

# Labour

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## Academic

- Compliance with Labour Codes Practice and its Effectiveness in Bangladesh's Apparel Industry
- Victimization of Child Labour in the Transport Sector: A Study in the Chittagong Metropolitan City
- A Critical Review on Legal Recognition and Protection of Domestic Workers in Bangladesh

## Civil Society

- Combating worst forms of child labour in Bangladesh

## Trade Union

- The labour movement in Bangladesh and the long struggling life of Abdul Mannan

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(A BILS Journal)

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BANGLADESH INSTITUTE OF LABOUR STUDIES-BILS

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# Editorial

Bangladesh has experienced the second wave of Covid-19 and the third wave seems inevitable. The pandemic situation is worsening our livelihood every day. The government has taken a number of initiatives like travel and entry restrictions, social distancing, shutting down of office, business and educational institutions, stopping mass transportation in Dhaka city and other districts. For this, marginal workers and mid and low income people have become more vulnerable. We need to care for them, for which, we also need to hold our position and build our future upon the foundation of new hopes and aspirations.

In Bangladesh it is common to see the children in transport sector experienced physical and psychological abuses and deprived of basic and human rights. They are victim of low wages and economic exploitation, harassed by the employers, having no job security and working in inhuman conditions. Alternative formal and congenial job sectors may protect these children from hazardous and risky jobs and we need to look forward to the point. An article in this journal has discussed the findings on this issue.

Ensuring compliance with codes of labour practice is very important in the RMG industry, both to maintain quality of products as well as meeting the expectations of the competitive export market. An article regarding this issue has examined the degree to which compliance with codes of labour practice is enforced in practice and its effectiveness in the Bangladesh's RMG industry. It also suggests recommendations which may help to achieve sustainable change in that industry.

It is observed that domestic work is a large and rising area of informal sector, especially for women. But the workers in this sector are not only deprived, but also disenfranchised. The recognition and protection of domestic workers, in our labour laws, has been absent. An article on this issue has attempted to discuss on the vulnerability of domestic workers in light of the legal context of international and national perspectives.

We have incorporated another two articles in Civil Society and Trade Union section for discussing on combating worst forms of child labour in Bangladesh and the long struggling life of eminent Trade Union leader Late Abdul Mannan.

We thank our partners for their support and cooperation regarding publication of this journal.

Md. Mojibur Rahman Bhuiyan

Editor

*The views expressed by the experts and the writers who wrote and gave interviews in this publication are reflections of their opinions; BILS Editorial Board has no liability in this regard.*



# Academic Part



# Compliance with Labour Codes Practice and its Effectiveness in Bangladesh's Apparel Industry

Bentul Mawa<sup>1</sup>

## Abstract

*The consequences and responses to the implementation of 'codes of labour practice' relating to labour standards in the apparel industry remains a controversial topic. This paper focuses on issues relating to compliance with codes of labour practice in the context of the Bangladesh's apparel industry. Based on evidence from sixty semi-structured interviews with female workers and managers in four readymade garment (RMG) factories in Bangladesh, this paper finds inadequacies of the buyers' auditing process as well as the ways managers have developed systems of deception and malpractice. Despite tensions and contradictions inherent in compliance, corporate codes of labour practice have improved labour standards in the case study factories, to certain extent. This paper concludes that the CSR compliance model alone is inadequate to fully address labour issues in global production systems. Therefore, this paper suggests recommendations which may help to achieve sustainable change in working conditions in the Bangladesh's apparel industry.*

**Keywords:** Corporate Social Responsibility (CSR), Codes of labour practice, Multinational Corporation (MNC), Readymade Garment (RMG), Export Processing Zone (EPZ)

## 1. Introduction

Starting in the late 1970s, the RMG industry rapidly became the major source of Bangladesh's foreign currency earnings (Ahmed et al.,

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2013). Earnings in the RMG sector increased from USD 31.57 million in 1983 (3.89% of total export earnings) to USD 30.61 billion of exports in FY2017-2018 (83% of total export earnings) (BGMEA, 2019). By 2017-18, Bangladesh was ranked the second largest RMG producing country in the world, after China, claiming 6.5% of the global RMG trade (Textile Today, 2018). The economic success, however, does not reflect the overall scenario prevailing in this sector. Employment in this sector is notorious for its exploitative practices such as low wages, erratic payment, gender inequality, harassment, job insecurity, and unsafe and unhealthy working conditions (Mawla et al., 2013; ILO, 2020). Media coverage of trade union suppression, wildcat strikes by RMG workers, and major disasters such as factory collapses or fires have brought the poor working conditions in the RMG industry to public attention. On 24th April 2013, the collapse of the Rana Plaza, an eight-storey building on the outskirts of Dhaka housing several garment factories, led to the deaths of more than 1,100 RMG workers, making it one of the worst industrial accidents in the country's history (Appelbaum and Lichtenstein, 2014; Kabeer et al., 2020).

The Rana Plaza accident has been regarded as a stark example of lack of good governance in the RMG sector in Bangladesh. Whereas initially, governance in this sector has focused primarily on supplier compliance with national regulations and laws, overtime, they have become increasingly concerned with compliance to private, voluntary codes of conduct (Locke et al., 2006). Although the use of codes of labour practice has introduced worldwide in the early 1990, poor working conditions in Bangladesh's RMG industry raises questions: do factories really comply with codes of labour practice? If so, to what extent Bangladesh's RMG industry have adopted codes of labour practice in their factories? Whether corporate codes of labour practice have been effective in benefitting workers or worsening the conditions of workers? Using evidence from sixty semi-structured interviews with female workers and managers in the four RMG factories in Bangladesh, this paper seeks to address these questions.

The paper proceeds as follows. This paper begins with the CSR literature to understand how codes of labour practice work in the Bangladesh's RMG industry. The following section discusses

methodology which were adopted for this study. The focus then shifts to exploring issues relating to corporate auditing process, in particular how codes of labour practice is enforced in practice and its effectiveness. The concluding section of the paper provides a critical summary of the compliance with codes of labour practice in the Bangladesh's RMG sector along with some recommendations for factory owners, buyers and social auditors that might help to improve working conditions.

## **2. Corporate Social Responsibility and Labour Standards**

Since the early 1990s, multinational corporations (MNCs) have been under growing pressure to link economic and social upgrading in more integrated forms of corporate social responsibility (CSR) (Gereffi and Lee, 2016). While CSR is a multifaceted notion, it generally refers to 'how companies can manage their business processes to produce an overall positive impact on society and environment' (Van Yperen, 2006, p. 2). Growing awareness that goods were manufactured in developing countries under poor working conditions led to a series of campaigns by civil society organisations, which called for corporations to be held responsible for the employment practices of their suppliers (Locke et al., 2006). Under this pressure, major brands and retailers in the USA and EU adopted their own codes of conduct/practice<sup>[ij]</sup> while others collaborated with networks of NGOs and trade unions to form multi-stakeholder initiatives (Lund-Thomsen and Nadvi, 2010). In order to remain competitive and gain export orders, RMG suppliers are expected to comply not only with the relevant national laws but also with the specific labour Codes established by particular buyers, evidence of being compliant with regulations is a key requirement for most of the best-known global RMG buyers (Baral, 2010).

The impact of codes of conduct has excited much debate in the literature. Some authors argue that codes have uneven impact (Barrientos and Smith, 2007; Ruwanpura, 2012; Zanden and Lindholm, 2015). Based on primary evidence from the UK ETI impact assessment, Barrientos and Smith (2007) noted that such codes led to limited improvements in areas such as health and safety provisions, rates of pay and reduced working hours but had little or no effect on workers' right to freedom of association and collective bargaining, or to levels of gender

discrimination. Others concluded that CSR is likely to prove ineffective and ‘widespread failure’ in improving working conditions and labour standards for factory employees (Heintz, 2004; Alam et al., 2008; Frank, 2008; Siegmann et al., 2014, p.6). Thus, this paper aims to contribute to this debate exploring the impact of private regulation in the Bangladesh’s RMG factories.

Comprehensive studies on compliance issues of the Bangladesh’s RMG sector are essential to identify current problems and deficiencies of social auditing, which will in turn aid us in taking necessary corrective measures to improve labour standards in this sector.

### **3. Objectives**

The main focus of this paper is to assess the effectiveness of codes of labour practice and social auditing methods adopted by retailers at production sites in the RMG sector in Bangladesh. The specific objectives of this paper are:

- (i) To examine the corporate auditing process and challenges of enforcing codes of labour practice in the RMG factories, and
- (ii) To determine the effectiveness of codes of labour practice in improving labour conditions in the RMG factories.

### **4. Methodology**

This study used qualitative approach to collect data within multiple-case study research design. A qualitative approach to data collection was appropriate for this study because this enabled researcher to explore more detailed description of the phenomena in order to better understand how corporate codes and social auditing impact labour practices at production sites in the RMG sector in Bangladesh. Within the Bangladeshi RMG industry, four garment factories were investigated. Among the four factories, one factory was chosen from Dhaka EPZ, situated at Savar and three other factories were chosen outside the EPZ from Mirpur, Dhaka. Personal contact helped to get initial access to the factories, including addresses, contact persons, and telephone numbers.

A total of 60 interviews of female employees and management personnel were conducted within two units of respondents from both the EPZ and the three non-EPZ factories. Some 20 managers including line managers

(supervisor, line in charge/line chief, assistant production manager, and production manager) as well as senior managers (assistant general manager, general manager, executive director, and merchandise manager) and 40 female workers (including helpers, operators, and ironing man) in total were interviewed. Purposive sampling used for line managers and higher rank managers which enabled researcher to choose limited numbers of particularly relevant and informative people who were able to answer the research questions and meet the study's objectives (Saunders et al., 2009). For female workers, snowball sampling was chosen to find sample at the chosen factories. Garment workers often live in the same neighbourhood near their factories to cut transport costs and travelling time so this sampling technique proved to be a good method of locating other female workers from the same factories based in the neighbourhood.

Amongst management personnel, interviews were conducted with the senior managers and line managers for detailed understanding of the employment practices, auditing processes, and purchasing practices of their factories. Most of the interviews with management personnel conducted in their respective offices during office hours. Forty women were interviewed to get viewpoints on labour conditions, management practices, and their level of awareness regarding buyer's CSR requirements. For interviewing female employees, a different strategy adopted. The ready-made garment sector is based on assembly line production and productivity depends on the time management of each worker on the line. So, to avoid disrupting the production line, some female workers interviewed during official break times or outside working hours, according to their availability. All interviewee responses were anonymised and real names were not attached to any quotes.

Data obtained from employers and female workers through semi structured interviews was verified by other data collection techniques, including field notes and documentary evidence. Field notes were taken during interviews and visits to the case study factories. Besides this, documentary evidence such as company profiles, company policies, covering recruitment and selection, quality control, wage and benefits, leave and training, and other internal factory documents such as employee service books, and newspaper articles, and information from websites

were collected throughout the periods of the interviews. These documents supplemented interview data and played an important role in the thematic analysis, but as with the primary data the researcher were mindful when reviewing these documents that they might not reflect the everyday reality of the factory but may have been produced to provide a positive image of the factory specifically for the purposes of attracting multinational retailers or satisfying auditors in order.

In order to generate themes, the researcher very carefully labelled codes within the transcripts. Codes were highlighted that the researcher thought relevant and found something similar to the extant literature and termed the codes with regard to the issue discussed in the transcript. Several codes relevant to research questions were selected and grouped together to form two main themes, i.e. (i) auditing processes, (ii) labour codes and its outcome. The researcher then searched for cross-case patterns through the selection of pairs of cases (EPZ factory as one pair and three non-EPZ factories as another pair) to list similarities and differences between the cases which enhanced the probability to capture the novel findings existed in the data (Eisenhardt, 1989). Eisenhardt (1989:544) further noted that an important feature of theory building from case studies is the comparison of emergent concepts, theory with the extant literature by asking “what is this similar to, what does it contradict and why” and therefore this research compared findings with conflicting and similar literature to raise the theoretical level of understanding.

## **5. Findings and Discussion**

The findings and discussion section is divided into two sub-sections: one outlines on buyers’ auditing processes and deception and malpractice of managers and subsequent sub-section discusses labour codes of practice and its outcome in the Bangladesh’s RMG factories.

### **5.1 Status of the Auditing Process**

In order to check if a factory is complying with its code of labour practice, an importer conducts an audit of the factory. These inspections are carried out by buyer’s own compliance staff and/or third-party auditors nominated by them, who can either be locally based or international. Some MNCs start auditing even before contracts have been signed, checking that labour standards are adequate before they

start sourcing from a factory. Usually, the process begins with a detailed questionnaire for factory management which assesses labour standards and if there are shortcomings, buyers outline measures to be taken with a time frame for improvement. This paper exercise is then followed by actual monitoring on the ground. The factories must sign a contract agreeing to abide by the relevant Codes of labour practice prior to receiving orders.

