



Unlocking the Pathways of Advancing Human Rights Due Diligence in Bangladesh's RMG Sector: Responsibilities of MNEs and Scope of Trade Union Activism

December 1, 2024

**Bangladesh Institute of Labour Studies-BILS
With the support of FNV Mondiaal, Netherlands**

Year of Publication December 2024

Research By

Bangladesh Institute of Labour Studies-BILS

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Funded by

Mondiaal FNV, Netherlands

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Suggested Citation:

Akond, M. A. (2024, December). *Unlocking the pathways of advancing human rights due diligence in Bangladesh's RMG sector: Responsibilities of MNEs and scope of trade union activism*. Bangladesh Institute of Labour Studies–BILS, Dhaka, Bangladesh.

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Acknowledgment

The Research Team would like to express our sincere gratitude to all the trade union leaders who generously contributed their time, experiences, and insights to this study. Special thanks are extended to the IndustriALL Bangladesh Council (IBC) and Garment Sramik Karmachari Oikya Parishad (GSKOP) for their active engagement and valuable support throughout the research process. We are deeply grateful to the key informants (KIIs) and the participants of the workshop, whose valuable perspectives greatly enriched the depth and relevance of our findings. Special thanks to Ethical Trading Initiatives (ETI), Bangladesh for their contributions and support. Our heartfelt thanks go to the management of the Bangladesh Institute of Labour Studies (BILS) for their continuous guidance, encouragement, and institutional support throughout every stage of the project. Finally, we would like to express our highest appreciation to Mondiaal FNV, Netherlands, for providing this rewarding opportunity and for financing this study.

Executive Summary

Bangladesh holds a significant position in the global apparel industry, accounting for over 7 percent of the total global apparel trade. It ranks as the second-largest exporter of garments worldwide, following China. The World Trade Statistical Review 2023 reports that Bangladesh's share of global clothing exports surged to 7.9% in 2022, up from 2.5% in 2005, significantly increasing its presence in the global market. RMG products from Bangladesh are primarily exported to the United States, Germany, the United Kingdom, Spain, France, Italy, Canada, the Netherlands, and Belgium. Globally renowned companies such as H&M, Zara (Inditex), Adidas, Nike, Primark, Uniqlo, Walmart, Gap, Marks & Spencer, C&A, Next, Mango and Levi have established long-standing sourcing relationships with Bangladeshi suppliers. These brands are attracted by Bangladesh's competitive labour costs, large and skilled workforce, and expanding quality manufacturing capacity. Subsequently, this industry facilitates a critical connection between Bangladeshi workers and brands, consumers and labour regulations in the Global North, where fast fashion and mass retail depend heavily on labor-intensive manufacturing processes. Accordingly, the RMG industry has become a significant lifeline for the national economy, having its steady contribution to the country's GDP representing a lion's share of gross export earnings of over 80% and generating employment of around four million workers. However, despite having significant national contributions and enormous potential, the industry has been faced with several criticisms for its working conditions, low wages, occupational accidents and hazards, adversary against trade union movement, job insecurity and lack of social protection, abrupt termination and layoff, excessive workload, denial of services benefits, gender-based violence and discrimination, and weak industrial relations. This adversary altogether directly impacts the human rights standards of the workers and their families. Consequently, the advancement of human rights due diligence (HRDD) practices has emerged as a critical concern for the Ready-Made Garment (RMG) industry in Bangladesh.

Therefore, this study has been conducted setting the primary objective to critically examine human rights due diligence (HRDD) standards and practices and its applicability in the RMG industry in Bangladesh, with the aim of generating trade union-oriented knowledge and resources that can effectively support the promotion of HRDD in Bangladesh's RMG sector. This, in turn, seeks to advance the protection of human rights and labour standards for workers in the industry. Specifically, this study maps and reviews the available international legal frameworks and practices that guide the promotion of HRDD and its applicability in the RMG industry, analyzes the preparedness, challenges, and opportunities of trade unions to act effectively in advancing human rights due diligence, analyzes the different options for the effective participation of TUs in the HRDD processes and develop a pathway for the trade unions of Bangladesh to act effectively for advancing human rights and due diligence in the RMG industry of Bangladesh.

The study examines why multinational enterprises (MNEs), brands, and buyers are expected to uphold labour and human rights standards in accordance with international

guidelines such as the United Nations Guiding Principles on Business and Human Rights (UNGPs), the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), the OECD Guidelines for Multinational Enterprises, and the EU Corporate Sustainability Due Diligence Directive (CSDDD). This research is conducted using a qualitative approach, involving extensive desk research, content analysis, and primary data collection through key informant interviews (KIIs) and focus group discussions (FGDs) with stakeholders.

The study findings reveal that the HRDD approach has been recognized and integrated into the labour movement in many regions and countries for a long time, and this issue has recently gained momentum in Bangladesh's labour movement. Thus, this study started with the conceptualization of the term HRDD and its relevancy and applicability in the RMG industry of Bangladesh.

Conceptually, HRDD is a proactive and continuous effort that enables both business enterprises and governments to identify, prevent, mitigate, and account for the adverse human rights impacts of their activities (UNDP, 2023). ILO identifies HRDD as a management tool that allows enterprises to uphold their responsibility to respect human rights in their business operation according to the ILO fundamental principles of rights at work, UN Guiding Principles on Business and Human Rights, the ILO MNE Declaration and the OECD MNE Guidelines (ILO, 2024). However, reviewing the different HRDD instruments, the Office of the High Commissioner for Human Rights (OHCHR) has identified four core components of Human Rights Due Diligence (HRDD): Assessment of the Impact of Business Activities on Human Rights, Integrating Findings of Assessment and Taking Actions, Tracking the effectiveness of measures and processes and Communicating how impacts are addressed. The relevant guidelines and implementing organizations widely accepted the Six stages of the due diligence process.

The findings of the study reveal that while HRDD principles provide a structured approach to ensuring human rights compliance, enforcement remains largely voluntary, allowing many corporations to bypass their obligations. In Bangladesh's RMG sector, major challenges persist, including delays in grievance redressal, limited trade union participation in workplace negotiations, lack of fair wages, occupational health and safety violations, and weak legal enforcement mechanisms. The study also highlights the role of trade unions in advocating for stronger HRDD compliance while identifying systemic barriers that hinder their efforts. In particular, legal and institutional constraints, such as restrictive labour laws, employer resistance to union activities, and lack of institutional support, prevent trade unions from fully utilizing HRDD frameworks to hold corporations accountable.

The major brands contain their specific code of conduct based on HRDD instruments, which are their self-declaration to uphold human rights and environmental due diligence in their business operations. Research suggests that while transnational corporations can promote human rights through these codes, the reality often falls short, with many codes lacking robust enforcement mechanisms. Given these challenges, the study underscores the

need for stronger policy interventions and improved mechanisms for HRDD enforcement in Bangladesh's RMG industry. It advocates for enhanced corporate transparency, stricter legal mandates, and active trade union engagement in monitoring HRDD compliance.

Considering the country's context, all the recognized HRDD instruments encourage enterprises, whatever their origin, to respect the domestic laws and labour standards in their host countries. Particularly, the ready-made garment (RMG) industry has ample opportunity to utilize the HRDD scope for the protection and advancement of human rights for their workers holding the MNEs responsible for their workers in Bangladesh. Relevantly, The RMG industry as a major actor in the global apparel supply chain and having the presence of numerous global buyers not only integrates Bangladesh deeply into international trade networks but also places increased scrutiny on working conditions, labour rights, and compliance with sustainability and due diligence standards within the sector. This provides a valid framework for collective bargaining with the MNEs to hold them responsible for their corporate responsibilities in Bangladesh in compliance with the Bangladesh Labour Act and other relevant policies.

By strengthening HRDD implementation, Bangladesh's RMG sector can move towards a more ethical, sustainable, and rights-based industrial framework where workers' rights are safeguarded, corporate accountability is enforced, and trade unions play a pivotal role in shaping fair labor practices.

The study argues based on the complex buyer-supplier relationships through which the goods produced by Bangladeshi workers are exported to meet the demands of global markets, creating an interdependent dynamic between production and consumption. This transnational linkage imposes a growing ethical and legal responsibility on MNEs to uphold international labor standards within their supply chains. Under the framework of Human Rights Due Diligence (HRDD) and emerging regulatory instruments such as the OECD Guidelines for Multinational Enterprises and national laws like the German Supply Chain Due Diligence Act, MNEs are increasingly expected to identify, prevent, and mitigate human rights risks in their operations and value chains in Bangladesh. Consequently, the global supply chain not only connects economies but also redistributes accountability, requiring MNEs to ensure that workers in countries like Bangladesh are afforded fair wages, safe working conditions, and the right to organize. This evolving landscape has significant implications for research, particularly in examining how corporate responsibilities are operationalized across borders and how local labour dynamics are shaped by global governance mechanisms.

This report explores the importance of HRDD for trade union activism, particularly in the context of the Ready-Made Garment (RMG) sector in Bangladesh. It emphasizes and presents trade unions as key stakeholders in HRDD implementation. Although the HRDD framework is recognized as a powerful tool for enhancing corporate accountability and workers' rights, the study finds that the RMG industry-based trade unions in Bangladesh currently have inadequate knowledge, capacity, resources, and understanding of its

functionality and implementation mechanisms. Focus group discussions with trade union leaders reveal enthusiasm about the issue but the awareness is in the preliminary stage which highlights significant gaps in institutional preparedness, coordination, and access to remedy processes. Challenges include weak enforcement of labour laws, limited union representation in policymaking, and a lack of strategic tools for HRDD engagement. The section calls for targeted capacity-building initiatives, better integration of HRDD principles within union strategies, and improved coordination among stakeholders, including government bodies, to make HRDD an effective instrument for labour rights advancement in Bangladesh's RMG supply chain.

However, the study outlines the strategic roles trade unions can play across the six key steps of the Human Rights Due Diligence (HRDD) process, highlighting the significant opportunities for worker participation and advocacy. Trade unions can embed responsible business conduct (RBC) in policies through lobbying, social dialogue, and policy formulation. In identifying and assessing adverse impacts, unions can map violations, engage with brands, raise awareness, and prioritize issues for action. During mitigation, they can represent workers in designing and negotiating plans, support factory-level unions, and connect with global actors. In the implementation and tracking phase, unions can contribute ground-level data, participate in audits, and advocate for worker-focused assessment standards. Communication plays a key role, where unions ensure transparency, facilitate dialogue and keep all stakeholders informed. Finally, in the remediation stage, trade unions can assist in creating effective grievance mechanisms, support workers in filing complaints, and hold companies accountable through evidence-based advocacy. Collectively, these actions position trade unions as essential agents for promoting labour rights and accountability within global supply chains through HRDD.

The study also synthesizes the responsibilities for remediation and access to justice outlined in key Human Rights Due Diligence (HRDD) instruments, including the UN Guiding Principles on Business and Human Rights (UNGPs), the ILO Tripartite Declaration of Principles concerning Multinational Enterprises (MNE Declaration), the OECD Guidelines for Multinational Enterprises, and the EU Corporate Sustainability Due Diligence Directive (CSDDD). Each framework underscores the responsibilities of states and businesses to ensure access to effective remedies for individuals and communities affected by corporate-related human rights abuses. States are obligated to provide both judicial and non-judicial mechanisms—such as courts, labour tribunals, National Contact Points (NCPs), and national human rights institutions—while also addressing legal and procedural barriers to justice. Businesses, on the other hand, must proactively establish operational-level grievance mechanisms, support multi-stakeholder remediation efforts, and participate in collaborative agreements such as Global Framework Agreements. The mechanisms provided under each instrument aim to ensure timely, transparent, and fair resolutions, with a range of possible penalties including compensation, fines, and public accountability measures. Trade unions, as recognized actors within these systems, can play

a vital role in facilitating access to remedy, representing workers, and holding companies accountable for violations throughout the supply chain.

This study presents a comprehensive set of policy recommendations for the effective implementation of Human Rights Due Diligence (HRDD) in Bangladesh, with a specific focus on the Ready-Made Garment (RMG) sector. Drawing on international standards such as the UN Guiding Principles on Business and Human Rights, ILO MNE Declaration, OECD Guidelines, and the EU Corporate Sustainability Due Diligence Directive (CSDDD), the recommendations are divided into two broad categories: responsibilities of the government and the role of trade unions.

For the government, the paper emphasizes the need for a National Action Plan on Responsible Business Conduct, legislative and regulatory reforms, the establishment of permanent mechanisms for risk assessment, a centralized national database, and the promotion of obligatory social clauses in trade agreements. A multi-stakeholder HRDD oversight body, centralized auditing, and national databases are suggested to enhance transparency, stakeholder engagement, and business accountability.

For trade unions, the document recommends building institutional capacity through HRDD-specific learning centers, education and training programs, and the integration of HRDD in advocacy and negotiation strategies. It also promotes the establishment of communication channels with brands, worker-based monitoring systems, and engagement with global union networks. The paper underscores the need for trade unions to actively participate in grievance mechanisms, promote transparency, and push for HRDD integration in trade contracts.

Overall, the recommendations aim to foster a rights-based, participatory, and accountable approach to business and human rights in Bangladesh, aligning national practices with global standards to ensure decent work and sustainable development. This study serves as a resource for policymakers, trade unions, civil society organizations, and corporate stakeholders, urging them to collaborate in creating a more transparent and equitable supply chain in the global apparel industry.

List of Abbreviation

BHR	Business and Human Rights
BGMEA	Bangladesh Garment Manufacturers and Exporters Association
CESCR	Committee on Economic, Social and Cultural Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRPD	Convention on the Rights of Persons with Disabilities
CSDDD	Corporate Sustainability Due Diligence Directive
EU	European Union
FGD	Focus Group Discussion
FPRW	Fundamental Principles and Rights at Work
FY	Fiscal Year
GDP	Gross Domestic Product
GSKOP	Garment Sramik Karmachari Oikya Parishad
HRDD	Human Rights Due diligence
ILO	International Labor Organization
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILS	International Labour Standards
IBC	IndustriALL Bangladesh Council
KII	Key Informant Interview
MNE	Multinational Enterprise
MNC	Multinational Corporation
NCP	National Contact Points
NTUC	National Trade Union Congress
NGO	Non-Governmental Organization
OECD	The Organization for Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OVS	Organizzazione Vendite Speciali
OSH	Occupational Safety and Health
PVH	Phillips-Van Heusen Corporation
RBC	Responsible Business Conduct
RMG	Ready-Made Garment
TUAC	Trade Union Advisory Committee
TU	Trade Unions
UN	United Nations
UNDP	United Nations Development Programme
UNGP	United Nations Guiding Principles on Business and Human Rights.

UAE	United Arab Emirates
UNICEF	United Nations Children's Fund
UDHR	Universal Declaration of Human Rights
USA	United States of America
USD	United States dollar
WTO	World Trade Organization

Chapter One

Introduction and Background

1.1 Introduction and Rationale of the Study

Human Rights Due Diligence (HRDD) is a concept that has gained significant momentum both in academic discussion and activism as a framework for protecting and advancing human rights in business operations. The HRDD is exclusively relevant for multinational enterprises because it discharges their corporate responsibilities to respect human rights following the recognized guiding principles of becoming aware of, preventing, and addressing adverse human rights impacts in their business operations (McCorquodale, 2017). However, the HRDD approach has been recognized and integrated into the labour movement in many regions and countries for a long time, and this issue has recently gained momentum in Bangladesh's labour movement. Particularly, the ready-made garment (RMG) industry has ample opportunity to utilize the HRDD scope for the protection and advancement of human rights for their workers.

However, why does this study choose the RMG industry? This study particularly focuses on the export-oriented RMG industry of Bangladesh because the state of human rights and labour standards in the ready-made garment (RMG) industry of Bangladesh is a widely discussed social issue both locally and globally. Undoubtedly, the RMG industry has become a significant lifeline for the national economy, having its steady contribution to the country's GDP and representing a lion's share of gross export earnings of over 80%. Particularly, the industry's export earnings amounted to USD 46991.61 million (84.58 percent) and contributed 10.35 percent to Bangladesh's GDP in the Fiscal Year (FY) 2023 (Bangladesh Bank, 2023.) The industry with employment of about four million workers, mostly dominated by women, has become the largest employment-generating manufacturing industry in Bangladesh. Consequently, the socio-economic development and enjoyment of human rights of millions of workers and their families are closely tied to the growth, success, and social practices of industry. The government has prioritized the RMG industry by offering cash incentives or rebates on garment exports and implementing tax reductions.

However, despite having significant national contributions and enormous potential, the industry has been faced with several criticisms for its working conditions and practices of labour rights, which have a direct linkage with the entitlement of human rights of the workers. Low wages, occupational accidents and hazards, adversary against trade union movement, job insecurity and lack of social protection, abrupt termination and layoff, higher workload, denial of services benefits, gender-based violence and discrimination, and weak industrial relation practices are indiscriminately reported in the RMG sector (Haque et al. 2020; Jalava, 2015). The Department of Inspection for Factory and Establishment (DIFE) stated that at least 143 cases of labour law violations in the RMG sector were reported to the labour court during 2023-24, whereas the court settled only 14

cases (DIFE Annual Report, 2023-2024). Consequently, the sector witnessed several national and international reform initiatives and actions to ensure decent working conditions and sound industrial relations in the last decades. However, there are still criticisms and observations in terms of human rights and labour standards from national and international rights-based organizations, civil society, and other relevant partners.

