

STATUS OF DECENT WORK IN BANGLADESH:

INDUSTRIAL DISPUTE AND WORKPLACE ACCIDENT 2012-2013

June 2014



Bangladesh Institute of Labour Studies-BILS

House 20, Road 11 (32 old), Dhanmandi, Dhaka 1209

Tel: +88-02 8123869-70; Fax: +88-02 8114820

Email: bils@citech.net; Web: www.bilsbd.org

Report Preparation Team

Part 1: Industrial Dispute 2012-13

Subrata Banarjee
Aurongajeb Akond

Part 2: Workplace Accidents 2012-13

Rubayet Arefin

Overall Research Support

Moumita Paul
Md. Monowar Hossain
Farhana Akhter
Md. Shafiur Rahman

Contents

INDUSTRIAL DISPUTE 2012-2013

| | |
|---|----|
| Executive Summary | 5 |
| CHAPTER ONE: INTRODUCTION | 6 |
| Introduction and Context of the Study | 6 |
| Objectives | 8 |
| Methodology | 9 |
| Study Rational | 9 |
| CHAPTER TWO: REVIEW OF LITERATURE..... | 11 |
| Pre- condition and Concerning Factors of Industrial Disputes..... | 11 |
| Types of Industrial Disputes..... | 13 |
| How Industrial Disputes Arise? | 15 |
| CHAPTER THREE: RESULT ANF DISCUSSION | 17 |
| Industrial Disputes in Bangladesh (July, 2012- June, 2013) | 17 |
| Views of Employers, Workers and Trade Unions | 27 |
| Process of Settling Industrial Disputes | 28 |
| CHAPTER FOUR: RECOMMENDATION AND CONCLUSION..... | 34 |
| Recommendations: | 34 |
| Conclusion:..... | 34 |

WORKPLACE ACCUIDENT 2012-2013

| | |
|---|----|
| WORKPLACE ACCIDENT AND VIOLENCE- 2012 | 37 |
| Work Place Accident..... | 37 |
| Workplace Violence..... | 38 |
| Road Accident | 38 |
| Patterns of Workplace Accident..... | 39 |
| WORKPLACE ACCIDENT AND VIOLENCE- 2013 | 42 |
| Workplace Accident..... | 42 |
| Workplace Violence..... | 43 |
| Sector based Accident | 44 |

PART I

INDUSTRIAL DISPUTE 2012-2013

Executive Summary

An industrial dispute may be defined as a conflict or difference of opinion between management and workers on the terms of employment. In past few years it has become a growing concern for industrial sector of Bangladesh. Industrial disputes have been taking place in many forms throughout the year in our country and the phenomenon is hampering the smooth run of industries. As a result, industrial production is decreasing and it is paving the way of building a sound industrial relation between workers and employers. Here, the present study tries to focus and find the patterns and causes of the industrial dispute in Bangladesh. Given the nature of the present study, it was required to collect data from the secondary sources. Here, data have been collected from some secondary sources which include three recognized daily newspapers of Bangladesh namely The Daily Prothom Alo; The Daily Star; and the Daily Jugantar. Data was processed and analyzed by using Special Program for Social Statistic (SPSS) & Microsoft Excel in computer. The statistical techniques used in the study were: frequency distribution, percentage, and cross tabulation. The results of the analyses were interpreted descriptively. The findings represents that above data represents that strike and road blocking are the most common forms of industrial dispute. The two most common reasons for the existence of industrial disputes are pay hike (33.5%) and due wage (26.8%). It is estimated that 48.30% industrial disputes have occurred in the last half of 2012 and 51.80% have occurred in the first half of 2013. The study also has shown that the most common form of Strike (73.2%) and Road Block (62.5%). 89.7% incidents have occurred in the RMG sector and of which the most common incidents have occurred in Dhaka (37.1%), Narayongonj (25.9%) and Gazipur (24.1%). 87.9% workers have participated in their own disputes while 12.1% workers of other industries are participated of their disputes. For controlling these disputes law enforcement officials use several deterrent techniques likely as mostly baton charge (46.2%), Tear shell (27.8%), Rubber bullet (24.1%) etc. The final chapter of the study puts a set of recommendation to overcome the problem.

CHAPTER ONE: INTRODUCTION

Introduction and Context of the Study

Industrial disputes are one of the important issues that hinder the development of the industrial sector. Industrial dispute may be defined as disagreement between the employer and employees or between groups of workers. It is regarded that industrialization is a key indicator of modernization and urbanization and, wherever, there is industry and industrialization, there are also the industrial disputes. Even industrial disputes are observed through there is a very strong management. Total absence of industrial dispute is unbelievable. The Bangladesh Labor Act, 2006 defines industrial disputes as any dispute or difference between employers and employees or between employers and workmen or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or the conditions of work of any person.¹ Industrial dispute mainly refers to the gap of a proper industrial relation and industrial relation is the accumulation of four types of relations, those are Worker-machine relation, Worker-worker relation, Owner- owner relation, Worker-owner relation. According to W. V. Owen and H. V. Finston- industrial relations deals with people at work or that industrial relations is concerned with many problems related to employer- employee relation (D. M. A. Taher, Industrial relation, 1997). According to C. B. Kumar, the industrial relation is associated to bargaining between the owner party and the trade union on wage and other conditions of service.²

From these definitions it is easily assumable that worker's unrest and industrial dispute also depends on worker-owner relationship. Furthermore, industrial disputes may be said to be disagreement or controversy between management and workers with respect to wages, working conditions, union recognition or other employment matters. When issues of conflict are submitted to the management for negotiations, they take the form of industrial disputes³. According to Industrial Relations Ordinance 1969, "Industrial Dispute means any dispute or difference between employers or between employers and workmen or between workmen and workmen which is connected with the employment or the conditions of work of any person."⁴

The Industrial relations seek to balance the economic efficiency of organizations with equity, justice and the development of the individual, to find ways of avoiding,

¹ The Bangladesh Labor Act, 2006- LXII

² D. M. A. Taher, Industrial relation, 1997

³ Khan Sarfaraz Ali and Dr. Nasima Khatun, A Handbook on HR Solution, 2009

⁴ Industrial Relations Ordinance 1969

minimizing and resolving disputes and conflict and to promote harmonious relations between and among the actors directly involved, and society as a whole. A sound industrial relations system is one in which relationships between management and employees (and their representatives) on the one hand, and between them and the State on the other, are more harmonious and cooperative than conflictual and creates an environment conducive to economic efficiency and the motivation, productivity and development of the employee and generates employee loyalty and mutual trust. Traditional industrial relation is behind the dispute of workers at industries. D. M. A. Taher expressed the industrial relation as conflicting relation. Because, there is always a conflict between worker and owner or worker and manager on each party's self interest. He also added, negative relation doesn't occur between workers it occurs between worker and owner. Industrial conflict is a continuous process and it remains between capitalist and the workers. The conflict will remain until the workers will not be able to get their descent wages.⁵

Worker's unrest in industrial sector in Bangladesh is not a new phenomenon. The dispute is remained from the very early period of industrialization in Indian sub-continent. Workers unrest and the disputes emerged rapidly after the liberation war of Bangladesh. After the liberation, industrialization grew rapidly and as a result conflicts also rose rapidly. Land, labour, capital and organization are the key elements of industrial production. Now a day's 'management' has been treated as the other fifth key element of production. After 1947 and creation of Pakistan the foreign investors got the greater opportunity in establishing industry and businesses rather than the native youths. The top-most elements were provided by this continent and the foreign investors hold the managerial position. They got the land and specially the labour force at very cheap rate. It was the common practice in industries during Pakistan period.

After the liberation of Bangladesh in 1971, the foreigners left the country but they left the traditional rules of worker domination. A change occurred in 1974-75 but it came to light in 1982 after the declaration of the new Industrial Policy (D. Azizur Rahman Khan et. al, Industrialization and Development- Bangladesh perspective). The process of privatization was emphasized after the policy. Consequently 1076 industrial, trading and other institutions were transferred to private sector. During post-liberation period a group of people started their work for the happy and prosperous life of the workers within a short time. As a result degradation of rules and regulation took place. In 1971, the number of the industrial dispute was 9 but in 1972 it was 39 in number. in 27th September 1972 the honorable industrial minister Alhajj Johur Ahmad declared the first

⁵ Dr Abdullah Al Faruque, Current Status and Evolution of Industrial Relations System in Bangladesh, 2009

labour policy. But, later it was withdrawn. In 1975 the military government took the power and Industrial Relation (Regulation) Ordinance was promulgated. For this reason strike and lock-out was prohibited.

In 1st march 1980's the labour policy was enacted for the second time and the trade unions got their rights of activities. as a result the number of industrial disputes raised and it was 104. The number of disputes decreased after the enacted military government in 1982 and the government again declared the Industrial Relation (Regulation) Ordinance for the second time. Due to political pressure, the ordinance withdrawn in 1984 and in this year the number of industrial dispute again went to the top and it was 142 in number. In 1984 the workers and employee coalition (Shromik Kormochari Oikko Porishod- SCOP) called for strike for 48 hours. For this reason the government went to an agreement to the trade unions. According to the agreement the government had to amend in Industrial Relation Ordinance, 1969; Worker Employment Act, 1965 in 1985. With the collaboration of trade unions and political activities, the situation of labour force in the country became worse. For this reason, in 1st March 1985, the activities of the trade unions were prohibited though it was withdrawn at 1st October. From 1972 to 1994, the total number of industrial dispute was 956, about 1957785 workers were involved to these disputes and 9138737 working days were lost (Source: D. M. A. Taher, Industrial relation, 1997). After 1994, no studies took place on industrial dispute and there is no accurate statistics of disputes after 1994's. The main concern of this study is to find the patterns and causes of the industrial dispute. Here, industrial dispute means and includes the contradiction of own interests among or between various groups in an industry

Objectives

The main aim of the study is to find out the overall situation of industrial disputes. There are also some specific objectives and these are to:

- i. identify the nature of industrial disputes in Bangladesh.
- ii. know the common causes of industrial disputes in Bangladesh..
- iii. know the different view on triggers about industrial disputes.
- iv. define the effects of industrial disputes in Bangladesh.

Methodology

Given the nature of the present study, it was required to collect data from the secondary sources. In conducting the present study, scientific methods for collecting and analyzing data were used. Details of which have been presented below:

Descriptive research design has been followed in conducting the present study. Here, data have been collected from some secondary sources which include daily newspapers. Every single incident of industrial dispute has been considered as unit of analysis. Information were collected from many aspects of an incident. In the present study, purposive sampling was used to select newspapers. Among all national daily newspapers, three newspapers were selected on the basis of their well recognition and acceptance. The newspapers were the

- i. Daily Prothom Alo;
- ii. The Daily Star;
- iii. and the Daily Jugantar.

Checklist technique was used for collection of data. First, data were collected from the newspapers. To reduce the double counting data were cross checked. In that case the same news was counted as one incident. In the study, data collected through checklist were analyzed by using univariate and bivariate tools and techniques.

Data was processed and analyzed by using Special Program for Social Statistic (SPSS) & Microsoft Excel in computer. The statistical techniques used in the study were: frequency distribution, percentage, and cross tabulation. The results of the analyses were interpreted descriptively⁶.

