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- Assessing Exposure and Vulnerabilities of RMG Workers to Climate Change and Environmental Causes: A BILS-GIZ Research
- Functionality of Complaint Committees in the Readymade Garment (RMG) Industry: A Qualitative Analysis
- The State of Legal Compliances and Workers' Security in the Shipbreaking Yard of Bangladesh: An Empirical Analysis on Sitakunda, Chattogram
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CONTENTS

Editorial 5

Md. Mojibur Rahman Bhuiyan

Assessing Exposure and Vulnerabilities of RMG Workers to Climate Change and Environmental Causes: A BILS-GIZ Research 6

Md. Manirul Islam

Functionality of Complaint Committees in the Readymade Garment (RMG) Industry: A Qualitative Analysis 20

Mostafiz Ahmed & Shajib Dey

The State of Legal Compliances and Workers' Security in the Shipbreaking Yard of Bangladesh: An Empirical Analysis on Sitakunda, Chattogram 34

Prakash Chandra Roy & Ramon Chandra Talukdar

Exploring the Inside of Workers' Social Upgrading: Perspective of Informal Sector in Bangladesh 49

Md. Arifur Rahman

Impact of Neoliberal Policies on Labour Protections: A Case Study of Bangladesh's Garment Industry 65

Habiba Lilun Nahar

EDITORIAL

For Bangladesh the impact of climate change on the environment is no more a new issue for the citizens of this country, as everyone now is experiencing the negative impact of unplanned push for more and more industrialization, on the community and in the environment. Although Bangladesh is yet not considered as a threatening contributor to this problem, but unfortunately it ranks 7th on the list of countries most vulnerable to climate devastation.

Both public and private stakeholders have initiated actions to respond to this problem. But unfortunately, a bigger picture has been kept out by both stakeholders in the shadow, the workers and their legislative representative- the trade unions.

In this connection, a recent BILS research has surveyed RMG workers in Gazipur and Tongi areas, while environmental and climate change implications are reportedly more prominent in these locations. A review of the state of climate change shows that 50 percent of garment workers are affected by climate change, resulting in increased leave/absenteeism by 23 percent, decreased efficiency by 8 percent, reduced productivity by 6 percent, reduced income and increased job insecurity by 13 percent.

Civil society leaders opined in this regard that the government, local government, owners and trade unions should work together to reduce the impact of environment and climate change on the garment industry. They also mentioned the need to work at the policy-making level to create social and environmental standards for workers.

Findings on above mentioned issues are discussed in an articles on this journal. Apart from this, some other issues like state of legal compliances and workers' security in the Shipbreaking yard, exploring the inside of informal workers' social upgrading, functionality of complaint committees in the RMG industry, impact of neoliberal policies on labour protections at garment industry are also discussed in different articles.

We hope these will help researchers, academicians, students and trade union leaders for their knowledge development.

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

Md. Mojibur Rahman Bhuiyan
Editor

ASSESSING EXPOSURE AND VULNERABILITIES OF RMG WORKERS TO CLIMATE CHANGE AND ENVIRONMENTAL CAUSES: A BILS-GIZ RESEARCH

Md. Manirul Islam*

Abstract
This research is an attempts to identify and analyse the climate change and environmental issues, concerns and vulnerabilities of garment workers of Bangladesh, in their living place and inside RMG factories. Relevantly, this research looks at climate change and environmental grievance mechanisms in the community and inside factories and the preparedness of the trade unions to address RMG workers' vulnerabilities to climate change and environmental causes. Both quantitative and qualitative research approaches and respective tools and techniques are equally applied. Survey method is particularly emphasized backed by FGD, consultation, interview, and literature review methods.

Introduction and Background
While working in an RMG factory, Julekha suddenly faints due to extreme heat. This is only an anecdotal example, but it's now a regular occurrence in summer time in garment factories in Bangladesh. Climate change induced excessive heat and environmental factors such as poisonous gases in the air or lack of oxygen in the workplace are probably the underlying cause. Establishing one to one correlation between faintness and climate change and/or environmental factors although not impossible, but most challenging, time consuming, and expensive. Secondly, RMG workers, in general, have a poor educational status.

Having this context, assessing the impact of climate change and/or environmental reasons on the lives of garment workers and within the RMG factories is rather difficult. This research endeavoured a miniature step to tackle this daunting task.

There is no room to claim that research findings are cent percent accurate. However, this research deserves to be considered one of the pioneering in its analysis of the impact of climate change and environmental issues on the lives of garment workers and within the RMG factory in Bangladesh.

Quantitatively, this research has surveyed a representative of 402 RMG workers from 21 clusters and 160 RMG factories from Gazipur and Tongi Police Station Areas in Bangladesh, while environmental and climate change implications are reportedly more prominent in these locations. Considering the research essence and target audiences, descriptive research statistics and univariate analysis are particularly emphasized.

Secondly, a rich set of qualitative research is administered. Available literature is collected,

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that made a first-hand scanning, and identified climate change and environmental issues and concerns and developed necessary data collection tools. A comprehensive review of literature is done at a later stage particularly to supplement research findings and encounter gaps that came out from the analysis of primarily data.

Apart from these, primary data are collected from trade union leaders, employers, senior factory managers, community peoples, GOV representatives, NGOs/CSOs, media persons, and experts/academics.

More explicitly, this research looks at four main climate change and environmental aspects associated with RMG workers work and living in Bangladesh such as 1) climate change and environmental issues, concerns, and vulnerabilities of RMG workers at living place, 2) climate change & environmental issues, concerns, and vulnerabilities of RMG workers inside factories, 3) grievance mechanisms to climate change and environmental causes, and 4) TU capacity to deal with RMG workers climate change & environmental causes. Finally, a comprehensive set of recommendations have been drawn to act by the trade unions.

Research Objectives

- Assessing climate change & environmental issues, concerns, vulnerabilities, & protection of RMG workers at living place
- Assessing climate change & environmental issues, concerns, vulnerabilities & protection inside RMG factories
- Assessing grievance mechanisms to climate change & environmental causes both in communities and inside factories
- Assessing TU capacity to deal with RMG workers climate change & environmental causes both at community & inside factories
- Developing a comprehensive set of recommendations to act on by the TUs

Methodology, Research Population and Sampling

A combination of 1) quantitative and 2) qualitative research approaches, methods and respective tools and techniques are adopted. Data collected from both 1) primary and 2) secondary sources.

Initially, a participatory rapid census is conducted and found that roughly 263,000 workers are employed in around 485 RMG factories within the study locales. This figure makes up the research population. However, the target group consists of the entirety of all RMG workers. Worth mentioning is that this figure is consistent with the available estimations. BGMEA, administered one of the most well-known research portals 'Mapped in Bangladesh', which has listed 467 RMG factories in the research locales.

A total of 402 representative RMG workers from 21 clusters and 160 RMG factories took part in the survey. A multistage cluster sampling method is used to select the representative

respondents for the survey. In a first step, 1) Tongi police station and 2) Gazipur police station areas are selected as primary sampling units. They constitute a GIZ-BILS project locale. Secondly, these locations have a high concentration of RMG factories. In a later step, 21 clusters of secondary sampling units are selected in Gazipur and Tongi based on the concentration of RMG workers' residential areas. In a third and final step, 384 samples are initially selected for the survey based on the following scientifically accepted representative statistical formula and in consideration of a confidence level of 95% and a margin of error of 5%:

$$\frac{\frac{z^2 \times p(1-p)}{e^2}}{1+(\frac{z^2 \times p(1-p)}{e^2 N})}$$

In this formula,
Z = z score
e = Margin of error
N= Population size
P = Population proportion

Research Findings

Climate change and environmental issues, concerns, and vulnerabilities of workers at living place:

Level of awareness: One in every two workers have previously heard about climate change and three out of every four workers are conscious about environmental aspects. Half of the workers consider climate change as a reason for seasonal variations, one-quarter identified environmental factors as a main cause, and one-fifth said that it is almighty given.

Climate change and environmental migration: 99% RMG workers are internal migrants. One-fourth internal migration is related to a climate change symptom like crop failure or loss of productivity or loss of last source of income for flood, cyclone, drought, and increase in pest infestation. For nearly one-tenth, environmental reasons particularly river-bank erosion is a main cause for migration.

Climate change and Environmental causes and Support giving and receiving: Many RMG workers are either dependent on village homes for living or give some support to the village homes. Amount of giving and receiving support varied significantly in the last five years. More than one-third have identified environmental reasons and another around one-seventh climate change as a main cause for this.

Status of resources use efficiency at living places: Climate mitigation efforts have traditionally focused on enhancing resources use efficiency. This research has studied 1) water use

efficiency, 2) electricity use efficiency, 3) electric fan use efficiency, 4) gas use efficiency, and 5) solar power use efficiency at living places. Research findings show that the current resource consumption practices by the RMG workers at living places are 83% inefficient. Electric fan, gas and solar power usage are analysed most inefficient, meaning that their usage has increased significantly over time.

Status of climate change at living places: Studying seven variables such as 1) hot, 2) flooding, 3) storms/cyclones, 4) heavy rainfall, 5) rainfall, 6) drought and 7) wind, this research has established that at aggregate level the climate has changed negatively for about one-tenth percentage point in the last five years. This means that workers' suffering at living have increased nearly one-tenth because of climate change symptoms. Specifically, heat and hotness and drought have increased, and the quantity of rainfall, wind flow, flood, cyclones, and heavy rainfall have decreased over time.

Health vulnerability: Three main health vulnerabilities due to climate variability are analysed common at living places such as 1) increased diseases, 2) increased mosquito/pest/insect attacks, and 3) new diseases and mosquito-borne diseases.

Implications on working life: Studying five climate change symptoms such as 1) heat and hotness, 2) flooding, 3) cyclones/storms, 4) diseases, and 5) water logging, this research has established that one in every two workers either had to take leave or suffers a capacity, production or income loss for these. Individually, one in every five workers had to take leave due to the mentioned climatic symptoms and one in every ten workers reported a capacity loss to them for these.

Water pollution:
Water pollution has been rapid. One in every two workers report an increase in water pollution compared to three years before. Quantity and shapes of water sources have shrunk drastically.

Air pollution:
Three out of every four workers report an increase in air pollution. Smoke and dust from production processes, and sanitation practices are reportedly main causes for air pollution. Associated with air pollution, headache, dizziness, tiredness and breathing problems are reported as common.

Water logging: One in every ten workers have reported serious waterlogging in Tongi. Drainage congestion, heavy rain, and environmental reasons are identified as the main causes.

Increased diseases: Associated with environmental causes, mosquito borne diseases and their manifestations including death reported on an ever-increasing trend. Among others, shortness of breath, headache, nausea, dizziness, itching, and cramps are reported common.

Poor availability of fresh oxygen: One in every three workers report that their living conditions are not environmentally safe, they have inadequate ventilation arrangement and the living place is always dark.

Drain overflow regularly: Poor drainage and associated implications like dirty, overflowing, discharge in natural water sources, and air pollution are frequently reported.

Unhealthy Sanitation Practices: One in every three workers expressed a concern regarding sanitation and hygiene practices. Too many users, unsustainable construction and discharge into natural water sources are three main environmental concerns reported frequently.

Non-environment friendly waste management practices: One in every three workers expressed a serious environmental concern about current waste management practices, and a further one-third an average concern. One in every ten workers said solid household waste is dumped indiscriminately into natural water sources.

Groundwater depletion: Ground water usage increases ever in the last five years. From only 170-180 feet deep, ground water level now reportedly has depleted to nearly 400 feet deep.

Fish species extinct: Fish species in the local water sources reportedly have gone extinct totally or only a very few that exist today have turned poisonous.

Rapid transformation of agricultural land to industrial production purposes: All the trees have been cut. Structured housing and human settlements for industrialisation have occupied a good amount of agricultural land.

Climate change and environmental issues, concerns, and vulnerabilities of workers inside factories

Resources consumption efficiency: Studying nine variables such as 1) electricity consumption, 2) AC usage, 3) electric fan usage, 4) generator usage, 5) petroleum and diesel usage, 6) water consumption, 7) gas usage, 8) chemical usage, and 9) solar power usage, this research has analysed that at aggregate level the current status of resource consumption in the RMG factories is 60% inefficient. AC and electric fan usage are most inefficient, followed by electricity consumption, water consumption, gas consumption, petroleum/diesel

consumption, generator usage and chemical usage. On average, resource usage/consumption has increased around 38%.

Climate change symptoms and concerns inside factories: Six out of every ten workers have reported high to extreme heat and hotness inside the factories. One in every ten workers said it feels like boiling. One in every two workers claimed extreme heat and hotness continues 7/8 months a year. Three out of every four workers have reported a health vulnerability from heat and hotness inside the factories. Among health vulnerabilities, dehydration, headache, dizziness, and faintness are reported common. Apart from health vulnerability, absence/leave, productivity loss, violent behaviour, employment insecurity and income loss are frequently reported from heat and hotness. Normal heat and hotness inside many green factories also are reported.

Environmental issues and concerns inside factories: Of the environmental issues and concerns inside factories, legal and administrative flaws are reported to the tops such as no environment protection policy, no resources usage guidelines (electricity, water, gas, etc.), no water treatment plant, structural flaws, lack of concern for environment protection, technological inadequacies and no care and remedy. Apart from legal flaws, particularly associated with the production processes, water pollution, air pollution, sound pollution, high water consumption in washing and dyeing, excessive resources usage, dirtiness, insufficient ventilation, excessive chemical usage, and waste discharge to the natural environment are frequently reported.

Good environmental practices too are very likely in many factories. One in every two workers claimed that their factories have formulated environment protection policy and resources usage guidelines. Improve waste management practices, installation of water treatment plants, water pollution control, sound pollution control, proper treatment of solid wastes, rainwater harvesting, and adoption of new technology are few other good practices more or less reported.

Liquid waste management practices and respective implications: Only, one-tenth factories reportedly have functional ETP. Seven out of every ten workers claimed that liquid wastes are directly discharged into the natural water system through local drains which is a main cause for water pollution, air pollution, and unhealthy outside.

Non-environment friendly Chemical waste management: Including 1) colours, 2) auxiliary chemicals, 3) basic chemicals, and 4) chemicals for printing, more than two hundred (200) chemicals are consistently in use in a washing and dying unit of an RMG factory. Chemicals having mixed with water turned as contaminated colored-water and frequently discharged into natural water systems without proper treatment. Identification of ZDHC (Zero Discharger

of Hazardous Chemicals) approved safe chemicals involves a complex and lengthy process. Only a very few RMG factories use ZDHC approved chemicals, and mostly not. Chemical waste is a main cause for water pollution, mosquito growing and increased diseases, reported the workers.