On the other hand, the industry has secured the second position in the global apparel markets by tripling its share of global exports, reaching 7.9 percent in 2022 from just 2.5 percent in 2005 (BGMEA, 2023). The RMG industry, leveraging its competitive advantage in cost-effective yet high-quality production, has secured a significant export position in the global market, with 49.35 percent of its export value from the European Union. The United States and the United Kingdom account for 17.46 percent and 11.12 percent consecutively, and Canada contributes 3.19%. Additionally, the industry is expanding into new markets, such as Japan, Australia, Russia, South Korea, China, the UAE, Saudi Arabia, Turkey, New Zealand, and Brazil, which together represent 18.72% of its export share (BGMEA, 2024).

The global leading apparel brands like Wal-Mart, Tesco, M&S, H&M, Zara, Adidas, JC Penny, IKEA, LI & Fung, Uniqlo and many more are the top buyers of “Made in Bangladesh.” Consequently, Bangladesh, as a significant supplier of the global apparel market, has established a business relationship with the global north, particularly with their apparel-based MNEs, commonly known as the global brands and buyers. As a significant actor in the global supply chain of the apparel market, multinational enterprises (global brands and buyers) are responsible for protecting and promoting the human rights of the workers in their suppliers according to the different HRDD instruments.

In this regard, HRDD instruments are the institutional framework to ensure the protection and advancement of human rights, focusing on the labour standards in the RMG industry of Bangladesh. As a buyer-driven supply chain actor, and in line with the global and regional HRDD framework like Guiding Principles on Business and Human Rights (UNGP), OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (OECD Guidelines), ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), European Union Corporate Sustainability Due Diligence and Directive (CSDDD), and based on the country-specific due diligence act and following the UN “Protect, Respect and Remedy Framework,” the Brands/Buyers should be responsible for respecting human rights in their business operations (Islam et al. 2021). Particularly, apparel brands and buyers need to be more concerned regarding the protection of human rights, focusing on the issues of labour standards at the workplace. However, the issue is still blurred in Bangladesh's social movement, and a precise understanding of HRDD is lacking in the context of the RMG industry in Bangladesh.

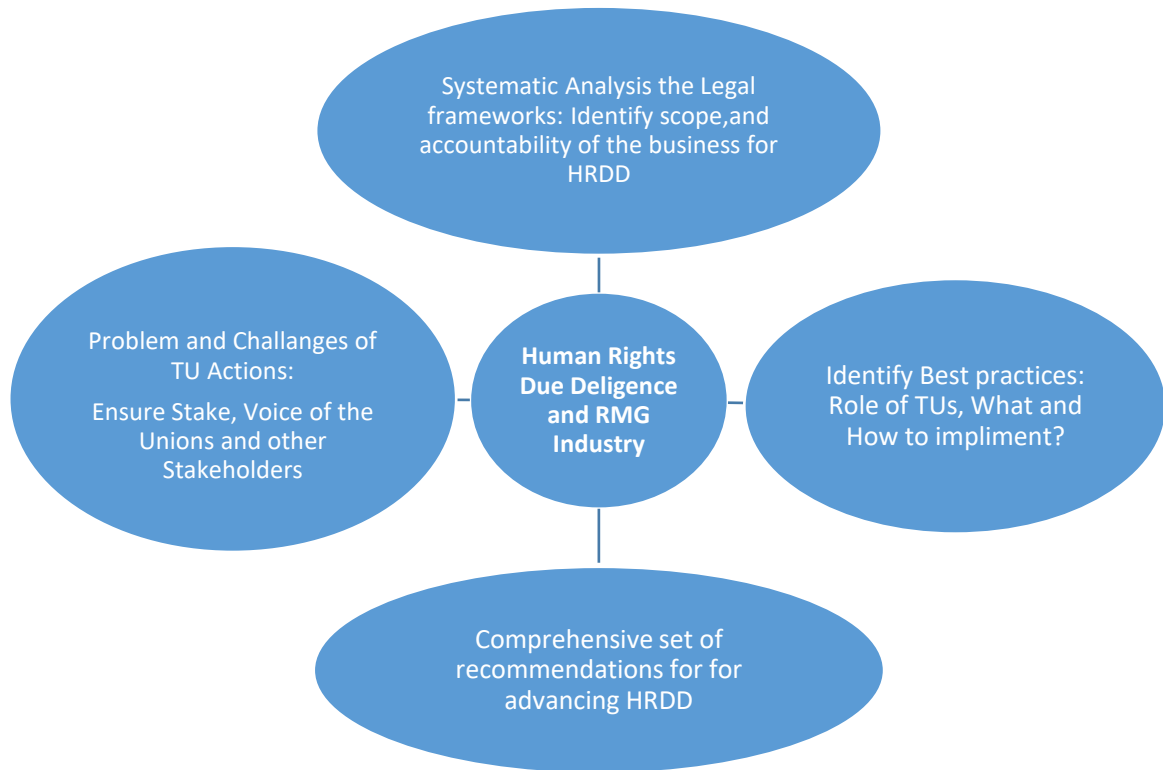
Hence, this study mainly focuses on the basic understanding of the Human Rights Due Diligence (HRDD) concept and its applicability in the context of the RMG industry in Bangladesh. The study findings also present the major responsibilities of the brands and buyers to respect and protect the human rights of the workers for their suppliers in Bangladesh with an effective remedy mechanism. It emphasizes how the social partners, particularly the trade union of the RMG industry, can utilize the HRDD instruments to conduct activism and hold the brands and buyers responsible for their business operations. A particular section of the report provides guidelines for complaint mechanisms. It concludes with a set of recommendations for the trade unions for the effective use of the HRDD instruments in the context of Bangladesh.

1.2 Objectives of the Study

The overall objective of the study is to review human rights due diligence standards and practices with a view to generating Trade Union (TU) friendly information and knowledge base to effectively promote Human Rights Due Diligence practices in the RMG Industries of Bangladesh to uphold human rights and labour standards for the workers. Specific Objectives of the study include;

- i. To map and review the available international legal frameworks and practices that guide the promotion of human rights due diligence in the global supply chain of the RMG industry.
- ii. To identify the responsibilities of the MNEs/Brands/Buyers for advancing human rights due diligence in the RMG industry of Bangladesh.
- iii. To analyze the preparedness, challenges, and opportunities of national trade unions/sectoral trade unions to act effectively in advancing human rights due diligence in Bangladesh's RMG industry.
- iv. To analyze and suggest the different options for the effective participation of essential stakeholders like TUs in the Human Rights Due Diligence Processes.
- v. To develop a pathway for the trade unions of Bangladesh to act effectively for advancing human rights and due diligence in the RMG industry of Bangladesh.

1.3 Study Scope and Strategic Framework



The scope of research mainly includes a rigorous systematic review of the legal framework and identifying the best relevant practices to identify the mechanism of how the RMG trade union can act to promote due diligence practices in the sector. The study examines why multinational enterprises (MNEs), brands, and buyers are expected to uphold labour and human rights standards following international guidelines such as the United Nations Guiding Principles on Business and Human Rights (UNGPs), the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), the OECD Guidelines for Multinational Enterprises, and the EU Corporate Sustainability Due Diligence Directive (CSDDD). The voices of the unions and other stakeholders are ensured to identify their problems and challenges to act for human rights due diligence in the sector. The study outlines the strategic roles trade unions can play across the six key steps of the Human Rights Due Diligence (HRDD) process, highlighting the significant opportunities for worker participation and advocacy. Finally, a set of recommendations is developed so that the trade unions of the RMG sector can utilize due diligence in a better way.

1.4 Study Methodological: Techniques and Analytical Framework

Study Approach

This study was conducted following the qualitative approach of social research methods. The majority of the data was collected from secondary sources, including a limited number of primary sources. Desk reviews were conducted by collecting relevant data from different intellectual resources following the content analysis methods and techniques.

A review of the major international instruments of HRDD includes but is not limited to the guidelines and declarations like; the United Nations Guiding Principles on Business and Human Rights (UNGP), OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (OECD Guidelines), ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), European Union Corporate Sustainability Due Diligence and Directive (CSDDD), Code of Conduct of the Brands.

Other major thematic sources include the existing index, research report, and trade union positions, as well as briefing about the state of human rights and labour standards in the RMG industry and best practices of utilizing HRDD at the industrial level.

Primary Approach

The primary approach includes the Focus Group Discussion and Key Informant Interview with the relevant stakeholders and experts. Two separate FGDs were conducted with experienced trade union leaders who are actively involved in representing garment workers. These FGDs allowed for an in-depth understanding of collective experiences, opinions, and strategies related to HRDD, from the perspective of organized labour.

One FGD was held with representatives of the GSKOP (Garments Sramik Karmachari Oikya Parishad) – a well-known trade union platform operating in the RMG sector. Another FGD was held with representatives from the IBC (Industrial Bangladesh Council) – an influential coordination platform of sectoral trade union federation active mostly in the RMG sector.

These discussions provided valuable insights into how union leaders perceive HRDD, the challenges they face in engaging with brands and buyers, and the types of support they need to play a more active role in due diligence processes. The study also conducted judgmentally selected KIIs, targeting individuals and institutions with specialized knowledge and experience related to labour rights, HRDD, and the RMG industry. Participants included legal experts and labour lawyers with experience in national and international frameworks on business and human rights, Representatives from CSOs and NGOs working in labour rights, human rights due diligence, and corporate accountability in the RMG sector. The purposive selection of key informants ensured that the study benefited from expert opinions and institutional perspectives to complement the grassroots insights gathered through FGDs.

Data Collection Tools and Techniques

Specific FGD and KII guidelines were used to conduct the group discussion with the different levels of representatives of the trade unions. Free and bias-free environments were ensured to make the spontaneous participation of the trade union leaders. The study was conducted following the higher academic ethical standards, and the representatives or monitoring opportunities from the research offering authority were ensured.

Data Analysis

The data collected from the secondary sources, FGDs, and KIIs were analyzed following the approaches to qualitative data analysis, which are outlined as documentation and processing of the data, organization/categorization of the data into concepts, connection of the data to show how one concept may influence another, corroboration/legitimization, by evaluating alternative explanations, disconfirming evidence, and searching for negative cases and representing the account (reporting the findings).

Chapter Two

Human Rights Due Diligence (HRDD): Concepts and Application in Bangladesh's RMG Industry

The chapter presents a basic understanding of the concept of Human Rights Due Diligence (HRDD), what it means for the workers, and how it is relevant to the Bangladesh and RMG industries. The global linkage of the RMG sector and a landscape of Brands and Buyers sourcing from Bangladesh are portrayed in the later stages of this section.

2.1 Human Rights Due Diligence (HRDD): The Concept and Relevancy with the RMG Industry

The concept of Human Rights Due Diligence (HRDD) encompasses two basic principles: “Human Rights” and “Due Diligence”. Human rights refer to the fundamental rights and freedoms to which all individuals are entitled in all areas of life, including the workplace (Further explained in the following chapter). On the other hand, due diligence is understood as a standard of expected conduct or actions that are considered reasonable to take in order to avoid harm and manage the impact. According to ILO (2024), due diligence consists of a process that allows companies to identify, prevent, and mitigate their actual and potential adverse impacts on human rights and account for how they address such impacts in their business operations.

The report of the Working Group on Business and Human Rights to the General Assembly, October 2018 (A/73/163) stated that;

“The human rights due diligence is a way for enterprises to proactively manage potential and actual adverse human rights impacts with which they are involved.”

UNDP (2022) conceptualizes HRDD as a process of assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed (UNDP, 2022). Moreover, it indicates a standard of conduct that the enterprise requires to be discharged from its business operation.

Conceptually, HRDD is a proactive and continuous effort that enables both business enterprises and governments to identify, prevent, mitigate, and account for the adverse human rights impacts of their activities (UNDP, 2023). ILO identifies HRDD as a management tool that allows enterprises to uphold their responsibility to respect human rights in their business operation according to the UN Guiding Principles on Business and Human Rights, the ILO MNE Declaration and the OECD MNE Guidelines (ILO, 2024). However, with the recent landmark initiative of the European Union to hold corporate entities accountable for their business operations, the enactment of the Corporate

Sustainability Due Diligence Directives (CSDDD) is the new addition to the family of HRDD instruments. However, HRDD is a framework for ensuring responsible business conduct (RBC) of enterprises, which mostly focuses on respecting human rights in corporate governance.

As of now, the following HRDD instruments have been identified and are being used to advance human rights in the workplace (Table- 1).

Table 1: Major Instruments for Human Rights Due Diligence in the Workplace

HRDD Instruments	Legal Status/Consequences of Violations
<i>UN Guiding Principles on Business and Human Rights (UNGPR)</i> Origin: United Nations (UN) (2011)	It does not create legal obligations but is also not voluntary as it is derived from States' existing obligations under international law. There can be legal, financial and reputational consequences if companies fail to respect human rights as set out in the Guiding Principles.
<i>Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy</i> Origin: International Labour Organizations (ILO) (1977) (Amended 2017, 2022)	“Non-binding” it is universally applicable to all member states of the ILO and all enterprises. Provides an authoritative set of expectations of responsible business adopted in a tripartite way by governments and representatives of workers' and employers' organizations. This is derived directly from provisions of international labour standards that are contextually mandatory. Violations of these standards may create legal consequences.
<i>OECD Guidelines for Multinational Enterprises on Responsible Business Conduct.</i> Origin: Organization for Economic Cooperations and Development (OECD) 1976 (Amended 2023)	The OECD Guidelines are not legally binding on companies, but they are binding on signatory governments, which are required to ensure the Guidelines are implemented and observed. State-based grievance mechanisms for resolving conflicts regarding alleged corporate misconduct.
<i>EU Corporate Sustainability Due Diligence Directive (CSDDD)</i> Origin European Union July 2024	Legally Binding for EU-based EU and Non-companies State-based authority to supervise and enforce the rules, including through injunctive orders and effective, proportionate and dissuasive penalties

However, reviewing the different HRDD instruments, the Office of the High Commissioner for Human Rights (OHCHR) has identified four core components of Human Rights Due Diligence (HRDD):

Table 2: Components of HRDD

Assessment of the Impact of Business Activities on Human Rights	<i>(a) Identifying and assessing actual or potential adverse human rights impacts that the enterprise may cause or contribute to through its own activities or which may be directly linked to its operations, products, or services by its business relationships.</i>
Integrating Findings of Assessment and Taking Actions	<i>b) Integrating findings from impact assessments across relevant company processes and taking appropriate action according to its involvement in the impact.</i>
Tracking the effectiveness of measures and processes	<i>(c) Tracking the effectiveness of measures and processes to address adverse human rights impacts in order to know if they are working and</i>
Communicating how impacts are addressed	<i>(d) Communicating on how impacts are being addressed and showing stakeholders – in particular affected stakeholders – that there are adequate policies and processes in place</i>

These HRDD components are aligned with the principles of the RBC, which should be applied in Bangladesh's RMG industry. The business operation in the RMG industry should avoid adverse human rights impacts on their workers through necessary actions. Therefore, the RMG industry should have a mechanism to assess and identify the actual (those that have already occurred) and potential (those that could occur in the future) impacts on the human rights of the workers in their business operations. Identification of the impacted group or victims and the nature of the risk or violations should be identified clearly. The actual involvement of stakeholders or actors liable for the identified risk also needs to be clarified, including whether the impacts are directly caused by the act of the brands or suppliers or any other actors involved in the business operations. These steps are crucial for developing an effective remedial strategy, recognizing the underlying cause, liable actors, and actual victims, and identifying their roles in the process of remediation. Once the remedial measures are developed and practiced, the process should be evaluated and monitored regularly to track its effectiveness and to adjust the strategy based on the necessity. The HRDD components also emphasize disclosure and transparency regarding how the enterprises uphold the human rights of their workers. Transparently

communicating with the stakeholders and social partners, particularly with the trade unions, about the policies, actions and outcomes of the HRDD practices. Regular publications of the state of human rights reports, public statements, and dialogues with the affected people, workers and their representatives can boost mutual trust among the stakeholders.

The relevant guidelines and implementing organizations widely accepted the six stages of the due diligence process.