Study Rational

Most of the large industries of Bangladesh are export oriented. The rationale of the study can be judged with the example of the situation of RMG sector. Garments industry sector is the most dominating sector of modern economy in export earnings. For Bangladesh, the readymade garment export industry has been the proverbial goose that lays the golden eggs for over fifteen years now. Readymade garments, for the last couple of decades, have been the lifeline of Bangladesh's economy (Uddin, M.S. and Jahed, M. A., 2007). The garment industries are growing tremendously in Bangladesh and it provides an arena of employment for the skilled, semi-skilled and unskilled unemployed persons. In 2011-12 economic session there were about 4 million of workers in garment industries where it was 3.6 million in 2010-11 economic session

⁶ Faruk and Nurjahan, Crime Index Bangladesh 2008

(Export Promotion Bureau Compiled by BGMEA, 2013). At the last count (economic session 2011-12), the sector accounted for 78.60% of export earning that drives the economy further forward (Export Promotion Bureau Compiled by BGMEA, 2013). By this way, all the industries has the contribution in the national economy. But it is an alarming fact that the industries are in crucial situation for political unrest and labour unrest. All of the problems are creating industrial disputes. Last year the amount of export of RMG was 19089.69 million US\$ (Export Promotion Bureau Compiled by BGMEA, 2013). It was a great achievement for the country as well as for the industrial sector. But the industrial disputes create fear of shipment in due time, loss of buyers and loss of properties which creates obstacles for the development of industrial sector. For this reason it is important to find out the causality of industrial disputes and way to resolve this problem.

CHAPTER TWO: REVIEW OF LITERATURE

Industrial relations are used to denote the collective relationships between management and the workers that may be the good or bad. Traditionally, the term industrial relations is used to cover such aspects of industrial life as Trade unionism Collective bargaining (promote the industrial disputes), Workers' participation in management, Discipline and grievance handling, Industrial disputes and interpretation of labor laws and rules and code of conduct.

Pre- condition and Concerning Factors of Industrial Disputes

An industrial dispute may be defined as a conflict or difference of opinion between management and workers on the terms of employment. It is a disagreement between an employer and employees' representative; usually a trade union, over pay and other working conditions and can result in industrial actions. When an industrial dispute occurs, both the parties, that is the management and the workmen, try to pressurize each other. The management may resort to lockouts while the workers may resort to strikes, picketing or engirding (gheraos). There are some pre-conditions or requisites of industrial disputes. Some important pre-conditions are stated here: Industrial disputes must be created between two employers, or between workers and employers, or between workers and workers. In addition Industrial disputes must be related with terms of employment, working conditions, wages etc. Moreover, there must be true employment contract between employers and workers.

Concerning the Causes of industrial disputes it is evident that conflicts or disputes begin due to terms of employment, working conditions, financial interests etc. specially, due to unfair compensation or wage structure, and conflicts arise. These issues introduce Industrial disputes in the industries. Some general causes include:

| Causes | Indicators |
|-------------------|---|
| Economic causes | i. Lack of better Wages & Benefits, ii. Claim for Share in Profit, iii. Overtime, iv. Lack of other economical or financial benefits. |
| Social causes | i. Working Environment. ii. Working Hour. iii. Travel and Medical Benefits. iv. Welfare. v. Job Security. vi. Leaves. vii. Locality Ism. |
| Managerial causes | i. Recognition of Trade Union. ii. Claim for Workers' Participation in Management. iii. Discrepancy in Personnel Policy. iv. Protest against Dismiss or Discharge. v. Cancellation or Voiding Contract. |

| | |
|----------------------|--|
| | vi. Inefficient Leadership. |
| Political causes | i. Influences of Different Political Parties. ii. Movement against The Government. iii. Influence of the Government Party. |
| Psychological causes | i. Frustration and Unrest. ii. Behavioral Causes. ⁷ |

There are some other general causes of industrial disputes. In Bangladesh, labor management relationship is not sound. The workers are not satisfied with the management or employers of the industries. The different reports and studies highlight some other causes of industrial dispute which include instable political situation, intervention of political leaders in labor movement with ill motive, lack of strong trade union., illiteracy of workers, inadequate knowledge of workers and their leaders about labor laws, defective labor laws, lack of balanced wage structure, wages differentials in private and public sectors, transfer of industries from public sectors to private sector. Dr. Abdullah Al Farque, Associate Professor, Department of Law, University of Chittagong identified some causes of industrial disputes. According to him, industrial disputes can be broadly classified into two categories: economic and non-economic causes. The economic causes will include issues relating to compensation like wages, bonus, allowances, and conditions for work, working hours, leave and holidays without pay, unjust layoffs and retrenchments. The non economic factors will include victimization of workers, ill treatment by staff members, sympathetic strikes, political factors, indiscipline etc. Wages and allowances are other factors behind the issue. Since the cost of living index is increasing, workers generally bargain for higher wages to meet the rising cost of living index and to increase their standards of living.

⁷ Khan Sarfaraz Ali and Dr.Nasima Khatun. A Handbook on HR Solution, 2009

In 2002, 21.4% of disputes were caused by demand of higher wages and allowances. This percentage was 20.4 in 2003 and in 2004 it increased up to 26.2%. In 2005, wages and allowances accounted for 21.8% of disputes. The personnel and retrenchment have also been an important factor which accounted for disputes. During the year 2002, disputes caused by personnel were 14.1% while those caused by retrenchment and layoffs were 2.2% and 0.4% respectively. In 2003, a similar trend could be seen, wherein 11.2% of the disputes were caused by personnel, while 2.4% and 0.6% of disputes were caused by retrenchment and layoffs respectively. In the year 2005, only 9.6% of the disputes were caused by personnel, and only 0.4% was caused by retrenchment. It is evident that the number of disputes caused by indiscipline has shown an increasing trend. In 2002, 29.9% of disputes were caused because of indiscipline, which rose up to 36.9% in 2003. Similarly in 2004 and 2005, 40.4% and 41.6% of disputes were caused due to indiscipline respectively. During the year 2003, indiscipline accounted for the highest percentage (36.9%) of the total time-loss of all disputes, followed by cause-groups wage and allowance and personnel with 20.4% and 11.2% respectively. A similar trend was observed in 2004 where indiscipline accounted for 40.4% of disputes. Bonus has always been an important factor in industrial disputes. 6.7% of the disputes rose because of bonus in 2002 and 2003 as compared to 3.5% and 3.6% in 2004 and 2005 respectively. Leaves and working hours have not been so important causes of industrial disputes. During 2002, 0.5% of the disputes were because of leave and hours of work while this percentage increased to 1% in 2003. During 2004, only 0.4% of the disputes were because of leaves and working hours.⁸

Types of Industrial Disputes

According to the number and presence of persons industrial disputes may be of two types—Collective Disputes and Personal Disputes.

Collective Disputes- Where the interests of many workers are related; like disputes in the terms of employment, or wages, or bonus, or gratuity, or medical allowances, compensation, lock-out etc.

Personal Disputes- It is raised with the employers due to dismiss or discharge or suspension of any worker

Nature of industrial disputes

Strikes, lockouts and engird (gheraos) are the most common forms of disputes.

Strike

“Strike” means a cessation of work by a body of persons employed in any industry acting in

⁸ Dr Abdullah Al Faruque, Current Status and Evolution of Industrial Relations System in Bangladesh, 2009

Combination; or a concerted refusal or a refusal under a common understanding or an number of persons who are or have been so employed to continue to work or to accept employment.

The following points may be noted regarding the definition of strike:

- Strike can take place only when there is a cessation of work or refusal to work by the workmen acting in combination or in a concerted manner.
- A concerted refusal or a refusal under a common understanding of any number of persons to continue to work or to accept employment will amount to a strike. A general strike is one when there is a concert of combination of workers stopping or refusing to resume work. Going on mass casual leave under a common understanding amounts to a strike.
- If on the sudden death of a fellow-worker, the workmen acting in concert refuse to resume work, it amounts to a strike.
- The striking workman must be employed in an 'industry' which has not been closed down.
- Even when workmen cease to work, the relationship of employers and employees is deemed to continue albeit in a state of belligerent suspension.

Types of Strike

- *Stay-in, sit-down, pen-down strike*: In all such cases, the workmen after taking their seats refuse to do work. All such acts on the part of the workmen acting in combination, amount to a strike.
- *Go-slow*: Go-slow does not amount to strike, but it is a serious case of is conduct.
- *Sympathetic strike*: Cessation of work in the support of the demands of workmen belonging to other employer is called a sympathetic strike. The management can take disciplinary action for the absence of workmen.
- *Hunger strike*: Some workers may resort to fast on or near the place of work or residence of the employers. If it is peaceful and does not result in cessation of work, it will not constitute a strike. But if due to such a fact, even those present for work, could not be given work, it will amount to strike (Pepariach Sugar Mills Ltd. Vs. Their Workmen).
- *Lightning or wildcat strike*: A wildcat strike is an unofficial strike i.e. a strike not sanctioned by the union. Such strikes occasionally occur in violation of the no-strike pledge in collective bargaining agreements. In such a situation union is obliged to use its best efforts to end the strike. Such strikes are prohibited in public utility services under Section 22 of the Industrial Disputes Act, 1947. Further, the standing order of a company generally required for notice.

Lockout

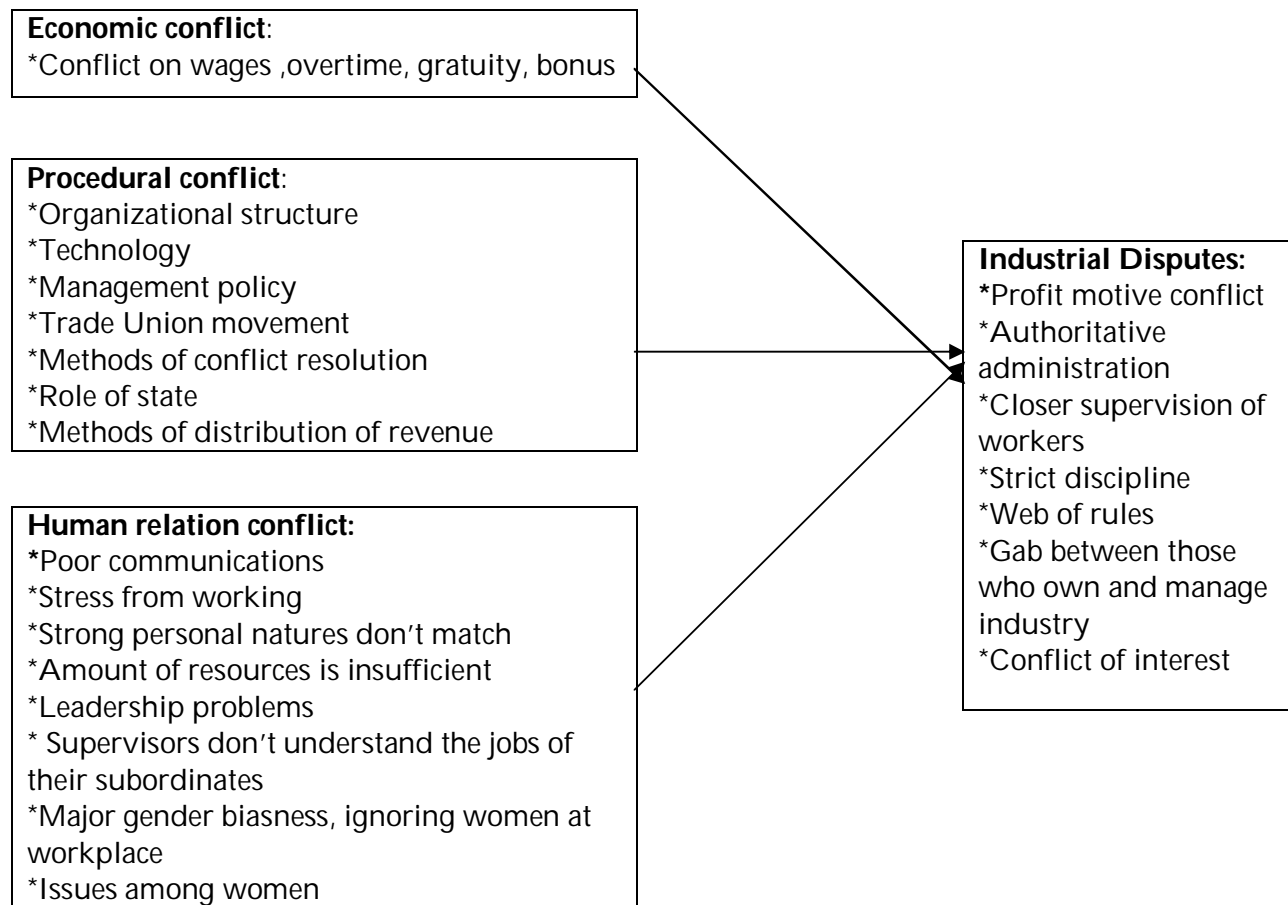
Section 2(1) of the Industrial Disputes Act, 1947 defines "lockout" to mean the temporary closing of a place of employment or the suspension of work, or the refusal by an employers to continue to employ any number of persons employed by him, lockout, thus, is the counterpart of strike – the corresponding weapon the hands of employer to resist the collective demands of workmen or to enforce his terms. It has been held by the courts that the suspension of work as a disciplinary measure does not amount to lockout. Similarly, temporary suspension of work called lay-off is not lock-out.