Findings revealed that EPZ factory complied codes of labour practice suggested by well-recognized global buyers' relating with terms of employment and generally offered conditions of work which were better than those in the non-EPZ factories. On the other hand, interviewees, both management and workers, revealed the extent to which the non-EPZ factories ignore legislation or merely pay lip service to it. Some managers were extremely frank about the audit process, revealing the sophisticated games they played with auditors and their 'audit talk' exposed struggles, manipulation and drama, which are analysed in this section. Female workers also revealed confidential information when interviewed outside the workplace beyond the reach of management.

Two non-EPZ factories claimed to be compliant with relevant regulation/Codes of labour practice but it became apparent from interviewees and their day-to-day experience of working conditions that, in reality, this is not the case. Interviewees from these two factories highlighted the fact that workers are coached in preparation for audits, and that in the latter case, contrary to auditing best practice, workers were expected to talk to visitors in front of managers:

*They told us: If buyers ask "How long are your working hours?", then reply: "The factory closes at 7.00pm and we don't do any work after 7.00pm". If they ask: "What did you have for tiffin [snack break] yesterday: cake, banana or egg?", then reply: "I didn't have anything because the factory closed at 7pm". If they ask if the factory was open on Friday [the weekly day off], tell them: "No".*

*Tumpa, Operator, Non-EPZ factory*

The Clean Clothes Campaign's Report (2005) notes that in Chinese factories all supervisors have a coaching manual which covers how to prepare production line workers for audit so that they will give the auditors standard answers complying with labour law. This does not appear to be the case in the Bangladeshi RMG context but most women

at these two non-EPZ factories explained that prior to audit they were briefed by supervisors or line managers about how to behave and answer questions from the auditors if they were picked for interview:

*We can't tell buyers the truth because when they visit and talk to workers, our management's also there. We only say to the buyer what they've taught us. We tell them that we get a salary within five working days. We can't say that we don't get the leave we've earned. I haven't had any for two years. If I leave this job, I don't think I'll even get that because many workers have resigned but they still haven't received what's due to them.*

*Moni, Operator, Non-EPZ factory*

Sometimes auditors are simply careless in their approach, making basic errors, such as allowing factory managers to select the workers for interview. Although most auditors who need interpreters usually bring their own, sometimes they use a manager in this role. Worker interviews are intended to play an important role in social audit because they enable auditors to 'dig deeper' beyond the visual inspection and to cross-check claims made by employers about labour conditions and working practices in their factories. Therefore, they should take place in an atmosphere which encourages workers to trust the auditor and speak openly. However, management was present at these interviews in both EPZ and non-EPZ factories. Some female workers at the non-EPZ factories expressed concerns about speaking openly in audit interviews, even if management were not present:

*If I don't answer the questions correctly or if I tell the truth, I could risk losing my job. If I say I didn't get sick leave when required then management will find out. The auditor will discuss this with management afterwards and they will know my ID number. Then, the supervisor will tell me not to come back to work.*

*Rehana, Operator, Non-EPZ factory*

Female interviewees from all the non-EPZ case factories and even EPZ women clearly understood the message from management that obtaining orders from buyers was dependent on maintaining the factory's reputation and that any individual who threatened that reputation would be dismissed. Moreover, these women actually saw it as being their duty to convince the auditors since without orders, there would be no more work. Not surprisingly, most women, like Rehana, were worried about the implications of being selected and preferred to lie to protect their jobs and future income.

In addition to coaching workers on how to respond to auditors, interviewees

at non-EPZ factories revealed that management prepared for audit by cleaning up the workplace, and ensuring that toilets met hygiene requirements by providing paper towels and soap on the day of the visit. For the duration of the visit, workers were also compelled by supervisors to use legally required protective equipment such as needle guards, masks, and goggles, even though they usually failed to enforce this since the women themselves preferred to work without them due to the discomfort they caused in high temperatures. Managers also temporarily unlock first aid boxes and fire exits during visits and then re-lock them afterwards.

Rita, an operator at non-EPZ factory, who would have been classed as child labour, recounted how she had been helped by other staff during inspection visits by buyers:

*When I started at the garment factory, I was ten years old. [...] An aunty of mine working in a garment factory helped me get a job. When the buyers used to come, they kept me hidden in the toilet so they wouldn't see me.*

Sometime artificial compliant conditions are created to impress compliance auditor. Management at one of the non-EPZ factory revealed their scepticism about their factory's commitment to compliance, providing specific example of a non-existent training centre:

*We have a training centre for the purposes of compliance. In reality, we don't have time to train workers and generally recruit skilled workers. But on paper, there is a training centre [...] in this complex which consists of one room. Sometimes we set it up to show buyers.*

*Harun, Officer in charge, Non-EPZ factory*

Fraud is a major problem in the field of social audits. Elsewhere the practice of document-falsification has been well-noted: double book-keeping, especially of payroll documents and time cards, has become common practice in countries producing garments and shoes (Kahn, 2003; Clean Clothes Campaign, 2005). Kahn (2003) revealed that 'counter compliance' has become a sophisticated art in Chinese factories where overtime and wage records are routinely falsified to avoid revealing illegal labour practices. A Clean Clothes Campaign's (2005) report showed that in Kenya, the amount of overtime shown on

worker timecards is reduced to meet the national legal maximum of 60 hours.

Zakir, a manager at non-EPZ factory, acknowledged that “For audit we do some cheating with buyers like many non-EPZ factories”. This entailed falsifying overtime records to hide real working hours from buyers. The factory produces two different sheets for recording overtime: one for buyers showing only two hours of overtime per day whilst the other carries details of the actual overtime worked for HR. Payslips never show more than 52 hours overtime in a month.

Thus, the findings of this study demonstrated the inadequacies of the buyers’ auditing process as well as managers’ attempt to appear to be committed to compliance with labour standards. Allowing managers to be present when workers are being interviewed is against auditing best practice (Murshid et al., 2003) and workers are unlikely to complain about their treatment in front of management and risk losing their jobs. Equally, managers at these non-EPZ factories have become adept at developing systems to ensure deception and malpractice, such as reassuring buyers they comply with regulations concerning overtime hours, and training facilities even though more than two hours overtime is practiced and no training is provided to workers.

In the context of the rise of ‘fast fashion’ which is associated with tight production lead times and frequent fashion changes in the international market and in a context where manufacturers, whether large or small, compete to get whatever order they can, managers claimed that multinational buyers themselves effectively encourage labour right violations such as a rise in double book-keeping, long working hours or overtime:

*We know that more than two hours’ overtime breaks national legislation and the buyers’ code of conduct, so why do we violate labour laws? We keep double documents because there are few options available to us. If we follow the codes of practice, we wouldn’t be able to deliver order on time because we’re given such short lead times. If we miss shipment, then we have to pay airfreight, which is more costly and then we’re left with very limited profit or none at all. So, we need workers to do overtime to meet the production deadlines set by buyers.*

*Taher, Merchandise Manager, Non-EPZ factory*

## 5.2 Labour Codes of Practice and its Outcome

Despite tensions and contradictions inherent in compliance, interviews with managers and female workers confirmed that multinational buyers do create some pressure in which labour codes have favourable outcomes within their factories, to certain extent. The EPZ factory Manager explained:

*For the yearly building audit, the factory is informed 5-7 days in advance so that necessary papers, such as planning building permission and construction approval<sup>[iii]</sup>, can be made available. Unannounced visits to the factory by compliance audit inspectors, either by the local representatives of the buyers or foreign representatives of specific buyers can also take place at any time unannounced so that management can't prepare to hide violations. Following the Savar disaster, buyers now send their own technical team for compliance audit. If buyers didn't push for their codes of conduct to be implemented, working conditions in the factories wouldn't improve. After [Savar], some buyers wanted to see our building construction papers. Our factory building load test was carried out by Bangladesh University of Engineering and Technology and we've submitted this to our buyers to prove the report is fine.*

*Mohidul, Manager, EPZ factory*

Expert views vary concerning whether audits should be announced or not. Auditors often prefer announced audits because the factory can then prepare for the visit, ensuring, for example, that the managers required are available for interview or that relevant documentation is accessible (Stern, 2002). The not-for-profit social audit organisation GMIES, based in El Salvador, argues that announced visits 'are rich in information because they are top-to-bottom inspections, while unannounced visits are reserved for follow up on specific points so that monitors can count on the surprise effect' (Stern 2002, p. 35). More advanced approaches currently use a combination approach depending on where they are in the cycle of auditing and remediation (i.e., the initial audit might be announced, but not the follow-up visits). In Romania, research found that in factories where one buyer was allowed to make unannounced visits, better labour conditions seemed to prevail (Clean Clothes Campaign, 2005).

Two similar accounts of buyer visits were given by the management at EPZ and one non-EPZ factories respectively which illustrate the extent to which the auditing process is central to ensuring compliance and ultimately in improving working conditions:

*We consistently adhere to national and multinationals regulation and is therefore able to provide improved working conditions for workers according to compliance standards. Buyers' requirements regarding working conditions such as adequate lighting and ventilation, safe drinking water, enough toilets for men and women, canteen facilities, childcare facilities, have all been very strictly maintained since the factory opened.*

*Alam, Senior Manager, EPZ factory*

*We strictly conform to buyer's requirements regarding the safety of personnel, machinery and working practices. Buyers do frequent announced or unannounced inspection every six or twelve months to check the working conditions in the factories. Due to this audit, we always try to keep on top of safety issues and ensure other facilities are operational such as the nursing room for new mothers, the health centre, and crèche.*

*Harun, Officer-in-Charge, Non-EPZ factory*

The above accounts reflect a much more rigorous approach to the auditing process and suggest that this does have an impact on the provision of facilities for employees. Managers confirmed that factories are monitored multiple times a year on behalf of each of the global brands they work for, therefore labour codes are more genuinely followed in some areas, such as in terms of health and safety provisions, legal employment entitlements, use of child labour, with regard to gender discrimination, and supervisory relations and abuse.

The clearest benefits to workers from codes of practice related to improvements in areas linked to occupational health and safety (Table 1), including fire drill and safety training, use of personal protective equipment, safer use of chemicals, and provision of adequate lighting, ventilation, toilets and drinking water, as one of the non-EPZ women mentioned:

Every month we do two or three training courses such as orientation for newcomers, training on fire drill and firefighting, use of personal protective equipment and health awareness. Training lasts from half an hour to an hour. Each floor has some male and female workers who receive firefighting training. Only representatives [25% of the total workforce] receive firefighting training. If there's a fire, I know what to do and I'd be able to protect myself and help other workers escape. I also know how to use a needle guard so my finger's never been needled while sewing.

Afroja, Senior Operator, Non-EPZ factory

**Table 1: Labour Standards and its Outcome**

Labour Issues	Impact
Child Labour	●
Non-discrimination/Gender Discrimination	■
Legal Minimum Wage	■
Working hours	×
Occupational Health and Safety	●
Supervisory Relations and Abuse	■
Freedom of association	×

● Auditing having significant impact; ■ Auditing having limited impact;  
 × Auditing having no impact

Besides improved health and safety provisions, this study found significant changes in the use of child labour in all the case-study factories. When The Child Labour Deterrence Act of 1993 came into force, employers greatly reduced child labour levels in the RMG industry (Amin et al., 1998; Paul-Majumder and Begum, 2006). Interviews with management confirmed that fear of losing contracts from multinationals forced employers to adhere to codes of practice regarding child labour. Although the data suggests that nearly a third of the female interviewees began working in the RMG industry as children or adolescents when the interviews were conducted surprisingly there were no female workers under 18 (with one exception at one of the non-EPZ factories).

Extending the working day beyond the legal maximum is highly characteristic of the RMG sector and although legislation limits the

working week to 60 hours of work and overtime, this was a common feature in all the factories except EPZ. Female interviewees at non-EPZ factories were regularly working more than 11 hours a day, depending on the task required. The Officer-in-Charge at non-EPZ factory confirmed that many factories, including their own, ignored the law when it was deemed necessary:

*Although Bangladesh Labour Law (2006) states that no female workers are allowed to work after 10.00pm most of the RMG factories in Bangladesh ignore this rule; many female workers also do night shifts. In our factory, female workers work after 10.00pm at night. This is against the law but in case of emergency we need to keep workers on the finishing section. They stay at work willingly.*

*Islam, Officer in charge, Non-EPZ factory*

The situation was apparently very different at New Era. Women at EPZ confirmed that the factory complies with all of the regulations and that employee welfare was valued by employers. When asked about working hours and overtime, most EPZ women echoed:

*Overtime never exceeds two hours and is totally voluntary. If anyone does not want to do overtime, transport is kept ready for them outside the factory compound so they can go home. [...] Supervisors never force us to do overtime. Generally, most workers do overtime; only those with personal problems don't.*

*Sabiha, Operator, EPZ factory*

Interviews revealed that EPZ factory complied with legally prescribed minimum wages and payment dates and payment took place within five working days of the month. Some improvements were also noticeable in non-EPZ factories in terms of provision of legal employment entitlements due to managers' awareness of buyers' code of labour practice. The legal minimum wage was paid to all workers within the specified time frame within seven to ten working days whereas Paul Majumder and Begum (2000) previously found that employers not only failed to pay the legal minimum but also commonly withheld money owed to workers. The latter is a management strategy designed to prevent workers from seeking better employment elsewhere. However, despite these improvements there was no evidence that codes of labour practice had led to a substantial increase in income, such as a living wage.