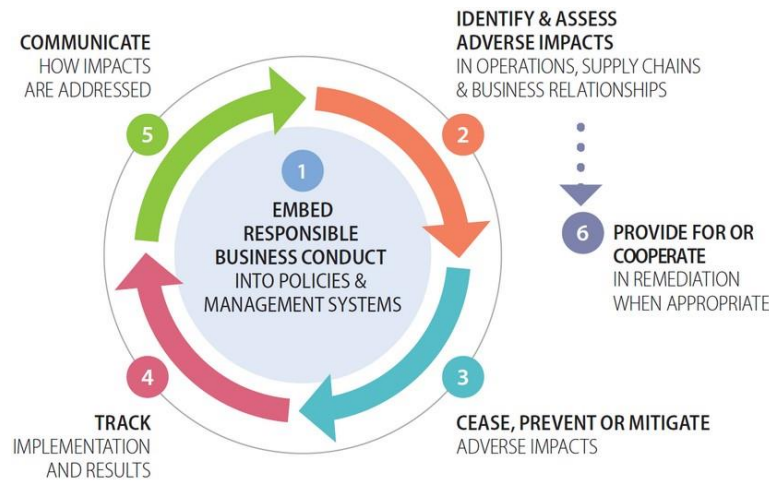


Figure 1 Six Steps of HRDD

Considering the context of the RMG industry in Bangladesh, the HRDD approach means that the business should not only operate for profit but also consider its impacts. This impact could be actual or potential and may cause or contribute to through business activities or may be directly linked to its operations, products or services by its business relationships. Hence, the HRDD approach emphasizes the identification of the adverse impact of business operations on the human rights of the workers in the RMG industry.

Rationally, the OHCHR stated that the prevention of adverse impacts on people is the main purpose of human rights due diligence and concern about the It concerns risks to people, not risks to the business; thus, any effort to the HRDD practice in the RMG industry of Bangladesh should be prioritized the prevention of adverse impact of the workers in the RMG industry rather than focusing the benefits of the employers. The HRDD process needs to be continuous as the risks to human rights may change over time. It must be informed by meaningful stakeholder engagement, in particular with affected stakeholders, human rights defenders, trade unions, and grassroots organizations. Risks to human rights defenders and other critical voices need to be considered in the process of HRDD (OHCHR, 2018).

2.2 Human Rights Due Diligence Applicability in Bangladesh's RMG Industry

In general, the HRDD regulations are mostly oriented to corporate business responsibilities and provide scope for transnational accountability of the enterprises. The RMG industry of Bangladesh maintains a buyer-driven supply chain and is related to global apparel brands and buyers in a long-term business relationship. Consequently, the question arises to what extent the HRDD scope is relevant to the RMG industry, more specifically to the local suppliers of the ready-made garments industry based in Bangladesh.

Table 3: Major HRDD instruments' applicability in Bangladesh's RMG Industry¹

Instruments	Applicability	Addressed to	Legality
UNGP	Applicable to all states and business enterprises, including the Ready-Made Garment (RMG) sector in Bangladesh, regardless of size, location, or structure.	All states, transnational corporations, and other business enterprises, including those in the RMG sector.	Non-binding, but widely regarded as an authoritative global standard.
ILO MNE Declarations	Applicable to all ILO member states, including Bangladesh, and relevant to multinational enterprises operating in Bangladesh's RMG sector.	Governments, employers' and workers' organizations, and multinational enterprises operating in the RMG sector in Bangladesh.	Non-binding, Voluntary principles, but supported by ILO conventions and recommendations that may have legal implications in implications
OECD MNE Guidelines	Applicable to the 51 adherent countries, including their multinational enterprises, which operate in Bangladesh's RMG sector.	Governments of the adhering countries and multinational enterprises operating within or linked to Bangladesh's RMG sector.	Non-binding, but represents international standards for responsible business conduct, particularly for MNEs.
EU Corporate Sustainability Due Diligence Directive (CSDDD)	Applicable to large EU companies and non-EU companies with significant operations in the EU, including those sourcing from Bangladesh's RMG sector.	Large EU and non-EU companies are involved in the global supply chain, particularly in high-risk sectors like RMG in Bangladesh.	Legally binding. Requires companies to identify, prevent, and mitigate adverse human rights and environmental impacts throughout their supply chains.
German Supply Chain Due Diligence Act (LkSG)	Applicable to German companies with over 1000 employees that source products from Bangladesh's RMG sector.	German companies operating in the global supply chain, including Bangladesh's RMG industry.	Legally binding. Requires German companies to identify and mitigate human rights and environmental risks in their supply chains.

¹ Adapted from the relevant HRDD Instruments (Citations are added in the list of references)

French Duty of Vigilance Law	Applicable to large French multinational companies that have significant supply chain operations, including those in Bangladesh's RMG sector.	French multinational corporations and companies are sourcing from Bangladesh's RMG sector.	Legally binding. Mandates large companies to implement due diligence to prevent human rights and environmental violations in their supply chains.
Norwegian Transparency Act	Applicable to Norwegian companies that have global supply chains, including those in Bangladesh's RMG sector.	Norwegian companies and multinational enterprises are operating within global supply chains, including Bangladesh.	Legally binding. Requires Norwegian companies to disclose how they manage human rights and decent working conditions throughout their supply chains.
Dutch Child Labour Due Diligence Act	Applicable to Dutch companies with global supply chains, including that sourcing from Bangladesh's RMG sector, aimed at addressing child labour.	Dutch companies and businesses involved in Bangladesh's RMG sector may impact child labour issues.	Legally binding. Requires Dutch companies to investigate and prevent child labour in their supply chains, with potential penalties for non-compliance.

The UNGP, which is developed under the UN ‘Protect, Respect and Remedy’ Framework,” recognizes the role of business and is required to comply with all applicable laws and to respect human rights. It clearly stated that “.....*These Guiding Principles apply to all States and all business enterprises, both transnational and others, regardless of their size, sector, location, ownership and structure (UN 2011).*”

In a clear explanation, the OHCHR, in its HRDD/UNGP interpretive guide, states that:

“The focus of due diligence is on identifying and addressing the relevant impact on human rights, i.e., that which is connected to the enterprise’s own activities and its business relationships.

Further, the business relationship is defined as;

“.....the relationships an enterprise has with “business partners, entities in its value chain, and any other non-State or State entity directly linked to its business operations, products or services.”

The commentary on the UNGP Principle 17 specifically focuses on the maintenance of human rights due diligence in the supply chain, which states that;

“....where business enterprises have large numbers of entities in their value chains, it may be unreasonably difficult to conduct due diligence for adverse human rights impacts across them all. If so, business enterprises should identify general areas where the risk of adverse human rights impacts is most significant, whether due to certain suppliers’ or clients’ operating context, the particular operations, products

or services involved, or other relevant considerations and prioritize these for human rights due diligence.”

Regarding the sub-contracting and outsourcing from the developing countries, the ILO MNE declaration stated that “.....*To promote employment in developing countries, in the context of an expanding world economy, multinational enterprises, wherever practicable, should consider the conclusion of contracts with national enterprises for the manufacture of parts and equipment, to the use of local raw materials and to the progressive promotion of the local processing of raw materials. Such arrangements should not be used by multinational enterprises to avoid the responsibilities embodied in the principles of this declaration.*”²

This part of the declaration can be explained as when the MNEs conclude any contracts with the local enterprise only for business purposes; for example, brands and buyers contract with the garment manufacturers, such an arrangement should not be used to avoid the responsibilities of the principles of this declaration. Further, ILO (2011) summarizes the main concerns of the declarations to respect national laws and regulations, give due consideration to local practices, development priorities and social aims of host countries, and respect international standards concerning human and labour rights as well as honor commitments in conformity with national law and accepted international obligations.

The OECD MNE guidelines indicate that the adherent governments address the recommendations of the OECD MNE Guidelines for their multinational enterprises operating worldwide. In the Concepts and Principles section, guidelines focus on the guidelines of compliance with national law and practices. It provides principles and standards of good practice consistent with applicable laws and internationally recognized standards.

Further, the OECD MNE guidelines definition of the business relationship covers due diligence for all types of business relationships of the enterprise – suppliers, franchisees, licensees, joint ventures, investors, clients, contractors, customers, consultants, financial, legal and other advisers, and any other non-State or State entities linked to its business operations, products or services (OECD, 2018). This clause provides a ground of obligation of the buyers to prevent and mitigate adverse human rights violations and improve the decent working conditions at the supplying factories as they are directly linked with a business relationship even though they do not contribute to the adverse impact.

The Trade Union guide for OECD guidelines refereeing the same clause explains that MNEs are responsible for avoiding adverse impacts and addressing those with which they

² Para 20, ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (2006)

are involved through their supply chains and business relationships. According to TUAC, the revised version of the OECD guidelines covers the indirect employment relationship, including in the supply chain (TUAC, 2012). More specifically, a commentary on Chapter II, General Policies, para. 18, explains that “... *in the context of its supply chain, if the enterprise identifies a risk of causing an adverse impact, then it should take the necessary steps to cease or prevent that impact.*” Another influential commentary para of the guidelines provides the scope of engagement of the MNEs to suppliers to improve their performance in advancing human rights in cooperation with other stakeholders, including through personnel training and other forms of capacity building, and to support the integration of principles of responsible business conduct compatible with the Guidelines into their business practices (Para 23).

Specifically, the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector has been adopted to implement the due diligence recommendations contained in the OECD MNE Guidelines along the garment supply chain. This sector-specific guideline defined the suppliers.

Table 4 Key Facts about RMG Supply Chain Due Diligence and Inclusion of Suppliers³

Suppliers	Explanations
“Supplier” includes all business relationships that provide a product or service to an enterprise, either directly or indirectly.	Direct Suppliers/Sourcing: Enterprise holds a direct contractual relationship with its supplier Indirect Suppliers/Sourcing: An enterprise sources products (e.g., raw materials or finished goods) through an intermediary.
Suppliers examples/Coverage	It may include manufacturers, textile producers and farmers but may also include intermediaries, such as buying agents, logistical providers and global commodities merchandisers and processors. Workers of those sub-contractors should have access to grievance mechanisms similar to those of direct contractors.
Responsibilities towards Suppliers	An enterprise is expected to conduct due diligence on its own activities and its suppliers across its supply chain and other business relationships.
Participation in the HRDD process	Enterprises should engage meaningfully with affected suppliers as part of the due diligence process.

³ Adapted from the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector

Consequently, these activities and business relationships set the scope of human rights due diligence for the brands and buyers of the RMG industry in Bangladesh as one of the major garment suppliers in the global market and having a long-term business relationship with the top global brands, the RMG industry is covered under the HRDD scope for holding MNEs responsible for respecting human rights in their business operations.

Considering the country's context, all the recognized HRDD instruments encourage enterprises, whatever their origin, to respect the domestic laws and labour standards in their host countries. This provides a valid framework for collective bargaining with the MNEs to hold them responsible for their corporate responsibilities in Bangladesh in compliance with the Bangladesh Labour Act and other relevant policies. The following table provides some core references that explain that the MNEs should respect the domestic laws of the countries where they operate, ensuring alignment with both international standards and local regulations.

However, the applicability of the HRDD instrument in Bangladesh is also grounded in its provisions and encouragement to respect domestic law as well as the best practices for advancing human rights by MNEs in their country of operations.

Table 5 TABLE ENCOURAGEMENT TO RESPECT DOMESTIC LAW⁴

HRDD INSTRUMENTS	Relevant Article/Paragraph/Recommendations	Encouragement to Respect Domestic Law
UNGP	Principle 23(b): In all contexts, business enterprises should comply with all applicable laws and respect internationally recognized human rights wherever they operate .	Brands/Buyers should ensure compliance with the Bangladesh Labour Act and other international standards on human rights and labour Rights.
OECD MNE GUIDELINES	Chapter I, Paragraph 2: Obeying domestic laws is the first obligation of enterprises. The Guidelines are not a substitute for, nor should they be considered to, override domestic law and regulation.." Chapter IV: Enterprises should, within the framework of internationally recognized human rights, the international human rights obligations of the countries in which they operate as well as relevant domestic laws and regulations:	Where Domestic Law Conflicts with International Standards, the MNEs should follow the internationally recognized standards of Human rights and Labour Rights.

⁴ Adapted from the referred HRDD Instruments not exact text of the law for every cases

ILO MNE DECLARATION	Paragraph 8: MNEs should respect the sovereign rights of states by adhering to national laws and regulations, considering local practices, and upholding relevant international standards. Additionally, they should honor any commitments made in accordance with both national laws and international obligations.	The Declaration further calls on parties to respect the UDHR (1948) , the International Covenants (1966) , and the ILO Constitution , which underscores the importance of freedom of expression and association as fundamental principles for sustainable progress.
EU CSDDD	Article 7: This article mandates that companies develop a due diligence policy in consultation with employees and their representatives. Article 15: Companies must continuously monitor and update their policies to reflect significant changes, which ensure alignment with local laws and any adverse impacts identified.	It implies that the policy should include measures for compliance with both international standards and domestic laws, including rules to be followed throughout the company's operations, subsidiaries, and business partners.

ETI (Ethical Trading Initiative) representative highlighted several challenges in applying Human Rights Due Diligence (HRDD) within the Ready-Made Garment (RMG) sector. They noted that assessing HRDD practices is particularly difficult in large factories due to the complex and layered nature of their supply chains. The involvement of multiple auditing parties often creates further complications at the factory level, leading to confusion and inconsistencies. Additionally, there is a significant lack of institutional capacity to critically assess and interpret the transparency of audit outputs, which undermines the effectiveness of HRDD implementation efforts (KII, ETI Representative).

The awareness and application of international instruments are extremely limited. Discussions around these frameworks occasionally take place at conferences, but there is little to no practice at the ground level. Factory owners generally avoid engaging with these instruments and focus solely on compliance with Bangladesh's labor laws. The government also shows minimal interest in promoting or enforcing these international standards. Additionally, trade unions rarely monitor or address violations in line with the provisions of these international instruments (KII with Legal Experts).

2.3 Global RMG Production Networks and the Dynamics of Sourcing from Bangladesh's RMG Sector

Bangladesh has made significant contributions to the global apparel industry since the 1970s. The World Trade Statistical Review 2023 reports that Bangladesh's share of global clothing exports surged to 7.9% in 2022, up from 2.5% in 2005, significantly increasing its presence in the global market. This positions Bangladesh as the second-largest exporter of clothing globally, trailing only China, which holds a 31.7% share (WTO,2023). Over 150 countries import garments from Bangladesh, with the European Union and North America being the primary destinations for the country's RMG exports⁵. The top 5 EU countries are Germany, France, Spain, Italy and the Netherlands, combined account for 35.72% of total export values in 2023, whereas the top ten countries account for 43.06% of the total export. However, apart from the top ten EU countries, the rest of the 15 countries accounted for only 6.29% of the total exports.

Table 6 Top RMG Export Destination from Bangladesh in the EU

Countries	Total Export value (\$ US Dollar) (Knit and Woven)				
	2021	2022	2023	2024	Average
USA	1639.27	2423.19	2257.36	1968.99	2072.20
Germany	1408.23	1798.12	1533.34	1413.31	1538.26
UK	799.62	1124.12	1180.04	1266.04	1092.45
France	490.64	679.21	800.89	819	697.43
Italy	291.44	462.01	562.91	621.24	484.4
Spain	521.07	749.46	881.54	779.95	733
Belgium	150.68	184.29	189.72	182.89	176.89
Netherland	249.90	394.35	467.21	514.26	406.43
Canada	283.2	400.38	456.14	389.09	382.20
Denmark	947.12	1223.28	1421.60	1121.36	1178.34
Poland	1641.10	1838.33	1874.14	1328.33	1670.47
Sweden	653.93	868.02	898.90	612.56	758.35
Source: Export Promotion Bureau, Bangladesh.					

Bangladesh's RMG is primarily exported to the United States, Germany, the United Kingdom, Spain, France, Italy, Canada, the Netherlands, and Belgium. Total export earnings from these nations from April to June of FY'21 were USD 6534.26 million; of those earnings, 89.28 percent, or USD 5834.09 million, came from the export of RMG (woven 48.05 percent and knitwear 51.95 percent). The RMG export earnings from these nine countries during the reported quarter increased by 4.19 percent from the previous quarter, and it was 91.43 percent higher than the corresponding quarter of the previous fiscal year. Total export revenue from these nine nations from April to June of FY22 was

⁵ BGMEA 2024

USD 9084.71 million; of that amount, 90.43 percent, or USD 8215.13 million, came from the export of RMG (woven 43.03 percent and knitwear 47.40 percent). RMG export revenues from these nine nations fell by 2.45 percent in the quarter under review compared to the prior quarter. However, it was 40.81 percent higher than in the corresponding quarter of the previous fiscal year.

Total export revenue from these nine countries from April to June of FY23 was USD 9035.04 million, of which USD 8329.16 million, or 92.19 percent, came from RMG exports (woven 42.16 percent and knitwear 50.03 percent). In comparison to the prior quarter and the corresponding quarter of the previous fiscal year, respectively, RMG export earnings from these nine countries experienced a 1.39 percent increase and a 1.00 percent decrease during the reporting quarter. From October to December of FY24, the combined export revenue from these nine nations was USD 8582.79 million. Of that amount, 92.68 percent (made up of knitwear at 51.07 percent and woven at 41.61 percent) or USD 7954.77 million came from RMG exports in these nine nations. In comparison to the previous quarter (USD 8106.12 million) and the corresponding quarter of the previous fiscal year (USD 9020.44 million), respectively, RMG export earnings from these nine countries decreased by 1.87 percent and 11.81 percent during the reported quarter.