Engird (Gherao)

Engird (Gherao) means encirclement of the managers to criminally intimidate him to accept the demands of the workers.

How Industrial Disputes Arise?

According to the approach of R.Dahendoft J. H. Goldthrope about the industrial conflict, the industrial societies are divided into two categories. The owner and the employee category and the disputes o these classes of people are so much common matter. As the industry consists with different classes of people, so the personal gain, objective and selfish remain here. It should follow the social mechanism that, "with the existing form of society a disorder of industrial relation may best be understood not as a pathological, but as a normal condition"



In industrial sector the investors try to maximize their profit within limited cost. For this reason, in most of the cases they avoid the rights of workers. The rights include wage, overtime, gratuity, bonus, safe working condition etc. It is an age old tradition of production. Generally strike takes place on the economic interests of the workers. Traditionally, the workers demand

from their highest level but the owners focus on cost-effectiveness. In this situation, the economic conflict arises. An industry is the collective body of hierarchical authorities with labour resource. It has managerial bodies and chain of command. But when an inconsistency arises among the chain of command then the order breaks down. It may occur within the management of the officials, trade unions and also within the workers. The unrest situation arises for the relational conflict and the procedural conflict into the industries also. The following model shows how these common types of conflict in Bangladesh lead to major industrial disputes.

CHAPTER THREE: RESULT ANF DISCUSSION

Industrial Disputes in Bangladesh (July, 2012- June, 2013)

Table 01- Information about Industrial disputes during July, 2012 to June, 2013

| Information | | Attributes | Frequency | Percentage |
|---------------------|----------------|------------------|------------|--------------|
| Incidents per Month | 2012 | July | 26 | 11.6 |
| | | August | 19 | 8.5 |
| | | September | 12 | 5.4 |
| | | October | 24 | 10.7 |
| | | November | 14 | 6.3 |
| | | December | 13 | 5.8 |
| | | Sub-total | 108 | 48.30 |
| | 2013 | January | 10 | 4.5 |
| | | February | 3 | 1.3 |
| | | March | 15 | 6.7 |
| | | April | 21 | 9.4 |
| | | May | 23 | 10.3 |
| | | June | 44 | 19.6 |
| | | Sub-total | 116 | 51.80 |
| | | Total | 224 | 100 |
| Incidents per Day | Saturday | | 57 | 25.1 |
| | Sunday | | 33 | 14.8 |
| | Monday | | 46 | 20.6 |
| | Tuesday | | 21 | 9.4 |
| | Wednesday | | 33 | 14.8 |
| | Thursday | | 25 | 11.2 |
| | Friday | | 9 | 4.0 |
| | Total | | 224 | 100.0 |
| Place of Incidence | Dhaka | | 83 | 37.1 |
| | Narayanganj | | 58 | 25.9 |
| | Gazipur | | 54 | 24.1 |
| | Chittagong | | 4 | 1.8 |
| | Others | | 25 | 11.2 |
| | Total | | 224 | 100 |
| Working Sector | RMG Workers | | 201 | 89.7 |
| | Steel Workers | | 2 | 0.9 |
| | Jute Workers | | 5 | 2.2 |
| | Tea Workers | | 2 | 0.9 |
| | Bidi Workers | | 4 | 1.8 |
| | Rubber Workers | | 3 | 1.3 |
| | Others | | 7 | 3.0 |

| | | | |
|--|--------------------------------------|------------|--------------|
| | Total | 224 | 100.0 |
| Identification of Workers | Same Industry | 198 | 87.9 |
| | Participation of external (specific) | 26 | 12.1 |
| | Total | 224 | 100 |
| Amount of Workers' Participated Industries | Two industries | 9 | 52.9 |
| | Three industries | 3 | 17.6 |
| | Four industries | 2 | 11.8 |
| | Five industries | 3 | 17.6 |
| | Total | 17 | 100.0 |

*Source: Newspaper Survey

The above frequency table points out the selective information about incidence occurred from July, 2012 to June, 2013 including Incidents per Month, Incidents per Day, place of those Incidences, Working Sector, Identification of Workers and Amount of Workers' Participated Industries. From the newspaper survey, the highest 51.80% incidents have occurred in the first half of 2013 than 48.30% have occurred in the last half of 2012. The most incident has been occurred for the demand of standard minimum wage because till then the Government of Bangladesh could not ensure a satisfactory level of minimum wage for the workers. Similar findings were established earlier in industrial and criminological literature. Mostly, Khan and Taher (2009) have opined that due to improper physical fitness and lack of sufficient skill the productivity of our workers is very low so they cannot provide the highest productivity and thus their level wages are very low. But nowadays the workers are being able to recognize their rights and contribution and that's why the rate of incidence is on the increase. In addition to this Islam et. al (2013) have also pointed out that because of global recession, unfavorable trade policies, internal security concerns, the high cost of production due to increase in the energy costs, different safety issues specially fire, etc currently this industry is facing great challenges in its growth rate while this manufacturing sector earned \$19 billion in the year to June 2012, one of the impoverished nation's biggest industries. More specifically it has been noticeable that the maximum 19.6% industrial disputes have occurred in June and thus the Government of Bangladesh is compelled to declare the standard minimum wage structure though still it is debatable. In case of incidents per day, it has been noticeable that the maximum 25.1 % incident has occurred on Saturday. 37.1% disputes have been occurred in Dhaka city, 25.9% in Narayanganj, 24.1% in Gazipur, 1.8% in Chittagong and 11.2% has occurred in others area of Bangladesh during July 2012 to June 2013 One of the impoverished nation's biggest industries, RMG sector which has earned \$19 billion in the year to June 2012 but the highest 89.7% disputes has committed here because of global recession, unfavorable trade policies, internal security concerns, the high cost of production due to increase in the energy costs, different safety issues specially fire, etc. (Islam et. al, 2013). In terms of committing disputes 87.9% have occurred within same industries and 12.1% have other industries participation. Of which the maximum 52.9% is by the participation of two industries. But at that situation the goal of both industries are same likely as demand for minimum standard wage.

Table 02- Common forms of Disputes

| Common Forms of incident | Frequency | Percentage |
|--------------------------------------|-----------|------------|
| Lock Factories | 8 | 3.6 |
| Clash with Police | 35 | 15.6 |
| Road Block | 140 | 62.5 |
| Vandalizing Vehicles | 71 | 31.7 |
| Vandalizing Factories | 60 | 26.8 |
| Vandalizing furniture and equipments | 58 | 25.9 |
| Hurled Brick Bats and Stones | 22 | 9.8 |
| Mass Demonstration | 28 | 12.5 |
| Arson | 3 | 1.3 |
| Strike | 164 | 73.2 |
| Others | 6 | 2.7 |

*Source News Paper Survey

The above data represents that maximum 73.2% and 62.5% incidents have occurred by strike and road blocking respectively because these are the easier paths to fulfill their demand. The workers also have followed some other paths likely as 31.7% by vandalizing vehicles, 26.8% by vandalizing factories, 25.9% by vandalizing furniture and equipments, 15.6% by clash with police, 12.5% by Mass demonstration, 9.8% by the hurled brick bats and stones, 3.6% incident has committed by the locking factories, 1.3% by Arson, and 2.7% by the others. In this regard Jakir, (2010) observes long-standing deprivation of basic human needs often force the garment workers to follow the path of violence.

Table 03- Causes of Disputes

| Cause of Violence | Frequency | Percentage |
|---|-----------|------------|
| Pay Hike | 75 | 33.5 |
| Due Wage | 60 | 26.8 |
| Layoff | 42 | 18.8 |
| Workers' Suppression | 17 | 7.6 |
| Bonus and Overtime | 37 | 16.5 |
| Dismissal of Officials | 4 | 1.8 |
| Victimization of TU Leader or Colleague | 21 | 9.4 |
| Extending Holidays | 13 | 5.8 |
| Closing Factories Without Prior Notice | 16 | 7.1 |
| Relocating Factories | 4 | 1.8 |
| Safe Working Environment | 7 | 3.1 |
| Extension of Maternity Leave | 1 | 0.4 |
| Medical Allowance | 6 | 2.7 |
| Others | 20 | 8.9 |

*Source: Newspaper Survey

Pay hike is the main cause of industrial disputes which is responsible for the maximum 33.5% disputes commission. 26.8% for due wages, 18.8% for the layoff are also major causes for the

commission of industrial disputes. Other causes are such as 7.6% for the worker suppression, 16.5% for the bonus and overtime, 1.8% for the dismissal of officials, 9.4% for the victimization of TU leader or colleague, 5.8% for the extending holidays, 7.1% for the closing factories without prior notice, 1.8% for the relocating factories, 3.1% for the safe working environment, 0.4% for the extension of maternity leave, 2.7% for the medical allowance and 8.9% disputes has committed for the others causes. Islam et. al, (2013) have opined that the impoverished nation's biggest industries, RMG industry is facing great challenges in its growth rate because of global recession, unfavorable trade policies, internal security concerns, the high cost of production due to increase in the energy costs, different safety issues specially fire, etc.