This study found minimal changes with regard to gender discrimination and treatment of labour. Buyers' non-tolerance of abuses has helped to reduce discrimination and harsh treatment towards workers, to some extent. Around 70% of the female interviewees in all the non-EPZ case study factories claimed that their employers paid wages according to government-fixed minimum rates and that most female and male workers in the same job category received equal pay. EPZ workers reported that there was no wage differential for males and females within a particular grade. Also, no abusive attitudes on the part of supervisors or managers were reported at EPZ factory. The worker-supervisor relationship was found to be cooperative in EPZ factory where line managers tried to understand worker problems and helped to overcome any work-related problems. On the other hand, a limited positive effect on supervisory relations was also noted at all the non-EPZ factories. The majority of interviewees in all non-EPZ factories (90%) reported that verbal abuse had greatly reduced in the last two or three years. Managers are not only aware of buyers' codes but also much of this change had been achieved by women's resistance at the workplace, labour mobility and labour market flexibility.

Although ILO Convention No. 87 and Bangladesh Labour Law (2006 section 176) guarantees freedom of association to facilitate industrial relations between workers and employers (Huq, 2009), in practice, there has been active hostility against trade unions by employers in the case studies who have adopted various strategies to discourage their activities, including maintaining internal network, offering workers short-term increases in wages, bonuses or overtime rates. Interviews with factory managers revealed that senior managers, particularly had little positive to say about the role of trade unions. When asked directly about the role of trade unions within their own factories, one interviewee gave responses which indicated overt hostility to trade union activity: "Trade unions are not allowed in this factory". None of the four case studies were unionised but had established workers' committees as alternatives. Interviews with female workers revealed that none are active trade unionists and most have no understanding of trade unions.

Overall, evidence suggests that buyer pressure has improved working conditions in the case study factories, to certain extent. This study found significant changes in the areas of health and safety provisions, use of child labour and limited improvements to the levels of gender discrimination and treatment of labour, payment of legal minimum wages but did not find any evidence of reduced working hours (exception EPZ factory) and right to freedom of association in any of the case studies. The findings of this study are partially consistent with Barrientos and Smith (2007). In the Bangladesh's RMG factories management wants to impress buyer auditors and believe that compliance with regulations will help them to obtain further orders. Therefore, managers put emphasis more on quality control on production, cleanliness and health and safety issues, which in turn helps to improve working conditions in the factory, to certain extent.

## **6. Conclusion**

This paper has examined the degree to which compliance with codes of labour practice is enforced in practice and its effectiveness in the Bangladesh's RMG industry. Ensuring compliance with codes of labour practice is very important in the RMG industry, both to maintain quality of products as well as meeting the expectations of the competitive export market. Many international buyers now demand compliance with their own codes of practice before placing import orders for Bangladeshi RMGs (Haider, 2007; Khatun et al., 2008). The findings of this research suggest that factories do comply with labour codes but compliance with labour codes varies within EPZ and non-EPZ factories.

EPZ factory complied codes of labour practice with significant extent in terms of child labour, legal minimum wage, working hours, occupational health and safety, supervisory relations, and gender discrimination (with the exception of freedom of association). The ability of the labour inspectorate to enforce labour laws and standards impacts on the working practices and conditions at EPZ<sup>[iii]</sup> where labour laws are strictly enforced by both management and Bangladesh Export Processing Zone Authority (BEPZA). On the other hand, for non-EPZ factories

there had been clear benefits from some codes but all the labour codes were not complied by these non-EPZ factories. When compliance with the Code of labour practice itself becomes the major focus, multinational companies can lose sight of the fact that the process is intended to improve working conditions for employees and, instead, non-EPZ managers get better at cheating. The real scenario of factories is concealed to satisfy buyers or auditors. Although buyer's pressure has led to some limited improvements in certain aspects of working practices in the non-EPZ factories, but management failure to abide by labour laws hinders to create more favourable working conditions in the non-EPZ case-study factories. Lack of sufficient number of labour inspectorate is a challenge to oversee the labour law violations in the RMG factories in Bangladesh.

This paper concludes that despite some progress, the CSR compliance model alone is inadequate to fully address labour issues in global supply chains. CSR measures of global buyers are only effective to improve labour standards to limited extent in their supplier factories. In line with Barrientos (2014), this paper suggests that private voluntary standards would be most effective if they could be blended with civil society and public governance initiatives in order to promote more gender equitable economic and social upgrading. In this regard initiatives, such as strengthening government regulation, increasing the number of labour inspectorates, providing training to RMG workers, employees, and officials on issues regarding labour rights, right to freedom of association and collective bargaining, introducing grievance and complaints mechanism at factory level in order to get continuous feedback from workers, addressing best auditing and fair purchasing practices, creating partnership with trade unions and labour related NGOS should be considered to achieve sustainable change in the working conditions in the Bangladesh's RMG industry.

This paper has extended knowledge about impact of private regulation at the production sites of the apparel sector. Taking female workers and management perspectives into the analysis, it has informed us the limitations of corporate auditing processes, and challenges employers

face to comply with labour codes. By incorporating the viewpoints of other actors who are involved in the apparel value chain, such as civil society, NGOs, trade unions, buyers', labour personnel, etc. the analysis of identification of corrective measures to improve labour standards in this sector deserves further attention in future research.

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## End Notes

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<sup>i</sup> Most codes of conducts are based upon respect for domestic legislation and core labour principles from United Nations' International Labour Organisation (ILO) conventions, such as freedom of association and collective bargaining, freedom from forced labour, non-discrimination and equal wages, and the abolition of child labour, etc. (Hale, 2000).

<sup>ii</sup> Rajdhani Unnayan Kartripakkha (RAJUK), the Capital Development Authority of the Government of Bangladesh, is a Bangladeshi public agency responsible for coordinating urban development, for building permission and construction approval in Dhaka, Bangladesh.

<sup>iii</sup> The EPZ factory is regulated by the Bangladesh Export Processing Zones Authority (BEPZA) (Instructions No. 1 and 2 (1989)), which are enforced by BEPZA itself.



# Victimization of Child Labour in the Transport Sector: A Study in the Chittagong Metropolitan City

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## Abstract

*The current study aims to make a comprehensive understanding of child labour victimization in the transport sector. This Study employed a quantitative research approach by surveying 160 child labours less than 18 years working in the transport sector in different areas in Chittagong metropolitan city. The respondents were selected randomly for the interview. Besides, rigorous literature has been used to find the nature of child abuse in the transport sector and the current scenarios in deciding various types of victimization they experienced. Children in transport sector experienced physical and psychological abuses, deprived of basic and human rights, get low wages, harassed by employers, have no job security, economic exploitation, and working in an uncongenial conditions. Hence, we conclude and recommended that alternative formal and congenial job sectors that could protect children from hazardous and risky jobs like the transport sector.*

**Keywords:** Child labour, Transport sector, Victimization, Exploitation, Abuse.

## 1. Introduction

There are several reasons like dependency, poverty, less cognitive maturity, less self-protection capability for which the child labourers are more likely to be victimized and deprived of their basic rights than the

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others (Hossain et al., 2018). Many children are being involved in different job sectors in Bangladesh, and it is estimated that around 1.3 million children are engaged in different hazardous jobs (Dhaka Tribune, 2016). The National Child Labour Survey, 2013 estimated that about 3.45 million children are working in different sectors in Bangladesh between 5 to 17 years old. Among them, 1.70 million are real child labour according to the definition, while 1.28 million are being involved in hazardous job sectors like agriculture, construction, and transport, etc. On the other hand, there are the worst statistics; Bangladesh is considered the home to more than five percent of the world's working child population, which is alarming (Aktar and Abdullah, 2013). Comparing the other South Asian countries, in Bangladesh, the number of child labour increases more than the other neighboring countries; even in India and Pakistan, child labour has been declining day by day (Khanam, 2005).

Poverty is also widely acknowledged as a significant determinant of child labour. Dessy and Pallag (2005) introduce a basic theory of the worst forms of child labour that is based on three main premises. The setting includes household poverty, which imposes pressure on children to assist their families in making ends meet. Second, parents act in their children's best interests and make decisions on their behalf. Third, the worse forms of child labour jeopardize children's human capital prospects. However, marginality theorists argued that Children are motivated to engage in hazardous work as a rational response to poverty and economic insecurity. In today's Bangladeshi society, marginality represents itself as a low salary, an inadequate employment, a lower economic class position, and the victimization of children for different factors. The main causes of victimization, according to this theory, are unemployment, low-wage employment, inadequate welfare payments, and the growing number of female-headed households with large number of children (Banerjee et al., 2015). Marginality theory is particularly important for current research in order to understand victimization and related family factors such as disadvantage, neglect, and resistance. This research is correlated to the overwhelming

representation of children living in poverty. Women accounted for more than half (52%) of the 32.9 million people (including children) living in poverty, and a comparable proportion (49%) of families living in poverty were headed by single parent, mother for example (Proctor and Dalaker, 2002).

Many of the occupations these child labourers in Bangladesh perform are viewed as unsafe and put their physical and mental improvement in danger. The UN Committee on the Rights of the Child also expressed worry in 2009 that numerous Bangladeshi child labourers keep on working in five of the most noticeably terrible types of child work, in particular welding, auto workshops, road transport, battery reviving, and tobacco processing plants (Zaman et al., 2014). On the other hand, the committee likewise raised considerations towards how the authorization and checking of child work laws are not up to the principles, and the attention to open in the general public about the negative impacts of child work is not adequate (Ashagrie, 1997). Moreover, child labour victimization may lead them toward delinquent behavior (Hossain et al., 2018). The transport sector is one of the child's hazardous jobs, but many children are involved in this sector. It is estimated that about 150728 (4.4 percent of total child labour) children work in transport sectors knowing this sector's hazards (The National Child Labour Survey, 2013). There is very little or rare research, especially on child labour in the transport sectors and their victimization level.

This paper has been conducted to find out comprehensive information about the victimization of working children in the transport sector; their level of victimization and deprivation has been discussed to raise awareness about the negativity in this sectors. This study examined the vulnerability and the nature of job. This article has been designed into three major parts. The first section discusses the background of the research, gaps, importance, objectives, and theoretical perspective by using the literature. The second section explores the socio-demographic and family background, physical and psychological victimization, nature of jobs, exploitation, violation of child rights, etc. influences by

certain factors with relevant empirical studies. Finally, it concludes with a summary and recommends a basic understanding of victimization in this sector to figure out the necessary measures to prevent the growing number of child labour in Bangladesh.

## **2. Objectives of the Study**

This paper's main objective is to find out the nature of the victimization of child labour in the transport sectors in the context of Bangladesh. The specific objectives are-

- i. To assess child labour's current scenario and working conditions in the transport sectors.
- ii. To explore the nature and types of victimization experienced by child labour in transport sectors.
- iii. To determine the level of deprivation of child labourers in the transport sectors.

## **3. Methodology of the Study**

The paper has followed the quantitative research approach to understand comprehensively and enhance the subjective investigation on the victimization of child labour in the transport sector. In addition, the research is based on primary data collected using personal interviews, with purposive random sampling for child labours in the transportation sector in Chittagong city. Specifically, this study has been completed following face-to-face interviews through a questionnaire about the child labour. The total respondents were 160 aged less than 18 years old working in different transport sectors, for example tempo, mini-bus/small bus, laguna, etc. Notably, the data were collected from Oxygen, Muradpur, Sholo Sohor, Olonkar, GEC Mor, AK Khan, Mirsharai, Agrabad, Kathghar, New Market and Bohoddarhat areas of Chittagong city. Furthermore, this study focused on the socio demographic characteristics, family background of the child labours, physical and psychological abuse, violation of basic and human rights, health and safety issues, economic exploitation and liable factors for being a child labour. Predominantly, this study has gone through a rigorous literature review and empirical studies that supported the

results of this study; for example different secondary sources like articles, books, national and international reports, journal articles, newspapers, etc. Following this, the data has been analyzed and discussed to determine the victimization of child labour working in the transport sectors under several key themes. Finally, this study concluded with some recommendation that could be alternative and protect children from hazardous and risky jobs like the transport sector.