Solid wastes management and respective implications: Among solid wastes, polythene waste, plastic wastes, packaging wastes and basic wastes such as unused cloth, and threads and nylon and paper are reported common. This research didn't find any proper treatment practices of solid wastes. Reportedly, solid wastes are mostly sold out, and the rest are just dumped elsewhere, and not a concern to employers.

Greening the industry: around 200 RMG factories have transformed to green factories. Greening has been particularly done in two aspects i.e., 1) operational and maintenance aspects and 2) structural aspects. Among greening initiatives, replacing of traditional bulbs and electric fans with less power consuming LED bulbs and fans and installation of meter, servo motor, thermal-oil heating system, economizer, condensate recovery system, biogas plant, solar panel and ETP are reported common. Few factories reportedly have set optimum standards for air and water usage. Green factory workers have, in general, rated a comparatively better physical working environment, particularly the heat control system in the green factories, than non-green factories. However, employers are reluctant to refer to the entire greening initiative as a business case other than an essence to encounter climate change or environmental concerns, and are critical of the financial arrangement for greening. Workers representatives have not been part of the greening processes.

Grievance Mechanisms in Environmental and Climate Change Causes

Grievance mechanisms at community: Studying 12 variables such as assigned authority/institution to look after environment and/or climate change matters, status of legal framework, reporting channel, monitoring and supervision aspects, accountability arrangement, level of awareness and knowledge on prevailing grievance arrangements and such others, this research has analysed that the current status of environmental and climate change grievance mechanisms at community level are weak and unresponsive to community demand. There is a lack of awareness and role clarity, power and authority conflict, lack of accountability arrangement, poor legal implementation and whatever step is taken, the solution is uncertain. At aggregate level, existing grievance mechanisms have been analysed 79% ineffective and only 21% effective.

Grievance mechanism inside factory: Studying twelve variables such as availability of responsible person/authority/institution, legal framework and standards, grievance reporting

and recording procedures, status of complaint reporting and solution, and level of awareness and knowledge of workers and such others, this research has analysed that existing environmental and climate change grievance mechanisms inside the factories are 70% ineffective and unresponsive and only 30% effective. Buyers/brands though have a consistent pressure for energy, gas, and water use cut, for adoption of new technology and improving of waste management practices including chemical wastes.

TU capacity to deal with climate change & environmental causes: Studying seven variables such as level of awareness of workers and trade unions, status of participation and engagement, status of social dialogue, status of active role from TUs and Skills and capacity of the TUs to deal with climate change and environmental matters in the RMG industry and others, this research has analysed that trade unions have on average 54% capacity gaps in dealing with environmental and climate change aspects of RMG workers both at community life and inside factories. The status of participation in legal formulation and implementation and the level of understanding and awareness have been assessed most dissatisfactory.

Recommendations: RMG workers, union leaders, employers, mangers, community peoples and different other right bearer stakeholders have proposed a good number of recommendations as flowing:

Especially for Trade Unions:

- Generate workers and TU friendly appropriate knowledge and resources
- Inform, educate, and equip trade unions to effectively address worker's climate change and environmental issues and concerns both at living place and inside factories
- Initiate massive campaign to aware and mobilise RMG workers on climate change and environmental aspects
- Educate/aware yourself. Proactively engage in environmental stewardship
- Ensure proper training for workers and TUs to enhance their bargaining and negotiating skills on climate change and environmental issues in the bi-partite and tripartite processes
- Act to establish dedicated tripartite social dialogue to deal with legal matters in the RMG industries.
- Act to ensure workers and TU participation in all climate change and environmental legal formulation and implementation processes like green transition matter
- Develop common TU position paper and initiate strong policy advocacy and lobby
- Act to engage meaningfully at workers' living place particularly on climate change and environmental grievance mechanisms of RMG workers.

To Address inside Factories

- Arrange for proper heat and hotness control, ventilation, and air-cooling facilities.
- Ensure proper and rational use of chemicals. Address chemical odours.
- Ensure safe drinking water and proper healthcare facilities for workers.
- Address noise pollution at work.
- Address water pollution control. Establish functional ETP in the factories.
- Ensure effective wastes management and hygienic sanitation facilities in the workplace.
- Initiate to address smoke and dust control inside the factory.
- Establish a proper and responsive legal regime.
- Enhance strong monitoring systems.
- Ensure employers accountability to environment and climate change protection.

To Address at Community Level

- Build environmental and climate change awareness of worker's communities.
- Ensure proper waste management infrastructure, system and control.
- Develop the drainage system.
- Initiate to address already polluted water and air.
- Set standards, formulate rules/regulations for resource usage and inform the community.
- Take immediate steps to eliminate waterlogging
- Take appropriate measures for insects and mosquitoes' control.
- Takes measures to control noise pollution
- Ensure healthy and hygienic sanitation systems for the communities.
- Ensure proper social reforestation and protect and prevent heat waves.
- Engage employers and house owners in environmental protection in the community.
- Establish rules, ensure strict enforcement of rules and strict monitoring.
- Ensure accountability of the concerned local government institutions and authorities.

Conclusion

Climate change and environment degradation from RMG production processes are real. They are the two most fundamental challenges ahead. The contribution of the RMG industry to climate change and environmental degradation is well documented globally. There is however a serious lack of research and knowledge nationally. To better address this we need more

research-based facts and figures. We need to prepare our trade unions to effectively address them at work. These are more technical issues. To better adapt to an already-caused negative situation, it is a must to widen critically climate change and environmental awareness of general workers. This research offers a miniature endeavour to this need. This was one of the first of its kind to document RMG workers' climate migrants and to gauze climate change and environmental causes and vulnerabilities of workers at their current living place and inside factories. To the extent we have studied in-depth grievance mechanisms for climate change and environmental causes both at community and inside RMG factories as well as assess critically the skills and capacity of trade unions to address them properly at work.

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FUNCTIONALITY OF COMPLAINT COMMITTEES IN THE READYMADE GARMENT (RMG) INDUSTRY: A QUALITATIVE ANALYSIS

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Abstract
In 2009, the High Court Division of the Supreme Court of Bangladesh issued directives to form Complaint Committees (CCs) in all workplaces and educational institutions, both public and private, to address sexual harassment. This paper explores how well the CCs in the readymade garment (RMG) industry comply with these directives, their effectiveness in addressing sexual harassment, and the factors influencing their functionality. Based on case studies of eight committees, the paper finds that several issues impacting the CCs, including ambiguity in guidelines, insufficient awareness about the committees, the objectives behind forming the CCs in the factories, and practical challenges in implementation, such as underreporting of harassment cases and the tendency to bypass the CCs. The paper concludes that measures at both the workplace and national levels are required to strengthen and improve the role and functionality of CCs, thereby creating a safer and more responsive environment for women workers.

Keywords: Complaint Committee, Readymade Garments (RMG), Sexual Harassment

Introduction

Workplace harassment, particularly gender-based violence (GBV), remains a pervasive issue in Bangladesh's readymade garment (RMG) industry, which currently provides job opportunities for more than four million people, with women constituting 58% of this workforce (BIDA 2024). Generally, violence against women is among the most serious threats to overall development and progress in the country (FWF, 2015). Widespread violence and repression in numerous forms put women's lives at risk. They experience discrimination and violence within the household, at the workplace, and in society (FWF, 2015). According to the ILO Convention No. 190, "violence and harassment" in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual, or economic harm, and includes gender-based violence and harassment (ILO, 2019, art. 1a).

Women's employment in RMG has been seen as both emancipatory and empowering (Feldman 2009; Kabeer 1997; Kabeer and Mahmud 2004; Khosla 2009; Zaman 2001). However, at RMG workplaces, they face numerous challenges, including various forms of harassment and violence. Several studies have unearthed the prevalence of verbal, sexual, physical, and psychological harassment experienced by women workers (Datta 2023;

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Hossain et al. 2021). A recent study on women RMG workers indicated that 93% are victims of verbal harassment, 86.7% suffered psychological harassment, 32.6% reported sexual harassment, and 27.2% reported physical harassment in their workplaces (Hossain et al. 2021). Another study showed that 47% of women workers experienced sexual harassment; they are sexually harassed by both male co-workers and supervisors in a variety of ways (Basirulla and Tasnim, 2023). It is also important to note that many incidents of sexual harassment remain underreported. Basirulla and Tasnim's (2023) study explored that 43% did not comment on sexual harassment-related questions. They argue that considering the social stigma and potential loss of honour, most women are understandably reluctant to reveal sexually exploitative experiences (Basirulla and Tasnim, 2023).

Despite the serious nature of sexual harassment-related issues in workplaces, these are not adequately covered by existing laws (Akter et al., 2024; Rubya, 2014). To address this, the High Court of Bangladesh issued a landmark verdict in 2009 and provided 'Directives in the form of Guidelines' mandating all workplaces and educational institutions in both public and private sectors to form Complaint Committees (CCs) to handle complaints, conduct investigations, and make recommendations to prevent sexual harassment. The High Court instructed that these guidelines must be strictly followed until adequate and appropriate legislation is made in this field.

About fifteen years have passed since the High Court verdict, yet a complete law to prevent workplace sexual harassment has not been enacted. It is still unclear to what extent RMG factories are implementing this verdict and how the Complaint Committees (CCs) are operating. Indeed, reliable data on the exact number of CCs is scarce, as is information about their effectiveness. The Department of Inspection for Factories and Establishments (DIFE) does not report on the status of these committees. An estimate from the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) claims that 577 factories have established CCs (BGMEA, 2024), but this information is not updated, and there is a lack of details about their functionality. A report by Karmojibi Nari (KN) showed that only 24% of women workers were aware of the availability of complaint committees at their workplace (KN 2018), yet it lacked information on the operations and activities of these committees.

While there is extensive literature on the prevalence and nature of sexual harassment in the RMG sector, there is a significant gap in understanding the effectiveness and functionality of the Complaint Committees. This paper endeavours to fill that gap. It aims to explore how well these committees comply with the High Court's directives, their role in addressing sexual harassment, and the factors influencing their effectiveness. By addressing this gap, the paper seeks to provide insights into the current state of CCs in RMG factories and offer recommendations for improving their functionality to ensure a safer and more equitable working environment for women.

Legal Landscape of Complaint Committee (CC)

Bangladesh Labour Act 2006 is the primary instrument to ensure worker rights and protect

their interests in the workplace. However, this Act does not address the issues of sexual harassment, nor does it incorporate any provision on a complaint committee (CC). In 2009, a High Court verdict directed the formation of complaint committees' at all educational institutions and workplaces. The amendment of Bangladesh Labour Rules-2015 (amended in 2022) has incorporated the definition of sexual harassment and the provision of formation of complaint committees at workplaces, mostly in line with the High Court Verdict. Therefore, the high court verdict stands as the primary legal reference to complaint committees. Along with defining sexual harassment, the high court verdict delineates CC's, popularly known as the Anti-harassment Committee (AHC) in the RMG sector, structure, member selection process, as well as complaint receiving, investigation, and solution process. In the definition of sexual harassment, the high court directives have encompassed a wide vriety of areas including unwelcome sexually determined behaviour (whether directly or by implication) as physical contact and advances; attempts or efforts to establish physical relation having sexual implication by abuse of administrative, authoritative or professional powers; sexually coloured verbal representation; demand or request for sexual favours; showing pornography; sexually coloured remark or gesture; indecent gesture, teasing through abusive language, stalking, joking having sexual implication; insult through letters, telephone calls, cell phone calls, SMS, pottering, notice, cartoon, writing on bench, chair, table, notice boards, walls of office, factory, classroom, washroom having sexual implication; taking still or video photographs for the purpose of blackmailing and character assassination; preventing participation in sports, cultural, organizational and academic activities on the ground of sex and/or for the purpose of sexual harassment; making love proposal and exerting pressure or posing threats in case of refusal to love proposal; and, attempt to establish sexual relation by intimidation, deception or false assurance (The High Court Directives in the form of Guidelines, 2009, section 4.).

The High Court Directives (2009) specify that complaint committees (CC) are to be formed in all workplaces and educational institutions. The CC is to be formed including at least five members, with a majority of members from women and the head of the committee should be a woman, if available (sec 9b). The committee should have at least two members from outside the organization concerned, preferably from organizations working on gender issues and sexual abuse (2009, section 9c).

The complaint committees are entitled to receive complaints, conduct investigations, and make recommendations (The High Court Directives in the form of Guidelines, 2009, section 9a). The high court verdict requires that the complaint has to be lodged with the Complaint Committee within 30 working days of the occurrence; either the victim or the victim's relatives, friends, or lawyers can complain. Noteworthy, a complainant can file the complaint with a female member of the Complaint Committee separately (section 8c, 8d).

After receiving the complaint, the complaint committee will verify the complaints and the committee will undertake the following steps: i) in case of minor harassment, if it is possible, the Complaint Committee shall dispose of the complaint with the consent of the parties

involved and shall report to the concerned authority of the educational institution or workplace in the public or private sector; ii) in all other cases, the Complaint Committee shall investigate the matter; and iii) the Complaint Committee will have the power to send registered notice by mail to the parties and the witnesses, conduct hearing, gather evidence, and examine all relevant papers. In this type of complaint, apart from oral evidence emphasis should be placed on circumstantial evidence (section 10). Maintaining confidentiality and respecting the dignity of the persons concerned is key priority mentioned in the high court directives. The Complaint Committee must keep the identities of the complainant/s confidential. While recording the testimony of the complainant/s any question or behaviour which is intentionally based, insulting or harassing should be avoided.

There is a timeframe for submitting the investigation report by the Complaint Committee. CCs are required to submit the investigation report with recommendations within 30 working days to the concerned authority of the educational institution or workplace which may be extended up to 60 days where it is found necessary. The Complaint Committee will make decisions based on the views expressed by the majority of its members. The high court directives ensure that to effectively conduct the work of the Complaint Committee the related office of the educational institutions and workplaces in both public and private sectors will be bound to extend any cooperation which is requested from them.

Regarding the punishment, it has been prescribed in the High Court Directives (2009) that the Concerned Authority of the workplace may suspend temporarily the accused person and if the accused is found guilty of sexual harassment, the Concerned Authority shall treat it as misconduct and take proper action according to the disciplinary rules of all workplaces and the educational institutions in both public and private sectors within 30 (thirty) days and/or shall refer the matter to the appropriate Court or tribunal if the act complained of constitutes an offence under any penal law (section 11). It is also important that the Complaint Committees are required to submit annual reports to the Government on the compliance of the guidelines provided by the high court (section 9d).