Table 04- Role of Law Enforcement Agencies (LEA)

| Role of LEA | Frequency | Percentage |
|----------------------|-----------|------------|
| Baton Charge | 73 | 46.2 |
| Tear Shell | 44 | 27.8 |
| Rubber Bullet | 38 | 24.1 |
| Mediator | 29 | 18.4 |
| Water Canon | 2 | 1.3 |
| Positive Response | 11 | 7.0 |
| No reaction | 13 | 8.2 |
| Resist Workers | 78 | 49.4 |
| Arrested the Workers | 2 | 0.9 |

*Source: Newspaper Survey

The Law Enforcement Agency (LEA) in times of mediating disputes are mostly both the role of mediator or the opposite which is very much important for the controlling or removing the industrial disputes.. From the table it is estimated that in the total disputes 46.2% are controlled by the baton charge, 27.8% by the tear shell, 24.1% by the rubber bullet, 1.3% by the water canon, in the 18.4% disputes are solve by the law enforcement agencies by the mediation, in the 8.2% disputes there is no reaction of the law enforcement agencies, in the 49.4% disputes law enforcement agencies want to resist the worker from violation and in the 7% disputes law enforcement agencies shown the positive response that means support the workers' demands.

Table 05- Causalities Reported by Media

| Reported by Media | Frequency | Minimum | Maximum | Average |
|---|-----------|---------|---------|---------|
| Death | 1 | 3 | 3 | 3.00 |
| Injured | 48 | 1 | 100 | 19.06 |
| Cost of victimization /destruction: Vehicles | 14 | 1 | 50 | 11.29 |

***Source: Newspaper Survey**

The frequency table states that all of the incidents of industrial disputes are reported by media. Of which the average report of death is 3, the average report of injured is 19.06 where the maximum injured are 100 and the average report of the destruction of vehicle is 11.29 whereas the maximum destruction is 50.

Cross tabulation/ Differentials

Table 06- Cross tabulation between Place of Incident and Incidence per Month

| Year | Month | Place of Incident | | | | | Total |
|--------------|-----------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|-------------------|
| | | Dhaka | Narayanganj | Gazipur | Chittagong | Other Districts | |
| | | Frequency (Percentage) | Frequency (Percentage) | Frequency (Percentage) | Frequency (Percentage) | Frequency (Percentage) | |
| 2012 | July | 4 (4.8%) | 11(19.0%) | 6 (11.1%) | - | 5 (20.0%) | 26 (11.6%) |
| | August | 5 (6.0%) | 6 (10.3%) | 5 (9.3%) | 1(25.0%) | 2 (8.0%) | 19 (8.5%) |
| | September | 5 (6.0%) | 4 (6.9%) | 1 (1.9%) | - | 2 (8.0%) | 12 (5.4%) |
| | October | 9 (10.8%) | 7 (12.1%) | 5 (9.3%) | - | 3 (12.0%) | 24 (10.7%) |
| | November | 6 (7.2%) | 3 (5.2%) | 2 (3.7%) | 1(25.0%) | 2 (8.0%) | 14 (6.3%) |
| | December | 6 (7.2%) | 3 (5.2%) | 3 (5.6%) | - | 1 (4.0%) | 13 (5.8%) |
| 2013 | January | 7 (8.4%) | 2 (3.4%) | 1 (1.9%) | - | - | 10 (4.5%) |
| | February | 1 (1.2%) | - | 2 (3.7%) | - | - | 3 (1.3%) |
| | March | 2 (2.4%) | 8 (13.8%) | 2 (3.7%) | - | 3 (12.0%) | 15 (6.7%) |
| | April | 5 (6.0%) | 5 (8.6%) | 8 (14.8%) | 2 (50.0%) | 1 (4.0%) | 21 (9.4%) |
| | May | 12 (14.5%) | 3 (5.2%) | 7 (13.0%) | - | 1 (4.0%) | 23 (10.3%) |
| | June | 21 (25.3%) | 6 (10.3%) | 12 (22.2%) | - | 5 (20.0%) | 44 (19.6%) |
| Total | | 83 (100.0%) | 58 (100.0%) | 54 (100.0%) | 4 (100.0%) | 25 (100.0%) | 224 (100%) |

Calculated value of Λ = 0.121

*Source: Newspaper Survey

The cross table between the Place of Incident and Month of the occurrences states the relationship between the Place of incidents and Month of Incidents. June of 2013 has the highest incident (19.6%) of industrial disputes and of which the highest 25.3% have occurred in Dhaka city while the lowest incidents (1.3%) have occurred in February of the same Year and it is highly noticeable that only that time there is no commission of industrial disputes in Narayonganj. Lambda (λ) with the value of only 0.121 that means the association between the Place of Incident and year of the occurrences is slightly weak. So it can claim that Place of Incident is slightly depended on Month of the occurrence

Table 07- Cross Tabulation between Common Forms of Incident and Incidence Per Month

| Year | Month | Common Forms of Incident | | | | | | | | | | | Total |
|------|-----------|--------------------------|----------------------|---------------|-------------------------|--------------------------|---|------------------------------------|---------------------------|-----------|---------------|-----------|---------------|
| | | Lock Factories | Clash with Police | Road Block | Vandalizing Vehicles | Vandalizing Factories | Vandalizing furniture and equipments | Hurled Brick Bats and Stones | Mass Demonstrati on | Arson | Strike | Others | |
| | | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | |
| 2012 | July | 3 (37.5%) | 1 (2.9%) | 10 (7.1%) | 3 (4.2%) | 6 (10.0%) | 8 (13.8%) | 4 (18.2%) | 6 (21.4%) | - | 9 (5.5%) | 1 (16.7%) | 26 (11.6%) |
| | August | - | - | 4 (2.9%) | 7 (9.9%) | 8 (13.3%) | 8 (13.8%) | 2 (9.1%) | 3 (10.7%) | - | 12 (7.3%) | - | 19 (8.5%) |
| | September | - | 2 (5.7%) | 8 (5.7%) | 4 (5.6%) | 4 (6.7%) | 4 (6.9%) | 2 (9.1%) | 2 (7.1%) | 1 (33.3%) | 11 (16.7%) | - | 12 (5.4%) |
| | October | 1 (12.5%) | 3 (8.6%) | 16 (11.4%) | 8 (11.3%) | 5 (8.3%) | 6 (10.3%) | - | 2 (7.1%) | - | 18 (11.0%) | - | 24 (10.7%) |
| | November | 1 (12.5%) | 3 (8.6%) | 14 (10.0%) | 7 (9.9%) | 3 (5.0%) | 2 (3.4%) | 1 (4.5%) | - | - | 14 (8.5%) | - | 14 (6.3%) |
| | December | 1 (12.5%) | 2 (5.7%) | 12 (8.6%) | 11 (15.5%) | 8 (13.3%) | 5 (8.6%) | 1 (4.5%) | 1 (3.6%) | - | 11 (6.7%) | - | 13 (5.8%) |

| | | | | | | | | | | | | | |
|-------------------------------|----------|-----------|-----------|------------|------------|-----------|-----------|-----------|-----------|-----------|------------|-----------|------------|
| 2013 | January | 1 (12.5%) | 2 (5.7%) | 6 (4.3%) | 3 (4.2%) | 1 (1.7%) | 1 (1.7%) | 2 (9.1%) | 3 (10.7%) | - | 6 (3.7%) | - | 10 (4.5%) |
| | February | - | 3 (8.6%) | 2 (1.4%) | 1 (1.4%) | 1 (1.7%) | 1 (1.7%) | 2 (9.1%) | - | - | 3 (1.8%) | - | 3 (1.3%) |
| | March | - | 4 (11.4%) | 10 (7.1%) | 3 (4.2%) | 3 (5.0%) | 3 (5.2%) | - | - | 1 (33.3%) | 9 (5.5%) | - | 15 (6.7%) |
| | April | - | 3 (8.6%) | 15 (10.7%) | 6 (8.5%) | 6 (10.0%) | 7 (12.1%) | 2 (9.1%) | - | - | 15 (9.1%) | 3 (50.0%) | 21 (9.4%) |
| | May | - | 4 (11.4%) | 14 (10.0%) | 6 (8.5%) | 6 (10.0%) | 5 (8.6%) | 1 (4.5%) | 5 (17.9%) | - | 18 (11.0%) | 1 (16.7%) | 23 (10.3%) |
| | June | 1 (12.5%) | 8 (22.9%) | 29 (20.7%) | 12 (16.9%) | 9 (15.0%) | 8 (13.8%) | 5 (22.7%) | 6 (21.4%) | 1 (33.3%) | 38 (23.2%) | 1 (16.7%) | 44 (19.6%) |
| Total | | 8 (100%) | 35 (100%) | 140 (100%) | 71 (100%) | 60 (100%) | 58 (100%) | 22 (100%) | 28 (100%) | 3 (100%) | 164 (100%) | 6 (100%) | 224 (100%) |
| Calculated value of Λ | | 0.011 | 0.014 | 0.068 | 0.036 | 0.013 | 0.000 | 0.005 | 0.000 | 0.000 | 0.079 | 0.011 | |

*Source: Newspaper Survey

The cross tabulation analysis between Common Forms of Incident and Incidence per Month shows that June of 2013 has the highest incident (19.6%) of industrial disputes and of which the most common forms of incident is strike (23.2%) and Road block (20.7%). And Lambda (λ) with the value of 0.079 and 0.068 respectively means the association between the Common forms of Incident: strike and Road block and month of the occurrences is slightly weak but much stronger than its association with other types likely as arson (0.000%), mass demonstration (0.000%), Vandalizing equipments and furnitures (0.000%) etc. So it can claim that month of incidents are slightly depended on the Common forms of Incident especially on strike and Road block.

Table 08- Cross Tabulation between Common Forms of Incident and Incidence Per Day

| Year | Month | Common Forms of Incident | | | | | | | | | | | Total |
|-------|---------------|--------------------------|-------------------------|---------------|-----------------------------|----------------------------------|---|--|---------------------------|--------------|---------------|--------------|---------------|
| | | Lock Factorie s | Clash with Police | Road Block | Vandali zing Vehicles | Vandali zing Factorie s | Vandalizi ng furniture and equipment s | Hurled Brick Bats and Stones | Mass Demons tration | Arson | Strike | Others | |
| | | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | |
| 2012 | Satur day | 9 (26.5%) | 9 (26.5%) | 35 (25%) | 19 (26.8%) | 18 (30.5%) | 17 (29.8%) | 7 (33.3%) | 8 (28.6%) | 1 (33.3%) | 41 (25.2%) | 2 (33.3%) | 57 (25.1%) |
| | Sund ay | 7 (20.6%) | 7 (20.6%) | 15 (10.7%) | 7 (9.9%) | 13 (22%) | 13 (22.8%) | 3 (14.3%) | 3 (10.7%) | 2 (66.7%) | 20 (12.3%) | 1 (16.7%) | 33 (14.8%) |
| | Mond ay | 6 (17.6%) | 6 (17.6%) | 27 (19.3%) | 15 (21.1%) | 11 (18.6%) | 13 (22.8%) | 5 (23.8%) | 3 (10.7%) | - | 36 (22.1%) | 2 (33.3%) | 46 (20.6%) |
| | Tuesd ay | 2 (5.9%) | 2 (5.9%) | 15 (10.7%) | 8 (11.3%) | 4 (6.8%) | 5 (8.8%) | 2 (9.5%) | 4 (14.3%) | - | 14 (8.6%) | - | 21 (9.4%) |
| | Wedn esday | 4 (11.8%) | 4 (11.8%) | 23 (16.4%) | 12 (16.9%) | 7 (11.9%) | 5 (8.8%) | 3 (14.3%) | 5 (17.9%) | - | 24 (14.7%) | 1 (16.7%) | 33 (14.8%) |
| | Thurs day | 6 (17.6%) | 6 (17.6%) | 18 (12.9%) | 9 (12.7%) | 6 (10.2%) | 4 (7%) | 1 (4.8%)) | 4 (14.3%) | - | 20 (12.3%) | - | 25 (11.2%) |
| 20 | Frida y | - | - | 7 (5.0%) | 1 (1.4%) | - | - | - | 1 (3.6%) | - | 8 (4.9%) | - | 9 (4.0%) |
| Total | | 8 (100%) | 34 (100%) | 140 (100%) | 71 (100%) | 59 (100%) | 57 (100%) | 21 (100%) | 28 (100%) | 3 (100%) | 163 (100%) | 6 (100%) | 224 (100%) |