Table 7 Major Export Destinations and Application of HRDD Instruments

Region	Countries				Major Brands Sourcing From Bangladesh
	Traditional Market 2023				
	Global Rank	Rank in EU	Countries	Share of Total Export Values (2023) (%)	
	01		USA	17.46	Walmart, Gap Inc., PVH Corp. (owns Calvin Klein, Tommy Hilfiger), Target, Nike, VF Corporation (The North Face, Vans), J.C. Penney, Hanesbrands Inc. Levi’s
	03		UK	11.28	Primark, Marks & Spencer Tesco, John Lewis, Next ASDA (George), Sainsbury's (Tu), Arcadia Group, (Topshop, Burton)
Europe		Top EU Countries of Exports			
	02	1.	Germany	12.87	Hugo Boss, C&A Adidas, Aldi, Metro, Otto Group Tchibo
	04	2.	France	7.79	Carrefour, Decathlon, Galeries Lafayette, Kiabi, Groupe,

Share of total export values 2023 (49.35%)					Beaumanoir (Cache Cache, Bonobo), Lacoste
	05	3.	Spain	6.28	Inditex (Zara, Pull & Bear, Bershka, Massimo Dutti) Mango
	06	4.	Italy	4.70	Benetton, Calzedonia OVS, Gucci
	07	5.	Netherlands	4.08	Hema, G-Star Raw, Zeeman
	08	6.	Belgium	2.99	JBC, Scotch & Soda
	09	7.	Denmark	1.90	Bestseller Group (Jack & Jones, Vero Moda), IC Company
	10	8.	Sweden	1.59	H&M, Lindex
		9.	Ireland	0.57	Primark (which also operates in the UK)
		10.	Portugal	0.29	Parfoi
			Sub-total	43.06	
			Others	06.29	
Other Countries			Canada	3.19%	Hudson's Bay Company, Joe Fresh, Lululemon

Table 8 Other EU Countries Sourcing from Bangladesh

Market Type			Share of Total Exports
	OECD MNE Guidelines Adhering Countries	Non-Adhering Countries	
Traditional Market	Austria, Latvia, Bulgaria, Czech Republic, Lithuania, Malta, Cyprus, Estonia, Finland, Poland, Slovakia, Greece, Hungary, Slovenia, Croatia, Romania and Luxembourg	None	6.29%
Non-Traditional Market	Japan, Australia, Korea Rep. Mexico, Turkey, New Zealand Chile, Brazil,	Russia, India, China, UAE, Malaysia, Saudi Arabia, South Africa	18.72%

2.4 Major Brands: Origin, Code of Conduct, and Failures to Respect HRDD

Numerous international brands source their products from the ready-made garment (RMG) industry in Bangladesh country. The following sections highlight the top brands that import garments from Bangladesh, showcasing the industry's global reach and economic impact.

The major brands contain their specific code of conduct based on HRDD instruments, which are their self-declaration to uphold human rights and environmental due diligence in their business operations. Research suggests that while transnational corporations can promote human rights through these codes, the reality often falls short, with many codes lacking robust enforcement mechanisms (Carasco & Singh 2008). However, some argue that the mere existence of a code of ethics can foster a culture of accountability and awareness within corporations, potentially leading to gradual improvements in human rights practices over time.

Major Global Brands Code of Conduct

Walmart (USA): As one of the largest retailers, Walmart sources a substantial volume of garments from Bangladesh, benefiting from the country's competitive pricing and production capacity (Hasan 2017).

Walmart's code of ethics regarding human rights reflects a commitment to ethical practices, particularly in its global operations. The company has established a framework that aims to uphold human rights standards, although the effectiveness and implementation of these codes have been subjects of scrutiny. Walmart's code emphasizes respect for individual dignity and prohibits discrimination based on various factors, including race and gender (Talaular 2009). The company has adopted a code of conduct that aligns with international human rights standards, aiming to mitigate risks associated with labour practices in its supply chain (Turcotte 1998).

Criticism: Despite having a code, Walmart has faced criticism for the actual conditions in its supply chain, highlighting a gap between policy and practice (Campbell 2006). The effectiveness of such codes is often questioned, as many corporations, including Walmart, may prioritize legal compliance over genuine ethical commitments (Turcotte 1998). In contrast, some argue that the mere existence of a code does not guarantee ethical behavior, as enforcement and accountability mechanisms are crucial for ensuring adherence to human rights standards in practice (Campbell 2006).

Zara (Inditex) (Spain): Known for its fast-fashion model, Zara imports a significant portion of its clothing from Bangladesh, capitalizing on the country's efficient supply chain (Hasan 2017). Zara, as part of Inditex, has implemented a code of ethics aimed at ensuring human rights within its operations. However, the effectiveness of this code in translating into actual corporate practices remains contentious.

Inditex's code of conduct addresses various human rights issues, reflecting media concerns over past violations in its supply chain (Aibar-Guzmán et al., 2022).

Criticism: Despite the existence of these codes, studies indicate that they often serve as legitimacy tools rather than mechanisms for genuine change, with actual practices lagging behind stated commitments (Aibar-Guzmán et al. 2022).

The broader landscape of corporate ethics codes shows that many companies, including Inditex, adopt codes primarily to mitigate reputational risks rather than to foster substantial human rights improvements (Turcotte 1998).

Gap Inc (USA): This American retailer sources garments from Bangladesh, contributing to the country's export earnings (Hasan & Das, 2024).

Gap Inc. has established a code of ethics that emphasizes the importance of human rights within its operations. This commitment is crucial for multinational corporations (MNCs) to navigate the complexities of global business while ensuring ethical practices. Gap Inc. recognizes the interconnectedness of combating corruption and promoting human rights, as highlighted by Bishara and Hess. They argue that MNCs must view these issues as complementary moral duties, particularly in developing countries where corruption can exacerbate human rights abuses (Bishara & Hess 2013).

The effectiveness of Gap Inc.'s code is enhanced by a human rights-centric approach, as suggested by Campbell. By framing human rights obligations as moral imperatives tailored to MNCs, the company can foster greater accountability and transparency, allowing for effective external scrutiny (Campbell 2006).

Criticism: Despite these efforts, challenges remain. Critics argue that the voluntary nature of such codes may lead to insufficient enforcement and accountability, potentially undermining the intended ethical standards (Mares 2010).

Bird and Dhooge emphasize the need for MNCs like Gap Inc. to bridge the credibility gap in their human rights commitments. They argue that genuine respect for human rights can yield strategic advantages, thus encouraging firms to adopt robust due diligence practices (Bird & Dhooge 2011).

Nike(USA): The sportswear giant utilizes Bangladesh's manufacturing capabilities for its apparel lines, benefiting from lower production costs (Hasan 2017). Nike introduced

its Code of Conduct in 1992 following widespread criticism regarding labour conditions in its factories abroad, particularly in Asia (Turcotte 1998).

Nike's Code of Ethics plays a crucial role in ensuring human rights within its global supply chain, particularly in response to external pressures and advocacy for better labour practices. The company's commitment to ethical standards has evolved significantly, driven by both public scrutiny and internal initiatives.

The Code emphasizes respect for workers' rights and aims to improve labour standards through systematic monitoring and compliance mechanisms (Ahamed 2013).

Nike has established a comprehensive monitoring system, employing trained professionals to oversee compliance with its Code of Conduct, which has reportedly led to improved working conditions in the footwear industry (Ahamed 2013).

The formulation and implementation of Nike's Code are influenced by various stakeholders, including societal organizations and international bodies, which help shape the stringency and compliance likelihood of corporate codes in the sporting goods industry (Kolk & Tulder 2001). The effectiveness of these measures is enhanced by external pressures from NGOs and human rights activists, which have shifted corporate behavior from mere compliance to a more principled approach to human rights (Schleifer 2010).

Criticism: While Nike's Code of Ethics represents a significant step towards ensuring human rights, challenges remain. Critics argue that the effectiveness of such codes often depends on the political and economic contexts of the countries where production occurs, suggesting that mere compliance may not suffice without robust enforcement mechanisms.

Adidas(Germany): Similar to Nike, Adidas relies on Bangladeshi factories for a range of its products, enhancing its global supply chain (Hasan 2017).

Adidas has made significant strides in ensuring human rights through its corporate code of ethics, particularly in response to external pressures and evolving social norms. The company's commitment is evident in its proactive measures to uphold labour standards and prevent human rights abuses in its supply chain.

Adidas has publicly committed to not sourcing cotton from the Xinjiang region of China, aligning with the Better Cotton Initiative to promote ethical sourcing practices (Berlage, 2023). This decision reflects a broader trend in the sportswear industry, where companies like Adidas are increasingly influenced by human rights activism, shifting from strategic compliance to a genuine commitment to ethical practices (Schleifer 2010).

Criticism: Despite these efforts, challenges remain. Previous studies indicate that corporate codes often lead to minimal compliance, with companies prioritizing profit over genuine labour rights protections (Yu 2008). The effectiveness of such codes is often constrained by local labour conditions and insufficient regulatory frameworks, which can undermine the intended ethical outcomes (Turcotte 1998). In summary, while Adidas's code of ethics demonstrates a commitment to human rights, the complexities of global supply chains and local labour practices pose ongoing challenges to its implementation and effectiveness.

- **Levi Strauss & Co (USA):** The denim brand imports a variety of garments from Bangladesh, taking advantage of the country's expertise in denim production (Hasan & Das, 2024).
- **PVH Corp. (Calvin Klein, Tommy Hilfiger) (USA):** PVH has established a strong sourcing relationship with Bangladeshi suppliers, focusing on quality and cost-effectiveness (Hasan 2017).
- **Old Navy (USA):** The American clothing brand owned by Gap Inc. sources a variety of products from Bangladesh, including t-shirts, shorts, and jeans.

Primark (UK): The UK-based retailer is known for its low-cost fashion and imports a significant volume of garments from Bangladesh (Adnan et al. 2015).

Primark's code of ethics is designed to address human rights issues within its supply chain, reflecting a broader trend among major garment companies responding to media scrutiny and stakeholder concerns. However, the effectiveness of these codes in driving actual change remains contentious.

Primark's code includes provisions aimed at preventing human rights violations, such as forced labour and unsafe working conditions, aligning with global standards set by initiatives like the UN Global Compact and OECD Guidelines (Aibar-Guzmán et al. 2022; Carasco & Singh 2008).

The company has faced significant media coverage regarding human rights abuses in its supply chain, prompting it to adopt a code that ostensibly addresses these concerns (Aibar-Guzmán et al., 2022).

Criticism: Despite the comprehensive nature of Primark's code, studies indicate that the adoption of such codes often serves as a legitimacy strategy rather than a genuine commitment to change, with actual practices lagging behind stated policies (Aibar-Guzmán et al., 2022).

The gap between ethical commitments and real-world practices raises questions about the sincerity and effectiveness of corporate codes in promoting human rights (Aibar-Guzmán et al., 2022).

While Primark's code of ethics aims to uphold human rights, the challenge lies in translating these commitments into meaningful actions. Critics argue that without rigorous enforcement and accountability, such codes may remain largely symbolic, failing to effectuate real change in corporate behavior.

H&M (Sweden): This Swedish fashion retailer is a major buyer, leveraging Bangladesh's extensive RMG capabilities to meet its demand for affordable fashion (Adnan et al. 2015).

This Code of Conduct applies to all suppliers, their subcontractors and other business partners that do business with H&M Hennes & Mauritz AB (publ.), registered in Sweden, corporate organization number 556042-7220, or any other company, wholly or partly owned, directly or indirectly, by H&M Hennes & Mauritz AB ("H&M"). We base our requirements mainly on internationally agreed standards such as the Universal Declaration of Human Rights, The UN Convention on the Rights of the Child and applicable ILO Conventions, as well as national legislation.

Our general rule is that all our suppliers and other business partners must, in all their activities, follow the national laws in the countries in which they operate. Should any requirement in this Code conflict with the national law in any country or territory, the law must always be followed. In such cases, the supplier must notify H&M immediately before signing this Code. However, H&M's requirements may go beyond the requirements set out in national law.

Chapter Three

Understanding the Convergence of Human Rights and Labour Standards at the Workplace: International Legal Principles

This section provides a basic understanding of the term Human Rights and its relevance with labour standards. How labour rights are implied in the different human rights laws is also discussed and segregated with thematic analysis.

3.1 Human Rights and Labour Rights: A convergence

Human Rights

Human rights are realized as a universal and inalienable right that exists with every human being inherently, regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other status. The range of human rights includes from the most fundamental - the right to life, to those that make life worth living, such as the rights to food, education, work, health and liberty, freedom from slavery and torture, freedom of opinion and expression and many more (United Nations, 2024; OHCHR, 2024).

UNICEF (2024) explains human rights as standards that recognize and protect the dignity of all human beings, and it govern how individual human beings live in society and with each other, as well as their relationship with the state and the obligations that the state has towards them.

The ***Universal Declaration of Human Rights (UDHR) 1948***, the first legal document, is the foundation of all international human rights law, which provides the principles and building blocks of all human rights legal instruments. The UDHR, together with the two covenants - *the International Covenant for Civil and Political Rights (ICCPR)* and *the International Covenant for Economic Social and Cultural Rights (ICESCR)* and its two associated protocols- make up the *International Bill of Rights*, which in conjunction with other international human rights treaties and conventions provides concrete guidelines about the issues and the enforcement of human rights.

However, there are nine core conventions about human rights, and some of the conventions are supplemented by optional protocols that guide the equal protection and implementation of human rights for every one of them. The following table includes a categorical list of the nine core human rights conventions.

Table 9 Nine Core Human Rights Conventions

• <i>The International Convention on the Elimination of All Forms of Racial Discrimination (1965),</i> • <i>International Covenant for Civil and Political Rights (1965)</i> • <i>International Covenant for Economic, Social and Cultural Rights (CECSR) (1966)</i> • <i>The Convention on the Elimination of All Forms of Discrimination against Women (1979),</i> • <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)</i> • <i>The Convention on the Rights of the Child (1989)</i> • <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)</i> • <i>The Convention on the Rights of Persons with Disabilities (2006)</i> • <i>International Convention for the Protection of All Persons from Enforced Disappearance (2010)</i>
Source: OHCHR, 2024

Human Rights in the Workplace

Concerning human rights at work and employment, the International Bill of Human Rights and other UN human rights treaties and conventions, particularly, provide concrete guidelines that should be enforced in every workplace along with other human rights.

Human rights are understood, at a minimum, along with ***the Bill of Rights***, the rights expressed in the principles concerning fundamental rights set out in the ***International Labour Organization's Declaration on Fundamental Principles and Rights at Work (FPRW)***. This exclusively expresses that human rights include labour rights (UNDP, 2023).

The ILO Declaration on Fundamental Principles and Rights at Work (FPRW), adopted in 1998 and amended in 2022, is a tripartite commitment by governments, employers and workers' organizations to uphold basic human values that are vital to social and economic lives. It affirms the obligations and commitments that are inherent in membership of the ILO, namely:

Table 10 Fundamental Principles and Rights at Work (FPRW)

• <i>Freedom of association and the effective recognition of the right to collective bargaining;</i> • <i>The elimination of all forms of forced or compulsory labour;</i> • <i>The effective abolition of child labour;</i> • <i>The elimination of discrimination in respect of employment and occupation; and</i> • <i>A safe and healthy working environment.</i>
Source: ILO, 2024

However, though the following table indicates some selected rights that are directly linked to the workplace, it does not mean other human rights are excluded from the workplace. The tables portray the specific human rights that are exclusively related to the workplace, and violation of these rights indicates the adverse impact on the entitlement of the human rights of the workers.