#### **4. Results and Discussion**

In this article, the nature and present condition of child labour in transport sectors have been discussed based on the survey over the child workers in the transport sectors and national and international authentic secondary sources like articles, papers, reports, research findings, newspapers, etc. have been used to make clear understanding and comparison. The level of victimization is discussed in separate sub sections like physical and psychological torture, violation of child rights, deprivation of basic and human rights, insufficient wages, unhygienic working conditions, different types of harassment, etc.

##### **4.1 Socio-Demographic Characteristics and Family Background of the Respondents**

Table 1 show that the child labourers in transport sectors are mainly male. The cause is that working in this sector is very much difficult for females and not familiar with our present society. Half of the workers (50%) were found between 10 to 12 years old in terms of age group. On the other hand, nearly 14% of workers were between 7 to 9 years old, and nearly 24% of workers were between 13 to 15 years old. The worst thing is, nearly 7% of workers were found between 4 to 6 years old. The majority (78%) of the respondents were either illiterate or studied only up to class two in educational status. After that, about 19% of them have studied between classes three to five. Besides, only 2.5% had studied between class six to eight while no one was found over class eight. This finding shows that the transport sector's child workers have the lowest educational background level where most cannot cross primary education.

**Table 1: Socio-Demographic Characteristics of the Respondents**

<b>Sex</b>	<b>Sex</b>	<b>Frequency</b>	<b>Percentage</b>
	Male	160	100
	Female	00	00
	Total	160	100
<b>Age</b>	<b>Age Group</b>	<b>Frequency</b>	<b>Percentage</b>
	4-6	11	6.88
	7-9	22	13.75
	10-12	80	50
	13-15	38	23.75
	16-18	9	5.63
	Total	160	100
<b>Education</b>	<b>Education</b>	<b>Frequency</b>	<b>Percentage</b>
	0-2 Class	125	78.12
	3-5 Class	31	19.38
	6-8 Class	04	2.5
	9-10 Class	00	00
	Total	160	100
<b>Religion</b>	<b>Categories</b>	<b>Frequency</b>	<b>Percentage</b>
	Islam	116	72.5
	Hindu	34	21.25
	Christian	9	5.62
	Buddhist	1	0.62
	Total	160	100

In contrast, UNICEF (2005) reported that globally, there are about 180 million children working in terrible conditions in the informal economy. Considering Nigeria as an example, child labour accounts for 20-30% of the workforce, which is concerning, about 1.1 million working children under the age of 15 live in urban areas such as Lagos (Okunola and Ikuomola, 2010). Further, ILO (2015) estimated that there were about 168 million children in the world. According to the International Labour Organization (ILO), some 900,000 children in Africa work as slaves in the manufacturing industry.

**Table 2: Family status of the Respondents**

<b>Living with Family</b>	<b>Frequency</b>	<b>Percentage</b>
Yes	101	63
No	59	37
Total	160	100
<b>Family Members</b>	<b>Frequency</b>	<b>Percentage</b>
Up to 2	61	38.25
2-5	87	54.38
6-9	11	6.88
10 and Above	01	0.63
Total	160	100
<b>Family Income</b>	<b>Frequency</b>	<b>Percentage</b>
0-5000	67	41.88
5000-10,000	38	23.75
10,000-15,000	30	18.75
15,000-20,000	23	14.38
20,000-25,000	2	1.25
Total	160	100
<b>Nature of Guardianship</b>	<b>Frequency</b>	<b>Percentage</b>
Both Parents	33	22.63
Single Father	18	11.25
Single Mother	28	17.5
Other Guardian	52	32.5
No Guardian	28	17.5
Step Father/Mother	01	0.63
Total	160	100

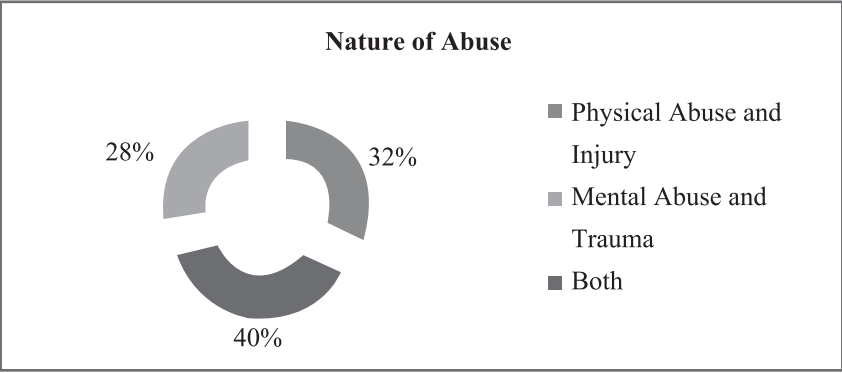
Table 2 demonstrates the respondents' family background; 63% of respondents live with Family whereas 37% of children do not live with their family members. 38.25% of children have not more than 2 members, 54.38% have members between 2-5, 6.88% have 6-9 members, and only 0.63% have more than 10 members. Further, 41.88% children's family income were 0-5000 taka, 5000-10,000 ranges were 23.75% children's, 18.75% children's were 10,000-15,000, 14.38% children's were 15,000-20,000 taka and 1.25% children's family income were 20,000-25,000 taka. Additionally, 22.63% of children have both parents, 11.25% have single fathers, 17.5% have single mothers, 32.5% have other guardians, while 17.5% have no guardian, and only 0.63% have step-parents. Separately, in terms of reason to engage in this sector, 42% of respondents had family problems, 22% of respondents said their families had low income, 8% of respondents engage in this sector for self-employment, and 28% engaged in this sector as a survival means. However, understanding the reasons of the worst types of child labour is critical such as children in the transportation sector. Because family dynamics also contributed to child labour rate. Children in a family with many adults in the family are less likely to work. Children in households where all adults are working are more likely to work. This is also true for child labour in the transport sector. Findings by Salmon (2005) indicated that children act as a source of income generation because households that maximize all human capital tend to be households with incidences of child labour. Narayan (2000) asserted that choosing the worst forms of child labour is a difficult decision that would never be taken if the child did not live in poverty. Rialp (1993) further said that, despite the harsh working conditions, children in the Philippines who engage in prostitution or deep-sea fishing agree that this type of job helps them to contribute to their families.

### **Physical and Psychological Abuse**

Child labour generally undergoes various workplace victimization and

deprivation due to their helplessness and vulnerability. Grant (1993) showed that risky child labour, impedes the psychosocial and physical development of working children because working in workshops, construction, or the transportation sector places a burden on the children's physical and mental health, impeding their future lives. Human Rights groups and a few non-government organizations have initiated programs to raise awareness of child abuse's efficacy with limited success. As found elsewhere, child abuse is more likely to occur in the workplace than in the family context (Blassio and Camissasca, 1996).

Figure 1: Nature of Abuse



This paper also finds that almost all the respondents experienced at least some sort of physical or mental torture during their working period from their senior coworkers, owners, or masters. Figure 1 depicts that about 131 respondents experienced mental abuse and traumatic conditions, and 105 respondents experienced physical abuse and injury while 92 children experienced physical and mental torture in this job field. Notably, the nature of physical abuse or injury, 70 of them undergo slapping, 39 experienced slapping inside the vehicle, 12 faced beating, 32 got injuries from running car, while 14 of them experienced an accidental injury.

## Types of Physical Abuse and Injury

**Table 3: Nature of Physical Abuse**

Nature	Number of Victims
Slapping	70
Slipping from vehicle	39
Beating	12
Injury from running car	32
Accidental injury	14
Others	7

The table demonstrates that about 1.7% of children were forced to involve in inappropriate acts, and 3% were forced to work for long hours and beyond their physical capability. The prevalence of abuse appeared to be positively associated with children's age for all groups except physical assault, indicating that younger children are more likely to be vulnerable than older to physical abuse (Hadi, 2000). Another study found that about 23.55 percent experienced torture from their senior workers, and 35.25% were physically assaulted for different silly reasons (Kamruzzaman, 2015). Child labour is both physically and mentally abused and harassed in many ways; many young boys reported being sexually abused by their owners or employers (Duchemin, 2009). Besides, many child labourers in their workplace experience multi dimensional forms of harassment that can cause them long-lasting harm to their general improvement (Sharmin and Abdullah, 2013). Hence, the harassment of child labour in the transport sectors has short-term and long-term effects on the child's development.

**Mental Abuse**

**Table 4: Nature of Mental Abuse**

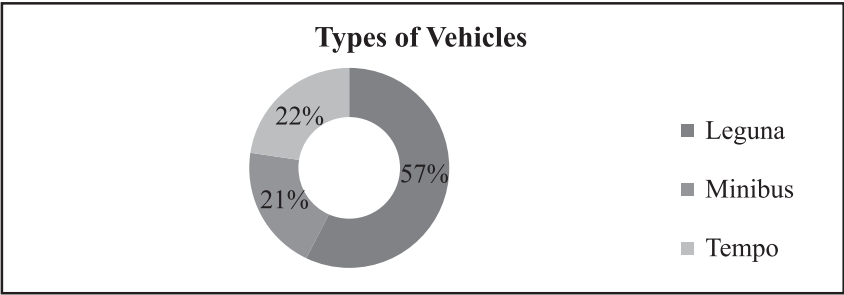
Types	Number of Victims
Bullying	78
Threat	56
Humiliation	62
Cutting salary and mental pressure	71
Using slang language	92
Others	8
Discrimination for age	29

The table depicts that 78 respondents experienced bullying from their seniors, 56 got threats, 62 experienced humiliation, 92 experienced slang languages, and 71 respondents faced cutting salaries due to silly matters. Besides, respondents also informed that their peers reject them; they claimed that close association with parents is not enough for them in emotional support. Moreover, they said they do not get enough time and opportunity for playing. Consequently, it affects them and makes them frustrated, depressed, and aggressive toward the situation, making them more aggressive rather than adjusting to the situation. The 'National Child Labour Survey in Bangladesh, 2013' also found that about 17 percent of child labour experienced regular shouting, criticizing, bullying, and insulting their employers, seniors, etc. Sometimes the passengers used to call names; the workers even conduct physical torture quarreling for bus fare. In a study, it has been found that about 42 percent of children working in the transport sectors experienced abuse by their owners or employers (Kamruzzaman and Hakim, 2018).

**4.2 Nature of Job in Transport Sector**

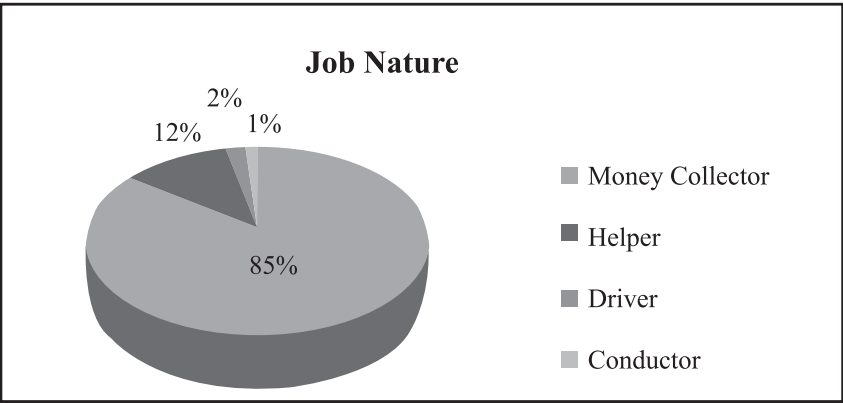
The transport sector is considered one of the hazardous job sectors, and for this reason, this sector is very much hazardous for the child. As a child, every child has some rights like good behave, well treatment, free from all types of violation, etc. According to the Section 3 of the Employment of Children Act, the minimum age for engagement in transport sectors as a worker is 15 years (Kamruzzaman and Hakim, 2018), but according to the “Baseline Survey on Child Workers in Road Transport Sector 2003, March 2004” about 48 percent child labour of transport sector are aged between 5 to 14 years old. In 1999, the ILO's Worst Forms of Child Labour Convention concerned with taking immediate action to remove those forms of child labour hazardous, harmful to their dignity and self-respect, hazardous and dangerous to their physical, mental, and moral development, etc. (Islam, 2014). In this sense, child labour in the transport sectors will be considered one of the hazardous job sectors. The Child Labour Survey, 2013 also marked transport sectors as one of the child's hazardous job sectors (Zaman et al., 2014).