*Source: Newspaper Survey

The cross tabulation analysis between Common Forms of Incident and Incidence per Day shows that Saturday has the highest incident (25.1%) of industrial disputes and of which the most common forms of incident is strike (25.2%) and Road block (25%). From the above cross table, it is highly noticeable that only 4% disputes have occurred on Friday whereas the commission are only four types of disputes: road block, vandalizing vehicles, mass demonstration and strike. And Lambda (λ) with the value of 0.012 means the association between the Common forms of Incident: Road block and incidents per day is slightly weak but much stronger than its association with other types likely as Lock Factories(0.000%), Clash with Police(0.000%), Vandalizing Vehicles(0.000%), Factories(0.000%), Hurlled Brick Bats and Stones(0.000%), arson

(0.000%), mass demonstration (0.000%), Vandalizing equipments and furnitures (0.000%) etc. So it can claim that Incidents per day are not depended on the Common forms of Incident but excluding Road block.

Table 09- Differential between Type of Incident and Place of Incident

| Common forms of Incident | Place of Incident | | | | | Total |
|--------------------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|-------------|
| | Dhaka | Narayanganj | Gazipur | Chittagong | Other Districts | |
| | Frequency (Percentage) | Frequency (Percentage) | Frequency (Percentage) | Frequency (Percentage) | Frequency (Percentage) | |
| Lock Factories | 2 (2.4%) | 2 (3.4%) | 3 (5.6%) | - | 1 (4.0%) | 8(3.6%) |
| Clash with Police | 16 (19.3%) | 8 (13.8%) | 8 (14.8%) | - | 3 (12.0%) | 35 (15.6%) |
| Road Block | 53 (63.9%) | 33 (56.9%) | 34 (63.0%) | 3 (75.0%) | 17 (68.0%) | 140(62.5%) |
| Vandalizing Vehicles | 29 (34.9%) | 16 (27.6%) | 19 (35.2%) | - | 7 (28.0%) | 71 (31.7%) |
| Vandalizing Factories | 19 (22.9%) | 17 (29.3%) | 18 (33.3%) | - | 6 (24.0%) | 60 (26.8%) |
| Vandalizing furniture and equipments | 17 (20.5%) | 18 (31.0%) | 18 (33.3%) | - | 5 (20.0%) | 58 (25.9%) |
| Hurled Brick Bats and Stones | 10 (12.0%) | 5 (8.6%) | 7 (13.0%) | - | - | 22 (25.9%) |
| Mass Demonstration | 14 (16.9%) | 4 (6.9%) | 8 (14.8%) | - | 2 (8.0%) | 28 (12.5%) |
| Arson | - | 1 (1.7%) | - | - | 2 (8.0%) | 3 (1.3%) |
| Strike | 61 (73.5%) | 39 (67.2%) | 42 (77.8%) | 3 (75.0%) | 19 (76.0%) | 164 (73.2%) |
| Others | 2 (2.4%) | 1 (1.7%) | 1 (1.9%) | 1 (25.0%) | 1 (4.0%) | 6 (2.7%) |

*Source: Newspaper Survey

The cross tabulation analysis between Common Forms of Incident and Place of Incident shows that Saturday has the highest incident of most types of incidents have occurred in Gazipur including lock factories (5.6%), vandalizing vehicles (35.2%), factories (33.3%) etc. And the highest Clash with Police have occurred in Dhaka (19.3%), 68% road block have been occurred in other districts likely as Sylhet, Chittagong etc., the maximum strike have been occurred in Chittagong (75%) and in other districts such as Sylhet, Chittagong etc.

Table- 10: Differential/ Cross Tabulation between Place of Incidents and Working Sectors.

| Working Sector | Place of Incident | | | | | Total |
|-----------------|-------------------|------------------|------------------|-----------------|------------------|-------------------|
| | Dhaka | Narayanganj | Gazipur | Chittagong | Other Districts | |
| RMG Industry | 82 (98.8%) | 57 (98.3%) | 53 (98.1%) | 2 (50.0%) | 7 (28.0%) | 201 (89.7%) |
| Steel Industry | - | - | - | - | 1 (4.0%) | 2 (0.9%) |
| Jute Industry | - | - | - | - | 4 (16.0%) | 5 (2.2%) |
| Tea Industry | - | - | - | - | 2 (8.0%) | 2 (0.9%) |
| Bidi Industry | - | - | 1 (1.9%) | - | 3 (12.0%) | 4 (1.8%) |
| Rubber Industry | - | - | - | - | 3 (12.0%) | 3 (1.3%) |
| Others | 1 (1.2%) | 1 (1.7%) | - | - | 5 (20.0%) | 7 (3.0%) |
| Total | 83 (100%) | 58 (100%) | 54 (100%) | 4 (100%) | 25 (100%) | 224 (100%) |

The cross table between the Place of Incident and working sectors states the relationship between the Place of incidents and Working sectors. 89.7% disputes have been occurred in the RMG sector and of which the maximum 98.8% incidents have occurred in Dhaka. And disputes in other industrial sectors have been mainly outside of Dhaka likely as the industry of steel, jute, tea, bidi etc.

Views of Employers, Workers and Trade Unions

The role of the employer is so much important in the industry. They are the owner and superior authority of the industry. The industry maintain by the command of the employer. According to the source of work they should maintain many criteria for the welfare of the industry. In a industry, industrial disputes is very common matter between the employer and workers. The maximum industrial disputes occurred different demand of the workers from the employer. But all time it is not possible to fulfill the workers demands. By observing the different incident of the industrial disputes, it is clear that the employer show different types of attitude in different industrial disputes. When in the case of low salary or demands of the bonus and overtime, the employers show various attitudes. Sometime they identify the low production is the main cause and irrational expectation about the worker demands. Sometimes they assure the demands and give the surety of the wages will be paid, sometimes they deny their demands and not want to response to media. In some case they said about their trying to fulfill the demands as soon as possible. In the case of lay off , sometimes they not response after calling and sometimes show the cause that no ability to continue the industry. In the case of closing factories without prior notice they show the inability to continue their factories. In many cases they show the aggressive nature and not want to meet anyone. But in case of some legal demands they agree to fulfill the demands. So it is known that the positive and negative both types of attitudes are remain about the worker unrest (result of industrial disputes) by the employer. In addition, an industrial dispute resulting in stoppage of work means a stoppage of production. This results in increase in the average cost of production since fixed expenses continue to be incurred. It also leads to a fall in sales and the rate of turnover, leading to a fall in profits. The employer may also be liable to compensate his customers with whom he may have contracted for regular supply. Apart from the immediate economic effects, loss of prestige and credit, alienation of the labor force, and other non-economic, psychological and social consequences may also arise. Loss due to destruction of property, personal injury and physical intimidation or inconvenience also arises.

Side by side, workers are the main strength of the industry. The proper use of the worker's strength is the source of good production and good industrial relation. But sometimes the deprivation and lower standard life of the workers make themselves so much aggressive and the occurred the destructive work. According to the worker view, their salary is very low according to the working hours, in some cases they want their proper right, in the maximum industrial disputes the workers say about the increasing of the wage. Sometimes they want the overtime and eid bonus or they will be continuing their strike. In their view they also want the

safety working environment, Tiffin fee, and medical allowance. The workers become so much aggressive when they see the closing notice without any prior notice. In many disputes the workers say about their deprivation by the layoff without any cause. By observing the total industrial disputes the workers say about their right. They say, we only want our legal wage, bonus and overtime, sometimes they say, our working environment should be secure. In many cases they say by slogan, 'stop the layoff'. The overall discussion of the industrial disputes prove the legal rights of the workers.

In the maximum cases the trade leaders support the workers demands. According to their views they want to ensure the workers' rights. In some cases when any leader or workers remain in jail, they give their opinion and sometimes they fight for the protection and for increasing the standard living of the workers by supporting the workers demands.

Process of Settling Industrial Disputes

The idea underlying the provisions of the Bangladesh Labor Act, 2006 is to settle industrial dispute and to promote industrial peace and establish a harmonious and cordial relationship between labor and capital by means of conciliation, mediation and adjudication. With this end in view different authorities under this Act have been set up to resolve an industrial dispute. The Act has been streamlined for some non-adjudicatory as well as adjudicatory authorities. Non adjudicatory includes participation committee, conciliator and arbitrator, while adjudicatory (judicial) authorities include Labor Court, Labor Appellate Tribunal etc. The state provides machinery for the settlement of disputes which starts with conciliation and ends up with provision for the adjudication by court.

Bipartite negotiation and conciliation are two important methods of settlement of industrial disputes because they provide grounds for amicable settlement in a free and unfettered environment. As a third party the conciliators try to help the conflicting parties resolve their disputes amicably and restore good relationship between the disputants. In essence, bipartite negotiation and conciliation are complementary to each other and can, if successfully used, provide a solid foundation to industrial relations. In Bangladesh the relevant law provides dispute settlement machinery which is discussed below at length:

Bipartite Negotiation

Bipartite negotiation as a means to prevent and solve disputes helps develop harmonious relationship between the management and workers. The scope of bipartite negotiation has been expanding with the growth of industrialization in general and trade unionism in particular. Bipartite negotiation takes place between the employers and their employees over job-related affairs. The employees are usually represented by their elected representatives who form the CBAs, while the employers are allowed to participate in collective bargaining themselves or through their representative.

The legal provisions relating to the process of bipartite negotiation need a brief discussion here.

A trade union, which is elected as CBA, can raise a dispute in writing and place it before the management for settlement through negotiation. Similarly the employers can also raise a dispute and place it before the CBA for negotiation. Bipartite negotiation starts within 15 days of submitting a written demand from either party. It has to be completed within 30 days after first meeting. If bargaining is successful, a memorandum of settlement is recorded in writing and signed by both the parties and a copy thereof is forwarded to the Government, Director of Labor and conciliator.

It has been reported that though the law provides a favorable environment for bipartite negotiation, the scenario is different in practice. Bipartite negotiation is not as successful as is desired by the legislature in incorporating such mechanism for settlement of dispute.

Unfavorable and authoritarian attitude of management towards trade unionism, bribing trade union leaders, lack of experience and leadership skill in trade union officers, interference of the government and the ruling party in the settlement of industrial dispute, multiplicity of trade unions having political rivalries, low level of class consciousness among workers as well as trade union leaders, inefficiency in applying bargaining techniques etc. are the main reason for making bipartite negotiation as useless tools in the settlement of industrial dispute in Bangladesh.

