved in? (Functional Period, Central authority, Sector coverage)

   2.2 Functions of forum
      - How does the forum/committee work? (meeting, members’ attendance, dispute settlement procedure, reporting)
      - Is your committee currently active? If not why?
      - Do you know that how many bipartite or tripartite forums are working now at the RMG sector? Please mention the name.

   2.3 Achievements and Challenges
      - Has your forum faced any challenges in carrying out its work? What are the challenges?
      - As the Government directly participates in the tripartite forum/committee, do you think that it might somehow favor the interests of the owners?
      - At your opinion what are the achievements of your committee/forum?

   2.4 Coordination mechanism and cooperation arrangement of forums
      - Whether any coordination and cooperation mechanism exists among the different forums? Or each forum/committee works separately? If yes, what is the mechanism? If not, do you think that to have a coordination and cooperation among the forums is necessary for ensuring safety at workplace, settlement of disputes and ensuring decent work at the RMG sector?

   2.5 The Needed Structural Change for Harmonious Industrial and Labour relations
      - Do you think that any structural change to be needed for Harmonious Industrial and Labour relations? If yes, what changes you suggest? If not, why think so?

3. Towards a National Structure of Tripartite Forum

3.1 Rational
   - Do you think that a National Tripartite Forum for RMG sector needs to form for Harmonious Industrial and Labour relations? Why you think so?
   - Do you think that if a National Tripartite Forum for RMG sector is formed, existing committee/forum will lose their importance?
3.2 Challenges to form National Tripartite Forum
- At your opinion, what are the probable challenges in formation of National Tripartite Forum for RMG Sector? What steps should take to overcome such challenges?

3.3 Form, Coverage, Legitimacy
- What should be the Structure/formation of a National Tripartite Forum? How it will be formed (formation process)? How the members of the committee will be selected?
- What should be the area of coverage of the National Tripartite Forum?
- Who would be the main authority of the forum?
- What type of power/authority should be given to the National Tripartite forum?

3.4 The institutional mechanism
- What should be the major responsibilities and duties of the National Tripartite forum?
- How the national Forum shall work (working process)?
Annex-4

**Roundtable on Formulation of Tripartite Consultative Council in RMG Sector: Scope and Challenges, Role of Stakeholders**

**Date & Venue:** October 4, 2016, The Daily Star Center.

**Objectives of the Round Table:** Main objective of the roundtable was to accept recommendations from different stakeholders aiming at forming a permanent Tripartite Consultative Council (TCC) for the garment industry.

Bangladesh Institute of Labour Studies-BILS, with the support of Friedrich Ebert Stiftung- FES organised a roundtable on “Formulation of Tripartite Consultative Council in RMG Sector: Scope and Challenges, Role of Stakeholders” on October 4, 2016 at Azimur Rahman Hall of Daily Star Building. The study report was shared at the roundtable by Jakir Hossain, Professor of Rajshahi University.

Speakers at the roundtable said that owners and workers must understand Labour Law to apply it effectively, which will make easier to the formation of TCC between owners, workers and government. They also mentioned, the main problems between owners and workers are issues of wages, working hour, workplace safety and social security. If it is possible to form an active TCC, then these problems could be solved effectively.
Reviewing the present experiences, leaders from different workers organisation opined, it is not possible to mitigate the problem only by forming TCC, because the committee gives suggestion and create proximity. They could help government to moderate the debate but these organisations are not empowered in decision making and implementation. They also mentioned, the workers would not be benefited by this committee without strong Trade Union and committed leaders. They pointed out, following the pressure of buyers and foreign investors along with their profit making attitude, owners of the industry operated their workers.

Jatiya Sramik League President and BILS Vice Chairman Alhaj Shukkur Mahmod chaired the roundtable, while Secretary of the Ministry of Labour and Employment Mikail Shipar was present as Chief Guest. BILS Executive Director Syed Sultan Uddin Ahmmed was present as Moderator.

Among others, BKMEA former Vice President Md. Hatem, BGMEA Senior Vice President Faruque Hassan, Head of Development Cooperation Section of German Embassy, Dhaka Eckhard Wilhelm Heine, ILO County Director Srinivas B Reddy, Joint Secretary of the Ministry of Labour and Employment Md. Aminul Islam and Khandaker Mostan Hossain and Deputy Chief (Textile) of Ministry of Commerce Md. Ruhul Amin, BILS Advisory Council Member Roy Ramesh Chandra, BILS Joint Secretary General Md. Zafrul Hasan, Sramik Karmochari Oikya Parishad (SKOP) Joint Coordinator and
Jatiyatabadi Sramik Dal President Anwar Hossain, FES Residential Representative Franziska Korn, ILO Senior Technical Officer Wael Issa, 3F Country Director Sten Petersen, Solidarity Center Country Program Director Alonzo Suson, Trade Union Sahngha General Secretary Choudhury Ashiqul Alam, Industry All Bangladesh President

Amirul Haque Amin, Karmojibi Nari Executive Director Rokeya Rafique Baby, ILO Dhaka Office Program Officer Md. Saidul Islam were also present at the roundtable. Besides, leaders of BILS affiliated and SKOP affiliated National TU Federations, representatives of employers committees, experts, academicians and representatives of RMG industry affiliated national and international organisations were present on this occasion.