Figure 2: Types of Vehicles



This paper finds that the child labourers are working in different types of vehicles, as 57 percent of the respondents are working in Leguna, 21 percent in Minibus, and 22 percent are working in Tempo vehicles in which they have to work for a long time without taking sufficient rest. This sector's child workers have to undergo double exploitation, like working in a risky job field for a long time and getting meager wages.

Figure 3: Nature of job in transport sector



The sector of child labour is extremely exploitative as the child labour are underage, and the job affects them from access to education, impede psychological development, forced to work for too many hours under excessive physical, social and psycho-social pressure, offer little wage or remuneration, provide no time for play or recreation and inhibit their (child labour) self believe and self-dignity, etc. (Islam, 2014). The Constitution of Bangladesh (Article 23 and 34) and current legislative measures on child labour also lay down that the State shall ensure the child's rights and welfare as included in the United Nations CRC and many other international laws. Moreover, Bangladesh has also passed a compulsory Primary Education Act 1991 to ensure primary education is indiscriminate to all people (Khanam, 2005). Thus, most of the child labour of this transport sector is also deprived of such opportunities.

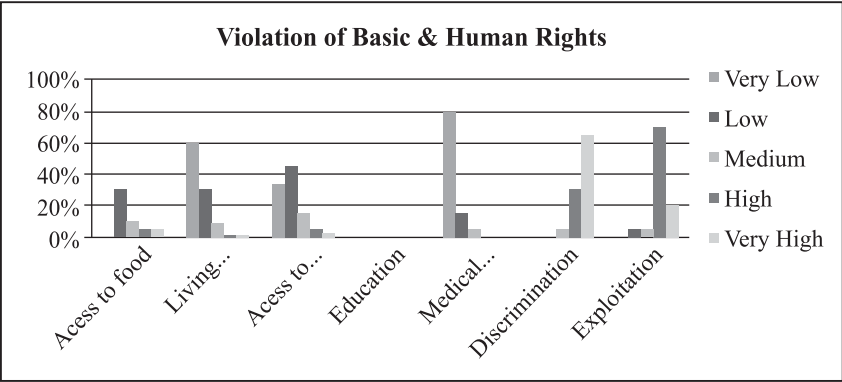
**4.3 Violation of Basic and Human Rights**

Child labourers are deprived of basic human rights like educational opportunities, recreational and medical facilities. According to the "Child Labour Survey, 2013" in Bangladesh, about 80 percent of children get educational opportunities while in terms of child labour, it is 29 percent, and in terms of hazardous child labour (including the transport sector), it is only 19 percent. On the other hand, 31 percent of the hazardous child labourers never went to school, and 39 percent did not go to school due to lack of family support. Moreover, previous

studies also found that the number of years of education among working children was meager (Islam, 2010).

The chart depicts the violation of the child's basic and human rights in transport sectors ranging from access to food and rights to entertainment. Almost 80% of respondents said they did not access nutritious food or food containing the minimum value; 65% claimed they had no warm clothing for winter or clothing for special festivals. However, nearly 45% of respondents pointed out that they had no housing or shelter for sleeping at night. In terms of education, almost 95% of child labour did not get any education opportunity, even for night school. Near 80% of respondents said they did not get medical treatment if they felt sick. Almost all of the respondents said they had no opportunity for playing games or any other recreational activities, and 75% of respondents claimed that they got exploited in terms of wage, working hours, and other fields.

Figure 4: Violation of Rights in Transportation Sector



According to the 'Baseline Survey on Child Labour in the Road Transport Sector, 2003' almost half of the child labour in this sector have to work seven days per week, and an average of almost 10 working hours per day, which is big exploitation of human rights and national and international labour rules. However, most of the respondents agreed that the transport sector does not get adequate food during work hours, making them underweight and malnourished, which affects their bodies. Moreover, they do not get a chance for treatment, medicine, and other facilities; nevertheless, they cut salaries for their sickness. Also,

respondents asserted that they have no warm clothes in the winter season or festivals, but they have to manage these. In terms of working hours, the transport sectors' child labour faces the worst condition as they have no fixed work period and place. Working in non-hazardous sectors more than 42 hours each week will be called a hazardous job indiscriminate to the age wherein transport sectors are a hazardous job and the children have to work more than 42 hours in a week (The National Child Labour Survey, 2013). They are also victims of having no safe environment as they have to work all day long in the public street. Onyemachi and Tenshak (2000) said many children had limited access to schooling and other social opportunities. Working in hazardous conditions with no food, low wages, no education, and little medical care is an act that eventually causes a cycle of child rights violations (UNICEF, 2006; ILO, 2015).

#### **4.4 Lack of Safety**

In this job, the child is not safe from any accident, violation, maltreatment, harassment, health problems, economic exploitations, etc. It is a temporary job where the child can earn money only when they can work for a long time with full effort. According to the "Child Labour Survey, 2013," about 57 percent of child labour in Bangladesh is involved in a temporary form of work, and the transportation sector is one of them where the child never feels the safety of regular and sufficient income. On the other hand, child labour in this sector has to visit one place to another place and deal with large and different types of people, which increases the vulnerability of these children. It is important to note that many children have been exposed to long hours of labour in hazardous and unhealthy conditions (Folami, 2018). They also work as temporary workers under no formal document of engagement, including salary, work time, facilities, etc. Consequently, most child labour has no job safety even their salary, work time, and other facilities' safety (Child Labour Survey, 2013). They have to obey and depend on the decisions taken by their employers.

Uddin et al., (2009) noted that among the 80 children, 90 percent of the children surveyed are in pain; 72.5 percent have breathing problems, and marginally more than 71 percent have eyesight problems. Nearly half of

the people (48.5%) have skin diseases, and 40% have been labeled as psychologically immature. Clearly, the majority of the studied child labourers had several health issues. Conversely, the transport sector's child labourers also face more risky and hazardous situations than others. To identify hazardous job sectors for the child, the international authorities consider some conditions and atmosphere which are adverse to human health and development, like working in the presence of noise, heat, light, radiation, vibration, dust, mist, fumes, smoke, gas, vapor, dust particles, etc. which are very much harmful to human health. Besides, the transport sector's child is also more vulnerable to face various safety hazards like accidents, injuries, quarrels, robbery, falls, and slips, which sometimes become a cause of death for many transport workers (Islam, 2014).

### 4.5 Economic Exploitation

There are several reasons why child labourers have been victimized more than others, like dependency, poverty, less cognitive maturity, less self-protection capability, for which the child labourers are more likely to be victimized and deprived of their basic rights than the others (Hossain et al., 2018). On the other hand, the employers deprive child labour giving meager salary compared to their effort and working hours. It is also known that the prime cause of child is poverty, for which children become bound to be involved in child work (Awaleh, 2007). Child labourers are generally paid low salary according to their working hours and efforts.

**Table 6: Daily Wage of the Respondents**

Daily Wage	Frequency	Percentage
00 to 100	17	10.6
101-200	9	5.63
201-300	74	46.25
301-400	18	11.25
401-500	36	22.5
Above 500	6	3.75
<b>Total</b>	<b>160</b>	<b>100</b>

The survey also finds that child workers are paid a meager salary in proportion to their working hours and sufferings. This paper shows that about 11 percent of the respondents get 100tk or less than 100 taka per working day, which means their monthly income is below 3000 taka, which is a meager wage compared to their hard work in a hazardous condition. The majority (about 46 percent) get a daily wage between 201-300 taka. Only 3.75 percent get above 500tk per day, which shows that the child workers have to undergo economic exploitation. Moreover, their daily income depends on the weather, festivals, and public holidays and the vehicles' total daily income. Further, the research reveals that children over 15 years earn more money than others while children less than 6 years get a lower amount of money. Uddin et al., (2009) found that the majority (59 percent) of the surveyed child labourers received regular payments in the range of taka 40-60 taka, 7.5 percent of the respondents earned a daily pay of taka 80-100, ten percent received wages of 60-80 taka, and almost a fifth of the respondents received wages of 20-40 taka. Isamah and Okunola (1996), child labour, is described as a condition in which a child is forced to work or earn a living, with the child being paid at times and fed at other times. Abdulla (1986) stated child labour is a form of labour when a child is forced to do work that is normally performed by adults.

### Causes to be a Child Labour

There are several reasons for the growing number of children engaged in transport sectors as workers. Among them, family crisis, poverty, lack of support, lack of alternative earning sources play a big role in child involvement in transport sectors.

**Table 7: Reasons for Becoming Child Labour**

Reason to Engage	Frequency
Family Problems	68
Forcefully	11
Lost from Family	13
Poverty	45
Abandoned by Parents	31
To Earn More Money	35
Self-Employment	12

Comparatively, this study finds that family problems are their main reasons for involvement in such hazardous job fields. Besides this, multiple reasons worked for many respondents to engage with the profession such as poverty, to earn more money, and other factors worked to be self-employed. These data show that lack of family support and poverty play a role as push factors while the dream to be self-employed and earn more money plays a role as pull factors for the involvement in transport sectors. Most of the respondents live in slum areas; many sleep on roadsides. Children who have no proper guardians are guided by "Sarder." Different secondary sources also find out that poverty is the prime factor of child labour worldwide (Osment, 2014). Poverty, a lack of safety net, neglect, a lack of support, and a large family were among the explanations given by the participants. Many of the child labourers came from low-income families (Folami et al., 2018).

There are also some challenges to mitigate child labour in transport sectors because many are orphaned or abandoned, affecting the children's proper rehabilitation. If they want to continue in driving is also difficult as they are not allowed to get a driving license due to age problem. In this sense, the transport sector children need holistic rehabilitation, including shelter, foods until they can manage their livelihood through any non-hazardous job (Duchemin, 2009).

Currently, the world is more concerned about child labour and taking special initiatives to eradicate it from society. The concerning factors in the trend and incidence of child labour conditions in Bangladesh are that while child labour is decreasing in other South-Asian countries, even in India and Pakistan and globally, it has been increasing in Bangladesh every year (Khanam, 2005).

## **5. Conclusion and Recommendations**

In recent years, child protection has undoubtedly become the most important national and international concern (Spratt et al., 2014). The child workers have no formal treaty of engagement in a job with their employers, which bring vulnerability in demanding salary, working hour, job guarantee, and other job facilities; rather, they have to depend on their employer's interest and wish in determining those things. Also,

they work as temporary workers, for which they feel the stress of losing a job and earning money for their low-income family members. The most negative side of the transport sector is the health issue. In the street transport sector, the child has to undergo excessive dust, dirt, noise, hot weather, job stress, misbehave in public, etc. which may cause serious effects on the child's physical condition. They are not also paid sufficiently rather than work a large number of hours per week, violating the international labour rules. They have to forget basic human rights, including educational and recreational facilities. Many children of these sectors have not gone to school or cannot continue studying due to poverty and workload. They also face shouting, bullying, criticizing, insulting from their employers, even from the general people who are not educated enough to respect the child and stand beside them. There are also negative sides to child labour victimization because regular deprivation and victimization sometimes bind them to criminal activities. So, special measures should be addressed to remove the rate of child labour, their degree of victimization, and long-term improvement of their condition.

Like other informal sectors, most children become bound to engage in transportation sector due to their family poverty as well as to support themselves and their families. On the other hand, many children play a vital role as earning family members. To control and prevent child labour, the first thing should be to enhance their economic condition, and then different educational, vocational training can be introduced. The government also takes several initiatives to reduce child labour like the Child Labour National Plan of Action (2012–2021), Domestic Workers Protection and Welfare Policy, National Plan of Action to Combat Human Trafficking (2015–2017), National Education Policy, Seventh Five Year Plan (2016–2020), etc. Along with the government, the upper class of society has to play a big role in reducing child labour victimization. To conclude, it is impossible to remove child labour overnight, but their degree of deprivation should be removed strictly through social movement and implementing laws protecting child labour rights.