Conciliation –Tripartite Negotiation

The conciliation machinery is, undoubtedly, an important element of our industrial relations system. Conciliation in industrial dispute becomes necessary mainly when the settlement of disputes fail at the bipartite negotiation level. In fact conciliation can be taken as an extension of the function of collective bargaining or simply as “assisted collective bargaining” in which the conflicting parties can have a fair chance of settlement of industrial disputes through the services of expert negotiators.

If bipartite negotiation fails, any of the parties concerned may request the conciliator in writing, to conciliate the dispute within 15 days from the date of the failure of collective bargaining. The practice of conciliation is compulsory in Bangladesh before resorting to industrial action. The role of the conciliator is to suggest solutions that can help find a compromise between workers and the management, but cannot impose a solution. The success of conciliation depends on the willingness of the two sides to resolve their differences.

If a settlement of the dispute is arrived at in the course of conciliation, the conciliator shall send a report thereof to the Government together with a memorandum of settlement signed by the parties to the dispute. If the conciliation fails, the conciliator shall try to persuade the parties to agree to refer the dispute to an Arbitrator for settlement. If the parties do not agree to refer the dispute to an Arbitrator for settlement, the Conciliator shall, within three days of the failure of the conciliation proceedings, gives a certificate thereof to the parties. The conciliation proceedings may continue for more than 30 days if the parties agree. The Director of Labor may, at any time, carry on with conciliation proceedings, withdraw the same from a conciliator or transfer the same to any other conciliator, and the other provisions of this section shall apply thereto.

Statistics show that in the period from 1990 to 2004 an average of 310 disputes was taken up for conciliation annually, of which 22.48 per cent were successful and 48.06 per cent failed. In fact, conciliation has become weak machinery in settlement of disputes. Trade union leaders and officials in the Department of Labor indicated the following shortcomings in the process which prevent the parties from reaching at an agreement:

- Employers do not honor the compromise formula suggested by the conciliator because the law does not compel them to do so.
- Direct linkage of the employers with the vested quarters as well as the government and the ruling party.
- Partiality of the conciliator either in favor of the employers or influenced by the Labor front backed by the ruling party.
- Incompetence of the conciliator to persuade the disputants to reach an agreement.
- Tendency to bribe trade union leaders during conciliation.
- Absence of mutual respect and patience between the parties involved.
- Tendency among employers to take chance in the Labor Court.
- Poor accountability of conciliation officers.
- Financial inability of employer to meet workers' demands.
- Showing of muscle power by trade union leaders during conciliation.
- Irrational charter of demands by CBA.

Arbitration

Arbitration is a voluntary process for the settlement of industrial dispute. When conciliation fails, arbitration may prove to be a satisfactory and most enlightened method of resolving industrial dispute. The legal provisions relating to the process of collective bargaining need a brief discussion here. If the conciliation fails, the conciliator tries to persuade the parties to refer their dispute to an arbitrator. If the parties agree to refer the dispute to an arbitrator for settlement, they make a joint request in writing to the arbitrator agreed upon by them. The arbitrator shall give his award within a period of thirty days from the date on which the dispute is referred to him or such further period as may be agreed upon by the parties to the dispute. After he has made an award, the arbitrator shall forward a copy thereof to the parties and to the Government. The award of the arbitrator is final and no appeal shall lie against it. An award shall be valid for a period not exceeding two years, as may be fixed by the arbitrator. In practice no dispute is referred to the Arbitrator due to the fact that either the dispute is settled at the time of conciliation or in failure the parties feel interested to go to the Labor Court rather going for arbitration.

The Adjudication System

After the stages of bipartite negotiation and conciliation are exhausted, the disputant parties may resort to settling their dispute by referring it to the arbitrator or by a strike action or lock-out as discussed above or through the Labor Court.

An industrial dispute may be referred to the Labor court in any of the following ways:

- I. If no settlement is arrived by way of conciliation and the parties agree not to refer the dispute to an arbitrator, the work man may go on strike or the employer may declare lock-out. However, the parties at dispute may, either before or after the commencement of a strike or lock-out, may give an application to the Labor Court for the adjudication of the matter.
- II. If a strike or lock-out lasts more than 30 days the Government may prohibit such strike or lock-out and in that case the government must refer the dispute to the Labor Court. Any collective bargaining agent or any employer or workman may apply to the Labor Court for the enforcement of any right guaranteed or secured to it or him by or under any law or any award or settlement.
- III. Any individual worker including a person who has been dismissed, retrenched, laid off or otherwise removed from employment⁷⁸ can make a complaint to the Labor Court on failure of the employer to perform his obligation in that behalf.
- IV. The worker himself or his legal heir in case he dies or any legal representative may apply to the Labor Court for a payment on the ground that an amount from such payment has been deducted from the wages in contravention of the provision of the law or that any payment of wages has not been made or delayed or that under any rule the payment of any gratuity or provident fund is delayed.
- V. On rejection of the application for registration of Trade Union by the Director of Labor or after settlement of objection disposal such application is delayed by the Labor Director beyond the period of sixty days, the applicant Trade Union within thirty days from the date of such rejection or from the date of the expiry of the said time limit may appeal to the Labor Court.
- VI. If the Director of Labor is satisfied after investigation that the registration of a trade union should be cancelled, he shall submit an application to the Labor Court praying for permission to cancel such registration. The Labor Court is constituted with a Chairman and two Members to advise him, however, in the case of trial of an offence or adjudication of any matter under Chapters Ten and Twelve in Labour Act, 2006 shall consist of the Chairman alone. The Members of the Labor Court are appointed by the government in prescribed manner and to be the Chairman of the Labor Court a person is to be the sitting District Judge or Additional District Judge. While trying an offence the Labor Court shall administer its proceedings without its members. The Labor Court has the power to dismiss the case or to decide the same *ex-parte*. The award, decision or judgment of the Labor Court shall be delivered, unless the parties to the dispute give their consent in writing to extend the time-limit, within sixty days following the date of filing of the case, provided that the delay of its delivery shall not invalidate the award,

decision or judgment. An award, decision or judgment of Labor Court shall be given in writing and delivered in open Court and a copy thereof shall be forwarded to each of the parties. Any party aggrieved by an award, decision or judgment of the Labor Court may prefer an appeal to the Labor Appellate Tribunal within sixty days of the delivery thereof and the decision of the Tribunal in such appeal shall be final.

Adjudication by Labor Appellate Tribunal

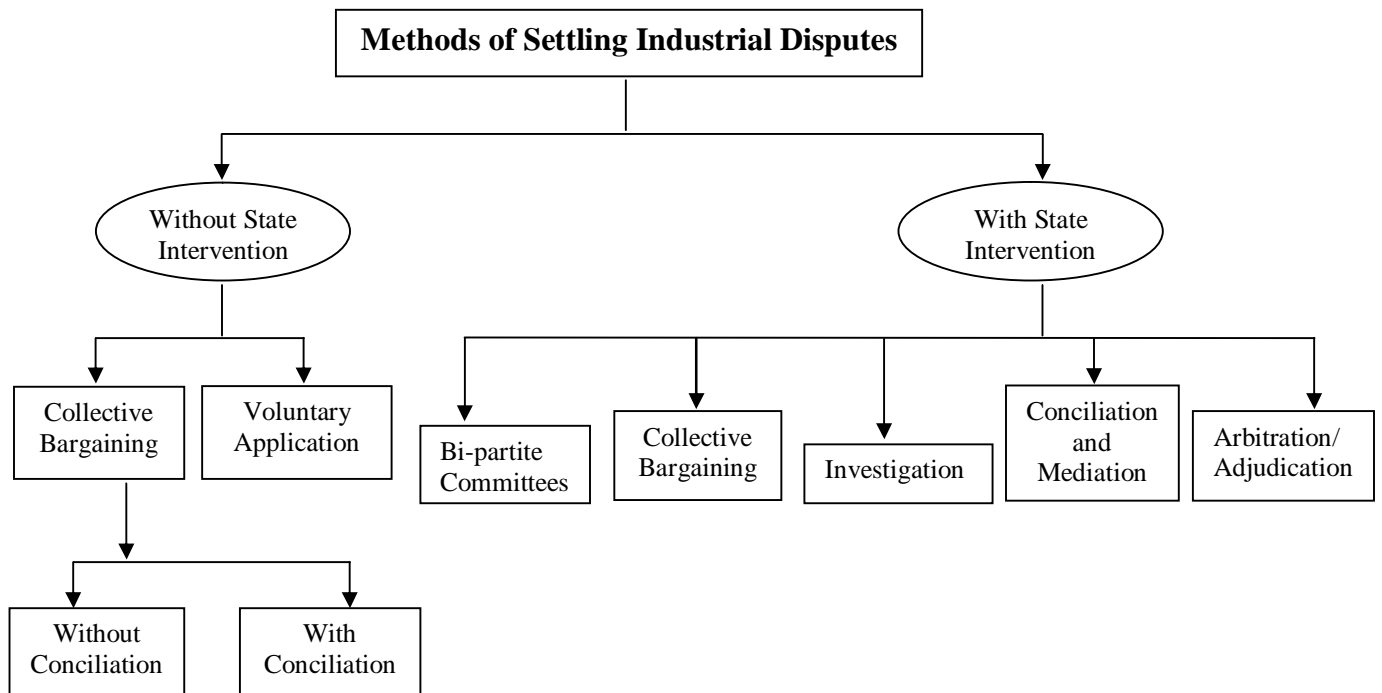
The Labor Appellate Tribunal has the power to hear or dispose appeals from the Labor Court. It consists of a Chairman or if the Government deems fit, of Chairman and such number of Members as determined by the Government. The Chairman shall be a former Judge or Additional Judge of the Supreme Court and any Member thereof shall have been a Judge or an Additional Judge of the Supreme Court or is or has been a District Judge for at least three years. The Labor Appellate Tribunal on appeal may set aside, vary or modify any award decision in judgment or sentence given by the Labor Court or send the case back to the Court for re-hearing; and shall exercise all the powers conferred by the Code on the Labor Court. The judgment of the Tribunal shall be delivered within a period of not more than 60 days following the filing of the appeal.

The main reasons behind the backlog of cases in the Labor Appellate are that there is insufficiency of Benches of Appellate Tribunal. At present only two Benches exist which are not sufficient to deal with the huge volume of appeals from around the country. But according to law the Government is empowered to appoint as many as members as required for the Labor Appellate Tribunal with whom several Benches can be created for smooth functioning of the activities of the Labor Appellate Tribunal. Apart from this limitation the Labor Appellate Tribunal also suffers from lack of sufficient logistics support i.e. building, court room, manpower etc.

High Court Division of the Supreme Court of Bangladesh

Even though the Labor Court has been entrusted with the exclusive jurisdiction in respect of deciding Labor issues, the aggrieved person can invoke the jurisdiction of the High Court Division on the ground that the matter in question leads to the violation of fundamental rights and that there is no other efficacious remedy in the matter. It will not be out of place to mention here that before enactment of the Bangladesh Labor Act, 2006, there was no scope of appeal against the decision of the Labor Court to Labor Appellate Tribunal and the right to appeal could be exercised only in the case of award of a Labor Court. So, it was only way to invoke the writ jurisdiction of the High Court Division of the Supreme Court for challenging a decision passed by the Labor Court. But now by the Bangladesh Labor Act, 2006 every decision passed by the

Labor Court is appealable before the Labor Appellate Tribunal. In spite of this the jurisdiction of the High Court Division can only be invoked on the grounds of violation of fundamental rights or any procedural error committed by the Labor Court.