Table 11 Converged Human Rights Due Diligence in Work

Rights at Workplace cover HRDD	Specific Indicators of Measuring Human Rights at Workplace	Related Legal Instruments
	The workplace should have/ ensure the.....	
• Right to Work • Right to Work in a just and favorable workplace	• Right of everyone to the opportunity to gain his living by work • Freely chooses or accepts and will take appropriate steps to safeguard this right • Labour market must be open to everyone • Equal opportunity in the recruitment process; Right not to be deprived of work unfairly. • Right not to be unjustly deprived of work, requiring security against unfair dismissal.	UDHR (Article 23); ICESCR (Article 6); ICCPR (Article 8 (3.a); Convention on the Elimination of All Forms of Racial Discrimination (Article 5e(i)); The Convention on the Elimination of All Forms of Discrimination Against Women (Article 11); The Convention on the Rights of Persons with Disabilities (Article 27)
Equality, Fair Treatment and Non-discrimination		
• Right to equality before the law and every economic and social aspect • Elimination of discrimination with respect to employment and occupation • Right to be protected against	• Equal opportunity for every worker • Equal pay for equal work • Free from all forms of discrimination and harassment • Provides protection against unjust dismissal/ terminations • opportunity to defend themselves against allegations before any decision on termination • Due process in legal settings, including employment-related legal actions.	UDHR (Article -2, 7, 23) ICCPR (Article- 26) CEDAW (Article 14) ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)(Article-1)

discrimination for disability • Right to access to justice	• Accommodate a worker's needs in relation to a disability.	ILO Convention No. 158 on Termination of Employment, 1982 Convention on the Rights of Persons with Disabilities (CRPD), 2006 (Article 5&27)
Rights at Workplace	Specific Indicators of Measuring Human Rights at Workplace	Related Legal Instruments
Right to Organize and Collective Bargaining • Freedom of association • Effective recognition of the right to collective bargaining • Right to join the association • Right to peaceful assembly. • Right to Participate in Workplace Decision •	• Right to form trade unions. • Right to join Trade union • Right to Collective Bargaining: Negotiation, Dialogue • No interfere with the worker's by preventing them from joining a trade union • Right of trade unions to establish national federations or confederations • Right of the latter to form or join international trade union organizations; • The right of trade unions to function freely is subject to no limitations other than those prescribed by law • shall not impose lawful restrictions on the exercise of these rights • Right to peaceful assembly • Right to participate in workplace decision-making process	UDHR (Article 20) (ILO) Convention No. 87(1948: Article-2, 3) ILO Convention No. 98 (Article-1,4) ILO Convention No. 135 ICESCR 1966 (Article 7 & 8(1)(a)) ICCPR, 1966 (Article 21)
• Right to Strike Against Unfair Working Conditions	• Right to strike, exercised in conformity with the laws • Right to strike against unfair working conditions • Collective bargaining agreement: Negotiations • Legislation protects workers from retaliation for striking. • No participants of a strike are subjected to undue legal action.	ICESCR, Article 8(1)(d). European Social Charter, Article 6(4). Charter of Fundamental Rights of the European Union, Article 28. Implied in ILO Conventions Nos. 87 and 98 (Freedom of association and protection against anti-union discrimination). EU Charter of Human Rights, Article 11, as interpreted by

		the European Court of Human Rights.
The elimination of all forms of forced or compulsory labour;	- Prohibits slavery and forced labour; - No debt bondage and bonded labour - No coercive conditional or forceful overtime or involuntary overtime work - No retention of Identity Documents during employment - Not threatened with physical harm or harm to their families if they try to leave their jobs or report abusive conditions. - Not restrict freedom of movement with specific production targets - Not operating under intense pressure to produce goods quickly and cheaply. - Restrict the practice of non-Payment or Withholding of Wages	UDHR (Article 4) ICCPR (Article 8) CESCR (Article 6) ILO Convention No. 29 on Forced Labour, 1930 (Article-2) ILO Convention No. 105 on the Abolition of Forced Labour, 1957(Article) ILO Protocol of 2014 to the Forced Labour Convention, 1930 European Convention on Human Rights (ECHR), 1950 (Article 4) European Social Charter (Revised), 1996 (Article 1)
The effective abolition of child labour	- Prohibits employment for children under 14 in all sectors, - Prohibit hazardous work for children, particularly those under 18 years of age - Strict penalties for violators of the provision. - Ensure compliance with child labour laws. - Strong enforcement measures and penalties for violations indicate progress toward eliminating child labour.	ILO Convention No. 138 (Minimum Age) and ILO Convention No. 182 (Worst Forms of Child Labour).
Right to be Fair Wage and Equal Pay Right to equal pay for equal work	- Fair remuneration provides workers and their families with a decent standard of living. - Receive the same pay for performing the same job, regardless of gender or other discriminatory factors.	UDHR Article (23(2) & 23(3)) ICESCR (Article 7(a)) LO Convention No. 100 on Equal Remuneration, 1951

• Right to just and favorable remuneration • Right to fair wages	• Ensure timely payment of wage • Set minimum wage standards that promise a decent standard of living. • Regular inspections and enforcement mechanisms to ensure minimum wage • Wages are adjusted for inflation and increases in the cost of living • CBA negotiated by trade unions results in a wage increase for workers	ILO Convention No. 131 on Minimum Wage Fixing, 1970: European Social Charter (Revised), 1996 (Article 4(1))
• Occupational Safety and Health • Right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular: ... (c) a safe and healthy working environment.	• Proactive measures to ensure that work environments are safe and healthy • Risks are managed effectively to protect workers. • Implementation of a national OSH policy and system for the prevention of occupational accidents and diseases. • Conduct regular risk assessments to identify and address potential hazards in the workplace. • Provide regular training and awareness for workers on safety procedures, emergency response, and health risks. • Establish a formal health and safety management system that includes procedures for reporting and addressing safety concerns.	UDHR (Article 23(1)) ICESCR (Article 7) ILO Convention No. 155 on Occupational Safety and Health, 1981 ILO Convention No. 187 on Promotional Framework for Occupational Safety and Health, 2006 European Convention on Human Rights (ECHR), 1950 (Article 8) European Social Charter (Revised), 1996 (Article 3)
Right to Rest and Leisure • Right to Reasonable limitation of working hours • Right to periodic holidays with pay • Right to remuneration for public holidays	• Weekly rest/holidays with pay: 8-hour workday and 48-hour workweek • Entitled to breaks during their shifts (e.g., lunch breaks) and must have a minimum rest period between shifts. • Limiting working hours to avoid excessive overtime • Paid Annual Leave • Paid time off for national public holidays.	UDHR, Article 24 ICESCR, Article 7(d) ILO Convention No. 1 on Hours of Work (Industry), 1919 ILO Convention No. 14 on Weekly Rest (Industry), 1921

Maternity Protection and Rights • Right to special care and assistance of mother and children during a reasonable period before and after childbirth. • Right to paid maternity leave • Right to Special protection	• Maternity leave mandates a minimum leave period of 14 weeks. Recommendation No. 191 encourages ILO member States to increase the period of maternity leave “to at least 18 weeks.” • Ensure cash benefits as per the law • Health and safety measures to protect pregnant workers by limiting exposure to hazardous chemicals and favorable workplace • Provides additional breaks for breastfeeding mothers and a designated area for breastfeeding • Childcare facilities as per law	UDHR (Article 25(2)) (ICESCR), 1966(Article 10(2)) ILO Maternity Protection Convention, 2000 (No. 183), and Recommendation, 2000 (No. 191) ILO Convention No. 183 and the Workers with Family Responsibilities Convention, 1981 (No. 156). European Social Charter (Revised), 1996 (Article 8) CEDAW 1979 (Article 11(2))
Protection against Sexual Harassment • Right to protection against torture or cruel, inhuman or degrading treatment or punishment.	• Adopts a zero-tolerance policy towards sexual harassment and violence • Ensure the availability of a comprehensive anti-harassment policy for the workplace. • Establish an independent and effective anti-harassment committee and confidential reporting mechanism at the workplace. • Provide mandatory training for all staff on gender sensitivity and sexual harassment, including how to recognize, prevent, and report. • Provides access to counseling services and support for the victims	ICCPR 1966 (Article 7) ILO Convention No. 190 on Violence and Harassment, 2019 CEDAW 1979 (Article 11(1)) European Convention on Human Rights (ECHR), 1950 (Article 3)
Social Protection • Right to social protection, an adequate standard of living and the highest attainable	• Establishes minimum standards for social security benefits • Health insurance for the workers: Sickness benefits • Offers unemployment benefits	UDHR (Article 22 & 25) ICESCR 1966 (Article 9, 11, 12)

standards of physical and mental well-being	• Social assistance programs that provide financial aid to low-income families, including subsidies for housing and food. • Retirement Benefits: Pension, Gratuity • Establishes minimum standards for old age benefits, employment injury, family benefits,	ILO Convention No. 102 on Social Security (Minimum Standards), 1952 ILO Convention No. 130 on Medical Care and Sickness Benefits, 1969 ILO Convention No. 131 on Minimum Wage Fixing, 1970 (Articles 3 and 6)
•		
Other Relevant Human Rights Applicable to the Workplace		
• Respect for Religious Belief	• The right to freedom of movement	• The right to freedom of opinion and expression
• Right to education	• Right to freedom of thought and conscience	• Prohibits arbitrary interference with privacy;
• Access to Training and Development	• Right to the enjoyment of benefits of cultural freedom and scientific progress.	• Right to Family life
Adapted from: Bill of Rights, FPRW, ILO Conventions, CEDAW 1979, ECHR 1950, ESC (Revised), 1996 (Article 8)		

Chapter Four

Holding MNEs Accountable for HRDD: Responsibilities of the Brands/Buyers for Human Rights Due Diligence

This section of the report describes the role of the MNEs, specifically the brands and buyers sourcing apparel products from Bangladesh, in respecting and advancing human rights at the factory level.

Human Rights Due Diligence instruments, in their texts, particularly explain the specific responsibilities regarding human rights, which include labour rights in their supply chain. The brands and buyers sourcing from the Bangladesh RMG industry are responsible for HRDD in the RMG factories and its backward and forward linkage located in Bangladesh.

Table 12 Responsibilities to Respect Human Rights

Responsibilities to Respect	Ground of HR Indicators
Avoid infringing on the human rights of others (<i>Guideline 11</i>) (Direct Violations of the MNEs(Brands/Buyers))	International Bill of Human Rights: UDHR; ICCPR; ICESCR ILO Declaration on Fundamental Principles and Rights at Work; ILO Core Conventions Respect the standards of international humanitarian law in situations of armed conflict.
Avoid causing or contributing to adverse human rights impacts through their own activities (<i>Guideline 13</i>) (Consequence of business operations, products, services, or relationships with third parties.) (Activities of sourcing entity)	
Should address adverse human rights impacts. (<i>Guideline 11</i>)	
Should have policies and processes in place (<i>Guideline 15</i>) (<i>Policy Commitment, HRDD Process, Remediation Process</i>)	
May undertake commitments or activities to support and promote human rights	
Based on context, we may need to consider additional standards for women, indigenous minorities, children, persons with disabilities, and migrant workers and their families.	

4.1 Responsibilities of the MNEs for Advancing Human Rights

This section specifically focuses on the corporate responsibilities of the MNEs to respect human rights, which are exclusively described in different HRDD instruments, like UNGP, OECD Guidelines, ILO Declaration, and CSDDD.

4.1.1 Respecting Trade Union Rights and Protection against Anti-Union Discrimination

The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization's Declaration on Fundamental Principles and Rights at Work (Principle 12, UNGP).

This UNGP is intense in that the business should respect human rights in its operation (Principle 11). ⁶Subsequently, Principle 12 expanded the human rights concept, including the Bill of Rights and the International Labour Organization's Declaration on Fundamental Principles and Rights at Work, which protects trade union rights. Further, the human rights concept also explains that businesses should avoid infringing on the human rights of others and should address adverse human rights impacts. Therefore, the MNEs should respect the right to form unions and ensure their protection in their business activities with the readymade garments sector of Bangladesh.

Table 13 Trade Union Rights at HRDD Instruments

Trade Union Rights	ILO/FPRW (1998)	International Bill of Rights	HRDD	
Right to Form Union Everyone has the right to form and join trade unions for the protection of his interests.	Convention ⁷ No.87 Article 2	UDHR Article 23(4), ICCPR Article 22(1) ICESCR, Article 8(1)(a)	OECD Guidelines Recommendation V.1(a)	
Freedom of Association Everyone has the right to freedom of peaceful assembly and association.		UDHR Article 20(1), ICCPR Article 22(1)	OECD Guidelines Recommendation V.1(a)	
No restrictions No restrictions may be placed on the exercise of this		ICCPR Article 22(2) ICESCR, Article 8(1)(a)		

⁶ Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.

⁷ ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.		Article 8(1)(c)		
Establish a Federation and Join the International Union The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade union organizations.	Convention No.87 Article 5	ICESCR, Article 8(1)(b)		
Right to Strike The right to strike if it is exercised in conformity with the laws of the particular country.		ICESCR, Article 8(1)(d)		
Right to Administration of Union These organizations have the right to draw up their constitutions, elect representatives, organize administration, and formulate programs without interference from public authorities.	Convention No.87 Article 3 Convention No.98 Article 2			
Protection against Dissolved Organizations shall not be dissolved or suspended by administrative authority.	Convention No.87 Article 4 Convention No.98 Article 2			
Protection against acts of anti-union discrimination Workers should enjoy adequate protection against acts of anti-union	Convention ⁸ No.98 Article 1			

⁸ ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

discrimination, including being made conditional on not joining a union or being dismissed for union membership.				
Negotiation and Collective Bargaining Measures must be taken to encourage and promote the full development and utilization of voluntary negotiation between employers and workers' organizations to regulate employment conditions by collective agreements.	Convention No.98 Article 4		OECD Guidelines Recommendations V.2(b)	

The OECD guidelines also provide recommendations to the MNEs for responsible business conduct and respect for trade union rights. The guidelines address trade union rights primarily in **Chapter V: Employment and Industrial Relations** in line with the ILO Conventions no 87 and Convention No. 98. Significantly, the guidelines provide specific recommendations to the MNEs to provide facilities for ensuring the effective functioning of the trade unions. Chapter V, recommendation 2 asserted that enterprise should;

- a) Provide such facilities to workers' representatives as may be necessary to assist in the development of effective collective agreements.*
- b) Provide information in a timely manner to workers' representatives, which is needed for meaningful negotiations on conditions of employment; and*
- c) Provide information to workers and their representatives that enables them to obtain a true and fair view of the performance of the entity or, where appropriate, the enterprise as a whole.*

It also guided the enterprises to promote consultation and cooperation between employers and workers and their representatives through legitimate processes, structures, or mechanisms on matters of mutual concern (**Recommendation V.3**).

The guidelines also outline several key responsibilities of the MNEs regarding their cooperation with the trade unions when there will be significant changes in business operations and industrial relations. This cooperation and support can be divided into three areas;

a. Notice and collaboration in operational changes (Recommendation V.6)

Recommendation V.6 states that in case of factory closures or large-scale layoffs that could impact employment, they are responsible for providing **reasonable notice** to the affected workers' representatives and trade unions, as well as to relevant governmental authorities. Moreover, it is suggested to the MNEs to provide this type of notice **before final decisions are made** in case of such operational changes.

b. Protection against unfair practices to control the right to organize and collective bargaining (Recommendation V.7)

The MNEs should not use any unfair means or threat to relocate their business or operating unit or any part of the workers to control the exercise of the right to organize or collective bargaining.

c. Empower the Trade Unions for effective collective bargaining and negotiation (Recommendation V.8)

The MNEs should enable the authorized representatives of the workers and trade unions in their employment to negotiate collective bargaining or labour-management relations. This practice ensures that negotiations are productive and that the concerns of workers and trade unions are adequately addressed.

For example, if the trade unions in the RMG sector initiated negotiation for employment conditions or while the workers are exercising a right to organize, the brands and buyers should not be threatened unfairly or tactically to relocate their business relations to other countries.

The ILO Declaration for MNEs specifically guides how the enterprise can contribute to the protection and promotion of trade union rights in their business operations. The general para 9 emphasizes that all parties should contribute to the realization of the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022. It means MNEs should respect freedom of association and the right to collective bargaining, provide the facilities and information required for meaningful negotiations – Provide regular consultation on matters of mutual concern – Examine the grievances of worker(s), pursuant to an appropriate procedure – Develop in conjunction with workers and their representatives mechanisms for consultation and the resolution of disputes – Respect the right of workers to raise grievance without suffering any prejudice.

It further elaborates on the jurisdiction of respecting fundamental principles and rights at work by emphasizing its nature of universality. More specifically, whether a state has ratified or not the specific ILO Conventions related to fundamental principles and rights, they are required to respect and promote the fundamental labour standards in their countries as a member of the ILO. Therefore, the MNEs operate in a country; whether the country ratifies or not any of the fundamental principles of work-related conventions, the MNEs should realize these principles and contribute to promoting FPRW to their suppliers.

Therefore, according to the ILO Declaration, the government and multinational brands, buyers, and national enterprises should respect freedom of association and the right to organize, as well as recognize and facilitate collective bargaining in the RMG factories of Bangladesh.

For example, As of 2022, Bangladesh has ratified 8 out of the 10 fundamental conventions.

Fundamental Conventions Rectified

1. Forced Labour 1930 (Convention No. 29)
2. Freedom of Association and Protection of the Right to Organize 1948 (Convention No. 87)
3. Right to Organize and Collective Bargaining 1949 (Convention No. 98)
4. Equal Remuneration 1951 (Convention No. 100)
5. Abolition of Forced Labour 1957 (Convention No. 105)
6. Discrimination (Employment and Occupation) 1958 (Convention No. 111)
7. Minimum Age 1973 (Convention No. 138)
8. Worst Forms of Child Labour 1999 (Convention No. 182)

• **Fundamental Conventions Not Ratified**

- 9. Occupational Safety and Health Convention, 1981 (Convention No. 155)**
- 10. Promotional Framework for Occupational Safety and Health Convention, 2006 (Convention No. 187)**

CSDDD, in paragraph 32, explains that it comprehensively covers human rights, including all five fundamental principles and rights at work as defined in the 1998 ILO Declaration on fundamental principles and rights at work and also diligence under this Directive should be carried out with respect to adverse human rights impacts on persons resulting from the abuse of one of the rights as enshrined in the international instruments.