Methodology

This paper employed a qualitative approach and is based on case studies of eight Complaint Committees (CCs). A multiple case study technique was employed to capture the diversity in the operations and activities of the CCs. The cases were selected purposively, considering various factors such as the availability of unions in the factory, ownership, partnership, and brand involvement. The case studies focused on issues like the structure of the CCs, including the member selection process, their functions and activities, the process of registering complaints, and settlement procedures, as well as limitations and challenges. In addition to the case studies, a total of eight key informant interviews (KIIs) were conducted to gain insights into the effectiveness and functionality of the CCs. Moreover, two focus group discussions (FGDs) were conducted to delve into the workers' understanding of the role of the CCs.

Findings from the Case Studies

Structure of the Complaint Committees

The CCs lack a uniform structure. We found that committees had members ranging from six to 35. Out of the eight (8) committees under this study, two committees had five members, one had six members, two had seven members, another two had 10 members, and another committee had thirty-five members.

Table 1: Structure of CCs

	Case 1	Case 2	Case 3	Case 4	Case 5	Case 6	Case 7	Case 8
Total member	7	5	7	35	6	10	10	5
Female member	3	4	5	30	3	5	7	3
External member	2	2	2	2	2	2	2	2
Committee head	Female	Female	Female	Female	Male	Female	Female	Male

According to the high court directives, the majority of members of compliant committees are to be women. However, not all CCs comply with this provision of the high court verdict. From the case studies of the eight committees, we found that five committees complied with this provision; a deviation was observed in three committees. Out of these three committees, two committees had an equal proportion of men and women members while in the other committee, the men members outnumbered the women members (Table 1). Among the eight committees, six were headed by women, while the remaining two were led by men. This indicates that not all committees comply with the provision set by the High Court verdict regarding the leadership of complaint committees.

The High Court verdict requires that each complaint committee must include two members from outside the organization. This provision is generally upheld in the existing committees. We found that all committees had two external members each.

Member Selection in Complaint Committees

The complaint committee (CC) members generally come from three sides— factory management, external members, and worker representatives. Although in the high court verdict, it has not been mentioned specifically whether worker representatives are to be included in the CCs formed at workplaces, generally the committees have incorporated the worker member. Out of the eight committees, we found seven committees having members

from all these three categories. The only one committee did not include any members from workers.

In the case of selecting the worker members in the CCs, the factory management plays the dominant role. However, it has been claimed that the factory management considers some factors while selecting the members. In this regard, the voice of the workers, their leadership role, and acceptance among the workers are considered as predominant factors. Indeed, this has been echoed in every interview with the factory management. However, another factor has been raised in the worker FGDs and even in interviews with some key informants. They pointed out that it is the relationship with the management that determines who would be recruited in the complaint committees.

It has also been observed that the workers' members/representatives hold multiple roles/positions in the factory. Mostly, these members are also the members of several other mechanisms/channels of workers' representation at the workplace such as the safety committee and participation committee (PC). Besides, it has also been observed that worker representatives in CC are also members of the executive committee of the TU available in the factory. In a case in Ashulia, it was found that the president of TU was included as a general member of the CC. Simultaneously, the TU president also serves on the factory's safety committee and canteen management committee. In another case in Mirpur, a factory management personnel explained the reasons for selecting a CC member with multiple roles within the factory as follows:

> She is a member of both the PC and the Safety Committee. She has good communication skills, and the workers feel comfortable approaching her. In addition, she has received training from a variety of sources.

From the factory management's perspective, it is beneficial to have individuals who are already part of several committees included in the CCs as well. These individuals are well known to the workers, who trust them and can easily communicate their problems. On the other hand, KIIs with TU have indicated that employers typically prefer assigning responsibilities to a few individuals to avoid disrupting the production process when their participation in various activities is required. This was also confirmed in an interview with factory management. A factory management representative in Ashulia stated:

> One person in several committees—this mode helps us not to engage more workers for the same purpose; adopting this strategy does not hamper our production.

Table 2: External members in CCs

External members' affiliations/background	Number of cases
Both members are from NGOs/CSOs	01
NGOs/CSOs and lawyer (primarily, legal advisors of the company)	05

NGOs/CSOs and local influential person	01
Both members are lawyers	01
Total	08

The study found that external members had been selected from NGOs/CSOs, lawyers, and local politically influential persons who do not have any connections to agencies working on gender and sexual abuse issues nor do they have individual expertise in these areas. In this study, we have found four (04) combinations in eight (8) cases. The following table presents the combinations, from which it has been evident that the imperative to include external members from organizations dedicated to addressing gender issues and sexual abuse is frequently overlooked.

Complaint Receiving and Investigation Process

Several techniques are applied to receive complaints from the workers regarding the harassment. The most common mechanisms include—a complaint box, the factories' own hotline/helpline, and the personal phone number of a designated person. It has been observed that out of the eight cases, every factory has a complaint box. In every case, a complaint box is placed in the washroom. The logic behind placing it there is to ensure the confidentiality of the workers who are dropping the complaints there. However, many key informants claimed that due to the CC camera surveillance workers fear to drop complaints at the box. Complaint boxes are open at the convenient time of the factory and the dates/period of the opening varies from factory to factory. A factory claimed that the box is opened every week; another factory claimed that it is opened every two weeks. The individuals who remain present during the opening of the box include representatives of PC, welfare officers, TU representatives, and other officials of the factory.

In many of the factories mobile number of the compliance officer/HR admin is given to workers and their numbers are attached to the notice board and factory walls so that workers communicate the harassment issues maintaining confidentiality. Besides, all of the factory management claimed that they maintain an "open-door policy" to receive complaints from the workers. According to them, workers in factories are allowed to complain to the authorities anytime.

Despite the low number of harassment complaints received by the CCs, these committees generally initiate an investigation process upon receipt of any formal complaint. Once a complaint is received, the investigation commences, encompassing both formal and informal mechanisms including conducting floor visits, attentively listening to both the victims and perpetrators, and subsequently informing the authorities about the decisions. From the case studies of eight (08) CCs, it has been observed that these processes are similar across all complaint committees.

Maintaining confidentiality during investigations is a major challenge for some CCs. According to the High Court verdict, CCs must ensure the confidentiality of complainants' identities. Nevertheless, preserving confidentiality poses a challenge, as identities are often disclosed during the investigation process. A management official of a factory in Gazipur informed:

> The main challenge is to keep/maintain confidentiality. ... although we try our best to keep the name of the complainer confidential when the investigation starts the identity of the complainer becomes open to many.

Several factors pose a threat to maintaining confidentiality within CCs. The committee's size, particularly when the number of members reaches 30, becomes a critical concern in upholding confidentiality. Additionally, there is a deficiency in providing adequate training to committee members regarding the investigation of harassment issues.

> Proper training and education are necessary for the CC to create harassment and abuse-free RMG factories in Bangladesh". (Interview with BKMEA official)

> Intensive training for awareness of the workers is necessary and there is a lack in this regard. There is a lack of adequate training on special investigation tools and techniques that the CC members are required to apply." (Factory management, Case 7, Narayanganj)

Records of Complaints and their Solutions by CCs

From the interviews with the members of CCs, including the representatives from both management and workers' side, it has been evident that sexual harassment-related complaints do not come to the CCs in a high volume. Factory management tends to present it as a positive aspect focusing that harassment incidents are rare in their respective factory. A compliance officer of a factory in Tejgaon, Dhaka informed— *"When we open the complin box, we find many simple complaints like lack of soap in the toilet; broken tap; unsafe water; however, harassment-related complaints remain very few, almost zero."* However, in contrast, the lack of reporting does not always mean absences of harassment, as claimed by CSO representatives, workers in FGDs, and external members of the AHCs/CCs. In their views, women workers often do not feel comfortable and safe as well to complain about harassment.

During the FGDs with workers, many of the participants have informed despite being the victims of harassment, women workers are not interested in complaining because it would stigmatize them and could degrade their position both in their families and workplaces. Furthermore, the victims also become anxious about job security. In this regard, a key informant explained the victim's reluctance to complain in the following way:

> The most significant reason is the fear of losing employment. This is true for the workplace. Besides, there is also a social issue. In our societal system, the victim is subjected to victim-blaming.

The reluctance of women to formally complain about harassment incidents poses a challenge for the CCs to work effectively. A factory management official, who is also the head of the CC in the factory, explained:

> This is a common challenge. … If workers face any kind of sexual harassment, usually they deny the incidents officially. But they usually come to the management to lodge complaints and request to solve the case unofficially. (Interview with factory management, Case 8, Narayanganj)

Here it is important to mention that in some instances, even if the victim of harassment does not directly complain, their co-workers inform the concerned persons in the factory about the incident. Among the eight cases of CCs, in one case the CC members described how a harassment incident was observed and reported by the victim's colleagues (Case 3, Gazipur).

Complaint resolving data were not readily available in the committee we studied. None of the committees could provide data on the number of cases or complaints they had received and resolved, and this was consistent across all types of factories. Furthermore, most committees struggled to provide concrete examples of successfully resolving issues through their initiatives. When asked about cases resolved by the CCs, members initially referred to certain incidents but later clarified that those cases of harassment had been resolved through alternative means, not by the CCs.

Indeed, harassment issues are often settled by the management, bypassing the CCs. As mentioned earlier, harassment complaints brought to the CCs are very infrequent. When such cases do arise, they are often resolved through the intervention of factory management or authority. This indicates that despite the presence of CCs in the factory, the committees are not always given the opportunity to address harassment issues. (Case 1, Case 7)

Notably, factory management overwhelmingly asserts that sexual harassment incidents are rare. They claim that despite having mechanisms like complaint boxes and committees, few complaints are received due to the friendly relationships among workers, co-workers, and management. It's important to highlight that only one out of the eight CCs examined in this study could provide a detailed record of a complaint successfully resolved by the committee.

The case studies revealed a significant breach of the high court's directives that require the CCs to submit annual reports to the government. None of the eight CCs has ever forwarded such reports to the government. This violation stems from a lack of awareness among both the CCs and factory authorities regarding this mandate. Additionally, there is a lack of clarity about which ministry requires these reports and the absence of a specified reporting format. Overall, the implementation of this requirement is entirely non-existent.

> "Our CC doesn't submit any report to the government. Factories are not aware yet. We don't know about the reporting mechanism to any government authorities" (Factory management, Case 8)

> "… officially we have not got any information about the complaints/number of complaints filed, case solving history/records, procedure etc." (Interview with DIFE official)

It is important to note that the inspection checklist utilized by DIFE (Department of Inspection for Factories and Establishments) lacks comprehensiveness in assessing the functionality and effectiveness of CCSs in workplaces. The checklist primarily emphasizes the presence of such committees rather than evaluating their operational efficiency. Furthermore, the annual reports issued by DIFE lack information concerning CCs.

Discussion of the Findings

The case studies of eight committees have uncovered several issues impacting the overall functionality and effectiveness of the complaint committees (CCs) at RMG factories. While the High Court verdict stands as the primary legal reference for the CCs, numerous practical concerns remain unaddressed within its guidelines and lack coverage in any other legal or policy framework. For instance, the directive does not stipulate the maximum number of committee members. Consequently, factories struggle to fix the total number of members while forming the CCs. To address this challenge, factory management considered several factors to determine the number of workers in the CC, which included the total number of workers, lines, floors, and work divisions. Indeed, some factories initially considered the formation process of the participation committee (PC) as a guiding direction to form the CC.

The lack of a comprehensive outline for the selection process, requirements, and desired qualifications for complaint committee members is evident, resulting in factories adopting various methods to select CC members. The directives only provide guidance for external members, without specifying the necessary personal qualities and experiences of these members or clarifying the number of committees an external member can be associated with. Therefore, strong affiliation with management has been the dominant criterion for external member selection, and often external members are overburdened in terms of the number of CCs they are associated with. For example, in an interview, the interviewee claimed that she had been performing as an external member for at least 80 AHCs/CCs, which raises the question of how effectively she could play her roles.

Although most committees include worker representatives, it is ambiguous whether their inclusion is mandatory. Factory authorities select worker members from trade unions, safety committees, participation committees, and canteen management committees. As the worker members play multiple roles in several committees, it becomes difficult for them to differentiate the issues coming to them according to the committees concerned. Workers bring all sorts of problems and issues to them, many of which are not under the scope of complaint committees.

The non-compliance with the legal provisions can be explained from two aspects—lack of awareness and the actual purpose of forming the complaint committee at the workplace. The lack of awareness has been remarkable in areas like who would be the head of the committee, what would be the complaint investigation procedure, and how to maintain confidentiality. Further, CC members and factory authorities do not know that they are required to submit annual reports to the government. It is worth mentioning that the High Court verdict did not stipulate to which authority of the government the CCs would report. On the other hand, regarding the purpose, when the factory authorities formed the CCs, many of them did not know the legal requirements; they hastily formed these committees to fulfill the requirements of the buyers. A management personnel of a factory in Narayanganj informed that buyer requirements and pressure, as well as NGO intervention, were the foremost reasons for forming a complaint committee in the factory. It has also been proved that some external interventions from CSOs/ETI/Fair Wear Foundation helped some committees to make their structure compliant.

Although complaint boxes are available in factories, they are not the appropriate mechanism to collect harassment-related complaints. On the one hand, the number of complaints is low, and on the other hand, the available complaints are not about harassment but rather workplace-related issues. The probable reason is that the complaint boxes in the factories are for general/common purposes, and there is no dedicated complaint box to receive harassment-related complaints. This has also been evident in an interview with factory management: *"Most of the complaints are related to low wages, complaints about why overtime has been reduced, and wages against annual leave. Even we get complaints about why the music system is off on the floor."*

The underreporting of harassment cases to complaint committees requires special attention. While the factory management perceives this as positive, insights from CSO representatives, worker focus group discussions (FGDs), and external members of CCs contradict this view. They assert that underreporting does not imply an absence of harassment; rather, it is due to practical concerns such as fear of stigma and job loss among women workers. Therefore, it could be argued that the CCs have not been able to create an environment where women workers could freely complain about harassment incidents. The unfavourable social circumstances for women are also responsible in this regard. Whatever the reason, the reluctance to report impedes the effective functioning of the CCs. Additionally, employer dominance also impacts the CCs' ability to play their role. It has been evident that harassment cases are often settled by management without involving the CCs, limiting the committees' scope in addressing such issues.