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# A Critical Review on Legal Recognition and Protection of Domestic Workers in Bangladesh

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## Abstract

*Domestic work is a large and rising area of employment, especially for women. But the workers in this sector are not only deprived, but also disenfranchised. The recognition and protection of domestic workers, in our labour laws, has been absent. This paper attempts to point out the vulnerability of domestic workers in light of the legal context of international and national perspectives. It shows that existing legal provisions for domestic worker are extremely limited and specific statutory measures on the working and living conditions of domestic workers are almost non-existent in Bangladesh. In the end, specific legal measures will be suggested to recognize and protect the rights of domestic workers.*

**Keywords:** Deprivation, Decent Work, Labour Rights

## 1. Introduction and Background

Although domestic work is one of the oldest and most important occupations for millions of people around the world domestic workers in any country form a marginalized and highly vulnerable group. This is especially so in Bangladesh. They make our lives easier in exchange of lot of difficulties in their own lives. Because of their vulnerability, domestic workers have always received special attention and protection of the human rights regime. Domestic work remains virtually invisible as a form of employment. It tends to be perceived as something other than regular employment, as not fitting the general framework of existing

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labour laws. As a result, the domestic employment relationship is not specifically addressed in legislative enactments, thus rendering domestic workers vulnerable to unequal, unfair and often abusive treatment. The workers remain dependent on their employers' sense of fairness rather than on an accepted legal norm that recognizes their dignity as human beings (ILO, 2010). One of the most striking changes in domestic work in the past 30 years has been the growing prevalence of migrant work. In several regions, including Europe and the Gulf countries and the Middle East, the majority of domestic labourers today are migrant women (ILO, 2010). Live-in and migrant domestic workers are particularly vulnerable to various forms of mistreatment at the workplace, which in the worst cases have led to their death. Verbal abuse such as shouting, insulting the employee's nationality or race and using inappropriate language, is frequently reported (ILO, 2002). When analyzing the unsafe conditions that Bangladeshi women face when migrating to work overseas, it is found that the absence of laws and regulations in the recruitment process for migrant domestic workers and the poor working conditions they face once on site render women very vulnerable. The labour rights and conditions for the few migrant domestic workers that are in Bangladesh are also not covered by national laws (Smales, 2010). The predicament of the domestic workers may in many cases be so dire that the HCD in *BNWLA v Bangladesh*, has compared domestic works to slavery and observed- "It [domestic works] is somewhat akin to the situation in the dark days of slavery when black Africans were rounded up from their homes, packed like sardines into ships and carried to far away America where they toiled in the houses of the white Americans. The slave trade has been long abolished. Sadly, we are far behind times and still engage in practices that are not far less than slavery" (*BNWLA*, 2012).

In fact, the deplorable situation of the domestic workers in Bangladesh implies an abject failure of the policy instruments adopted by the Government designed for the protection of them (Islam, 2014). Lastly, though the government has formulated the Domestic Workers Protection and Welfare Policy, 2015 a legal vacuum still exists for the recognition and protection of domestic workers from vulnerable and deprived status qua.

## **2. Objectives:**

The main objective of this paper is to identify the lacuna in legal recognition and protection of the domestic workers resulting in the deplorable condition of them. In this respect, the paper aims to uphold the vulnerability of domestic workers and point out the legal context of international and national regime to emphasize the commitment of our state to enforce legal measures on the working and living conditions of them. Lastly it targets to suggest specific statutory provisions in favour of the marginalized section of society.

## **3. Methodology:**

This is a qualitative research in nature. Data and information have been collected from both the primary and secondary sources. Secondary sources include academic journal articles, published books and official documents or report of NGO's on domestic workers. international and domestic statutes, leading case laws on the domestic worker have been used as primary sources. Relevant ILO conventions and Constitution of Bangladesh have been analyzed to determine the commitment of the country regarding legal protection of domestic workers. Scrutiny on 'Domestic Workers Protection and Welfare Policy, 2015', legal framework on labour law, relevant policies and literatures, expert interview and consultation have been conducted to bring out the findings. Upon examination of the national and international legal context and data collected on vulnerability of domestic workers, the paper has recommended immediate statutory steps to be adopted for legally recognizing and protecting them.

## **4. Literature Review:**

Critical review of existing literature reveals useful data on domestic workers and analysis on various issues of domestic work, including typology and employment conditions, unprotected and deprived status, indicates the lacuna in present legal framework. The wide range of literature review has crystallized the research gap in legal mechanisms on the recognition, protection and regulation of domestic workers in Bangladesh.

#### **4.1 Typology of ‘Domestic Worker’:**

The definition of a domestic worker under the laws of Bangladesh can be found in the Domestic Servants’ Registration Ordinance, 1961. It says that ‘domestic servant’ includes every person who renders domestic services (i.e. services pertaining to household affairs) to his employer in lieu of wages or any other consideration. The word ‘servant’ is a derogatory term and should not be used in the light of present social mores. Furthermore, the definition needs to be expanded. Lastly ‘Domestic Workers Protection and Welfare Policy, 2015 also defines Domestic work and workers. Accordingly, domestic work implies work carried on in and around the home such as cooking, cleaning and shopping etc. A domestic worker is a person who is involved in domestic work in a home which is not her own and expects in return some sort of earning, whether in cash or otherwise. Although the entire informal sector cannot be included in the legal discourse relating to domestic workers, many categories not commonly regarded as domestic workers should be included in the definition so that legal protection can be given. Apparently, the identifying criteria should not be working in ‘household’ but ‘working in a household or doing similar works’. Again, presence of ‘wages’ should not be an identifying factor at all. The most important criteria should be whether she is working for her own family or for someone else. Domestic worker shall mean a person doing household works or similar types of work for someone who is not her immediate family and who is not recognized as a laborer of the formal sector (Ahmed, 2009). The greatest share of domestic workers migrates out of poverty from rural to urban areas (Chodhuary, 2013). In terms of their residential status, the domestic worker population is divided into two major groups: full-time or live-in caregivers and part-time or live-out workers. Most of the domestic workers in Bangladesh tend to be full-time or live-in workers, who work long hours without any proper rest or recreational facilities (BILS, 2015).

## **4.2 Migrant domestic workers:**

Although Bangladesh is also a source country for international migrant domestic workers recent domestic workers welfare policy, 2015 does not cover them (Iqbal, 2014). In the near past, women domestic workers were migrating through illegal channels by smugglers or traffickers, and as such, abuses were common and unreported (Rukhsana, 2001). The plight of domestic workers who may cross borders and work in overseas households can be equally bad or perhaps even worse (Islam, 2014). Through its global strategy, the ILO aims to support its constituents in achieving decent work for domestic workers through recognition of the specific vulnerabilities to which migrant domestic workers are exposed and the need to improve labour and migration laws and policies (Smales, 2010).

In 2001, the government of Bangladesh set up the Ministry of Expatriates' Welfare and Overseas Employment whose main objective is to increase overseas employment and remittances, but also to ensure migrants' welfare. However, after the opening up of migration, conditions for women domestic workers are much the same (Smales, 2010).

Considerable attention has recently been given to the link between migrant domestic work and forced labour, slavery and slave-like conditions, and human trafficking. Migrant domestic workers' vulnerability to forced labour is not inherent but constructed; and certain practices associated with migrant domestic work can have a significant impact on whether forced labour conditions are cultivated or rooted out. Legislation can help to prevent forced domestic work and trafficking by

- forbidding possession of the passport by the employer;
- removing binding requirements and at least providing renewable bridge extensions to prevent immediate expulsion on termination of the employment contract;
- removing the requirement to reside in the home of the employer;
- banning the payment of agency fees by workers and restricting similar deductions from their pay;

- strengthening MoUs to prevent abuse;
- requiring agencies to be accredited.

It has been stressed the importance of awareness-raising mechanisms so that domestic workers know their rights and know how to enforce them. It has also welcomed legislation that establishes human rights bodies allowing domestic workers to file complaints. Moreover, exercising those entitlements can sometimes jeopardize both their jobs and, in the case of migrant workers, their migration status and prospects of permanent residency. This risk is real, even when conditions agreed to at the outset of a working relationship (ILO, 2004).

#### **4.3 Unprotected and Vulnerable status of the Domestic workers:**

Domestic worker is rooted in the global history of slavery, colonialism and other forms of servitude (A.Fauve ed., 2004). Domestic work does not take place in a factory or an office, but in the home. The employees are not male breadwinners, but overwhelmingly women. They do not work alongside other co-workers, but in isolation behind closed doors (ILO, 2010). Domestic work is undervalued in monetary terms and is often informal and undocumented. A UNICEF fact sheet also describes that in about 60 per cent report some kind of abuse during their work, such as scolding or slapping, occurs. Levels of exploitation are also extremely high, as indicated by the fact that more than half receive no wage at all (they instead receive benefits such as accommodation, food and clothing – further reinforcing dependency on their employer) (UNICEF, 2010).

The problem with the domestic work is that it takes place in a private sphere and is highly informal. As a result, ensuring labour rights and social provision is difficult. Workers engaged in domestic work are exploited; they work long hours with less salary and are often verbally, if not physically, abused. There is no standard of work and jobs agreed through verbal agreements.

Domestic Workers in Bangladesh generally suffers from lack of education opportunity (in case of child domestic works), lack of

recreation, use of bad word at work place, Physical torture and harassments, low job security, extreme work pressure, sexual harassment, mental pressure, unorganizing, lack of leadership among domestic workers, most of the cases they are represented by NGO / middleman in society (Dhar, 2018).

There are initiatives taken by the trade unions, human rights organisations, professional groups and civil society members to protect the domestic workers from all these violations. But all these are scattered and individual initiatives (DWRN, 2011). Biswas (Biswas, 2010) and Hossain (Hossain, 2010) note that domestic workers in Bangladesh are not sufficiently organised to develop a united resistance against exploitation and abuse, due to the fact that they are mostly confined to private households and have few opportunities to exchange their ideas. In addition, they have very little educational background and barely recognition of collective bargaining due to absence of state recognition in the labour legislation (BILS, 2015).

## **5. Existing Laws to regulate Domestic workers:**

Because they often have no clear status under present labour legislation, domestic workers tend to be excluded de facto from formal regulations and their enforcement (ILO, 2010). Mere tinkering with informal rules in formal legislation is not enough. Domestic work calls for laws that can bring about legal recognition, decent work and social protection.

### **5.1 International Legal Regime:**

As a member of the international community and a subject of the international legal regime, Bangladesh has signed a number of international legal instruments. Some of these instruments contain provision/s which either directly or indirectly deals with the rights of domestic workers. Bangladesh is a signatory of the Convention on the Rights of the Child, 1989 since 26th January 1990 which it ratified on 3rd August 1990. Article 32 of the Convention also addresses the fact that ‘States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to

the child's health or physical, mental, spiritual, moral or social development.' Bangladesh also signed and ratified the International Labour Organization (ILO) Convention No. 182 on the Worst Forms of Child Labour in 2001. Bangladesh has ratified ILO's fundamental Conventions including the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Minimum Age (Industry) Convention (Revised), 1937 (No. 59) and the aforesaid Worst Forms of Child Labour Convention, 1999 (No. 182). As Bangladeshi courts do not treat international treaties signed by the executive as binding laws unless their provisions are expressly incorporated into domestic laws, these international instruments have limited practical value for the intended beneficiaries (Hussain Muhammad Ershad v. Bangladesh and Others, 2001). Many of the international legal instruments are inapplicable in Bangladesh simply because they are not included in domestic laws, indicating that the country lacks a well-defined legal framework or national policy for the regulation of domestic workers (Islam, 2014 & Ashraf, 2016).

Bangladesh is yet to ratify one of the latest ILO Conventions- 'the Domestic Workers Convention, 2011' that came into force on 5th September 2013 (ILO, 2011). The Convention establishes certain principles that lie in conjunction with how domestic workers' situation may be made better. The Domestic Workers Convention underscores that Domestic Workers in developing countries continue to be among the most marginalized. Article 3 mentions that states would have to take steps to ensure the successful promotion and protection of human rights of all domestic workers.

## **5.2 National Legal Regime:**

The Constitution of Bangladesh contains some provisions which can be applied to regulate some aspects of domestic work. Article 34(1) of the Constitution unequivocally denounces all forms of forced labour. Article 14 of the Constitution proclaims 'to emancipate workers and backward sections of the people from all forms of exploitation' as a fundamental responsibility of the state. Article 28(4) of the Constitution grants the

Government power to make ‘special provision in favour of women or children or for the advancement of any backward section of citizens’, even though such special provisions may discriminate against some other.

Upon analysis of labour legislation, it is found that domestic workers are explicitly excluded from the Bangladesh Labour Act, 2006. According to Section 1(o), the Act is not applicable for the Domestic Servants. Another earlier statute ‘Domestic Servant Registration Ordinance, 1961’ is negative on labour rights protection of them. On 21 December 2015, Bangladesh government approved the Domestic Workers’ Protection and Welfare Policy (DWPWP), 2015. The adoption of this policy is seen by many as a milestone in achieving legal recognition for those in domestic service. The DWPWP has 16 provisions, with clearly specified responsibilities for the employers, the workers and the government. The Policy of 2015 is not a binding provision and being implemented very slowly or hardly. Inclusion of the domestic workers within the definition of ‘worker’ in the Labour Act will ensure that the workers in the domestic sector enjoy all the benefits within the labour laws. Only then will the mandate of the Constitution be fulfilled (Bangladesh National Women Lawyers Association vs Bangladesh and others, 2010).