It can, however be argued that the labour policies should not only be conducive to attract investment, promote flexibility, productivity, quality, customer orientation and cost-consciousness but also ensure the dignity of labour, quality of work life, industrial and social progress. The social and labour effects of the new policies have been a major source of concern. Productive employment creation and maintaining social order being the responsibility of the state, government would be hard pressed to strive the hardest to preserve employment and create environment favourable for further job creation. It then becomes imperative for the government to review the industrial and labour policies.

CHAPTER FOUR: RECOMMENDATION AND CONCLUSION

Recommendations:

- In most of the cases the workers of the industries are unsatisfied with their salary and wages regarding to their labor. So, introduction of balanced wages and pay scale is obvious.
- Generally the trade union and TU leaders are the authorized body and persons of solving the disputes. In this regard, presence of strong trade union is important.
- Stoppage of political intervention in labour movement. There shouldn't be any political intention in workers movement.
- Labour law has been applied for the welfare of the workers, aware them of their rights and also provides the guideline of norms of conduct. So, arranging training manual for the workers on labour laws is also important.
- Most of the relating to workers and industries are from colonial British period. So these laws should be changed and amended.
- Wages differential is another hidden cause of industrial dispute. It is mainly done in regarding to age and gender. This practice should be removed. Creation of division among the workers should be abolished.
- Introduction of balanced incentive scheme is needed.
- The owners generally treat the TUs as antagonists. For this reason a conflicting relation arises among these two parties. It is important of recognition of trade union as a friend.
- Poor and dangerous working environment is the cause of worker's death and injury. It promotes the feeling of insecurity. For this reason, working environment should be developed.
- Generally, promotional policies are avoided and denied by the owners of the industries. These policies require a large amount of money for the welfare of the workers. If the welfare policies can be followed properly, the number of disputes can be reduced.
- Good behavior of officers with workers creates a friendly working environment. It is required.
- Job satisfaction level is relatively low among the workers regarding to their position and wages. So, job satisfaction should be ensured by pay hike and other beneficiaries.
- Good industrial relation mainly refers to the good relation between owners and workers or between the managers and the workers. Maintaining good industrial relations is obvious.
- As well as the labour law should be implemented properly.

Conclusion:

As an alarming matter of present times, Industrial disputes are conflicts, disorder or unrest arising between workers and employers on any ground here in Bangladesh. Such disputes finally result in strikes, lockouts and mass refusal of employees to work in the organization

until the dispute is resolved. So it can be concluded that Industrial Disputes harm both parties employees and employers and are always against the interest of both employees and the employers. It affects highly not the national economy but to the world economy which must be stopped for the betterment of ourselves. Employees and workers also suffer from personal injury if they indulge into strikes n picketing; and the psychological and physical consequences of forced idleness. The threat of loss of employment in case of failure to settle the dispute advantageously, or the threat of reprisal action by employers also exists. The two most common reasons for the existence of industrial disputes are pay hike (33.5%) and due wage (26.8%). It is estimated that 48.30% industrial disputes have occurred in the last half of 2012 and 51.80% have occurred in the first half of 2013. The study also has shown that the most common form of Strike (73.2%) and Road Block (62.5%). 89.7% incidents have occurred in the RMG sector and of which the most common incidents have occurred in Dhaka (37.1%), Narayongonj (25.9%) and Gazipur (24.1%). 87.9% workers have participated in their own disputes while 12.1% workers of other industries are participated of their disputes. For controlling these disputes law enforcement officials use several deterrent techniques likely as mostly baton charge (46.2%), Tear shell (27.8%), Rubber bullet (24.1%) etc. But these techniques are too much harmful and disastrous. After analyzing the report of media, it is estimated that almost 100 individuals including garments workers, law enforcement officials and general peoples are injured due to such disputes and mostly 3 are dead. As a result these types of incidents are becoming the serious issue which not only engenders normal life but affects the whole country. So in terms of maintain public life and security the Government must take necessary steps to eradicate such industrial disputes and ensure a healthy and secure lifestyle of workers and employers.

WORKPLACE ACCIDENT 2012-2013

WORKPLACE ACCIDENT AND VIOLENCE- 2012

In January-December 2012, at least 906 workers died and 1108 workers injured in workplace related accidents and violence.

Situation at a glance

- Killed - 906
- Injured - 1108
- Tortured - 38
- Raped - 13
- Kidnapped - 382
- Suicide - 24

Work Place Accident

Out of total 708 workers had died by the cause of workplace accident and among them 154 were female. The estimated number of injuries due to accident is 701, where 113 were female.

Workplace Accidents at a Glance

Total Killed: 708

Male: 554

Female: 154

Total Injured: 701

Male: 588

Female: 113

Workplace Violence

In 2012, the workplace violence caused death of total 198 workers, among which 49 workers were female. The total estimated injuries due to violence are total 407 where 56 workers were female.

Workplace Violence at a Glance

Total Killed: 198
Male: 149
Female: 49

Total Injured: 407
Male: 351
Female: 56

Road Accident

Beside workplace accidents and violence, 153 workers were killed and 299 workers were injured in road accident.

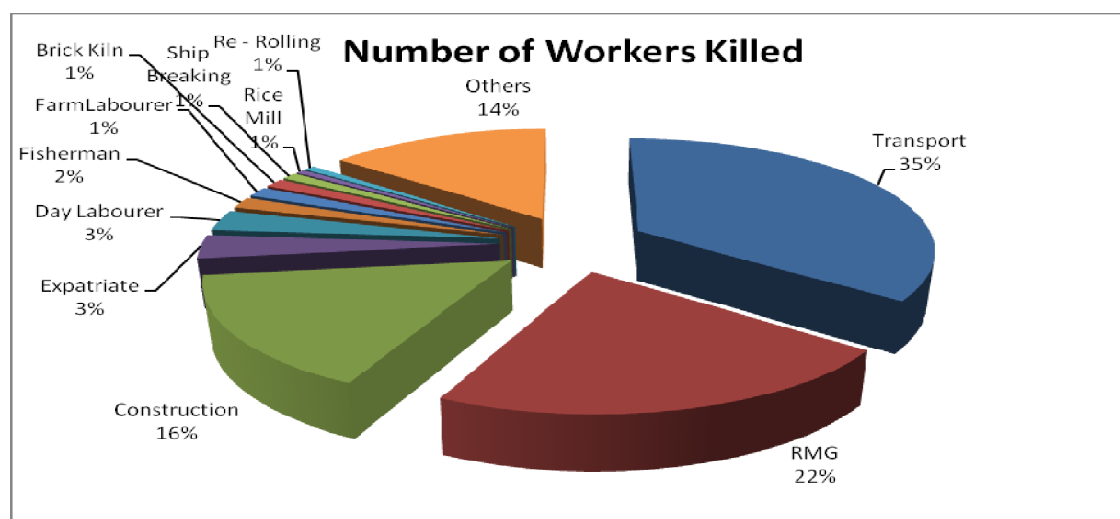
Road Accident at a Glance

Total Killed: 153
Male: 119
Female: 34

Total Injured: 299
Male: 273
Female: 26

In 2012, the highest number of workplace related accidental deaths happened in transport Sector. At least 249 workers had died in this sector. Second highest 155 deaths happened in RMG while 3rd highest sector was construction sector where 113 workers were died. Besides, 23 expatriate workers, 21 day labourers, 11 fishermen, 10 farm labourers, 9 brick kiln workers and 7 ship breaking workers died at workplace in different types of accidents.

Fig-1: Number of Workers Killed according to Sectors



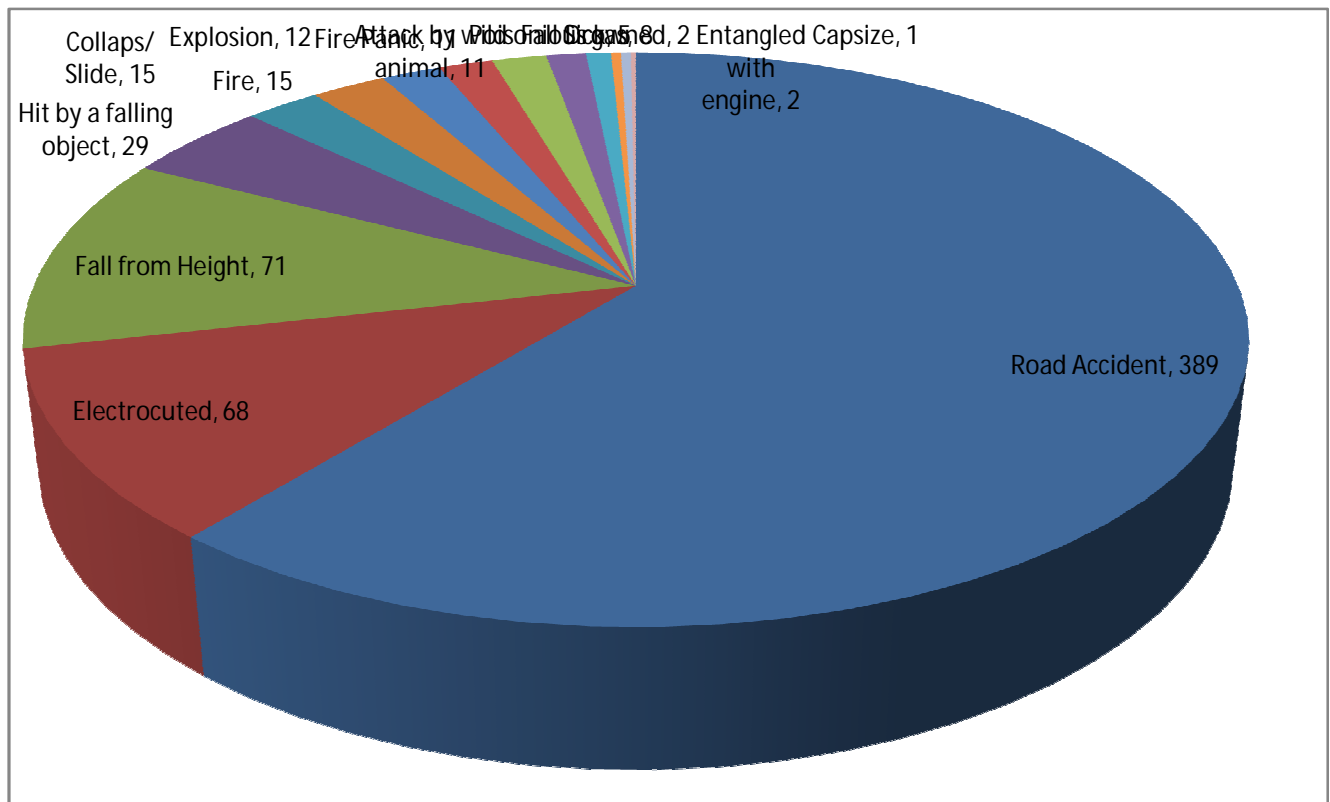
Sector wise number of deaths in Workplace Accidents at 2012

| | |
|--------------------|--------------|
| ● Transport worker | : 249 |
| ● RMG | : 155 |
| ● Construction | : 113 |
| ● Expatriate | : 23 |
| ● Day Labourer | : 21 |
| ● Fisherman | : 11 |
| ● Farm Labourer | : 10 |
| ● Brick Kiln | : 09 |
| ● Ship Breaking | : 07 |
| ● Domestic Worker | : 07 |
| ● Rice Mill | : 04 |
| ● Re - Rolling | : 05 |
| ● Others | : 101 |
| Total | : 708 |

Patterns of Workplace Accident

In this year major occupational accidents are Road accident, Falling from height, Electrocutions and Fire. This year 389 Road accidents occurred, 71 incidents consist of falling from height, 68 electrocutions 15 Fire incidents and 15 Wall Collapses took place.