Conclusions and Recommendations

The functionality and effectiveness of the complaint committees at RMG factories are significantly hindered by a lack of clear guidelines, insufficient awareness, and practical challenges in the implementation process. The ambiguity in the selection process and qualifications for committee members, the overlapping roles of worker representatives, and

the improper mechanisms for reporting harassment all contribute to the committees' ineffectiveness. Furthermore, the underreporting of harassment cases and the dominance of factory management in settling issues outside the committees further restrict their ability to address and resolve complaints appropriately. Addressing these challenges is essential for creating a safer and more responsive environment for women workers.

This paper recommends initiatives at both the workplace and national levels to strengthen and improve the complaint committees' role and effectiveness. The factory-level imperatives are: i) establishing a safer environment so that women workers can report harassment incidents without fear; ii) providing comprehensive training for CC/AHC members in complaint handling, investigations, and confidentiality maintenance; iii) strengthening documentation and case record-keeping for CCs; and iv) ensuring the active participation of external members in committee meetings. The required initiatives at the national level are: i) developing a standard operating procedure (SOP) for CCs delineating the committee structure, member selection, and reporting procedures; ii) establishing a designated reporting authority and standardized reporting format for CCs; iii) ensuring rigorous monitoring by government authorities, expanding inspection checklists for comprehensive evaluation of CCs, and including this in the annual reports of DIFE; iv) employers' associations to effectively monitor, mandate reporting, and invest in capacity building for AHC members; v) brands and buyers to support for advanced training of CC members, prioritize CCs in audits, and ensure regular follow-up; vi) and facilitating regular social dialogues among stakeholders.

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THE STATE OF LEGAL COMPLIANCES AND WORKERS' SECURITY IN THE SHIPBREAKING YARD OF BANGLADESH: AN EMPIRICAL ANALYSIS ON SITAKUNDA, CHATTOGRAM

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Abstract

The shipbreaking industry in Sitakunda, Chattogram, is one of the prime industries in Bangladesh's economy, providing both vital raw materials and substantial employment opportunities. Since its inception, it has been full of challenges concerning legal compliance and the safety of its workers. The present study aims to empirically assess the state of legal compliance and workers' security at the shipbreaking yards. This study was conducted using a mixed-methods approach coupled with a structured survey of fifty-three workers and KII with twelve stakeholders in the industry. The existing legal framework and its implementation show huge gaps; workers are at substantial risk in most of the yards concerning the level of safety standards. The enforcement of labour laws is significantly lacking, and there are unusual ways of imposing fines. These findings call for more regulatory enforcement and safety measures, future research, and monitoring mechanisms for the workers' welfare.

Keywords: Shipbreaking, Legal Compliance, Worker Security, Occupational Safety, Hazards etc.

Introduction and Background

The shipbreaking industry in Sitakunda, Chattogram, began its journey in the 1960s (Das & Shahin, 2019) and played a significant role in the steel production and raw materials for various national industries of Bangladesh. It was noted that the shipbreaking industry provides much of the steel supply, which accounts for 90% of the total steel supply of the country. This is one of the biggest reasons for the substantial attention it has gained (Rabbi & Rahman, 2017). At the same time, it is a matter of informality, the transformation of the labour market in developing countries, and environmental concerns (Bhuiyan & Hassan, 2018). According to (Muhibbullah, 2013), this industry employs over 200,000 direct people in the country and supports around 600,000 people indirectly in the associated and allied sectors. Therefore, the economic contribution of this industry is also enormous.

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While the industry bears significant economic importance, it is often characterised by legal and environmental issues. The absence of a robust legal framework for the industry has resulted in massive environmental degradation, and the rights of the workers are consistently violated. The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, is expected to create a comprehensive legal framework for ship-breaking activities. The legal framework is intended to address the various stages involved in the activity (Mishra, 2018). The Bangladesh Ship Reprocessing Act 2018 made some efforts to address these challenges. The Act introduces regulations to improve safety and the environment. However, the implementation has not been consistent, and enforcement has been weak due to the access of regulatory influence by the industry players (Islam, 2019). Ship-breaking has been shifting from Europe and the United States to South Asian countries due to low cost and environmental regulation. The global shipping industry depends on developing nations to dispose of end-of-life vessels, which will no longer float in the seas. Regulatory bodies have developed legislation to regulate the process, though the regulation remains low in Bangladesh and Pakistan (Siddique, 2020). To remedy the challenge, the regulatory bodies have developed legislation to regulate the process, though the regulation remains low in Bangladesh and Pakistan (Vladimirova & Zhang, n.d.).

Some authors emphasise that orderly records and relevant disclosures are necessary to understand Bangladesh's shipbreaking industry thoroughly. Indeed, (Abdullah et al., 2013) and Rabbi & Rahman, 2017) describe shipbreaking as disassembling old ships to recover materials for reusing and recycling. The entire process is hazardous due to a broad range of risk factors. The chemical, physical, biological agents, psycho-social, and organisational factors expose these workers to extensive risk, and the work environment in the shipbreaking yards is hazardous and predisposes workers to extensive health risks (Das & Shahin, 2019). For this reason, it is perceived as a shady industry with a reckless approach to environmental pollution, health, and safety concerns (Roy et al., 2022). Numerous studies have demonstrated that hazardous working conditions have led to severe health and environmental risks, such as injuries and diseases to workers, and pollution and negative ecological impact on the industry (Das & Ali Shahin, 2019; Uddin, 2021, in Hossain & Islam, 2006). Furthermore, there are primitive working conditions, and the lack of required control mechanisms in shipbreaking yards intensifies environmental and occupational health hazards. Toxic elements, such as asbestos and heavy metals, are often met, and these cause long-term problems, such as cancers and respiratory problems. Often, accidents occur due to a lack of adherence to safety at work and inadequate safety tools. The prominent levels of injuries and fatalities have consistently indicated the need to scale up safety mechanisms and train workers on the same (Muhibbullah, 2013).

The regulatory frameworks and compliance measures shall be vetted to address the health and safety challenges in the ship-breaking industry. Compliance of ship-breaking yard owners with legal instruments and the realisation of a safe working environment is vital in ensuring the health and safety of all workers (Chowdhury et al., 2020). According to the International Law and Policy Institute (2016), shipbreaking yards' human rights and environmental impacts

in Bangladesh, India, and Pakistan need best practices, increased international cooperation, and improved sensitisation.

The shipbreaking industry also affects communities living around the yards. These activities in Bangladesh have caused massive environmental impacts, including water pollution from ships (Talukdar et al., 2015). This environmental pollution affects local ecosystems by deleting marine life and biodiversity. Furthermore, the socio-economic situation of the workers is poor, with many of the workers having shallow standards without access to essential services, including clean water and health, further deteriorating the social inequalities within the region (Rabbi & Rahman, 2017).

Although the shipbreaking industry in Bangladesh is an important economic activity, there are significant issues of legal compliance, security, and safety of workers, as well as environmental sustainability. For the government, stakeholders, and international bodies, coordinated action is necessary to design practices that are simultaneously sustainable and safe for the economy, workers, and local communities. This study fosters this strand through the intricacies of legal compliance and worker security, which are fraught with many risks and challenges. This research will seek to provide insights and recommendations that can be used in Bangladesh's safe and more sustainable shipbreaking industry by reviewing various laws and regulations and using empirical analysis from the surveys and interviews conducted among the stakeholders.

Research Objectives and Questions

The primary objective of this study is to assess the current state of legal compliance and workers' security in the shipbreaking yard of Sitakunda, aiming to pinpoint the gaps and challenges in upholding legal rights standards for workers. Specifically, it seeks to:

i. Assess workers' and stakeholders' perceptions, experiences, and expectations regarding legal compliance and security measures in place.
ii. Investigate the health hazards associated with shipbreaking activities and their impact on workers.
iii. Review and evaluate the existing legal framework governing the shipbreaking industry in Bangladesh concerning its effectiveness in safeguarding workers' rights.
iv. Propose recommendations to enhance the industry's legal compliance and worker security.

This study is conducted by adopting the following research questions:

i. What are the leading security and health hazards workers face in Sitakunda's shipbreaking yards?
ii. What challenges hinder implementing and enforcing existing laws and regulations?
iii. How do workers and stakeholders perceive the effectiveness of current legal compliances and security measures?
iv. What recommendations can be made to improve the industry's legal and security standards?

Methods and Materials

For this research, we have adopted a mixed-methods design, a comprehensive approach that allows for a thorough analysis of the shipbreaking industry in Sitakunda, Chattogram. This method is particularly suitable for developing a deep understanding of the research problem through statistical calculations and in-depth qualitative insight (Creswell & Creswell, 2018). The quantitative data was collected from fifty-three (53) workers randomly selected from the various shipbreaking yards in Sitakunda. The sample size was randomly selected because they are often temporarily employed by third-party contractors and express reluctance to participate in interviews due to concerns about job security. Furthermore, some yard owners restricted the research team from collecting data on these sensitive topics, requesting superfluous documentation from high-level government officials and written permission to access the yard. The perceptions and experiences concerning legal compliance were collected. In turn, qualitative data were collected through semi-structured interviews of twelve (12) key informants from the yard managers, workers leaders, environmental experts, and local government officials for insights into legal and operational frameworks.

Quantitative data have been interpreted with the assistance of the statistical software SPSS (Version 27) using descriptive statistics to examine the associations of the variables related to workers' safety and compliance with the legal requirements. Qualitative data have been transcribed and analysed thematically. This helped in finding the key themes and patterns regarding the perceptions of stakeholders and the challenges of implementing safety regulations. The participants were informed about the purpose of the study, and they were assured of the anonymity and confidentiality of the information. The consent of the participants was also taken before they participated in the study. In addition, the study identifies the biases related to self-reported data and the biases relating to the study's environmental assessment by including just a few geographical areas. Therefore, we recommend that future research should cover more areas in terms of environmental sampling, including longitudinal data for changes over a period.

Findings and Analysis

The present study, which aims to assess the status of legal compliance and workers' security in the shipbreaking yards, is significant. It sheds light on the challenges concerning upholding legal and safety standards, providing crucial insights for all stakeholders.

Demographics of Shipbreaking Yard Workers

The study surveyed fifty-three shipbreaking yard workers representing diverse ages, education levels, and occupational roles. Many workers are 25-34 years old, constituting the most prominent group at 41.5%, followed by those aged 35-44 years at 32.1%. Only a tiny fraction, 5.7%, are aged 45-54. This age distribution suggests that the industry relies heavily on the physical capabilities of younger workers due to the demanding nature of the work. Educational

levels among shipbreaking workers are low. Over half (52.8%) have only completed primary education, 26.4% have secondary education, and a sizable portion, 13.2%, have no formal education at all. The low educational attainment can be attributed to economic pressures pushing workers into the labour market early. No formal education highlights a potential barrier to awareness and understanding of safety regulations. The income distribution shows that 35.8% of workers earn between 30,000 and 39,999 BDT per month, while 28.3% earn between 10,000 and 19,999 BDT. A smaller group, 11.3%, earns less than 10,000 BDT, which is insufficient given the cost of living. These figures suggest that while some workers earn a moderate income, a considerable portion still struggle financially.

Occupational Status and Tenure

Most respondents (96.2%) are shipbreaking workers, including helpers and divers, with a mere 3.8% holding managerial positions. This indicates a clear demarcation between labourers and management, highlighting the labour-intensive nature of the industry. Very few occupy supervisory roles, managing labourers, overseeing operations, and ensuring safety. They are responsible for coordinating the dismantling of ships, managing the supply chain and overall workload, and cutting ships into pieces for delivery. These findings indicate that supervisors and lead workers in shipbreaking yards play crucial roles in overseeing the dismantling process, managing the workforce, and ensuring the efficient and safe operation of the yard. As per the present study, half of the workers (50.9%) have been in the shipbreaking industry for 1-5 years. The rest of the segment is more minor, with 26.4% of the workers in the industry for 6-10 years, whereas 15.1% have over 10 years. Only 7.5% of the respondents are newcomers with less than a year's experience. To a reasonable extent, this shows a high rate of turnover in the industry and the fact that there could be accumulative occupational health risks among longer-serving workers.

Human Resources Development and Labour Relations in Shipbreaking Yard

Human resource management appears to be a juggle involving a mix of direct hires and third-party contract hires. Some yards depend on third-party contractors for unskilled or semi-skilled labour, while others have a mix of direct hires and contracted employees. Generally, direct hires have more benefits than contractors and provide labour daily. Many do not have formal contracts or agreements with their employers, only verbal agreements, leaving them vulnerable to exploitation and abuse. Even with a workforce in place, ensuring proper training and skill development is crucial for both worker safety and overall performance. Nearly half of the respondents (49.1%) have received training on safely handling hazardous materials, yet a similar percentage have not. The training provided primarily covers basic safety, such as fire safety and hazard identification, with a limited focus on handling specific hazardous materials like asbestos. Consequently, many workers feel unprepared (45.3%) or unprepared (34%) to oversee potential hazards.

Motivating these workers and achieving consistent results can be another hurdle, especially with a less experienced group. Regardless of the employment model, KIIs intend to maintain positive labour relations, fair wages, reasonable working hours, compensation, safe working

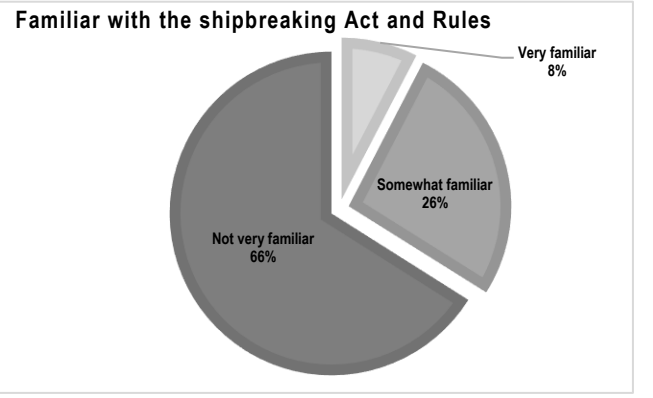
conditions, and opportunities for professional development. Providing healthcare and living conditions is essential to retaining a satisfied and productive workforce. Unfortunately, high turnover rates are often a reality, further disrupting operations and requiring constant recruitment and training efforts.