Utter negligence of the state authorities in mitigating the sufferings of domestics is seen in their deliberate exclusion from the Bangladesh Labour Act 2006 (ASK, 2010 and ILO, 2013). The plight of domestic workers and the Government’s responsibility to protect them from systemic neglect has been at issue in “BNWLA v Bangladesh” and in this case, the HCD has issued ten specific directions upon the Government requiring that existing legal framework would be strengthened in such a way that benefits of regulated working hours, rest, recreation, salary etc. enjoyed by industrial workers are also ensured for all domestic workers (Ashraf, 2016).

Other general laws, such as the Penal Code, 1890, the Code of Criminal Procedure, 1898 and the law against the repression of women and children, 2001 may address some of the issues related to domestic workers, but they are rarely enforced to protect their rights (BILS, 2015).

In Bangladesh, there has been notable research conducted by ILO, UNICEF and the Bangladesh Institute of Labour Studies (BILS) on child domestic workers and migrant workers. However, there is yet to be a comprehensive study on overall condition of all types of domestic workers in the country.

The existing literature provides a rich basis for understanding the typology of domestic workers and their employment conditions, and sheds light on the legal vacuum in which the domestic workers operate. The literature does not give us any concrete ideas about how to formalize or regulate domestic workers ensuring their constitutional and labour rights. This study addresses the knowledge gap by identifying defective present policy framework and finding out effective legal mechanisms to regulate domestic workers.

## **6. Major Findings of the study:**

- Domestic workers make up a large portion of the workforce, especially for women and children, and their number has been increasing. The labour market of Bangladesh is overwhelmingly occupied by informal sector workers, 87.5 percent of total labour force according to BBS, 2011, where domestic worker is a significant part;
- Domestic workers are expressly excluded from the definition of ‘worker’ in the Labour Act, 2006 and consequently they are not legally recognized as workers;
- The exclusion of domestic workers from the Bangladesh Labour Act 2006 and inaction of the State to protect the vulnerable section of society is clear noncompliance of constitutional binding and international commitment;
- Legal framework has not been strengthened as per specific directions of High Court Division in the case “BNWLA v Bangladesh” where systemic neglect to domestic workers had been at issue;
- According to last Labour Force Survey, 2013 there are 10.5 million Domestic Workers in Bangladesh. And unfortunately most of them are youth and children;

- ❑ Domestic work, generally, is undervalued and poorly regulated, and many domestic workers remain overworked, underpaid and unprotected. Accounts of maltreatment and abuse, especially of live-in domestic workers, are regularly denounced in the media;
- ❑ Domestic workers are always deprived of fair wage, leaves, proper rest, medical facilities and many other basic rights. They work all day long but their contribution is never calculated in the national GDP;
- ❑ They work very long hours without any specified working conditions. In most cases, they do not have any practical and effective legal process to enforce their rights or to ensure their benefits and privileges. The situation is more acute due to the fact that a very high proportion of the domestic workers are children and women;
- ❑ Child domestic workers are particularly invisible to the law and to society. They do not know about their rights if any and suffer in silence when they are tortured or deprived;
- ❑ It is found that domestic workers are one of the most unprotected and vulnerable working class in the country. The existing laws do not cover the issues of the domestic workers and thus are unable to provide proper job protection and security to them even to recognize them as worker. Domestic workers have very limited access, in many cases no access, to services for a decent living. The laws relevant for domestic workers are lacking both in terms of substantive provisions as well as in terms of implementation procedure.

## **7. Way Forward:**

A policy for the domestic workers has been framed is a step forward. A special legislation following the policy for the domestic workers and directions of High Court Division is the best solution to recognize and legally protect the domestic workers from vulnerable survival. Disparate works from social, economic or medical perspective in the field should be brought together along with experts who are dealing with these matters. Through exchange of information and experience with the

stakeholders, a collective effort can proceed to outline a model draft law. Recommendation is thus to create, from the non-profit sector, a committee of experts for drafting of a model law on domestic workers. A strategy of receiving feedback from all sectors of the society will have to be developed. After going through a process of participation by all stakeholders, a draft should be prepared. This will be one big step in the movement to ameliorate the conditions of the domestic workers – the ultimate under-represented and disenfranchised in our society. Accordingly, domestic workers must be recognized as labour and they should be brought under the purview of national law, provided with a minimum standard of living comprising of minimum wage, proper accommodation, health and medical facilities, and recreation. Skill development training should be introduced by Gos and NGOs for the domestic workers focusing on their developmental needs. Access to the existing social security schemes must be ensured as well as new scheme under social safety net, exclusively for domestic workers, should be introduced. Proper monitoring and inspection system should be developed. Local government bodies should perform important role in mobilizing the issue. Trade unions must move forward with the issues of domestic workers as important trade union agenda in the country; and strong GO-NGO collaboration must be established to ensure the security and welfare of the domestic workers.

## **8. Conclusion:**

The continued practice of unrecognized and unprotected labour of domestic workers is manifestly unconstitutional and has been asked by the Supreme Court of Bangladesh to be put to regulation. So the process of deprivation and denial of fundamental rights which are spurred by dire economic necessities and commonly accepted by the society cannot effectively be controlled by legal provisions alone. Domestic work must be treated both as work like any other, and as work like no other (Blackett, 2005). The concerted actions must ensure that the efforts to regulate domestic works are meaningful, realistic, and do not inflict any unintended harm on those for whose benefits they are undertaken.

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# Civil Society



# **Combating worst forms of child labour in Bangladesh**

Md Abu Taher<sup>1</sup>

Today's child labour has been a burning issue all over the world. As per ILO estimates, more than 95% of child labour within the age range of 5 to 14 years engaged in economic and non-economic activities are in LDCs and poor countries.

Labour Force Survey (LFS) indicates that the population size of Bangladesh is relatively large with respect to land area. A large segment (86%) of the country's labour force is engaged in informal activities and child labour is also a notable feature of the country's growing informal labour market scenario. The participation of child labour in labour market has been creasing day-by-day. Child labour was scattered all over the country and was present in almost all the sectors of the economy.

7% of child labour force lived in the urban areas and the rest in the rural areas. Most of the children involved in hazardous economic activities. The hazards were largely due to exposure to flames, harmful chemical substances, working with electricity, gases, dust handling garbage, extreme heat or cold, insufficient light, heavy loads, working with ice without gloves and so on. Most of the cases, the children were working without adequate safety measures and they did not use gloves, protective shields, and mask.

Involvement of child labour in hazardous activities tends to develop chest and abdominal pain, headaches, skin infections, physical tardiness, eye or ear problems, respiratory infections which ultimately leads to serious health and psychological consequences. Sometimes, children engaged in scavenging, rag-picking or marginal economic activities in the streets are exposed to drugs, violence, and criminal activities,

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physical and sexual abuse in many parts of the country.

The underlying reasons behind the child labour are chronic poverty, rising unemployment, migration, natural disaster, increasing landlessness, lack of interest in education, high population growth rate and thereby, the children are compelled to work for a living, sacrificing their childhood as well as their future for bare survival of self and family. Evidence shows that most of the children were forced to work because of their parents economic hardship, followed by disliking of schooling and father's/mother's death.

The problem of child labour has been tackled through protective legislation at both national and international levels. Most of the laws and provisions have been enacted in the light of ILO conventions No. 138 (minimum age) and 182(worst forms for child labour) ratified by the Bangladesh Government with a view to protecting children from some kinds of jobs, particularly the hazardous ones. The Bangladesh Government has also promulgated and adopted a National Children Policy as a commitment to the children's right.

The three international child labour conventions [like Minimum Age Convention No. 138 of 1973, Convention on the Rights of Child (CRC) of UN, 1989 and worst forms of child labour (WFCL) convention No. 182 of 1989] comprise the main global reference points for national and international policy, which ratified by the Bangladesh Government from time to time. By ratifying these conventions, the Bangladesh Government undertake to "respect and ensure the rights set forth in the convention to each child within their jurisdiction" and to take "all appropriate legislative and administrative measures for the implementation of the rights recognized in the conventions."

Accordingly, most of the labour legislations in Bangladesh prohibit the child employment in factories below a certain age. But, in practice, the ratified convention and enacted laws and provisions does not prevent the children from working when adults fail to earn enough money and family resources are inadequate, children drop out of school and work at home or outside. The effectiveness of enacted legislation regarding child

labour may just push children from the frying pan into the fire, i.e. they also involve more dangerous, hazardous and exploitative work in the society.

Legislation alone has proved insufficient for combating child labour in LDC. In Bangladesh, the problem of child labour is a sheer reality. The prevailing socio-economic conditions do not permit outright elimination of child labour overnight. Experiences indicate that the elimination of child labour from one particular industry may culminate in an increase in child labour in another. Nevertheless, it is not possible to force the child labour to attend full-time school since the lost income is critical to the survival of their families.

For combating worst forms of child labour in Bangladesh a number of interlocking pre-conditions and measures are required. These are:

- a. The will of government to enforce child labour legislations at formal as well as informal sectors in proper way;
- b. Initiating compulsory free primary education for all children;
- c. Developing technical institutes for vocational training of working children at rural and urban areas;
- d. Strengthening technical and managerial capacity of those involved in the rehabilitation of child labour.
- e. Raising social awareness and mobilization program through developing effective mechanism;
- f. Developing income generating activities (IGAS) designed to integrate school and work time;
- g. Conducting continuous field based research for combating WFCL;
- h. The state organs and its agencies, society, parents, IOs, and NGOs need to play complementary roles in combating child labour specially WFCL in Bangladesh.

The Bangladesh Government addressed the economic problem at first and then to formulate a comprehensive National Plan for Action (NPA) and appropriate legal provision in conformity with prevailing socio cultural conditions aimed at combating worst forms of child labour from the country. Otherwise it will continue to remain an absurd dream to actually "ensure the right of child properly" through the breaches of such conventions/laws rather than observance. Remember that hungry person cannot be expected to listen to valuable advice unless he can fill up his stomach first.

Trade Union



# **The labour movement in Bangladesh and the long struggling life of Abdul Mannan**

Mesbahuddin Ahmed<sup>1</sup>

Abdul Mannan was a struggling labour leader, founder General Secretary of the Jatiya Sramik League, General Secretary of Jute Mill Workers Federation and President of Dhaka Jute Mill Walkers Union. He has been a Jute Mill leader since the sixties. He was once an employee of BG Press. That was the beginning of his trade union movement. He was introduced to the leaders of the Revolutionary Socialist Party - RSP. At that time, the RSP had a lot of influence in the Jute Mill Workers Movement. The RSP was not working as an exposed group, nor was it possible. Abdul Mannan changed his place in the trade union movement and joined the Jute Mill Workers Movement holding the hand of RSP leader Nepal Naha.

After the independence of Bangladesh, his reputation as a leader of the trade union movement spread far and wide. Along with the four leaders of the Student League and DACSU, he held the position. He also became a Member of Parliament in the 70's election.

When he joined the Jute Mill Workers Movement in the sixties, it was an emerging large sector. New jute mills have been set up under the supervision of EPIDC. Industries developed with government investment were transferred to private ownership. Jute sector was the main exporting industry of the then Pakistan regime. Owners also received various bonus vouchers from the government on their jute exports. But the wages of the workers were extremely low.

The office of the Jute Mill Workers Federation was near our house at Bahadurpur Lane, Faridabad, Old Dhaka. Nepal Naha, a teacher at East Bengal School in Sadarghat, Dhaka, lived there. He was the leader of the RSP and one of the organizers of the Jute Mill Workers Movement. After

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the independence of Bangladesh, the leaders of RSP reorganized the party under the name of Sramik-Krishak Samajwadi Dal. Labour leader Michir Ahmed Bhuiyan, Sattar and a few other leaders lived here with Nepal Naha. Brother Mannan lived at the house of one of his relatives in Faridabad Lane. I have been talking to him since 1984 when he was in the Jute Mill Workers' Movement.

During the military regime, on 1 September 1963, the jute mill workers' called a nationwide strike based on 10 point demand. But before the strike began, the leaders came to an agreement with the owners and called off the strike. The owners assured, but there was no agreement that would be effective at that time. The agreement was not acceptable to the religious people. The mill workers led by Maulvi Saidur Rahman of Adamjee Jute Mill went on strike and the strike lasted for twelve days. In this strike, little has been achieved.

Then, on 11 April 1964, a meeting of the Jute Mill Workers' Unions was held at the Mahabub Ali Institute at Fulbaria-Kaptanbazar in Dhaka. On 12 April, at another workers meeting, the formation of East Pakistan Jute Mill Workers Federation was announced. Hashem Mollah became the President of the Federation and Advocate Abdul Quader became the General Secretary. Maulvi Saidur Rahman, President of Adamjee Jute Mills Employees Union, Abdur Rahman of Ghorashal Pak Jute Mill, Mohammad Mohsin of Chittagong Victoria Jute Mills became Vice Presidents.