Regarding the trade unions, EU CSDDD also emphasized that the “ *workers and their representatives should also be properly protected, and any non-judicial remediation efforts should be without prejudice to encouraging collective bargaining and recognition of trade unions, and should by no means undermine the role of legitimate trade unions or workers’ representatives in addressing labour-related disputes. Companies should ensure accessibility of the notification mechanisms and complaint procedures for stakeholders, taking due account of relevant barriers*” (Paragraph (59)Page.22).

4.1.2 Ensure Non-Discrimination: Equality of Protection and Elimination of Discrimination

Equality before the law and non-discriminatory treatment are essential to ensure decent work and access to justice for the workers. The human rights due diligence instruments UNGP, OECD guidelines and ILO declaration particularly focus on the essence of equal treatment and protection against discrimination in the business operation.

The UNGP proclaims that the responsibility of business enterprises is to respect internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights⁹ and the principles concerning fundamental rights set out in the International Labour Organization's Declaration on Fundamental Principles and Rights at Work (Principle 12).

Equality of opportunity is a fundamental principle of human rights. Everyone, regardless of their background, status, or characteristics, is entitled to equal protection and treatment under the law without any discrimination (UDHR, Article 7). Ensures the equal rights of men and women to the enjoyment of all civil and political rights set forth in the Covenant (ICCPR Article 3). Similarly, the ICESCR ensures that everyone has access to economic, social, and cultural rights, such as the right to work, education, health, and an adequate standard of living, without discrimination (ICESCR, Article 2 &3).

The OECD guidelines stated that the MNEs should be guided throughout their operations by the principle of equality of opportunity and treatment in employment and not discriminate against their workers with respect to employment or occupation on such grounds as race, colour, sex, age, religion, political opinion, national extraction or social origin, persons with disabilities or another status (Chapter V.1(e)). The ILO Declaration for MNEs guides the MNEs in promoting equality at the workplace in its several paragraphs under the section Equality of Opportunity and Treatment.

(OECD Guidelines Chapter V.1(e) & ILO Declaration Para 28)	Business Operations should be guided by the principles of equal opportunity and non-discrimination in employment and occupation
(OECD Guidelines Commentary-5 on the General Policies) &	MNEs should also incorporate the notion of non-discrimination in hiring (equal criteria for selection), promotion, pay and benefits, transfer or relocation, discharge, retirement, life-long learning and other on-the-job training.

⁹ Includes the Universal Declaration of Human Rights and the main instruments through which it has been codified: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights)

ILO Declaration Para 29 & 30	Equal remuneration for men and women workers for work of equal value.
OECD Guidelines (Commentry-59 on Chapter V).	Prevent discrimination or dismissals on the grounds of marriage, pregnancy or those workers with family responsibilities.

CSDDD provides guidelines for compliance with international HR instruments that protect against any form of discrimination. Particularly, paragraph 33 mentioned that in eliminating any forms of discrimination, the companies may need to take into consideration, where relevant, international instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of Persons with Disabilities.

4.1.3 Ensure Gender Equality and Women's Rights

In an embedded approach, all these human rights instruments include the provision of non-discrimination and ensuring gender equality. The commentary on Principle 12 of the UNGP implied that the enterprise may consider additional standards for women that require particular attention to address specific human rights impacts of women. In this regard, international norms related to the elimination of gender-based discrimination and the promotion of the human rights of women at work can be reference tools for business enterprises to respect and follow when designing their human rights mitigation strategy.

Para 29 of the ILO Declaration specifically mentioned that MNEs should be guided by the principles of non-discrimination throughout their operations and to extend equality of opportunity and treatment in employment, which implies the issues of gender equality. Multinational enterprises should accordingly make qualifications, skills and experience the basis for the recruitment, placement, training and advancement of their women staff at all levels of employment in the RMG industry.

The OECD Guidelines for MNEs specifically focus on a gender perspective for human rights, ensuring due diligence at work. The enterprises are also, in accordance with the ILO Human Resources Development recommendation 195, encouraged to invest, to the greatest extent practicable, in training and lifelong learning while ensuring equal opportunities for training for women and other vulnerable groups. (Chapter-V, Commentary 64).

Particularly, the enterprise should respect and uphold the following relevant conventions apart from the referred conventions in different HRDD, irrespective of the rectification of the host or origin countries, to advance the human rights of women at work. These conventions exhibit several specific rights of women, such as equal employment and protection of their fundamental human rights.

UN Convention on the Elimination of All Forms of Discrimination against Women ILO Convention No. 100: Equal Remuneration Convention (1951) ILO Convention No. 111: Discrimination (Employment and Occupation) Convention (1958) ILO Convention No. 156: Workers with Family Responsibilities Convention (1981) ILO Convention No. 183: Maternity Protection Convention (2000) ILO Convention No. 190: Violence and Harassment Convention (2019) ILO Convention No. 29: Forced Labour Convention (1930) ILO Convention No. 89: Night Work (Women) Convention (1948)

Maternity Rights and Protections

Under the HRDD, the MNEs are expected to respect maternity rights as explicitly explained in the UDHR (Article 25(2) regarding special care and assistance about motherhood and childhood. It emphasizes the special needs and support during the maternity period. Further, ICESCR (Article 10(2)) recognizes that special protection during maternity should be provided to mothers during a reasonable period before and after childbirth. Particularly, working mothers should be accorded paid leave or leave with adequate social security benefits during that period. Having the alignment of UNGP, OECD guidelines and ILO declaration with the non-discriminatory approaches based on gender, therefore it is implied that maternity is a right that should also be respected by the enterprises ensuring adequate support and facilities for the advancement of human rights in the workplace. As a women-dominated workforce, the RMG sector highly expects the MNEs, along with their suppliers, to be more responsible for the protection of the rights to maternity.

Protection against Sexual Harassment

Protection against all forms of sexual harassment and abuse is another significant right of the workers that should be recognized and respected by the business. The UNGP emphasizes the corporate responsibility to respect human rights, including preventing sexual harassment. Companies are required to conduct HRDD to identify, prevent, and mitigate adverse human rights impacts related to sexual abuse and harassment. They must assess sexual harassment risks, maintain safe reporting mechanisms, conduct regular risk assessments, and implement policies to prevent and protect victims.

Similarly, The OECD Guidelines for Multinational Enterprises emphasize the importance of human rights, including non-discrimination and sexual harassment prevention. They recommend that companies establish HRDD processes to prevent such discrimination and foster a culture of respect and inclusiveness, ensuring accountability and transparency in handling harassment cases. The ILO MNE Declaration urges multinational enterprises to comply with international labour standards, focusing on preventing workplace discrimination and harassment. It emphasizes the importance of HRDD processes, robust anti-harassment policies,

regular training, and clear grievance mechanisms to create a safe and equal working environment.

EU CSDDD emphasizes the need for HRDD integration in corporate governance to address human rights issues, including sexual harassment. It mandates companies to assess value chains, identify risks, and implement measures to protect workers, particularly women and vulnerable groups.

4.1.4 Wage and Social Protection

HRDD essentially addresses the issues of living wages and social protection to ensure the decent living standards of the workers in the supply chain, which also covers the RMG workers in Bangladesh by its jurisdiction. The HRDD process indicates the mechanism through which companies can identify, prevent, mitigate, and account for any economic exploitations and violations concerning wages and social protection.

The UNGP emphasizes that companies should conduct due diligence to identify and address issues of human rights risks, which include wage and social protection (United Nations, 2011). Pillar II of the UNGP outlines the corporate responsibility to respect human rights, emphasizing that businesses must act to ensure International Bill of Human Rights (consisting of the Universal Declaration of Human Rights and the main instruments through which it has been codified: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights), coupled with the principles concerning fundamental rights in the eight ILO core conventions as set out in the Declaration on Fundamental Principles and Rights at Work. These benchmarks of human rights instruments ensure that the workers are paid fairly and have access to social protections, such as health care and pensions. Thus, MNEs or Brands should identify and address wage-related risks, such as underpayment or the denial of social protections, to meet the standards set by the UNGPs.

The OECD MNE guidelines urge companies to respect workers' right to fair remuneration and promote adequate social security systems. These guidelines, specifically in their chapters on Employment and Industrial Relations, align closely with the HRDD principles set by the UNGPs. OECD Guidelines Chapter V regarding employment and industrial relations mentioned that where comparable employers may not exist, enterprises should provide the best possible wages, benefits and conditions of work within the framework of government policies and applicable international standards. These should be related to the economic position of the enterprise but should be at least adequate to satisfy the basic needs of the workers and their families (Chapter V. 4(b)). The OECD MNE guidelines for the Garments and Footwear sector particularly mention the risk of non-compliance with minimum wage and wage levels that do not meet the basic needs of the workers and their families. Particularly, module 7 focuses on wages and states that the scope of due diligence on wages should include both wage compliance with national law and alignment with the OECD Guidelines that wages satisfy the basic needs of workers and their families.

The ILO MNE Declaration (ILO, 2017) guides multinational enterprises on how to contribute to economic and social progress while respecting human rights. In line with the OECD guidelines, the ILO MNE Declaration also encourages businesses to align their operations with ILO standards, including those related to fair wages, decent working conditions, and social protection measures. It mentioned some elements that should be taken into consideration, which include *(a) the needs of workers and their families, taking into account the general level of wages in the country, the cost of living, social security benefits, and the relative living standards of other social groups; and (b) economic factors, including the requirements of elements that should be taken into consideration, economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment. Where the employer provides workers with basic amenities such as housing, medical care or food, these amenities should be of a good standard* (ILO Declaration, Para 41)

The Corporate Sustainability Due Diligence Directive (CSDDD) of the European Union expands the concept of HRDD. It requires companies to assess and address the negative impacts of their activities on human rights, which include wage and social protection issues. The CSDDD stated that

“Companies should also be responsible for using their influence to contribute to an adequate standard of living in chains of activities. This is understood to include a living wage for employees and a living income for self-employed workers and smallholders, which they earn in return for their work and production (CSDDD (34) Page 11).”

This directive mandates that companies integrate HRDD processes into their overall business strategies, which can help identify and remedy wage violations or gaps in wage and social protection, thereby ensuring compliance with international human rights standards.

4.1.5 The HRDD Guidelines for the Elimination of Forced and Compulsory Labour

The UNGP, OECD guidelines and the ILO tripartite declarations, with their inclusive approach, guide that the enterprises are responsible for eliminating all sorts of forced and compulsory labour at work. According to the FPRW, it is anticipated that the MNEs should adhere to the elimination of any instances of forced and compulsory labour as a component of their dedication to upholding labour rights that are acknowledged globally. However, the ILO Convention No. 29: Forced Labour Convention (1930) defines the term "forced or compulsory labour."

It shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily elimination of forced and compulsory labour(Article 2).

On the other hand, the ICCPR stated that no one should be required to perform forced or compulsory labour (Article 8. (3a). The Abolition of Forced Labour Conventions 1957 ((No. 105) in Article 1, clearly stated that each member of the ILO which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour:

(a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; (b) as a method of mobilizing and using labour for purposes of economic development; (c) as a means of labour discipline; (d) as a punishment for having participated in strikes; (e) as a means of racial, social, national or religious discrimination.

All these conventions have the status of an HRDD instrument according to the UNGP (Principle 11 and 12), OECD guidelines (Chapter V, Human Rights, Recommendation 5) and ILO declaration. Therefore, the MNEs should address adverse forced and compulsory labour as adverse human rights impacts, taking adequate measures for their prevention, mitigation and, where appropriate, remediation (Principle 11 and Principle 12, UNGP). Using the guide of the UNGP (Principle 17), the MNEs should conduct their human rights due diligence. They should follow the process that includes assessing actual and potential forced and compulsory labour in Bangladesh's garment industry.

The agenda of Forced and Compulsory Labour in OECD Guidelines is also discussed in Chapter V. Employment and Industrial Relations, Recommendation 1.(d). Enterprises should;

"Contribute to the elimination of all forms of forced or compulsory labour and take adequate steps to ensure that forced or compulsory labour does not exist in their operations."

The MNEs from the signatory states of the OECD guidelines should also be responsible for addressing and mitigating the adverse impact of forced and compulsory law. OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector also identified forced labour as a human rights risk and emphasized particularly taking initiatives to eliminate forced labour in this sector and encouraging the adoption of a zero-tolerance policy for forced labour in their operations and their supply chain. These guidelines encourage the MNEs to take into account the unique forced labour risks during their supplier assessment (OECD, 2018). On the other hand, the ILO Declaration particularly guides respect for the right to submit grievances and access to justice in case of forced and compulsory labour, (Paragraph 64)

4.1.6 Ensure Occupational Health and Safety at Work: Right to work in a favorable environment

UNGP guidelines regarding the responsibility of businesses to respect human rights include the provision of ensuring safe working conditions. This includes preventing and addressing risks to workers' health and safety (Principle 12 and 13) as a process of human rights due diligence. However, occupational safety and health are human rights, though not explicitly stated, and they are implied in different human rights instruments like UDHR (Articles 23 & 25) and ICESCR (Article 7).

UDHR (1948)

- **Article 23:** *Recognizes the right to work, to free choice of employment, to just and favorable conditions of work, and to protection against unemployment.*
- **Article 25:** *Asserts the right to a standard of living adequate for health and well-being, which includes safe working conditions.*

ICESCR 1966

- *Article 7: Recognizes everyone's right to just and favorable work conditions, including safe and healthy working conditions.*

Occupational Safety and Health is a fundamental principle and right at work according to the ILO Convention Occupational Safety and Health Convention, 1981 (Convention No. 155) and Promotional Framework for Occupational Safety and Health Convention, 2006 (Convention No. 187). Bangladesh has not ratified these two conventions but has an obligation to respect, promote and realize the the principles concerning the fundamental right to a safe and healthy working environment in good faith and accordance with the ILO Constitution.

The OECD guidelines in its general policies mention that enterprise enterprises should take into account established policies in the countries in which they operate and consider the views of other stakeholders in regard to health and safety. The enterprise should ensure transparency and integrity in lobbying activities and refrain from seeking or accepting exemptions not contemplated in the statutory or regulatory framework related to health and safety (General Policies-5).

OECD MNE guidelines: *Chapter V.4(c): Enterprises should maintain the highest standards of safety and health at work.*

Comment 64 of this recommendation explains that the MNEs should comply with regulatory standards and industry norms to reduce workplace accidents and health issues, promoting occupational health and safety (OSH) across all operations. They must respect workers' right to withdraw from unsafe conditions. Therefore, the MNEs should undertake their commitments or activities to support and promote occupational safety and prevent any harm to the health of the workers to uphold human rights throughout their operations in the RMG industry.

The existing initiatives of Brands' in Bangladesh commonly known as RMG Sustainability Council (RSC) was established in June 2020, following the closure of the Accord on Fire and Building Safety. It operates as a private national tripartite initiative consisting of representatives from brands, factories, and trade unions. The RSC is responsible for ensuring workplace safety by conducting independent occupational safety and health (OSH) inspections, training workers, and overseeing factory remediation.

RSC complaint mechanism is independent and unannounced, ensuring transparency in investigation. While the RSC primarily focuses on OSH cases, non-OSH cases are also being piloted. Their dispute resolution mechanism involves evaluating complaints and either addressing them through legal means or dismissing them if factory management provides a reasonable justification. The RSC also works within the legal framework of Bangladesh and adheres to international guidelines, such as the OECD mechanisms and UNGPs. However, challenges persist due to low awareness among workers and factory management, as well as the absence of an independent code of conduct (KII, RSC Representative)

Chapter Five

Trade Unions' Scope and Opportunities for Using HRDD

This section of the report explains why the HRDD is important for trade union activism and how the trade unions of the RMG industry can use the HRDD to secure workers' rights and advance human rights in the RMG supply chain.

5.1 HRDD and Trade Unions: Why is it important for the workers and Trade Unions?

HRDD is essential for protecting workers by providing a structured and systematic approach to identifying and addressing human rights risks and providing effective remedies. By integrating HRDD into corporate practices, companies contribute to a more just and equitable global labour system that is aligned with international standards and sustainability objectives.

The issues of HRDD are the primary concern of the trade union movement all over the world, irrespective of their geographical or sectoral identity. Particularly, the trade unions of the export-oriented RMG sector in Bangladesh and having its direct linkage with the global garment production network, the HRDD is highly relevant to its working agenda.

The HRDD process ensures that the trade union is a key stakeholder in the implementation process. Trade unions can utilize the HRDD instruments to improve the working conditions at the factory level and conduct collective bargaining at the transnational level. It is widely accepted that the HRDD is a promising approach to conceptualizing and extending corporate responsibility for working conditions throughout transnational supply chains (Marshall et al. 1, 2023).

The trade unions of the RMG sector in Bangladesh require a comprehensive understanding of the scope, implementation and monitoring mechanisms of HRDD to safeguard workers' rights with effective participation in the process of HRDD. Understanding the scope of HRDD will provide an opportunity for proactive participation and working opportunities with the management, partners within the supply chain and other stakeholders. Adequate understanding of engaging in the HRDD process, the trade unions can be an agent of change for their constituencies (CNV International, n.d).