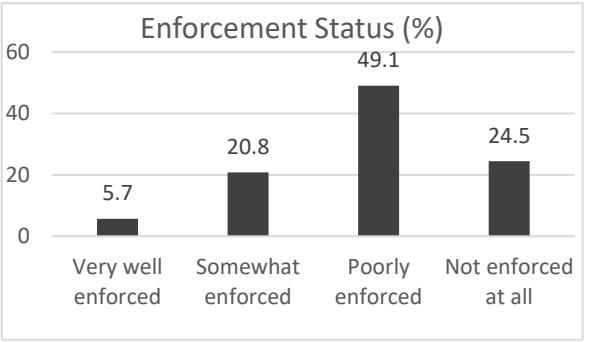
Working Environment, Safety Measures and Equipment

Due to the hazardous working environment, the shipbreaking industry faces a critical need for enhanced safety protocols. Workers are exposed to toxic substances like asbestos, lead, and mercury and suffer from a lack of adequate personal protective equipment (PPE) and training. Poor enforcement of safety regulations increases the risks of accidents due to falling debris and machinery. KII (workers) opine that some safety measures, such as PPE, including helmets, gloves, suits, respirators, safety training, and fire safety measures, are provided (KII-09).
About 64.2% of the respondents say that the PPE is well maintained and working, and an alarming 35.8% think otherwise, indicating inconsistency in the safety measures. According to KII (owner), some yards provide additional equipment, such as fire extinguishers, masks, medical facilities, and specialised suits (KII-01). However, caution is raised about using the provided equipment in hot weather or other conditions that are not readily available or applicable. The current provisions are, therefore, seen as inadequate to adequately curb the severe risks.

Awareness of Legal Rights and Entitlements

There is a vast knowledge gap in awareness of laws and regulations that operate in the industry. Most workers do not know their rights and the legislative protections that are accorded to them. Without such knowledge, it is hard for workers to push for employer accountability and adhere to safety and labour standards. According to the study, 83% of the respondents were not knowledgeable about the national and international regulations on safe shipbreaking practices. Additionally, 8% of respondents reported being "Very familiar" with the Shipbreaking Act and Rules, 26% reported being "Somewhat familiar", and 66% reported being "Not very familiar". Similarly, 20.8% of the respondents were aware of the regulations regarding the disposal of waste materials generated in the process of shipbreaking, while 79.2% were unaware. This lack of awareness pertained to critical risks for complying with the legislation, workers' safety, and protection.





Even knowledgeable people express concerns about the effectiveness and enforcement of these regulations, as they often witness violations of safety standards and labour rights. A considerable portion (73.6%) think that regulations are poorly enforced or not enforced. While only 26.5% of respondents believed that regulations are "Very well-enforced" or "Somewhat enforced". Moreover, this perception is supported by the high percentage (79.2%) who have witnessed non-compliance with safety regulations. Hence, there is a need for increased awareness of the laws and regulations governing the shipbreaking industry among workers.

Incidents, Hazards, and Support

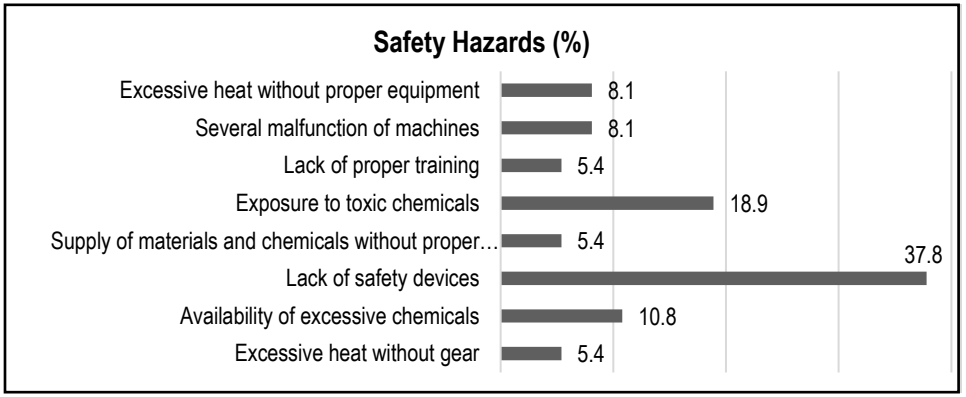
Chemical spills (29.2%) and explosions (18.9%) are the most frequently observed hazards. The most violated safety regulation is using proper personal protective equipment (PPE), as reported by 59.5% of respondents. Poor infrastructure and equipment maintenance are the primary causes of incidents, cited by 37.7% and 30.2% of respondents, respectively.

Table 1: Witness incidents or hazards in shipbreaking yards

Witness incidents or hazards	Responses		Percent of Cases
	N	Per cent	
Fire	11	10.4%	20.8%
Explosion	20	18.9%	37.7%
Electric shock	8	7.5%	15.1%
Chemical spill	31	29.2%	58.5%
Falling object	12	11.3%	22.6%
Machinery malfunction	12	11.3%	22.6%
Injury or illness	12	11.3%	22.6%
Total (Multiple Response)	**106**	**100.0%**	
Total Number of Respondents (N): 53			

The following figure represents data on the perceived most significant safety hazards in a workplace. The most common hazard is the lack of safety devices, which accounts for 37.8% of all hazards. This is followed by exposure to toxic chemicals (18.9%) and the availability of excessive chemicals (10.8%). The least common hazards are machine malfunctions, lack of

proper training, supply of materials and chemicals without proper equipment, and excessive heat without proper gear, accounting for 5.4% of all hazards.



Poor infrastructure or equipment was the most common source of incidents or hazards in the shipbreaking yard, accounting for 37.7% of cases. This was followed by inadequate maintenance or inspection (30.2%), insufficient training or supervision (9.4%), negligent behaviour (15.1%), and high pressure or demand (7.5%).

The survey respondents and KIIs report a high incidence of accidents and injuries in shipbreaking yards. These accidents may range from minor cuts or bruises to fatal conditions or damage, such as fractures, burns, and exposure to harmful chemicals. Some of the accidents led to death, while the rest led to permanent disability. The significant consequences or impacts of the incidents or the hazards in the shipbreaking yard are presented in Table 2. The most occurring result is loss of life or property, 54.7%. Then it is followed by damage to health or environment, 41.5%, and after that decrease in quality or efficiency, 11.3%.

Respondents also indicated that access to necessary medical and financial support is problematic for an injured or sick worker. Some employers grant medical treatment and even compensation, whereas some do not. The availability and quality of support in such cases depend on an employer's commitment to the safety and well-being of workers.

Table 2: Results of Accidents and Injuries in the Shipbreaking Yard

Main consequences	Responses		Percent of Cases
	N	Per cent	
Loss of life or property	29	50.9%	54.7%
Damage to health or environment	22	38.6%	41.5%
Decrease of quality or efficiency	6	10.5%	11.3%

Total (Multiple Responses)	**57**	**100.0%**	
Total Number of Respondents (N): 53			

Legal Compliance: Main Challenges and Barriers

Several national laws and regulations govern the ship-breaking industry in Bangladesh: the Bangladesh Environment Conservation Act of 1995, the Bangladesh Labour Act of 2006, and the Ship Breaking and Ship Recycling Rules of 2011. Recently, in 2018, the Bangladesh Ship Reprocessing Act was also enacted. The study revealed a significant gap between existing legal frameworks and their implementation. Many respondents (48.0%) believe that specific legal compliances are not being followed adequately. Yard owners and government agencies (Dept. of Environment/Labour) were identified as the primary entities responsible for ensuring compliance, with 75.5% and 79.2% of respondents holding them accountable. The following section strives to analyse the existing legal instruments and compliances in practices.

Authority (Board): The Ship Building and Ship Recycling Board (SBSRB) and the Bangladesh Ship Reprocessing Board (BSRB) work under the Ministry of Industries to oversee shipbreaking activities. These boards are one-stop service providers that are actively operational and have a noteworthy role in controlling and administering the industry and safeguarding compliance with legal obligations and safety protocols (Sec. 4, SBRR, 2011; Sec—6.1& 6.2, BSRA-2018).

No Objection Certificate (NOC) Issues: Yard owners must acquire a No Objection Certificate (NOC) from SBSRB before importing ships for breaking and recycling. This process incorporates various document submissions, including environmental clearance certificates, the ship's details, the MoU with the buyers, and inventories of hazardous materials. While this provision intends to ensure environmental and safety compliance, yard owners sometimes face challenges getting the necessary NOC (KII-01).

Management of Hazardous Wastes and Materials: Managing hazardous wastes and materials is a collective effort between the Department of Environment and SBSRB, which conjointly inspect ships for hazardous materials and issue environment clearance certificates (Sec-3.3, SBRR-2011). The Ship Recycling Plan must also describe assessing, handling, and dumping hazardous materials and litter (Sec-11.2, SBRR-2011). Compliance with this provision is in practice across the industry, though occasional instances of non-compliance need addressing (KII-02).

Ship Recycling Plan (SRP): Before starting demolition, yard owners must present a Ship Recycling Plan (SRP) and acquire a permit for the SRP (Sec-3.5, SBRR-2011). This ensures that recycling tasks are undertaken carefully and environmentally responsibly. Compliance with this requirement is widespread, with all shipbreaking yards adhering to the submission and approval of SRPs (KII-03).

Appointment of Workers: Only skilled and experienced labourers with certifications from authorised institutes supervised by the SBSRB can work in the shipbreaking yards. Additionally, unskilled workers supplied by contractors must also receive proper training (Sec-17.1, SBRR-

2011). Despite this, some yards rely on third-party contractors, leading to a mix of both skilled and unskilled labour, potentially compromising safety and efficiency (KII-12).

Sanitation and Restroom Facilities: Ship Recycling Facility Plans must include provisions for sanitation and restroom facilities for a minimum of fifty workers (Sec-15.2.c, SBRR-2011). However, these facilities are often inadequate, dirty, and poorly maintained, highlighting a significant gap between regulatory requirements and actual conditions in many shipbreaking yards (KII-9).

Safe and Clean Drinking Water: Yard owners must provide adequate facilities for safe drinking water, sanitation, housing, and canteens for their workers (Sec-13.3, SBRR-2011; Sec-24, SBRR-2011). Despite this requirement, fresh drinking water and other essential provisions are often lacking, violating labour law provisions and compromising worker health and safety (KII-10).

Workers' Change and Refreshment Rooms: The SRFP must include facilities for workers to change and refresh, ensuring essential comfort and hygiene standards are met (Sec-15.2, SBRR-2011). Unfortunately, most yards do not provide such facilities, and when they do exist, they are often of a low standard, reflecting a need for improved compliance with this regulation (KII-12).

First Aid Facilities: First aid facilities are a mandatory component of the SRFP and require approval by SBSRB (Sec-15, SBRR-2011). Despite the high-risk nature of shipbreaking work, employers and workers often neglect safety measures, resulting in inadequate first aid provisions and a higher incidence of workplace injuries (KII-04 & 08).

Fire Fighting/Emergency Response System: Yards must have firefighting and emergency response systems, including oil spill combat systems, as part of their operational setup (Sec-15.2. g, SBRR-2011). This regulation is followed, with most yards equipped to oversee emergencies, enhancing overall safety standards (KII-05).

Materials Handling Equipment/PPE: Adequate personal protective equipment (PPE) and material handling equipment must be provided, and workers must receive proper training from designated institutes (Sec-15.6.d, SBRR-2011). However, many employers do not provide sufficient PPE, with some offering minimal amounts, compromising worker safety and violating regulatory standards (KII-11).

Shifting Duty: Worker shifts in shipbreaking yards must comply with the Labour Law 2006, ensuring fair and regulated working hours (Sec-17, SBRR-2011). This provision is widely followed across the industry, contributing to better labour practices and worker welfare (KII-2).

Notification of Work-Related Injury: All occupational accidents must be immediately reported to SBSRB, ensuring prompt response and proper action (Sec-30.5, SBRR-2011). Most yards follow this provision as it has been made mandatory (KII-09).

Yard Establishment: Shipbreaking yards must be set up in designated zones with government permission, as the regulations prescribe (Sec-4.1, 5.1 & 5.2 BSRA-2018). While most yards

comply with this provision, some violations are observed, indicating a need for stricter enforcement and monitoring (KII-10).

Inspection: The Department of Environment conducts inspections of all vessels in cooperation with SBSRB before issuing an Environmental Clearance Certificate (Sec-9.3, SBRR-2011). Regular inspections are conducted to ensure compliance (KII-03), though occasional malpractices are noticed (KII-07), suggesting room for improvement in the inspection process.

Bima and Compensation: Yard owners must provide life insurance (Bima) (Sec-20, BSRA-2018) and compensation for workers (Sec-30.5.b, SBRR-2011), with specific provisions for several types of injuries and disabilities (Sec-15, SBRR-2011). While compensation is provided (KII-01), it often does not fully meet the laws and rules, highlighting a gap in implementing worker benefits and protections (KII-06).

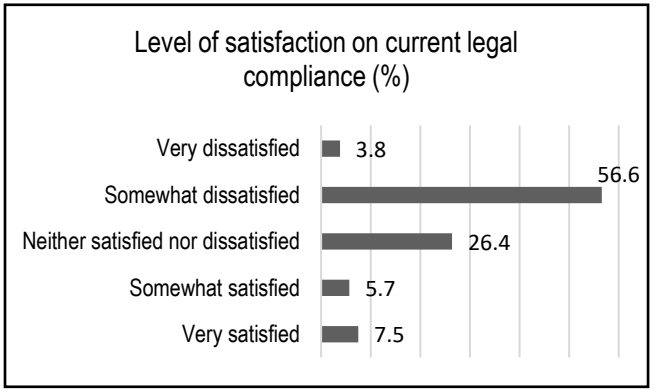
Offence and Punishment: Various penalties and fines are prescribed for violations, including imprisonment, fines, and penalties for negligence (Sec-45.3, SBRR-2011) and false declarations (Sec-46.12, SBRR-2011). Although punishments and fines are imposed (KII-10), economic and political influences sometimes enable yard owners to evade full accountability (KII-12), undermining the regulatory framework and enforcement efforts (KII-08).

The study found key challenges and barriers hindering legal compliance and worker security in the shipbreaking yard. The most cited challenge was "Lack of awareness or knowledge", identified by 54.7% of respondents. This highlights the need for comprehensive awareness-raising initiatives targeting both workers and employers. Other significant challenges included "Lack of resources or capacity" (7.5%), "Lack of incentives or benefits" (11.3%), and "Lack of enforcement or monitoring" (26.4%). Addressing these challenges requires a multi-pronged approach involving government, industry stakeholders, and civil society organisations.

Workers' Rights and Satisfaction

There is a near-even split between those aware (50.9%) and those unaware (49.1%) of their rights regarding compensation for work-related injuries. More than half (54.7%) have faced payment, working hours, or other labour rights issues. Furthermore, many workers (71.7%) do not receive any benefits from their employer, such as health insurance.