From 15 July 1974, five mills in the province (Bangladesh) went on strike. Workers of Adamjee, Karim, Dhaka, Bawani and Fabrics turned off the wheels. The government declared the strike illegal. The striking leaders were arrested. Even then the strike continued. On the twelfth day of the strike, an interim agreement was reached for two months with the mediation of Governor Abdul Monem Khan. The terms of the agreement included an interim pay increase of Rs 8, an advance of Rs 50 and unpaid leave during the strike, adding that a final settlement of the workers' demands would be made within the next two months. Victoria Jute Mill in Chittagong also joined the strike.

As no settlement was reached in two months, another fourteen mills issued strike notices. The strike of Jute Mill workers started on 12 October 1964. There was no other organization of the Jute Mill Workers Federation except the People's Jute Mill in Khulna. The People's Jute Mill went on a full-scale strike. On the evening of October 13, workers at the Platinum Jubilee Jute Mills turned off their wheels and marched out of the mill. The pro-strike workers were attacked by anti-union leaders. At that night, some workers of the mill joined the strike, while some were working inside. Many workers were killed and injured. The same infernal massacre was repeated on October 14 at Daulatpur Jute Mill. It is not known exactly how many workers were killed. After a long fifty-five day strike, the owners were forced to come to an agreement.

At that time the process of uniting the political parties opposed to the military ruler of Pakistan Ayub Khan was underway. The labour movement was flourishing in other places including Rail and Wapda. Abdul Mannan was arrested in the first stage of this Jute Mill movement.

After the unimaginable success of this movement, the owner created another new problem. According to the agreement reached in 1962, the 'Additional Benefit' was stopped by the employers and they started showing stubbornness about solving the problems of the workers working as piece-rate basis.

Fifty to fifty-five per cent of the Jute Mill workers were piece-rate based workers. Only if a worker produced 100 pounds of goods he would get the minimum wage. But it was not possible for a worker to produce the prescribed 100 pounds of goods. As a result, they were always deprived of the minimum wage. It was not possible to produce those 100 pounds with low level jute and old machines. As a result, a case was filed in the High Court demanding additional benefits and attempts were made to negotiate with the employers to resolve the issue of piece rate workers, but nothing happened. At that time, anti-Ayub movement was developing. In the country at that time the political front named Combined Opposition Party-COP movement was demanding democracy. On January 2, 1965, Ayub held a presidential election on basic

democracy. Opposition candidate for COP was Fatema Jinnah. Ayub Khan won the election. The basic democratic members voted for Ayub to defend their existence. In September 1965, the Indo-Pakistani war was centered on Kashmir. A state of emergency was declared in Pakistan. As per the Defense Pakistan Rules, abbreviated as DPR, arresting opposition leaders and activists being started without trial.

In June 1966, the High Court ruled in favour of the Jute Mill workers in the Additional Benefit case. After waiting for two months getting no result, at the call of the Jute Mill Federation, the representatives of twenty Jute Mill workers met in Dhaka on 18 November and decided to go on strike on 14 January on the basis of three demands. After giving notices of strike from various unions, negotiations for a settlement through the Department of Labour continued. In the end, at the request of the government mentioning that within two months a settlement will be made to this demand, an agreement was signed. As per this written agreement, the leaders of the Jute Mill workers decided to postpone the strike with an advance of fifty and twenty-five rupees in advance.

### **Six point movement**

Mannan Bhai got acquainted with the then Chhatra League leader Sirajul Alam Khan in 1965. Warrant against Sirajul Alam Khan was at that time, while he was in hiding, he helped in the movement of Chhatra League and also started working among the workers. They had a long discussion about the six-point movement in 1966 and later got acquainted with Bangabandhu Sheikh Mujibur Rahman. He also made a statement in support of the six points. At that time he was the general secretary of the Jute Mill Workers Federation.

He made a statement in support of the call for a nationwide strike on June 7 to demand the release and six-point demand of Awami League leaders, including Bangabandhu. Other leaders of the Jute Mill Workers' Federation disagreed with him. The reason was not that did they oppose the six-point plan, they thought Abdul Mannan's statement in support of the June 7 strike would infuriate the government on Jute Mill Workers Federation. Despite the risks, his statement was important to the

movement at the time. Then the people of the special branch started a special surveillance on the office of the Jute Mill Workers Federation. They even asked me why I went to the Jute Mill Workers Federation office. Frightened by the government's wrath, many Awami League leaders are resigning with statements in newspapers. Many are moving away from politics again. The Awami League was reorganized after leaving the NDF in 1964 but still could not form a party across the country. Many stayed in the NDF. After that a huge part did not support the six points. Later they did PDM and became known as pro-PDM Awami League. At that time the Awami League was dependent on the student organization. Sirajul Alam Khan started working with students and youth in the labour movement to expand the six-point movement. Through student leagues, alumni student leagues, Awami League leaders, activists or supporters, he continued to communicate and mobilize in the labour movement. At that time, we did not see many people among the intellectuals who supported the six points or said anything in support of the democratic movement (although I know that some prominent economists of the country were involved in formulating the six points). Rather the propaganda against it was strong.

The two main labour leaders Ruhul Amin Bhuiyan and Abdul Mannan openly supported the six-point movement of the Awami League. They also expressed support for the strike on June 7, 1966. In support of the strike, student league processions would come out from the building at the Science Annex of Dhaka University. On 6 June there was a huge torch procession. Sheikh Fazlul Haque Mani and Mazharul Haque Baki took care of the rest of the student league. Abdur Razzak and Nur Alam Siddiqui helped labour leader Ruhul Amin Bhuiyan in Tejgaon industrial area. Workers went on strike in the Tejgaon industrial area led by Ruhul Amin Bhuiyan and the EPR fired as the procession advanced towards the center of Dhaka, killing two workers. Adamjee Jute Mill workers led by Sayedul Haque Sadu staged a partial strike and clashed with government supporters and police. Although the strike was not successful in all places, but the processions in support of the workers' strike,

especially the processions of the workers of Tejgaon and Adamji, caused a shock in the six-point movement. The next day, the government said in a press note that the strike was unsuccessful, but did not avoid to mention the incidents in Tejgaon and Adamjee. That initial work of the workers helped a lot in the movement. Student league leaders, especially in the Tejgaon industrial area, also went on strike. Mannan Bhai went into hiding. He was later arrested. I was arrested on the morning of June 7 while picketing a workers' strike in Postagola. Most of Mannan Bhai's cases were in the Narayanganj court. I would go to see him when he appeared in court on the date of his case. I used to contact a lawyer. He was later released along with all the political prisoners in the mass movement of 1969.

### **Establishment of Jatiya Sramik League (National Workers League)**

Immediately after the mass movement of 1969, Sirajul Alam Khan started the work of establishing the Jatiya Sramik League. The League was formed on 12 October 1969. Abdul Mannan became the general secretary. Many in the Awami League did not want the party to have an allied trade union organization. The Workers League was formed to involve the workers in the liberation war. The slogan was, 'Be one of the hardworking people of Bengal'. The Awami League was going to power then, and there was eager to join the Awami League as well as the Labour League. As the central leader, we did not know that the National Workers League was forming committees in different places. Earlier, people could not be found, I used to explain six points from behind, but later it was become difficult to handle overflowing people, even there was no lack of support from intellectuals.

The non-cooperation movement that started across the country in March 1971 when Yahya Khan adjourned the Parliament session, the workers and employees across the country joined in non-cooperation and contributed their one-day wage to the movement fund.

When the war of liberation started on 26 March, Abdul Mannan and Mohammad Shahjahan moved to Agartala in April. They told me to wait. After receiving no news or communication, I and four others

including Brother Nabi, a labour leader of Dhaka Jute Mill, went to Agartala. I returned to Dhaka with training to fire grenades and rifles at the Matinagar camp and detonated a few grenades, just to explain that we are not sitting idle in the liberation war. I went back in May and from there the plan was to go to Calcutta. There were Sirajul Alam Khan and Brother Mannan. In Agartala, his friend Mofizur Rahman Khan took him to Brother Sheikh Fazlul Haque Mani. Brother Mani asked him to stay at his residence and office. The next day we boarded an Indian Army plane to the Panga camp in Siliguri and from there to Dehradun for military training. Sirajul Alam Khan came to our training camp. He said to me, “what are you going to do? Brother Mannan is looking for you. There is a need to liaise with the trade unions of India and to seek support and assistance from various trade unions in particular. I said, “No, I will fight from within the country”. Siraj Bhai thought for a while and said, “OK, do it. Come back here after two months and contact me”. Abdul Mannan and Mohammad Shahjahan went to Calcutta via Agartala. There they contacted trade unions in India. Then they went to Europe in late May 1971. They spoke with the Commonwealth Trade Union Congress and the British Trade Union Congress. They also spoke to delegates from different countries during the ILO General Assembly meeting in June and highlighted the genocide in Pakistan. They were assisted in this task by the Indian National Trade Union Congress and the All India Trade Union Congress.

When I went to Agartala again in October, I met Brother Mannan and Brother Rahman there. They said separate arrangements have been made for military training of the workers. The first batch will go for training soon and they will contact me when the Dhaka group enters.

After the independence of the country, Brother Mannan and Brother Shahjahan gathered a large number of workers from Postagola and Rupganj to welcome Brigadier Singh, the former military commander of the Indian Army Eastern Zone and his other commanders and members of the Mukti Bahini. Leaders of the International Labour Organization were also present there.

When the country became independent, Brother Mannan was a popular leader. Every day a crowd of workers and leaders came to his house in Faridabad. We have new challenges ahead of us, to start mills, to protect them. The National Workers League formed a volunteer force to protect the factory's resources. The name was 'Lal Bahini'. Brother Abdul Mannan himself became the head of this force. The conference of the National Workers League was held at Postagola in April or May of 1972. The new committee has Mohammad Shahjahan as president and general secretary Abdul Mannan and joint secretary Ruhul Amin Bhuiyan.

After a two-day conference of the Jute mill Workers Federation, a rally was held in front of Baitul Mukarram on July 2, 1972. This first conference of the organization was of special importance after independence due to the nationalization of the mills, their attitude towards the administrative bureaucrats and the implementation of the social program announced by Bangabandhu on March 26.

The demands of the conference were to pay all arrears as per the previous agreement and to form a National Wage Board to fix the wages of the workers as per the agreement of the past and to make a clear statement about the transition to socialism and the establishment of peasant labour regime.

At the conference, Mr. Abdul Mannan, General Secretary of the organization made some other significant proposals besides implementing the 13-point demands raised before March 25, spending 50% of the profits for the workers minimum wage.

On 22 June 1972, Bangladesh became a member of the International Labour Organization (ILO). With the consent of 313 delegates to the 57th Annual International Labour Conference held in Geneva, Bangladesh was able to join the ILO with great joy. Delegates from 53 countries abstained from voting at the conference. It is noteworthy that the inclusion of Bangladesh was not a success of the working class society but the recognition and membership in the first organization in the UN forum was a great achievement.

Abdul Mannan used to wear lungi all the time. Once with him I was leaving the official residence of Syed Nazrul Islam. Syed Nazrul Islam was then the Industries Minister. Speaking of early '72, a secretary is entering Syed Nazrul's house. Brother Mannan greeted him. Secretary asked Brother Mannan, "How are you"? Brother Mannan said, "Well". The Secretary came forward a little and said to Brother Mannan, "Aren't you Mr. Mannan"? Mannan Bhai was then a Member of Parliament. He had a bushy beard on his face. Outfit was simple. Brother Mannan said, "Yes sir, I am Mannan of Sramik League". Brother Mannan's clothes and movements were known separately. He was a very confident man and reckless. That is why he has been in danger again and again.

He bought a plot of land near the Postagola Industrial Area in Dhaka, where his family lived. He died in December 1986.

**Editor**

**LABOUR**

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# **BILS**

Bangladesh Institute of Labour Studies-BILS was established in 1995. The main objectives of BILS are follows :

- To help in strengthening the democratic functioning of the trade unions and to improve their services towards the society.
- To assist the trade unions in Bangladesh for becoming self-reliant through education, training, research, campaign and communication among them and other social partners as well as civil society.
- To provide various support to the trade union movement in Bangladesh and to participate effectively in the development process of the country.
- To assist the increased participation and representation of women and young workers in trade unions.
- To eliminate all kinds of discrimination between male and female workers.
- To improve occupational health and safety situation and worker's welfare as a whole.
- To brighten the image of the trade union movement in Bangladesh and to increase the organised workforce & consolidate the strength of trade union movement.
- To establish greater unity in labour movement of Bangladesh.
- To undertake multifaceted activities for human resource development.
- To introduce programmes for productivity and good industrial relation.