Study found that developing a clear understanding of the Human Rights Due Diligence (HRDD) concept is crucial for trade unions and other stakeholders to overcome existing misconceptions. Some stakeholders mistakenly equate HRDD with social auditing, while others view it merely as a process of stakeholder engagement or risk assessment. This fragmented understanding highlights the urgent need for comprehensive education and capacity building on the actual HRDD framework, particularly among worker representatives, to ensure more meaningful engagement and advocacy (KII with ETI).

5.4 Preparedness of Trade Unions and Supports to Utilize the HRDD Instruments

The labour movement worldwide takes a particular interest in HRDD for the workplace, in particular concerning the violations of the labour standards in the global supply chain. The close participation of the trade unions is highly essential for the effectiveness of HRDD in the workplace. However, currently, the preparedness of the labour movement of the RMG sector to utilize the HRDD instruments is at the groundbreaking level and requires extensive academic and practical support.

Focus group discussions with the leadership of the RMG sector representing the IndustryAll Bangladesh Council (IBC) and Garment Sramik Karmachari Oikkyo Parishad (G-SKOP) consistently acknowledged that the human rights due diligence (HRDD) is a promising instrument for enhancing human rights and labour standards holding the brands and buyers accountable for their suppliers in Bangladesh; though, the participants articulated substantial apprehensions over its execution. The trade unions of the RMG sector acknowledge that considering the present state of the labour standards in the RMG sector, particularly regarding the issues of wages and other fundamental rights at work, the HRDD has become a national concern.

However, underlying the essence and impact of HRDD at the workplace, the trade unions are enthusiastic about coping with the concept of HRDD and its application in the RMG sector. Subsequently, the trade unions in the RMG sector in Bangladesh have recently started developing their capacity for due diligence issues, which is limited to the participation of some seminars and workshops organized by national and international labour rights support organizations and global union federations.

The study found that trade unions have only preliminary concepts, predominantly lack comprehensive understanding, and are not well-equipped with the HRDD instruments and implementation framework. However, the participants claimed that the diligent efforts of the trade unions to protect the rights to unionization and collective bargaining, advocacy for decent work, and fight for a living wage and safe workplace are some of the focused areas of human rights where they are actively working though the progress is slow and sometimes absent.

According to the Department of Labour (DOL), GoB, there are currently 61 registered RMG industry-based national federations, of which 06 are officially identified as inactive. The FGD, with the Trade Union representatives, claimed that though the number of national federations has also increased recently, most of the federations lack institutional capability and expertise to contribute to policy formulation, particularly advocacy on issues like due diligence. However, in comparison to the number of unions existing in the RMG sector, the advancement of human rights is insignificant due to the ineffectiveness of a large number of unions at the field level, as claimed by the FGD participants. Weaknesses in organizing and practicing the freedom of association and collective bargaining at the factory level, as well as other key aspects of human rights and labour standards, are structurally undermined and, in many aspects, in a challenging situation.

The trade unions focused on building capacity for strategic guidelines and tools to identify and represent effective remedies in accordance with the HRDD instruments. Their concerns were about the collection and representations of evidence of violations of human rights upon which the effect-give remedies depend. However, most of the participants expressed that they were not well informed about the remedy measures and how to complain and participate in the grievance process.

However, there are also counterarguments, such as certain participants advocating for more concerted efforts to implement domestic labour law before pursuing additional endeavors. The government's failure to implement labour law, the failure of trade unions to advocate for and practice freedom of association and collective bargaining, and representation in policymaking bodies are some of the issues that must be addressed first before any other efforts are launched, as suggested by some of the participants. Specifically, the labour movement should recognize that before implementing human rights due diligence, it is necessary to assess the effectiveness of previous laws and regulations. Why is Bangladesh's labour law ineffectively implemented? Why is the salary for workers in garments?

A legal expert emphasized that while international frameworks for Human Rights Due Diligence (HRDD) — such as the OECD Guidelines, the UN Guiding Principles (UNGPs), and ILO conventions — are important reference points, they lack effective enforcement mechanisms within Bangladesh. At the factory level, trade unions tend to prioritize compliance with national labour laws rather than advocating for international standards. The concept of HRDD remains largely unfamiliar to most stakeholders, including workers, trade unions, employers, and government representatives. Moreover, factory owners and government officials often show reluctance to engage in discussions on international labour rights mechanisms, significantly limiting their influence and application at the grassroots level (KII, Legal Expert).

The trade unions identified certain critical concerns for the effective implementation of HRDD in the supply chain, such as expanding the understanding of HRDD among trade unions and workers to improve their ability to use it in the workplace. Awareness of human rights due diligence is especially important for general workers in order to develop a national consensus. They proposed that each trade union should include a distinct component or activity for executing human rights due diligence in their own organization's framework. Significantly, the participants emphasized the importance of identifying the exact areas of the supply chain where the HRDD applies in order to conduct human rights due diligence effectively.

Significantly, the participants emphasize the importance of identifying the exact areas of the supply chain where the HRDD applies in order to conduct human rights due diligence effectively. There should be coordination between human rights due diligence and other government organizations. Regular updates to the DIFE compliance inspection checklist in accordance with the HRDD guidelines should also be considered for efficient HRDD implementation.

There is some evidence that trade unions participated in some workshops on RBC and HRDD by the Global Union Federations (GUF), particularly IndustriAll, which organized workshops for its affiliates aimed to develop an understanding of due diligence obligations that multinational companies have in their global supply chains (IndustriAll, 2024). This workshop was focused on the German Act on Corporate Due Diligence, the EU CSDDD and OECD MNE guidelines.

As a formal framework, the RMG Sustainability Council (RSC) is an institutional body inherent in the Bangladesh Accord; it is working particularly on the issues of Occupational Health and Safety compliance in the RMG sector in Bangladesh, which broadly covers the issues of Human Rights due diligence. The trade unions are represented in the triparty bodies of the RSC. However, there is also a claim that the activities and outcomes of the RSC are not adequately communicated to all the RMG-associated federations.

There is need for greater transparency, advocating for the public disclosure of audit findings along with the corrective actions or initiatives taken by brands in response. They stressed that national- and sectoral-level trade unions should focus more on policy advocacy to promote the effective implementation of the Human Rights Due Diligence (HRDD) process. However, the representative also noted that trade unions currently lack the necessary capacity to engage with HRDD issues effectively at the national level and to build stronger connections with global labour rights platforms. The organization working with the trade unions needs to be more focused on the capacity building of Trade Unions (KII with ETI).

5.5 Trade Unions' scope of utilizing the HRDD Instruments

CNV International has designed an example guide on how trade unions can play an effective role in protecting human rights in their workplace based on the six steps of the HRDD.

Table 14 Scope for Trade Unions' Participation

<i>Steps</i>	<i>Actions</i>	<i>Scope for Trade Unions' Participation¹⁰</i>
Step-1	Embed RBC into policies and management systems;	- Advocate and lobby with the government and employers for rectification and compliance with ILS and HRDD legal instruments. - Consultation between employers, governments and trade unions - Communicate and Exchange Information on working conditions and best policies and practices of HRDD - Participation in policy formulations - Social Dialogue: Collective bargaining and negotiations to incorporate priorities
Step-2	Identify and assess adverse impacts on operations, supply	- Support the mapping of adverse impacts on human rights in the entire value chain.

¹⁰ Adapted from the CNV International *New publication about the role of trade unions in HRDD*. (n.d.).

	chains and business relationships;	- Identify and report the adverse impact on human rights in the entire value chain. - Identify and communicate with the buyers/brands about the local invisible actors in the supply chain. - Raising awareness among the general workers about the identification of human rights violations and building the capacity to communicate effectively - Prioritizing the adverse impact needs to be addressed first. - Raise the issues proactively and publicly through campaign and shareholder meetings.
<i>Step-3</i>	Cease, prevent or mitigate adverse impacts;	- Act as a formal representative of the workers to design a mitigation plan and negotiate through collective bargaining or multi-company collective bargaining at the sectoral level. - Capacity building of the factory-level unions for effective participation in the mitigation plan - Enable the workers to adapt to mitigation plans and train them where necessary to adapt to the new plan and actions, such as the use of protective equipment to prevent health hazards. - Joint program with the employers to promote creativity, innovations and technical improvement in the workplace - Approach and connect the other relevant stakeholders to design a mitigation plan - Communicate and link the buyers/ brands to design a comprehensive action plan utilizing their linkage with Global Union Federations and affiliation with the international labour movement. -
<i>Step-4</i>	Track implementation and results;	- Support the companies in monitoring and tracking progress by providing ground-level information. - Measure effectiveness through focus group discussions, surveys, and informal communications, and communicate the result to the employers as input in the monitoring process. - Participate in the audits and ensure workers' voices and real scenarios are represented. - Become a member of the global certification system as a workers' representative and conduct advocacy and lobby for incorporating the issues of labour standards in the principles and assessment criteria of certification. - Share information with the labour inspection department and with the buyers/brands about the actual scenario of the incidents related to human rights violations.

<i>Step-5</i>	Communicate how impacts are addressed;	- Provide input for designing the reporting mechanism - Facilitate meetings and meaningful communication between employers and workers while input is required from workers and inform the workers about the employer's strategy for advancing human rights in the workplace. - Keep members, employers and brands/buyers informed about the CBAs and HRDD process results, either directly or indirectly. - Keep workers updated about the process, results of HRDD initiatives in the workplace, and lessons learned from the process.
<i>Step-6</i>	Provide for or cooperate in remediation when appropriate.	- support companies in setting up obligatory remedial measures: Grievance mechanism with reliability and confidence - Inform the workers about the grievance mechanism and assist in submitting the complaint. - Monitor and follow up on the grievance and - In case of individual grievance, exchange to find feasible solutions and support the workers with legal and logistics advice - Holding responsible the companies by pushing with evidence, research, and filing complaints
Adapted from the document of CNV International, Netherlands		

However, Key Informants emphasized the need for a stronger legal framework to make HRDD enforcement binding. A critical first step is ensuring that workers understand their rights and know where to seek redress beyond national laws. Engaging factory owners in meaningful dialogue about the long-term benefits of HRDD is also essential (KII with Legal Experts).

It is stressed that comprehensive coordination among workers, employers, and brands is essential for the effective implementation of Human Rights Due Diligence (HRDD). Citing the example of the Accord on Fire and Building Safety, they argued that its success was largely due to the collaboration of all key parties around a common platform. Similarly, without such unified coordination, it will be difficult to effectively practice HRDD in the RMG sector. The representative also highlighted the need to develop the necessary human resource capacity to better understand and implement HRDD within the local context (KII with ETI).

5.6 Access to Remedy: Instruments for Grievance Mechanism, State Responsibilities and the Opportunities of Trade Union

“Remedy”- is the third pillar of the UNGP on Business and Human Rights as described: the state's duty to protect human rights, the corporate responsibility to respect human rights, and access to remedy for victims of human rights abuses. It is particularly essential as it

provides the mechanism through which a victim can seek justice against the violation of human rights. The trade unions have the opportunity to influence the responsibilities of the brands and buyers and make them accountable for their behavior in their supply chain.

- To promote and ease the implementation of the Guidelines, each country must set up a National Contact Point (NCP) in accordance with the OECD MNE Guidelines. The Government-endorsed NCP is a unique global grievance management mechanism that functions to resolve allegations of business wrongdoing. Recognized as a pathway to redress for the consequences on human rights, the NCPs allow victims to receive complaints (Patton, Hackett, and O'Kelly, 2019; p. 100). The OECD rules are unique among supranational norms due to the NCP's approach to conflict resolution. Adhering countries shall establish National Contact Points to advance the objectives of the Guidelines on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises, as stipulated in Part II of the Guidelines. Trade unions can complain about violations on behalf of workers. Joint complaint lodging is also possible with the NGO and social partners.
- In an explanation of the violation of CSDDD provisions, the EUCSDDD explained how the civil liability regime would work.
 - *When companies intentionally or negligently fail to comply with their duty to prevent, mitigate, bring to an end, minimize adverse impacts, and this failure causes or contributes to damage, they can be held liable for the damage suffered. They will not be liable if only the business partner(s) in their chain of activities caused the damage.*
 - *In case the company is liable, it will have to provide full compensation to the victim for the damage suffered. However, this shall not lead to overcompensation, for instance, through punitive damages.*
 - *Injured parties may authorize a trade union, a non-governmental human rights or environmental organization or other non-governmental organization based in a Member State to bring actions on their behalf under the conditions set out in national law.*
- The ILO MNE Declaration advocates for workers' access to legal remedies for labour rights violations, including discrimination, harassment, unfair wages, and unsafe working conditions. It encourages mediation and arbitration as effective tools for resolving disputes. The ILO Declaration calls for company-level grievance mechanisms, aligning with ILO standards to provide fair and accessible processes for workers seeking remedies.

However, the HRDD instruments describe the provisions and mechanisms of how a victim can get remedy once affected by the operations of the MNEs. Different HRDD instruments articulated access to remedy as an essential element.

Table 15 Responsibilities for Remediation according to HRDD Instruments

Guiding Principles	Provisions of Remedy/Access to Justice	Specific Mechanism	Possible Penalties
Remediation: Principle 22 Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes. Chapter III: Access to Remedy <i>(Principle 25-30)</i>	UNGP		
	State Responsibilities • Must take appropriate steps to ensure access to an effective remedy • Through judicial, non-judicial, administrative, legislative or other appropriate means • Can be both State-based or non-state-based mechanism) • States facilitate public awareness and understanding of these mechanisms, how they can be accessed • Operational-level grievance mechanisms can provide early-stage recourse and resolution. • States should reduce legal, practical and other relevant barriers that could lead to a denial of access to remedy.	State-based mechanism: • The courts (for both criminal and civil actions) • Labour tribunals • National Human Rights Institutions • National Contact Points (OECD Guidelines) • Ombudsperson offices and Government-run complaints offices	Apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), injunctions or guarantees of non-repetition.
	Business Responsibilities • Business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities. • Industry, multi-stakeholders and other collaborative initiatives should ensure that effective	Operational-level grievance mechanisms Non-state-based mechanism • Administered by a business enterprise alone or with stakeholders, by an industry association or a	

grievance mechanisms are available. • Once identified, to be addressed, and adverse impacts to be remediated early and directly by the business enterprise	multi-stakeholder group. • Adjudicative, dialogue-based or other culturally appropriate and rights-compatible processes. • Ensure speed of access and remediation, reduced costs and transnational reach. • It should not be used to undermine the role of legitimate trade unions in addressing labour-related disputes nor to preclude access to judicial or other non-judicial grievance mechanisms. • Through codes of conduct, performance standards, 33 global framework agreements between trade unions and transnational corporations, and similar undertakings.	
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ILO Tripartite MNE Declaration

Paragraphs 64-66: <i>Access to remedy and examination of grievances</i>	State Responsibilities Governments should take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction, any affected worker or workers have access to an effective remedy. Business Responsibilities Multinational enterprises should use their leverage to encourage their business partners to provide effective means of enabling remediation for abuses of internationally recognized human rights. • Ensure that workers have the right to submit grievances without suffering any prejudice. • The procedure should be free of charge and expeditious. • The voluntary conciliation machinery should include equal representation of employers and workers.	• Voluntary conciliation and arbitration machinery appropriate to national conditions	
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OECD MNE Guidelines

	Provisions	Specific Mechanism	Possible Penalties
Part II Procedures National Contact Point to; <i>a) Promote awareness and</i>	State Responsibilities Adherent governments shall set up National Contact Points for Responsible Business Conduct (NCPs)	National Contact Point • A non-judicial grievance mechanism	

<i>uptake of the Guidelines, including by responding to inquiries;</i> <i>b) Contribute to the resolution of issues that arise in relation to the implementation of the Guidelines in specific instances</i>	• Operate impartially and maintain an adequate level of accountability to the adhering government. • Governments will seek the active support of social partners.	contributes to the resolution of issues that arise relating to the implementation of the Guidelines in specific instances. Forum for discussion and its expertise on the Guidelines to assist the business community, worker organizations, other non-governmental organizations, and other interested parties	

EU CSDDD

Article 12 <i>Remediation of Actual Adverse Impacts</i>	Provisions	Specific Mechanism	Penalties
Article 14 <i>Notification mechanism and complaints procedure</i> Article 27 <i>Penalties</i> Article 29 <i>Civil liability of companies and the right to full compensation</i>	State Responsibilities; Member State shall ensure; • Where a company has caused or jointly caused an actual adverse impact, the company provides remediation. • Member States shall ensure that a company can be held liable for damage caused to a natural or legal person, but; • A company cannot be held liable if the damage was caused only by its business partners in its chain of activities.	• Companies enable mechanisms to submit complaints of actual or potential adverse impacts with respect to the companies' own operations, the operations of their subsidiaries or the operations of their business partners in the chains of activities of the companies. • Establish a fair, publicly available, accessible,	• Member States shall lay down the rules on penalties, including pecuniary penalties, applicable to infringements of the provisions of national law. • At least the following penalties: (a) pecuniary penalties;

• Who can submit a complaint? Natural or legal persons who are affected or have reasonable grounds to believe that they might be affected by an adverse impact, and the legitimate representatives of such persons on behalf of them, such as civil society organizations and human rights defenders, trade unions and other workers' representatives	predictable and transparent procedure for dealing with the complaints. •	(b) if a company fails to comply with a decision imposing a pecuniary penalty(financial penalty) within the applicable time limit, a public statement indicating the company responsible for the infringement and the nature of the infringement
• Where the actual adverse impact is caused only by the company's business partner, voluntary remediation may be provided by the company. • The company may also use its ability to influence the business partner that is causing the adverse impact to providing remediation.		