Workers' satisfaction with security measures is low, with 71.7% expressing dissatisfaction. Similarly, the overall working conditions in the shipbreaking yards are rated as poor by 58.5% of respondents. The most notable figure is that the majority, 56.6% of respondents, are somewhat dissatisfied. This suggests that a considerable portion of the population sees improved legal compliance. Only a tiny fraction, 7.5%, are very satisfied, showing that very few find the current state of legal compliance excellent, highlighting the need for improved enforcement and protection of worker rights.



Respondents' Suggestions for Improvement of Legal Compliance

Respondents suggest several measures to improve compliance, including regular and effective monitoring (33.8%), proper inspections (28.8%), and ensuring worker-friendly regulations (11.3%). Addressing corruption within regulatory agencies is also emphasised. To enhance worker safety, recommendations include prompt government action (33.9%), ensuring fair treatment for workers (21%), and fostering better collaboration between owners and workers (12.9%). Increasing worker salaries (4.8%) is also suggested to improve overall safety and well-being. KIIs highlight enhanced transparency in permit issuance and stakeholder collaboration (KII 4 & 9). Additionally, promoting technological adoption, providing financial support to yards, and collaborating with international organisations is crucial for improving the industry's safety, sustainability, and competitiveness (KII 11 & 12).

Conclusion and Recommendations

The shipbreaking industry in Bangladesh faces significant challenges in ensuring legal compliance and workers' safety and security. Our empirical findings illuminate critical insights into this vital sector's conditions, challenges, and opportunities. The findings reflect the economic necessity and occupational hazards of poor regulatory enforcement. All these are breeding grounds where workers in hazardous conditions face several dangers, are unprotected or inadequately protected, and are unaware of safety. The worker is made more vulnerable because economic pressures put tremendous stress on low wages, lack of benefits, and long hours. One of the most significant impediments to change in this respect is the gap between policy and practice. However, a safer, fairer, and environmentally sustainable shipbreaking industry is the hope of all workers and stakeholders.

For this reason, this study offers a multidimensional approach improvement which includes are not limited to:

(1). Adequately reinforce environmental and safety regulations.

(2). Investment in workers' awareness, training, and safety provision.

(3). Well-designed mechanisms for monitoring and evaluation must be implemented to ensure maximum legal compliance.

(4). Paying employees a fair wage, including adequate compensation, health care in case of injuries and occupational disease, benefits, and working hours through written employment contracts.

(5). Facilitate dialogue and the involvement of all stakeholders in the collaboration process to address the issues confronting the shipbreaking industry.

(6). Encourage research into safer and environmentally friendly techniques in shipbreaking, cleaner technologies, and exploration of economic models.

By overcoming the cited challenges, the shipbreaking industry in Bangladesh can be transformed into a sustainable and worker-friendly sector that contributes to the national economy without harming the environment or workers.

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EXPLORING THE INSIDE OF WORKERS' SOCIAL UPGRADING: PERSPECTIVE OF INFORMAL SECTOR IN BANGLADESH

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Abstract

Informal sectors have been playing a significant role in providing a huge number of employment for a majority of people. However, workers in this sector are marked by decent work deficit and prevail under denied employee rights—fair wages, working hours, raising voice, social safety and security, and dialogue. This article has analyzed the state of social upgrading considering measurable standards and enabling rights of workers. To exhibit the objectives, semi-structured interviews have been undertaken with 255 workers from three divisions and three informal sectors while six FGDs and eight KIIs have been carried out. The lessons drawn from suggest that social upgrading in terms of measurable standards and enabling rights has not yet been achieved. There prevail long working hours, precarious work, job insecurity, and less safety at the workplace. Due to the insufficiency of trade unions at or around the workplace, workers cannot raise their voices for their interests and the opportunity for social dialogue is also scarce. Thus, the overall social upgrading in the informal sector of Bangladesh is truncated.

Keywords:

Social upgrading, global value chain, informal sector, worker's wellbeing, measurable standards, enabling rights, Bangladesh

1. Introduction

Covering a wider range of economies, the informal sectors have a significant contribution by creating employment, enhancing production, and generating income for the vast majority of workers in the rural and urban labour market. It represents two-thirds of worldwide employment and contributes more than 40% of global GDP. In South Asia, it is estimated to stand at 80 to 90 percent of the labour force.[‡‡] In Bangladesh, it covers 85% of the total employed population at a national level.[§§] This employment offers a necessary survival strategy for people who are unrecognized, unregistered, unregulated, or lack labour legislation and social protection. The informal economy is marked by decent work deficits and a

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[‡‡] https://www.ilo.org/dhaka/Areasofwork/informal-economy/lang--en/index.htm

[§§] Bangladesh Labour Force Survey, 2022, *Bangladesh Bureau of Statistics*, Statistics and Informatics Division, Ministry of Planning.

disproportionate share of the working poor.[***] Though the workers prevail under denied employee rights—fair wages, the right to raise their voice and join a union, social safety, and security, they have to enter here not by choice but by necessities. Social upgrading by and large encompasses improvements in the rights and entitlements of workers as social actors by enhancing the quality of their employment.

Though the activities in the informal sector pay incomes and livelihoods, people working here are visibly under poverty thresholds and often succumb to precarious working environments, high illiteracy rate, low skill levels, inadequate training opportunities, less well-being, uncertainty about work, and longer working hours.

Such an extended condition of workers enables them to understand and make inquisitive to know whether and to what extent social upgrading has taken place in the informal sector of Bangladesh. In exhibiting the elusive nature of social upgrading, current study has focused on two perspectives of it—a) measurable standards, and c) enabling rights of workers. The paper is structured as follows: critical underpins of social upgrading leading to the research purpose and methodology. Finally, the paper presents social upgrading trajectories.

2. Social Upgrading (SU): Some Critical Underpins

The concept of social upgrading has been described as "the process of improvement in the rights and entitlements of workers as social actors by enhancing the quality of their employment.[†††] Moreover, it can be understood as the portion of the gains from economic upgrading captured by the workers. These gains may come in monetary remunerations, or in terms of enhanced wellbeing.[‡‡‡] Bernhardt and Milberg[§§§] defined SU as a combination of the increase in employment and real wages. The jobs creation enhances earning possibility for individuals. However, the real picture is different. For example, firms value creation and profit may not enhance real wage. It may be associated with quality of employment considering overall working conditions.[****] SU is anchored from ILO's Decent Work Agenda which is the combination of four pillars of the 1998 ILO Declaration on Fundamental Principles and Rights

[***] Nyasha Muchichwa, "Decent Work in the Informal Economy: Towards Formalizations of the Informal Economy", *Labour and Economic Development Research Institute of Zimbabwe and Friedrich-Ebert-Stiftung,* 2017.

[†††] Stephanie Barrientos, Gary Gereffi and Arianna Rossi, "Economic and Social Upgrading in Global Production Networks: Developing a Framework for Analysis", *Capturing the Gains*, vol. 147, Working Paper 2010/03 (July, 2010).

[‡‡‡] Ghai Dharam, "Decent work: Concept and indicators", *International Labour Review*, vol. 142, 2003.

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[****] Thomas Bernhardt, Ruth Pollak, "Economic and social upgrading dynamics in global manufacturing value chains: A comparative analysis", Environment and Planning A 0(0) 1–24; 2015; DOI: 10.1177/0308518X15614683 epn.sagepub.com

at Work[††††] a) Decent Employment and Income, b) Standards and Rights at Work, c) Social Protection and Dialogue.

Evidence for social upgrading is widely classified into two components— a) measurable standards and b) enabling rights.[‡‡‡‡] Measurable standards are quantifiable and easily observable which are—wage and benefit levels, social protection, working hours, and employment contracts. Whereas the enabling rights of workers include the right to freedom of association, collective bargaining, social dialogue, workplace safety, and productivity improvement of workers.

3. Research Purpose

This paper aims to state whether and to what extent social upgrading in the informal sector has taken place. The specific objectives are—

- Providing the pictures of worker's measurable standards focusing on employment contract and work durability, wages and benefits, working hours, leave, and rest.
- Unveiling the enabling rights of workers considering their right to freedom of association, collective bargaining and social dialogue, safety at workplace.

It is assumed that the integration of workers into production networks can lead to improvement in social upgrading but it needs to be explored in the informal sector of Bangladesh.

4. Research Method

The present research has largely employed a qualitative approach. However, both qualitative and quantitative data have been collected to assess the objectives. Primary data has been collected from workers during 2021-2022 through a questionnaire survey. Six focus group discussions have been conducted with workers along with eight key informant interviews (KIIs) with academic (two), lawyer (one), Trade Unionist (three), representative from Ministry of Labour and Employment (one), representative form SME Foundation (one) during 2022-2023. Along with primary data sources, secondary data sources cover relevant books, journals, dissertations, thesis papers, newspapers, policy reports of government and international organizations, and so forth.

4.1 Selecting Study Areas and Population Domain

The distribution of informal employment across the broad economic sectors is 72%, 90% and 95% in services, industry and agriculture respectively covering administrative divisions— Rangpur (89%), Rajshahi (87%), Chittagong (84%), Dhaka (84%), Khulna (83%), Barisal (81%)

[††††] See: www.ilo.org/declaration/thedeclaration/textdeclaration/lang–en/index.htm

[‡‡‡‡] Barrientos, S. and Smith, S., "Do workers benefit form ethical trade? Assessing codes of labour practice in global production systems", Third World Quarterly, Vol. 28 No. 4, pp. 713-729. 2007

and Sylhet (79%).[§§§§] Considering the informal employment density (the highest, medium, and lowest), three divisions— Rangpur, Dhaka, and Sylhet have been selected with two districts.

Workers are mostly in agriculture, services, industrial enterprises, shops, hunting and forestry, wholesale and retail trade, manufacturing, transport and communications sectors. These various types of informal enterprises can be categorized into three broad economic sectors—agriculture, industry, and services. The respondents have been selected from industrial enterprises, service sector establishments, and shops considering the employment intensity. The agriculture sector mostly possesses landless or marginalized labour. The employers and the employees' relationship is hardly seen in this sector which is why this sector has been excluded.

4.2 Sample Determination and Distribution

The whole population in informal sector is unknown and impossible to individually identify. Therefore, the current study has been conducted based on a non-probability convenience sample of workers (n=255) drawn from industrial enterprises, service establishments, and shops.

Respondents distribution according to areas was kept to the same range—85 respondents from each area. Interviewees have taken from 50 % from industrial workshops, 32% from service sector enterprises, and 18% from shops considering the sectoral employment density.

4.3 Characteristics of Interviewed Workers

According to the Labour Force Survey 2022, the participation rate of the population aged 15 or older at 58%, at 80% male and 36% female which motivates the current research to take 78% of male and 22% female (Table 2). Female workers are mostly found in boutique and beauty parlors whereas male workers are more concentrated in industrial enterprises. Study finds that around 33% of worker has just completed PSC level while only 2% are graduates and 6% are HSC leading to 26% are JSC. The number of workers decreased with the education level increased.

Table 1: Characteristics of interviewed workers.

Characteristics of Workers	Percentage	Characteristics of Workers	Percentage
Gender		**Age Group**	
Male	78	15-19	14
Female	22	20-24	17
Education Level		25-29	24
Illiterate	3	30-34	23
Can sign only	16	35-39	15
PSC	33	40-45	5

[§§§§] Bangladesh Labour Force Survey, 2022, Bangladesh Bureau of Statistics, Statistics and Informatics Division, Ministry of Planning.

JSC	26	above 46	2
SSC	14		
HSC	6		

Globally, the share of informal employment in total employment is higher among young workers (age 15-24) than other adult workers. In developing countries, almost all employed population who is working in the earlier age group and older age groups is informally employed.[*****] Bangladesh as a developing country mostly takes on its total informal employee's age ranging from 15 to 35. This age distribution shows that the middle age group is usually more in numbers. The current study has depicted that more than 24% and 23% of workers age is between 25 to 29 years and 30 to 34 years respectively (Table 1). Generally, informal enterprises are more likely to employ the young age population, therefore middle-aged people are more employed.

5. Research Findings and Discussion

A central argument of this article is to find whether and to what extent social upgrading has taken place in the informal sector of Bangladesh. For stating SU, it has been considered two factors—(1) measurable standard consists of several indicators i.e. employment contract and work durability, wages and benefits, working hours, leave and rest (2) enabling rights involves freedom of association, collective bargaining, social dialogue, safety at workplace.

5.1 Measurable Standards

The quantitative element of SU is composed of measurable standards, which are easy to enumerate through physical observation and to modify through policy interventions. Therefore, measurable standards depict the direct benefits that workers get from the output they make in the production network. The analysis and state of measurable standards have been discussed as follows.

5.1.1 Employment Contract and Work Durability

The most common policy used to protect workers against labor market risk is Employment Protection Legislation (EPL)[†††††]. Employment contracts thus play a central role in workers' interest. It is an agreement that covers the working relationship of a company and

[*****] "Counting the World's Informal Workers: A Global Snapshot", WIEGO Foundation; Accessed on 21 December2021,https://www.google.com/search?q=informal+worekrs+age&rlz=1C1BNSD_enBD969BD969&oq=informal+worekrs+age&aqs=chrome..69i57j33i10i160l3.7077j0j7&sourceid=chrome&ie=UTF

[†††††] Employment protection legislation is a key part of labor market institutions. Its main goal is to protect employees against unfair dismissals and earnings reductions at the time of job loss. Together with other measures, such as unemployment benefits, it provides labor market security beyond a particular job or employer.

an employee. It allows both parties to clearly understand their obligations and terms of employment.[‡‡‡‡‡] However, workers whose employment status is unclear and who fall outside the scope of the employment relationship. Hence, workers are not protected by those employments contract in informal sector.

Job contract is an important issue in the labour market but this practice is rare in informal enterprises and mostly concentrates on temporary jobs.[§§§§§] The practice of providing written job contact is less available. Current study finds that only 15% of workers get written job contact whereas more than 60% of employees work under verbal contact. Writing a contract is not of the kind of an appointment letter where both parties can enjoy absolute freedom to cancel.[******] Over 24% of workers have no contract leading to 17% of written contact is seen in shops followed by industrial workshop and services sectors—15% and 13% respectively.

About 55% of workers are concerned about their job security but the rest are not concerned because they have achieved such skills in their respective fields and can manage other jobs if they lose their existing job. The majority of workers (60%) in industrial sectors are more prone to lose jobs. Whereas 30% of workers in shops are comparatively less worried. Workers in service sector enterprises are nearly the same worried as industrial sector which is around 50% to 58% which shows workers' vulnerability and the one-way domination of employers where employment relations among workers and employers is rarely seen.