“Garment entrepreneurs, trade unionists, government officials and development partners are all in favour of a permanent tripartite consultative committee to sort out disputes confronting the country’s apparel sector. We need a permanent tripartite consultative mechanism for the garment sector to build sound relations between employers and employees,” said Roy Ramesh Chandra, an Advisory Council Member of Bangladesh Institute of Labour Studies-BILS. “The consultative council will be an authority and its recommendations have to be accepted by the policymakers and other stakeholders. Otherwise, it will be a paper-based committee,” he added. Chandra said there should be a line ministry for the sector to take it forward.
Mohammad Hatem, a former Vice President of Bangladesh Knitwear Manufacturers and Exporters Association, said, “We will be happy to see the formation of the committee.”

A part of the roundtable

Amirul Haque Amin, president of IndustriALL Bangladesh, said the consultative committee should be made functional so it does not fail.

Srinivas Reddy, country director of International Labour Organisation, termed the concept a great initiative. He said the tripartite mechanism is one of the core values of society and the ILO as well. He said regular dialogue is important, instead of sitting for a dialogue when a crisis arrives. The garment sector should make workers as their partners in their journey towards the achievement of the ambitious $50 billion garment exports targets by 2021, he said.

Srinivas B Reddy addresses the roundtable

Mikail Shipar, Labour Secretary, said disputes cannot be resolved and confidence cannot be built without social dialogue. “I am convinced that there should be a permanent Tripartite Consultative Council for the garments sector in order to take the immensely potential sector forward”, he said. The secretary suggested the meeting for submitting a structure of TCC members to the ministry for its consideration. “We can’t change the laws overnight. But we have regulations at our disposal where we can bring in changes”, he added.
Both Reddy and Shipar said the planned council for the garment sector must be linked to the existing national Tripartite Consultative Council. “Otherwise, it will be a farce,” added Shipar.

Mikail Shipar addresses the roundtable

Faruque Hassan, senior vice president of Bangladesh Garment Manufacturers and Exporters Association, said the relations between factory owners and workers have improved over the years, even if it has not reached its expected level. Faruque Hassan said Bangladesh has become the second-largest apparel exporter in the world, riding on the hard-working workers and entrepreneurs, support from the government and the buyers’ continuous commitment.

Sten Toft Petersen addresses the roundtable among others

Labour leader Babul Akter said the leaders to be picked for the planned consultative committee must come from the garments sector. “Likewise, factory owners who will be chosen should be from compliant factories”, he added. Shamima Nasrin, another labour leader, said, there should be adequate representation of women as most garment workers are female.
Eckhard Wilhelm Heine, head of the development cooperation of the German embassy in Dhaka, said a tripartite mechanism can yield great things. “So, let’s continue our efforts so we can reach a permanent tripartite mechanism”, he urged.

Sten Petersen, country director of 3F, Denmark’s largest trade union, said a tripartite body cannot work effectively without a clear legal mandate. He said 90 percent of cases at the labour courts in Bangladesh can be solved at the sectoral and factory level.

Khondaker Golam Moazzem, additional research director of the Centre for Policy Dialogue, said, a number of forums and committees have been formed in the country but they have worked reactively instead of proactively. “As a result, we did not achieve desired results. We hope the labour ministry will keep this in mind while formulating the tripartite mechanism”, he added.

Participants together in a photo session

Labour leaders also recommended global apparel brands’ representation in the proposed council, saying they are also part of the supply chain.
**Recommendations:**

1. As tripartism is one of the core values that our society subscribes to and one of the fundamental foundation values of ILO, therefore its necessity should be felt by all parties and mechanism should be followed through active participation and dialogue in a view to ensure dispute resolution and harmonious industrial relation.

2. TCC should be powered by law so that all parties are bound to follow its recommendations.

3. Selection procedure of representatives must be clear and spontaneous so that it ensures representation of all major parties from employers and employees. In this case, representation of National Federations and RMG based representatives should be ensured from workers side. Similarly, employers’ representation should be covered by national and RMG sector.

4. There should be coordination between TCC and other committees so that activities become balanced in line of their policy.

5. There must be legal provision so that the committee may call other parties in case of observing any dispute or receiving any complain.

6. In case of necessity, the committee may invite other representatives like foreign buyers, brands and national human rights organisations who work on labour rights.

7. Representation of other Ministries like Industry, Commerce, Jute & Textile and Home Affairs should be ensured besides the Ministry of Labour & Employment.

8. Gap between different parties should be reduced to get better result in dispute resolution.

9. Negotiation should be supported by information.

10. Capacity development of the committee representatives should be ensured through providing necessary information.

11. Trade Union right must be ensured strongly, without which the mechanism will not be meaningful.

12. Short term –long term concern should be separated, so that it will be possible to address situation in a time befitting manner.

13. Good Governance is essential to to get proper solution of any problem.

14. Involvement of academicians should be ensured.

15. Bipartitism at factory level should not be forgotten.

16. Women leaders participation should be increased.

17. Legal system should be reviewed.
### List of the participants at the roundtable

<table>
<thead>
<tr>
<th>Name</th>
<th>Designation &amp; Organisation</th>
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<tbody>
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<td>Country Programme Director, Solidarity Center</td>
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<td>Sten Toft Petersen</td>
<td>Country Director, 3F Denmark</td>
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<tr>
<td>Faruque Hassan</td>
<td>Sr. Vice President, BGMEA</td>
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<td>Mohammad Hatem</td>
<td>Former Vice President, BKMEA</td>
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