The EU CSDDD is the only instrument that is obligatory to the member states of the European Union and explains the responsibilities of the states to ensure companies' obligations. The directives provide that the supervisory authority could impose penalties for non-compliance with the directives. The financial penalty must be based on the company's net worldwide turnover, with the maximum penalty amounting to at least 5% of the net worldwide turnover for the financial year preceding the decision to issue the fine. Member states are allowed to set the maximum fines, potentially over 5%, in their national law (CSDDD, Article 27(4)).

Table 16 OECD NCP Complain Mechanism: Step-by-Step Guide for Trade Unions

Step 1: Identify the OECD Guidelines Violation Review the OECD Guidelines for Multinational Enterprises to confirm if the company's conduct violates any of the standards on human rights, labour, environment, corruption, or other areas covered.
Step 2: Determine the Relevant NCP - Complaints must be filed with the NCP of the country where the violation occurred or where the company is headquartered. - Find contact information for the appropriate NCP through the OECD's official website.
Step 3: Prepare Your Complaint Describe the issue clearly, including details of the violation. - Include the specific chapters of the OECD Guidelines that the company's actions violate. - Provide evidence to support your claim (documents, reports, witness statements). - Mention any steps already taken to resolve the issue with the company.
Step 4: Submit the Complaint - Send the complaint via the official contact channels of the NCP (email, online form, or postal mail, depending on the country). - Some NCPs may have specific forms or requirements, so check their websites.
Step 5: Engage in the Mediation Process - Once the NCP accepts the complaint, they will evaluate the case and might offer mediation between the parties. - Be prepared to participate in discussions aimed at reaching a voluntary resolution.
Step 6: Follow Up - After mediation, or if mediation fails, the NCP will issue a final statement. This may include recommendations for the company. - Stay engaged by monitoring the company's compliance with any agreements made.

However, findings from the KII revealed that while some organizations provide legal support in cases of freedom of association and wages, securing remedies remains difficult. There is a fundamental lack of awareness regarding HRDD, and trade unions often fail to leverage international instruments effectively. The fragmented nature of unions further complicates efforts to advocate for stronger labour protections with access to remedy (KII, Legal Expert).

Chapter Six

Conclusion and Recommendations

Human Rights Due Diligence (HRDD) as a global framework for the protection and promotion of workers' rights in global supply chains has gained significant momentum in developed countries. However, this study finds that Bangladesh is still in its preparatory stage. The global connections within the RMG industry are accelerating the local and global accountability of advancing labour governance. The involvement of several global brands from worldwide has further opened up the scope and opportunities of the application of HRDD based on the international, regional and country-specific HRDD guidelines and laws. While trade unions in the sector are not yet well-equipped or sufficiently capable to fully address these issues, they remain highly optimistic about the potential of the application of HRDD in the RMG sector. They see it as a critical mechanism for ensuring corporate accountability, protecting workers' rights, and promoting sustainable and responsible business practices.

This study explores the applicability of the HRDD in the RMG industry of Bangladesh in line with the recognized HRDD instruments like UNGPs, ILO Declaration for MNEs, OECD guidelines for MNEs, and the European Unions CSDDD. The responsibilities of the brands and buyers for the workers of the RMG supply chain are outlined based on the above-mentioned instruments. The study illustrates that although HRDD frameworks establish formal channels for protecting human rights, enforcement is largely voluntary and weak, and it is simple for multinational companies and brands to evade responsibilities in most instances.

A specific focus on evaluating the trade unions' readiness and difficulties in using the HRDD protection revealed their inadequacy and produced several recommendations. Significant challenges are found in institutional constraints, limited engagement in crucial decision-making.

The study develops specific guidelines for the government and the trade unions based on the recommendations of the relevant stakeholders through consultation, group discussions, and key informant interviews. The recommendations are comprehended with a desk review of the best practices.

6.1 Recommendations for the Government

The government of Bangladesh should take the core responsibility of implementing the HRDD framework in Bangladesh, ensuring a multistakeholder approach. All the HRDD instruments particularly explain the state's duty and accountability. In the context of Bangladesh, the government may consider the following possible areas of intervention.

- **National Action Plan for Responsible Business Conduct**

The government should develop a comprehensive **National Action Plan for Responsible Business Conduct** in Bangladesh to promote economic and social development by safeguarding the rights of the citizens and the environment. The UN Working Group on Business and Human Rights provides recommendations to the state for the development, implementation, and regular update of the National Action Plans (NAPs) on Business and Human Rights.

This initiative can be led by a task force under the leadership of the Ministry of Labour and Employment, including representatives from the Ministry of Law, Justice and Parliamentary Affairs; the Ministry of Industry, the Ministry of Commerce, the Ministry of Finance, and other relevant ministries along with the representatives from the business community (Employers and Brands), trade unions, civil society organizations and experts in the relevant field.

This NAP, as a strategic framework for business and human rights, can design a series of measures and initiatives to be undertaken by governments, businesses, civil society organizations, and other stakeholders to prevent, mitigate, and address human rights abuses in the RGM sector.

- **Policy Coherence, Legislative And Regulatory Measures**

The government should ensure policy coherence by reviewing the existing business and labour-related policies and legislation for the effective implementation of policies to promote responsible business conduct (RBC). This policy coherence should be aligned with the UNGPs, OECD Guidelines, ILO Tripartite Declarations, EU CSDDD. In addition, the German Supply Chain Due Diligence Act 2001, and other country-specific due diligence acts can also be taken into consideration to develop a comprehensive national actional plan for how the enterprise within the country and the MNEs operating in Bangladesh can ensure their responsible business conduct.

The inclusion of HRDD Process in the Bangladesh Labour Act is another potential area of intervention by which the HRDD can be made mandatory for the business.

Assess and organize consultation for the introduction of effective **legislative and regulatory measures** to ensure a dedicated HRDD approach by the brands/buyers and suppliers to assess, prevent, and mitigate human rights risks throughout their supply chains.

- **Advisory Committee for Coordination and Monitoring (RBC Advisory Committee)**

Establishing a national-level Advisory Committee on RBC to enable the government to effectively coordinate the policies, programs, and implementation related to business and human rights, with the stakeholders including the private sector; trade unions, civil society, academia; and other relevant stakeholders. The RBC Advisory Committee will be responsible for follow-up on NAP implementation and a venue for ensuring the accountability of the stakeholders for the implementation of the RBC, particularly HRDD in the business operations.

- **Permanent Mechanism for Priority-Based Human Rights Risk and Impact Assessment**

Establish a **Permanent Mechanism for Priority-Based Human Rights Risk and Impact Assessment in Export-Oriented and Large-Scale Industries**. There is a need to conduct an independent and comprehensive assessment of human rights risks and impacts in the export-oriented sectors and other large industries in Bangladesh, prioritizing key concerns. This assessment should gradually analyze human rights risks and impacts across sectors, identifying the actual state of Responsible Business Conduct (RBC) and evaluating the gap between ideal standards and the real situation. It should also determine the opportunities for improving human rights protections. To carry out this process in a consistent and centralized manner, a permanent mechanism must be established.

- **Centralized National Database**

Having a centralized national database and system for risk and impact analysis will provide reliable and transparent data on workers' conditions, safety, wages, overtime, and other benefits. This will reduce the need for multiple audits and enhance coordination among the government, brands, and buyers. If the Government of Bangladesh can present the measures taken to protect human rights through an independent and transparent assessment, it will build confidence among international brands and investors and help the country maintain a competitive position in the global market. When the government, business groups, international buyers and brands, trade unions, and civil society organizations can see the real situation through such independent assessments, mutual trust will grow, and opportunities for new social dialogue and stakeholder engagement will emerge.

- **Assess Brands' and Employers' Existing HRDD Mechanisms**

Assess the brands' and employers' existing HRDD mechanisms and identify what policies, methods, and strategies are being used by them to uphold human rights in business operations.

- **National Labour Rights Commission**

Establish a **National Labour Rights Commission** with a specific HRDD Oversight Body and Complaint Mechanism. The government should consider establishing a permanent National Workers Rights Commission with a particular focus on the advancement of Human Rights Due Diligence in business operations. This Commission must be independent in dealing with other workers' rights issues.

- In particular, the commission should introduce a national oversight body for the promotion of risk-based human rights due diligence. The oversight body should be a multi-stakeholder in nature to ensure the representativeness of the government, suppliers, brands/buyers, trade unions, and CSOs to ensure regular HRDD audits, investigate human rights abuses, and impose sanctions for non-compliance.
- Relevantly, the government should take the necessary initiatives to assess the possibility and potential approach to adhere to soft laws like the OECD Guidelines for MNEs as non-OECD members. A non-judicial complaint mechanism can be introduced under the commission in line with the National Contact Points structure but with strong implementation clauses.

- **Comprehensive Database of RMG Industry's Production Network**

The supply chain of the RMG industry has yet to be broadly clarified for defining the coverage and identifying the stakeholders for meaningful engagements. In this regard, the government should develop a comprehensive database of the RMG industry's production network, mapping all the factories, workers and stakeholders involved in the supply chain of the RMG industry in Bangladesh to define the areas of HRDD coverage clearly. However, the database of RMG workers need to be controlled by the government not by the employers as suggested by the different stakeholders to avoid any harassments of the workers.

- **Centralized Approach to Auditing**

The vast and vague supply chain of the RMG industry in Bangladesh poses additional challenges to practice the HRDD framework in a real sense. A national-level multi-stakeholder and institutionalized approach is required with the representations of all major stakeholders to support the regular assessment, identification of adverse human rights risks, designing preventive measures and compactly ensuring access to justice. This centralized auditing approach is required to avoid the multiplicity of the auditing, reduce costs and ensure direct business accountability to the state.

- **Introducing Obligatory Social Clauses**

The government should promote the HRDD by introducing an obligatory social clause in the trade agreement regarding the respect of HRDD instruments. Most social clauses in investment and business activities are based on the following core conventions of the International Labour Organization (ILO), which are internationally recognized standards for protecting fundamental workers' rights. These key conventions include: Freedom of Association and the Right to Collective Bargaining (Conventions 87 and 98), Abolition of Forced Labour (Conventions 29 and 105), Elimination of Discrimination in the Workplace and Equal Remuneration for Work of Equal Value (Conventions 100 and 111), Minimum Age for Employment and Elimination of the Worst Forms of Child Labour (Conventions 138 and 182), Occupational Safety and Health at the Workplace (Convention 155).

Alongside these fundamental rights under the ILO Core Conventions, business social clause policies or standards should mandatorily include compliance with the Bangladesh Labour Act 2006, internationally recognized human rights, and especially the principles of environmental protection and just transition.

The purpose of such a social clause-based business policy would be to: Protect workers' rights and dignity, Ensure environmentally responsible and ethical business practices, Increase trust from international investors and brands by aligning with global standards, And guide the country's export-oriented economy towards sustainable and inclusive development.

This policy should be formulated and implemented through participation from all relevant stakeholders—government, employers, trade unions, civil society, and international partners. If done so, it will play a vital role in promoting social cohesion and enhancing Bangladesh's competitiveness in the global market in the long run.

- **Increasing the Level of Awareness**

Identify the relevant ministries and agencies of the government and **increase the level** of awareness on business and human rights issues.

6.2 Recommendations for Trade Unions/Labour Movement

A multi-faceted approach is required to raise awareness and build the capacity of the trade unions of the RMG industry to deal with Human Rights Due Diligence effectively. Considering the present state of trade unions' involvement in protecting and promoting workers' rights in the RMG sector, the following steps can be initiated.

- **Setting up HRDD Learning and Resource Center**

Develop a user-friendly HRDD learning and resource center with virtual accessibility (Website and Social Media Platform) to individuals with varying levels of education and technological proficiency. The learning and resource center should make available both printed and electronic versions of the education and research materials in electronic format on different resource materials relevant to HRDD.

Particularly, the resources should be developed in Bengali, and the availability of trade union-friendly customized resources should be ensured for an easy understanding of the concepts and best practices.

This resource center should provide opportunities for remote education and equip stakeholders, particularly the trade unions, with the necessary knowledge and resources in the other regional and sectoral contexts.

- **Capacity Building: Education and Training**

Organize regular educational and training programs with different levels of national and sectoral level trade union leadership focused on HRDD concepts, including different HRDD instruments and mechanisms according to the UNGP, ILO MNE declarations, OECD MNE Guidelines, EU CSDDD and other country-specific due diligence acts.

Intensive and advanced training for selected union leaders can be initiated with the aim of developing a pool of trade union trainers. Separate and consecutive education and training programs should be organized for each HRDD tool/instrument for a better understanding of the issues and to make a comprehensive understanding of the issues of due diligence.

The education and training programs should focus on the practical aspects of HRDD, like how to identify human rights violations, mitigate risks, and address non-compliance; use of complaint mechanisms and hands-on experience should be provided on how to access and prepare documents for the different complaint mechanisms prescribed in different HRDD instruments.

For example, a separate program can be developed to orient trade unions about the access and procedure of complaints to the National Contact Point according to the OECD guidelines.

- **Develop HRDD specialized Trade Union Platform and Promote Youth Groups.**

HRDD specialized trade union platform at the national level can be developed with the necessary resources and adequate opportunities for capacity building. Apart from this, a pool of youth leadership should be equipped as they are vital for future-proofing trade unionism. The youth group will provide leadership opportunities for younger trade unionists and create innovative solutions to tackle contemporary labour issues in light of the HRDD framework.

- **Integrate HRDD in TU Advocacy and Negotiation Strategy**

Trade unions should integrate the HRDD framework into their advocacy and negotiation strategies with employers, brands and the government. This approach will significantly strengthen the unions' power to hold brands and employers accountable for their operation in the RMG sector. The trade unions will be more capable of identifying human rights abuses and labour rights violations. The trade union can conduct advocacy with the brands and employers to ensure due diligence across their supply chain and push for establishing mechanisms to Identify, prevent, and mitigate any human rights risks to workers.

- **Equip with Complaint Mechanism**

HRDD often involves grievance mechanisms where workers or their representatives can raise issues of human rights violations. Trade Unions in Bangladesh have very limited information and access to these mechanisms. The trade unions need to be equipped with adequate information, guidance, and training about formal complaint procedures available at the national and international levels.

- **Establish Direct Communication Channels**

RMG trade unions should set up formal communication channels with multinational brands sourcing from Bangladesh and their local suppliers. These platforms can be used to raise concerns, report labour rights violations, and ensure brands are conducting thorough due diligence on their suppliers.

- **Participate and monitor the Grievance Mechanism.**

Identify the existing internal grievance mechanism set out and run as an obligation of HRDD laws and guidelines and ensure effective participation in the mechanism for ensuring the transparency and accountability of the employers and brands/buyers.

- **Promote Worker Based Monitoring System**

A worker-based monitoring system can only be effective when workers themselves are fully aware of their human rights and labour rights and can recognize when these rights are being violated or are at risk. Real-time identification of human rights violations and potential risks at the factory level is only possible when workers are educated, empowered, and confident to raise concerns without fear of retaliation. In this context, educating workers on the principles of decent work, freedom of association, non-discrimination, fair wages, occupational health and safety, and grievance mechanisms is essential. This empowers them to play a direct role in monitoring their workplace conditions and reporting any rights violations as they occur.

Trade unions have a critical role to play in promoting and institutionalizing such worker-led monitoring systems. Through continuous education programs, capacity-building workshops, and peer-to-peer learning, trade unions can build a strong culture of rights awareness on the factory floor. They can also facilitate the formation of worker committees or rights monitors within factories, establish reporting and escalation mechanisms, and advocate for the recognition of these systems by employers and buyers.

By placing workers at the center of human rights due diligence (HRDD), trade unions can ensure that monitoring is not just a top-down compliance tool, but a bottom-up, participatory, and sustainable approach that leads to meaningful improvements in workplace conditions.

- **Push for Transparent Data and Accountability**

The trade union should push the government for data transparency and share the outcome of labour inspections regularly. The actions of the brands and buyers should also be communicated with the trade unions.

- **Connect with the Global Unions**

Exercising the full potential of the HRDD as a transnational mechanism the trade unions should also be connected to the global stakeholders, particularly with the relevant global union federations, labour rights organizations, and the platform.

- **HRDD Integration in Trade Contracts**

Trade unions can push for HRDD clauses in supplier contracts between brands and factories. These clauses should include commitments to uphold worker rights, occupational safety, collective bargaining, and protection from retaliation.

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Annex:

List of Reference of HRDD Instruments and International Human Rights Conventions

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