Therefore, employment relations can make a contribution to ensuring workers against job loss. The majority of workers are not unionized in the country; only 4% of the total labour force are active trade union members, though 8551 trade unions operating in Bangladesh.[††††††] To protect workers from uncertain job loss, job contract is mandatory. However, job security and contracts in the informal sector are occasional which makes workers concerned about losing their job anytime.

5.1.2 Wages and Benefits

For the decent living of workers, minimum wage (MW) is hardly seen in the informal sector. MW falls below the worker's expectation to fulfill minimum requirements—housing, health, food, and education.[‡‡‡‡‡‡] Subsequently, workers are the worst victims of maintaining a decent life though they are eligible for various non-wage benefits [§§§§§§] but practically they are underprivileged of such benefits and still and carry the status of working poor.

[‡‡‡‡‡] Find Law, "Pros and Cons of Written Employee Contracts." Accessed July 10, 2020.
[§§§§§] Key Informant Interview (Trade Unionist)
[******] Key Informant Interview (Academics)
[††††††] https://www.dhakatribune.com/business/2021/04/17/effective-dialogues-imperative-for-labour-market-s-recovery-amid-covid-19; accessed on 7th December, 2021.
[‡‡‡‡‡‡] Key Informant Interview (Trade Unionist)
[§§§§§§] Jakir Hossain, "Living Wage for Workers' Economic Security: Rationale for Rights and the Yardsticks of Needs", Development Synergy Institute, Dhaka: 2009.

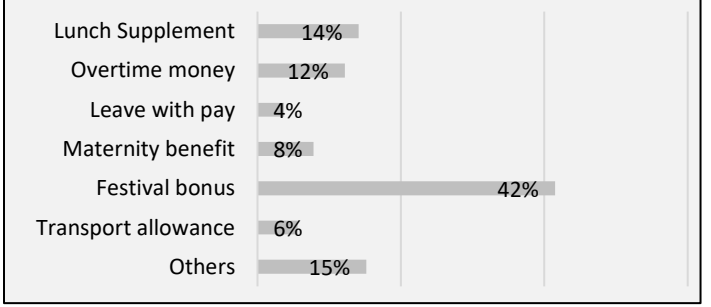
Securing living wage, the wage payment mood can play a vital role because informal wages result from the collaboration of informal labour supply and demand.[*******] The payment system is often fixed by the employers and has no bargaining opportunities.[†††††††] Around half of the workers work under monthly payment mood followed by daily, task-based, and weekly basis—35%, 14%, and 4% respectively. About 38% of them work daily in service sector enterprises compared to industrial enterprises and shops which is 35% and 22% respectively. Many workers claimed that they do not get their payment at the end of the month. In this regard, one of the employers said,

> Most of our business depends on customers' orders. Sometimes, we do not get enough orders to maintain all our costs. Therefore, we cannot afford to pay our workers regularly. In addition to that, few of us have bank accounts, hence it is difficult to pay our salary at the end of the month.[‡‡‡‡‡‡‡]

Study finds that the monthly wage payment practice is the highest among other payment options which ranges from 47% to 57% in Dhaka (63%) compared to the other two regions—Rangpur (29%) and Sylhet (48%). Wage disparity prevails in sectoral and regional basis and frequently low wages create overall income inequality. Several benefits—overtime money, leave with pay, maternity leave, festival bonus—which are supposed to be provided to workers but only about 12% of workers get overtime money, 6% get transport allowance, 8% of women workers get maternity leave, 4% get leave with pay, and 14% get lunch supplement. But a significant number of employees—around 42% get festival bonuses (chart 1).

Around 58% to 65% of workers in different informal enterprises—industry, services, and shops—get at least a festival bonus which is high in Ragpur (76%) followed by Dhaka and Sylhet; 49% and 44% respectively. Providing benefits to employees is uncommon in informal sectors while only 3% of industrial enterprises provide leave with pay facilities to their workers. Around three-fourths of the informal services sector workers do not get overtime money. If they demand to have it, they are said

Chart 1: Benefits the workers get



[*******] Catherine Saget, "Wage fixing in the informal economy: Evidence from Brazil, India, Indonesia and South Africa", International Labour Organization 2006.
[†††††††] FGD Participant in Dhaka
[‡‡‡‡‡‡‡] FGD participant in Rangpur.

to be fired.§§§§§§§ Thus, workers cannot raise voices. Therefore, state of wages and benefits to workers is not satisfactory.

5.1.3 Working Hours, Leave, and Rest

Since the establishment of ILO, working hours have been an important issue. The formation of limits on daily and weekly working hours was the subject of first ILO Convention, 1919 (No. 1), cherished an eight-hour workday, and a 48-hour weekly limit on working time. Long working hours are prominent in the informal sector. Overall, 10% of workers are working more than 20 hours per week compared to 4% in formal employment.******** Therefore, it is not well understood that working time is an important element of any working system as it dictates how much time is available for rest.†††††††† However, working time is at the core of a decent work agenda but informal workers get less time to rest due to no fixation on working hours in this sector.‡‡‡‡‡‡‡‡

The current study reveals that around half of the workers have to work 10 to 11 hours every day. About 27% of workers work more than 11 hours. Only one-fourth of the workers work 8 to 9 hours a day. Nearly 78% of workers in motorbike servicing enterprises work between 10 to 11 hours followed by 55% in furniture making and 47% in aluminum workshops. In many cases, employers force workers to work more hours for profit.§§§§§§§§ One of the interviewees has said,

> Sometimes we are forced to work long hours because the owners of the enterprises frequently promise to give a bit more money in return for long hours of work. But it has not often been practically implemented because they do not keep their word. We cannot say anything more about it due to the fear of losing our existing work.*********

Gender differences in average working hours have also been seen in this study. Men generally work longer hours than women (about 78% vs.21%) while women usually carry the double burden of work. Long-hour work may affect negatively—productivity, motivation, and health problems.

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§§§§§§§ FGD participant from Sylhet

******** Jon Messenger, "Working time and the future of work", International Labour Office – Geneva: ILO, 2018. ISBN 978-92-2-132218-4

†††††††† Jonathan Davy et al., "Analyses of Time Use in Informal Economy Workers Reveals Long Work Hours, Inadequate Rest and Time Poverty", Bagnara S., Tartaglia R., Albolino S., Alexander T., Fujita Y. (eds) Proceedings of the 20th Congress of the International Ergonomics Association (IEA 2018). IEA 2018. Advances in Intelligent Systems and Computing, vol 819. 2019; https://doi.org/10.1007/978-3-319-96089-

‡‡‡‡‡‡‡‡ Key Informant Interview (MOL&E)

§§§§§§§§ Key Informant Interview_ Worker's Representative

********* In-depth Interview of Worker

To tackle long hours of work and take a break, setting weekly holidays is important. But half of the workers either do not get any weekly holiday or on an irregular basis. Only 54% of workers get weekly leave but 32% of them avail it irregularly. Instead of giving weekly holidays, in some cases overtime is mandatory. Nearly 40% of workers have to work overtime but it is about (26%) at times. Overtime is mandatory in every industrial workshop but overtime payment is rarely seen. Around 57% of workers said that they do not get overtime payments. The current study finds that there are longer working hours, few leave facilities, and rest for workers in informal sector.

5.2 Enabling Rights of Workers

Another important component of social upgrading is enabling rights of workers which are less quantifiable. Enabling rights of workers include freedom of association, collective bargaining, and right to choose employment, non-discrimination, and empowerment.[†††††††††] Hence, the enabling rights have been connected with employment, social protection, workers' rights, and social dialogue developed by the ILO. Enabling rights of workers have been unveiled in the following sections.

5.2.1 Right to Freedom of Association

Freedom of Association (FA)[‡‡‡‡‡‡‡‡‡] is a fundamental human right proclaimed in the Universal Declaration of Human Rights (1948).[§§§§§§§§§] FA makes people strong to express and protect common interests which helps effective functioning of labour markets.[**********] The rights of workers to form and join organizations of their choosing is an integral part of a free and open society. In many cases, these organizations have played a significant role in their countries' democratic transformation.[††††††††††] It also gives workers to raise their voices and protect their collective interest at the workplace.

But workers' associations are not available and few workers know whether these kinds of organizations exist or not. More than 40% of workers reported that there is no Trade Union (TU)). Around 22% of them do not know about TU. Whereas 37% of workers informed that there is TU, but 68% are not members of TU due to less effectiveness. Additionally, around 10% pointed out employers' prevention is major factor for not joining. An interviewer shared experience that;

[†††††††††] Barrientos, Stephanie; Gereffi, Gary; Rossi, Arianna. Economic and social upgrading in global production networks: developing a framework for analysis. International Labor Review, p. 1-25, 2010.

[‡‡‡‡‡‡‡‡‡] Defined as follows by C087, article 2: "Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization"

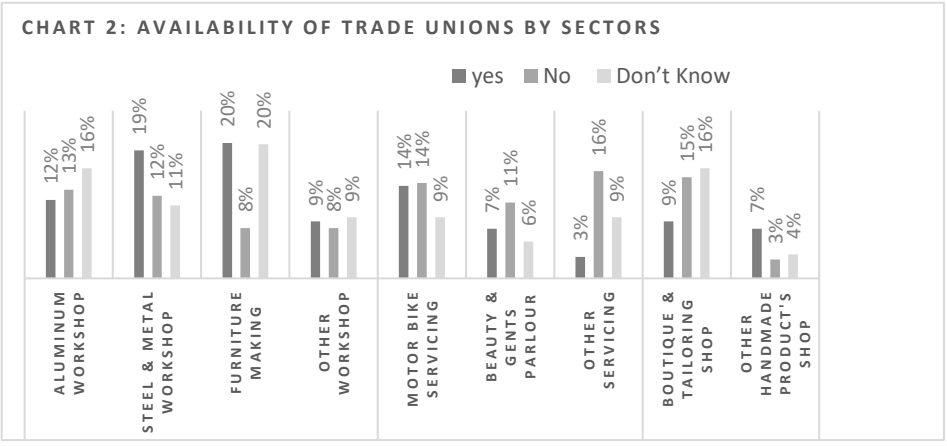
[§§§§§§§§§] Article 20: (1) "Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association."

[**********] Key Informant Interview (Lawyer)

[††††††††††] https://www.ilo.org/global/topics/dw4sd/themes/freedom-of-association/lang--en/index.htm#24

> One day while I was working in a steel and metal workshop, suddenly I had an accident. From that accident, I had to suffer a lot. I did not get financial support from my proprietor. As I am a member of TU, I requested my colleagues to support me by getting money from my proprietor. I requested them several times but failed to have that facility; even they did not come to see me. Since then, I have not participated in any activities of TU or WA.[‡‡‡‡‡‡‡‡‡‡]

Among nine types of enterprises in the present study, a maximum (20%) TUs are seen in furniture-making enterprises followed by steel and metal workshops, motorbike servicing, and aluminum workshops—19%, 14%, and 12% respectively. Around 9% to 7% of trade unions have been identified in boutiques and tailoring shops, beauty and Gents' parlour, other workshops, and other hand-made product shops (chart 2) but in practice these TUs do not work effectively.



The right to freedom of association enables workers to participate effectively in the labour market. Less opportunity for social dialogue reduces the possibility of raising voice on any issues. The majority of the workers do not know how to form workers' associations and even they are not the members. They have less possibility to enjoy their basic rights at workplaces due to the lack or the absence of collective bargaining capabilities.

5.2.2 Collective Bargaining and Social Dialogue

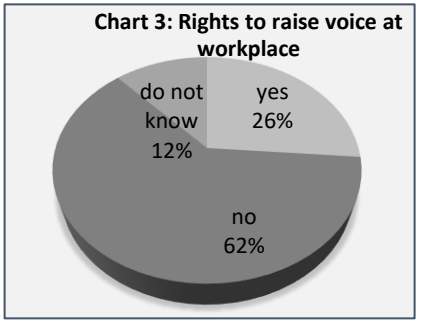
Social Dialogue (SD) is another important issue in the labour market to protect worker's interests. As defined by the ILO, it includes all types of negotiation, consultation, or simply exchange of information between, or among, representatives of governments, employers, and workers, on issues of common interest relating to economic and social policy.[§§§§§§§§§] It can

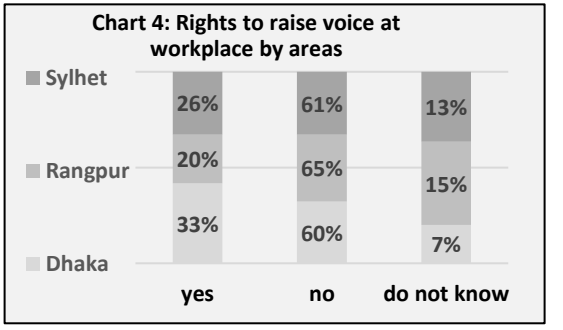
[‡‡‡‡‡‡‡‡‡‡] In-depth Interview of Worker in Dhaka

[§§§§§§§§§] https://www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang--en/index.htm)%20%20a

exist as a tripartite process, with the government as an official party to the dialogue and employers' organizations, with or without unintended government involvement.

The focal point of SD is to stimulate harmony among the main participants in the world of work. However, the practice of SD is rare in the informal sector, primarily because of the sheer diversity among informal workers in terms of working, living, economic, and socio-political conditions worldwide. But it is also due to the distinct history of organizing and industrial relations.[**********] For smooth industrial relations, the opportunity for social dialogue is important. The current study has found that more than 62% of workers can neither raise their voice nor have a dialogue with employers at the workplace, and only 26% can do so but on a limited scale since when the workers bargain on any interest, they are threatened to be fired from jobs (chart 3).





The percentage of raising voices is higher in Dhaka (33%) than Sylhet and Rangpur—26% and 20% respectively (chart 4). Because workers in Dhaka have alternative opportunities to join another work. Around 28% of workers claimed that they want to raise their voice through a mediator since they have the fear of losing their job. Almost 22% of workers said that sometimes they individually try to make owners look into their interests. But one-fourth of the workers do not know how to go for it through dialogue and they don't have employment relationships; they neither need to negotiate with various entities nor have any concern about the issues. [††††††††††] Such dealings may be effective if undertaken collectively by a group rather than by individuals.

Several challenges like insufficiency of work contracts, lack of workers' solidarity, weak negotiation patterns, and inadequate legal framework arise while setting dialogues between the employers and the employees in informal sectors. For an effective and well-functioning labour market, social dialogue can play a significant role and it has the potential to resolve important economic and social issues, improve social and industrial peace and stability, and

[**********] Zjos Vlaminck, "Social Dialogue and Informal Workers: What we can learn from 8 success cases", Mondiaal FNV; Amsterdam, August 2019; PP: 2-2

[††††††††††] "Social Dialogue for the Transition from the Informal to the Formal Economy", Global Deal; Together for Decent Work and Inclusive Growth; June 2020.

boost economic progress.‡‡‡‡‡‡‡‡‡‡‡ Thus, decent work could be brought into the informal sector, which is still insufficient.