Figure-2: Patterns of Workplace Accident



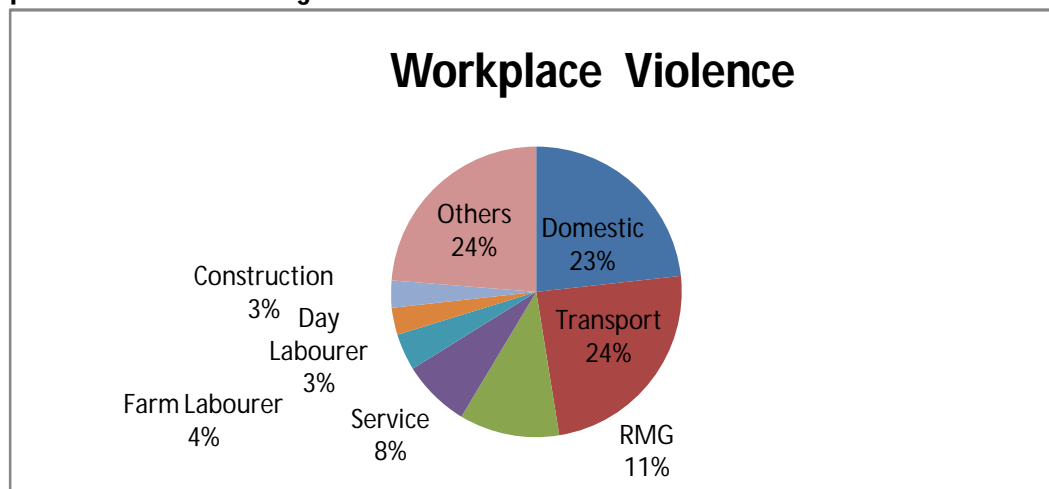
Major types of Workplace Accidents and Number of Occurrence

| | |
|------------------------------|-------|
| Road Accident | : 389 |
| Fall from Height | : 71 |
| Electrocution | : 68 |
| Hit by falling Object | : 29 |
| Collapse/ Slide | : 15 |
| Fire incidents | : 15 |
| Explosion | : 12 |
| Fire Panic | : 11 |
| Attacked by Wild animal | : 11 |
| Suffocation by Poisonous gas | : 8 |
| Fall Sick | : 5 |
| Drowned | : 2 |
| Entangled in engine | : 2 |
| Capsized | : 1 |

Workplace Violence:

In this time the highest number of workplace violence related deaths happened in case of Transport Sector, at least 48 workers died in different types of workplace violence Second highest 46 deaths happened in case of Domestic Workers, while 22 workers died at RMG sector. In Service sector, 19 workers were died in violence and brutal attack.

Fig-3: Workplace Violence according to Sectors



Workplace deaths due to violence : 198

- Transport worker : 48
- Domestic worker: 46
- RMG : 22
- Service : 15
- Farm Labourer : 8
- Day Labourer : 6
- Construction : 6
- Others : 47

Special Note

Fire at RMG Sector

155 workers were killed in RMG Sector in workplace accident among which 112 workers died and 36 workers were injured in fire incident in 2012.

Construction Sector

113 Workers were killed in workplace accidents in 2012

158 of them were killed only by falling from height which reveals construction workers are still working without any safety net measures.

Violence on Domestic Workers

46 Domestic Workers died in violence while 42 of them were female. 32 of them were injured where 30 of them were female.

Tortured – 30

Suicide – 16

Rape - 6

Missing – 5

Burnt - 4

WORKPLACE ACCIDENT AND VIOLENCE- 2013

In January-December 2013, at least 1912 workers killed and 5738 workers were injured due to workplace accidents and violence. Due to the biggest ever industrial disaster that took place at Rana Plaza, Saver, these figures are exceeding previous all records.

Situation at a glance

- Killed - 1912
- Injured - 5738
- Tortured - 21
- Raped - 25
- Kidnapped - 490
- Suicide - 7

Workplace Accident

In 2012, workplace accidents got **1706** workers killed. The estimated number of injuries in accidents totaled at **3108**

Workplace Accidents at a Glance

At least **1706** workers died at workplace accidents.

Total Killed: 1706

Male: 542

Female: 31

Note: The rest **1133** workers are the victims of Rana Plaza Collapse where the total numbers of male and female deceased are yet to be found.

Total Injured: 4825

Male: 966
Female: 1420

Note: The rest 2439 workers are the victims of Rana Plaza Collapse where the total numbers of male and female injured workers are yet to be found.

Workplace Violence

Workplace Violence caused death to **233** workers among which 195 workers were male and the rest are female. The total estimated injuries in violence numbered at 923 where 87 workers were female.

Workplace Violence at a Glance

Killed: 206
Male: 168
Female: 38

Injured: 913
Male: 826
Female: 87

Road Accident

Beside workplace accidents and violence, 131 workers were killed and 150 workers were injured in road accident.

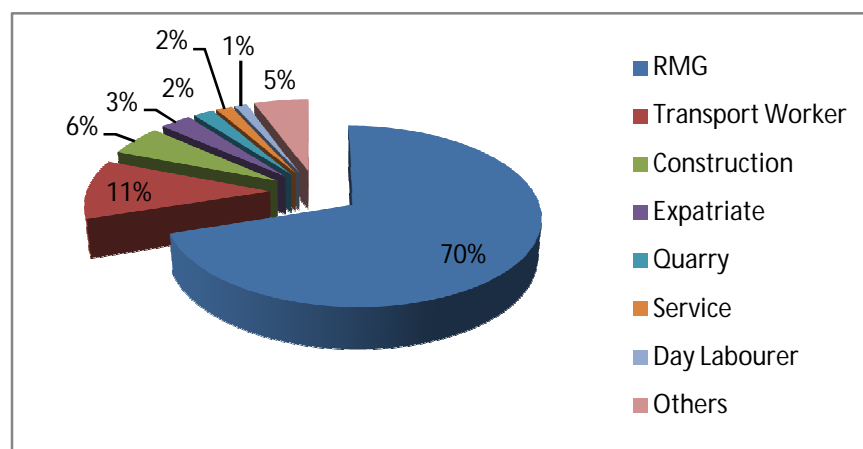
Road Accident at a Glance

Killed: 131
Male: 102
Female: 29

Injured: 150
Male: 70
Female: 80

Sector based Accident

Fig-1: Number of workers Killed according to Sectors



In 2013, the highest number of workplace related accidental deaths happened in RMG Sector. At least 1194 workers died in this sector. Second highest 186 deaths happened in Transport sector while 3rd highest sector was Construction sector where 95 workers were died. Besides, 54 Expatriate workers, 35

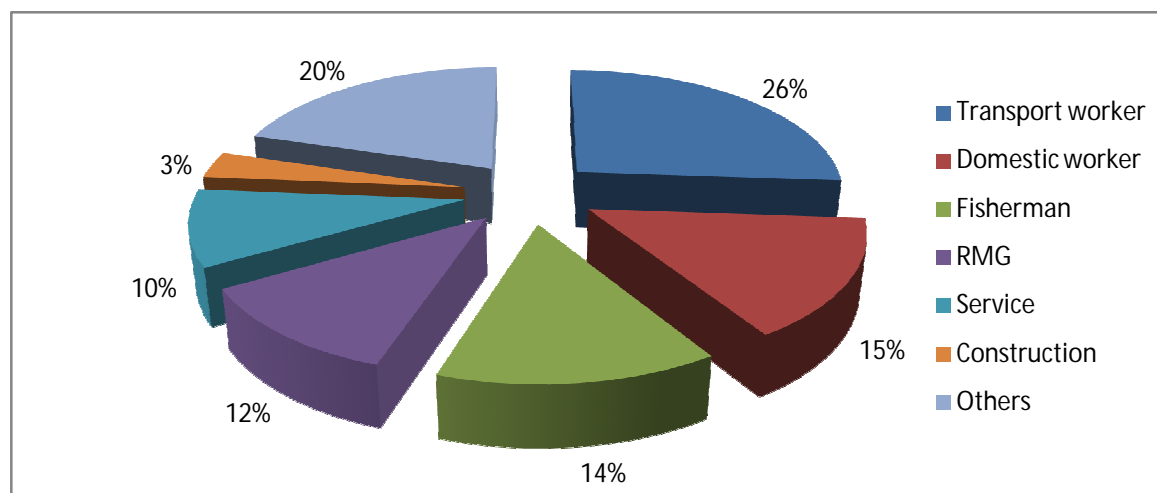
Quarry Workers 27 Service Workers, 21 Day Labourers and 63 workers from others different sectors were killed at workplace in different types of accidents.

Sector wise number of deaths in Workplace Accidents:

| | |
|--------------------|---------------|
| ● RMG | : 1194 |
| ● Transport worker | : 186 |
| ● Construction | : 95 |
| ● Expatriate | : 54 |
| ● Quarry | : 35 |
| ● Service | : 27 |
| ● Day Labourer | : 21 |
| ● Others | : 94 |
| Total | : 1706 |

Sector based Violence

Figure-2: Workplace violence



In this time the highest number of workplace violence related deaths happened in case of Transport Sector, at least 80 workers died in different types of workplace violence. Second highest 28 deaths happened in case of Fisherman, while 21 workers died at Transport sector. Workplace Violence caused 18 Domestic workers, 6 RMG workers, 5 Service workers, 3 Construction workers and 11 others get killed.

Workplace Deaths Due to Violence : 206

| | |
|------------------|------|
| Transport worker | : 54 |
| Domestic worker | : 32 |
| Fisherman | : 29 |
| RMG | : 24 |
| Service | : 20 |
| Construction | : 7 |
| Others | : 42 |
| Total | :206 |

Special Note

Building Collapse at RMG Sector

1133 workers, killed in RMG Sector as Rana Plaza disaster that took place April 24, 2013 is the biggest ever industrial disaster in Bangladesh.

Fire at RMG Sector

8 Garments workers were killed in Smart Export Garments fire incident this January, 2013. At least 9 Garments workers were killed in Aswad Garment, Gazipur in October, 2013

Construction Sector

95 Construction workers were killed in workplace accidents from January to December in 2013. 33 of them were killed only by falling from height which reveals construction workers are still working without any safety net measures. Besides this, 31 of them died in electrocution, 11 of them died in collapse and the rest of the workers died in poisonous gas, blast, hit by falling object and other reasons.

Violence on Domestic Workers

32 Domestic Workers died in violence while 30 of them were female and 14 of them were child domestic workers. 27 of them were injured in torture where all of them are female.

Tortured – 21

Rape - 6

Suicide – 7