5.2.3 Safety at Workplace

Safety at the workplace and the maintenance of occupational health have become fundamental topics of interest across the globe. If a workplace accident happens, it has a long impact on the lives of the affected workers and their family. Thereby economic costs of the workers and the enterprises increase. To reduce those costs, it is vital to set principles to protect workers from accidents. According to ILO global estimates, 2.78 million work-related deaths are recorded every year, of which 2.4 million are related to occupational diseases. In addition to the immense suffering caused to workers and their families, the associated economic costs are colossal for enterprises, countries.§§§§§§§§§§ The conditions under which most informal workers operate are precarious and do not have the necessary awareness, technical means, and resources to implement health and safety measures.********** One interviewee in Sylhet mentions-

> We are about seven in number working in this steel and metal enterprise. We have learned a lot of caution to protect ourselves from different types of accidents—smashing a finger or cutting a finger, fracturing a hand or leg, fire accident, electric shocks—but those who come here for the first time to work do not know how to keep them safe. Employers rarely give them safety information.

This statement depicts that about 46% of workers get accidents during their work. About one-fourth of workers even do not know how to get information about occupational safety from their employers or other sources. Around 38% of emplpyers do not provide occupational risk information to their employees.Study finds that more boutiques and tailoring owners (about 19%) provide safety information followed by motorbike servicing and steel and metal workshops—15% and 13% respectively. Many industrial employers do not worry about safety issues because they are typically focused only on making profit. This study finds that more than half of the industrial employers do not provide the workers with personal protective equipment. But only 16% motor bike and boutiques shop employers give personal protective tools to their workers.

About half of the workers face accidents while working. Besides, they face poor working conditions, health hazards, and so on due to the lack or absence of occupational safety policies. However, employers claim that there are some major challenges to ensure safety measures. According to the BLA 2006, employers are required to provide basic safety

‡‡‡‡‡‡‡‡‡‡‡ https://www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang--en/index.htm)%20%20a

§§§§§§§§§§https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/occupational-safety-and-health/lang--en/index.htm

********** Valentina Forastieri, “Improvement of Working Conditions and Environment in the Informal Sector through Safety & Health Measures”, International Labour Office.

measures†††††††††††† which include inter alia, safety of buildings, guarding all parts of dangerous machinery, precautions for working, emergency devices for cutting off power, protective equipment, and measures to prevent fire. Additionally, The National Occupational Health and Safety Profile summaries all the Occupational Health and Safety related policies and laws for a better understanding regarding compliance mechanism.‡‡‡‡‡‡‡‡‡‡‡‡ But in practice, the scenario is different as the workers always have to work under hazardous conditions which leads to injuries and accidents.§§§§§§§§§§§ Workers face different kinds of occupational hazards like smashing fingers or cutting fingers, fracturing hands or legs, fire accidents, electric shocks, eye problems, and skin diseases. Thus, protective approaches should be taken by both enterprises and stakeholders.

6. Conclusion

The informal sector is a larger source of employment both for men and women in most developing countries. Nonetheless, this sector is marked by decent work deficits. High illiteracy, low income and wages, less certainty of work, and long hours of work are the common phenomena. Workers are under poverty thresholds and precarious work. Attaining social upgrading is indispensable.

Long-hour work is a common phenomenon and more than one-quarter of the workers reported that they have to work at night very frequently and half of the workers have to work 10 to 11 hours every day which more often leads them lower productivity. Owing to long working hours and low wages, the well-being status of workers is insignificant which demotivates building social capital among workers and neighbors.

Workers' economic well-being is vulnerable due to lower wages, income insecurity, or no extra income sources. They aim to achieve economic strength to satisfy consumption expenditures but often fail. Less job security leads them to prevail in economic vulnerability as maximum workers work under verbal contract which does not provide job security. Excluding wages, workers cannot avail of benefits like overtime money, transport allowance, and leave with pay.

The conditions under which workers continue their jobs are precarious, unhealthy, and unsafe. While working, most workers get into accidents due to insufficient safety equipment and less safety information in different informal sectors. Therefore, employers do not provide accidental benefits, those who provide but not in financial terms. Whereas workers are neither covered by social insurance nor social assistance.

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†††††††††††† Sections 61 – 78 of the Bangladesh Labour Act, 2006

‡‡‡‡‡‡‡‡‡‡‡‡ National Profile on Occupational Safety and Health in Bangladesh 2019; Department of Inspection for Factories and Establishments Ministry of Labour and Employment

§§§§§§§§§§§ FGD participant in Sylhet

Due to the insufficiency of trade unions or workers' associations at or around the workplace, workers cannot raise their voices or bargain collectively for their interests. Having fear of losing their job, workers cannot do it individually. While sitting for a dialogue between two parties—employers and workers— several challenges arise like insufficiency of written work contracts, lack of workers' solidarity, weak negotiation pattern, and inadequate legal framework. Thus, the opportunity for social dialogue is rare in the informal sector of Bangladesh and the overall social upgrading in the informal sector is truncated.

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IMPACT OF NEOLIBERAL POLICIES ON LABOUR PROTECTIONS: A CASE STUDY OF BANGLADESH'S GARMENT INDUSTRY

Habiba Lilun Nahar[**********]

Abstract

This paper examines the impact of neoliberal policies on labour protections within Bangladesh's garment industry. It explores how deregulation, privatization, and market liberalization have weakened labour protections, leading to precarious working conditions, low wages, and limited labour rights. Despite economic gains, these policies have marginalized workers, particularly women, exacerbating gender disparities and labour exploitation. Through case studies of labour protests, the research highlights the repression faced by workers and the critical role of labour unions and grassroots movements in advocating for their rights. Recommendations include strengthening labour laws, promoting corporate accountability, fostering collaboration among stakeholders, empowering workers, and prioritizing gender equality. The findings underscore the need for a collaborative approach to ensure the garment industry's sustainability while protecting workers' dignity and rights. This study contributes to the discourse on labour rights and economic justice in the context of globalization and neoliberalism.

Keywords: Neo-liberalization, Labour protection, Marginalization, Labour rights.

1. Introduction

The garment industry is a pivotal sector in Bangladesh, accounting for a significant portion of the country's GDP and employment. Since the 1980s, Bangladesh has embraced neoliberal economic policies characterized by market liberalization, deregulation, and privatization. These policies were initially implemented to attract foreign investment, boost economic growth, and enhance competitiveness in the global market (Islam, 2001; Mlachila & Yang, 2004; Akhter & Palit, 2016). The garment sector, in particular, has thrived under these conditions, becoming a major exporter of ready-made garments (RMG) to international markets (BGMEA, 2023). However, this economic success has come at a substantial cost to labour protections and workers' rights.

Neoliberalism, as an economic ideology, promotes minimal state intervention in markets, advocating for the privatization of public enterprises, deregulation of industries, and reduction of social spending (Harvey, 2005; Steger & Roy, 2010). In theory, these policies are intended to create a more efficient and competitive economy (McKinsey, 2023). In practice, however,

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they often result in increased income inequality (Osmani, 2004), weakened labour rights, and diminished social protections. In Bangladesh, the implementation of neoliberal policies has profoundly impacted the labour landscape, particularly within the garment industry (DiMenna, 2022), where the majority of workers are women (Kabir et al., 2018).

The central research problem addressed in this paper is the impact of neoliberal policies on labour protections in Bangladesh's garment industry. Specifically, this study seeks to investigate how deregulation, privatization, and market liberalization have weakened labour protections and marginalized workers, leading to a precarious labour environment. Despite the economic gains from these policies, the garment sector is marred by poor working conditions, low wages, and limited labour rights. This research aims to explore the following questions: How have neoliberal policies impacted labour rights and protections in Bangladesh's garment industry? What specific aspects of neoliberalization have contributed to the marginalization of workers? How have labour protests and union activities been affected by these policies?

Understanding the impact of neoliberal policies on labour protections is crucial for several reasons. First, it sheds light on the broader implications of economic policies on social and labour rights. Second, it highlights the specific challenges faced by workers in developing countries, particularly in industries that are heavily integrated into the global supply chain. Third, it provides insights into the role of labour unions and grassroots movements in advocating for workers' rights under neoliberal regimes. By addressing these issues, this study contributes to the ongoing discourse on labour rights and economic justice in the context of globalization and neoliberalism.

Following the introduction, the literature review provides a detailed examination of neoliberal policies, economic restructuring, and their impact on labour protections. The methodology section outlines the research design and analytical approach used in the study. The results section presents the findings from the thematic analysis, focusing on the impact of neoliberal policies on labour protections and the marginalization of workers. The discussion section explores the role of labour unions and grassroots movements in advocating for workers' rights and provides policy recommendations. Finally, the conclusion summarizes the key findings and highlights the implications of the study for policy and practice.

2. Literature Review

Neoliberal Policies and Economic Restructuring

Neoliberalism, an economic paradigm emphasizing free markets, deregulation, privatization, and reduced state intervention, has significantly influenced global economic policies since the late 20th century. Scholars argue that these policies promote economic efficiency, innovation, and growth. However, critics highlight that neoliberalism often leads to increased income inequality, weakened social safety nets, and diminished labour rights (Walton, 2004; Hyde, 2016). In developing countries like Bangladesh, the adoption of neoliberal policies has been

particularly impactful, reshaping key economic sectors such as the garment industry. Further, Joseph Stiglitz, critically analyzes globalization's impact on developing countries, highlighting disparities created by neoliberal economic policies that prioritize deregulation and free trade. These policies have politically disempowered developing nations (Mittleman, 2002), leading to labour exploitation and poor conditions, particularly in Bangladesh's garment industry (Stiglitz, 2007). Stiglitz argues that while globalization generates wealth, it fails to benefit many developing countries, leaving them economically stagnant.

The garment industry in Bangladesh has grown exponentially under neoliberal policies, becoming a vital part of the national economy and a major exporter in the global market. This shift significantly influenced the garment industry's trajectory, as it utilized a vast resource of inexpensive labour and leveraged the Multi-fibre Arrangement for market access. The liberalization policies endorsed by the WTO and NAFTA, combined with the industrial shift in China towards high-tech sectors, made Bangladesh an attractive destination for global retailers (Gereffi et al., 2001), further supporting the industry's expansion with favorable domestic economic policies (Ullah, 2015). The industry's expansion has been driven by the liberalization of trade policies, attracting foreign direct investment, and promoting export-oriented growth (Mahmud & Bidisha, 2018). The move toward the informal sector and increased labour market flexibility has precipitated shifts in gender dynamics, skill requirements, and has intensified concerns over labour protections (Ullah, 2015). The growing participation of women in the workforce prompts a closer analysis of their labour supply decisions within the ambit of evolving economic structures. Specifically, the sector's rapid growth has been propelled by employing 'timid' women, utilizing their labour while exercising strict control (Ahmed & Arun, 2023), which reflects a broader pattern of worker exploitation under neoliberal transparency disclosures. However, this growth has come with significant labour challenges. The push for competitiveness and cost efficiency has often resulted in poor working conditions, low wages, and inadequate labour protections (Robertson et al., 2016).

Labour Protections and Workers' Rights

Neoliberal policies have profoundly affected labour protections in Bangladesh's garment industry. The deregulation of labour markets has weakened enforcement mechanisms, allowing for the exploitation of workers. Labour rights, including the right to unionize and engage in collective bargaining, have been significantly undermined. This has created a precarious labour environment where workers have limited ability to advocate for better conditions and fair wages (Adnan, 2018; Chowdhury & Keya, 2022).

The garment industry workforce is predominantly female, and neoliberal policies have exacerbated gender disparities in the sector. Women workers are often paid less than their male counterparts, face higher levels of job insecurity, and are subjected to various forms of workplace discrimination and harassment. The gendered nature of labour exploitation in the garment industry highlights the intersectional impact of neoliberal policies (Akhter et al., 2019).

Despite the challenges posed by neoliberal policies, labour protests and union activities have been a significant feature of the garment industry in Bangladesh. Workers have organized strikes and protests to demand better wages, safer working conditions, and the right to unionize. However, these efforts are frequently met with violent repression and legal obstacles, reflecting the broader trend of labour suppression under neoliberal regimes (Ashraf & Prentice, 2019; Human Rights Watch, 2016). In addition, labour unions and grassroots movements play a critical role in advocating for workers' rights in the context of neoliberal policies. These organizations strive to improve labour conditions through various strategies, including policy advocacy, public awareness campaigns, and direct action. Despite facing significant obstacles, they remain a vital force in the struggle for labour rights and social justice in the garment industry (Doucouliagos et al., 2017; Chawla et al., 2018).

3. Methodology

Key academic databases such as JSTOR and Google Scholar were searched using keywords like "neoliberal policies," "economic restructuring," "labour struggles," and "Bangladesh RMG industry." Relevant publications from reputable journals, books, and reports by organizations such as the International Labour Organization (ILO) and World Bank were selected, focusing on literature from the last 20 years. The selected literature was coded to identify recurring themes and patterns related to labour rights, neoliberal policies, and economic restructuring. The initial codes were organized into sub-themes, such as "impact on wages," "union suppression," and "working conditions." These sub-themes were then synthesized into broader themes that reflect the central research questions, such as "weakened labour protections" and "marginalization of workers.

4. Impact on Labour Protections

Bangladesh's garment industry has undergone significant changes in labour protections due to the implementation of neoliberal policies. The rapid growth of the export-oriented garment industry, fueled by economic liberalization, has had profound implications for the country's workforce, particularly women (Kabeer & Mahmud, 2003). The garment sector accounts for over 80% of Bangladesh's exports and a quarter of its GDP, making it a crucial component of the nation's economy (Schüßler et al., 2018). However, this expansion has come at a cost, with labour standards and worker safety often overlooked in the pursuit of cost-competitiveness and profitability (Hasan, 2017).

One of the key neoliberal policies impacting the Bangladeshi garment industry is the push for trade liberalization and export-oriented industrialization (Khan & Milne, 2019). The removal of trade barriers and the pursuit of comparative advantage in low-cost garment production have led to intense competition among global brands and a relentless pursuit of cost savings, often at the expense of worker well-being (Cudlínová et al., 2022; Schüßler et al., 2018). This has resulted in a “race to the bottom”, concerning employment conditions and labour standards (DiMenna, 2022), where factories are under immense pressure to keep wages low, disregard safety standards, and resist the formation of independent trade unions (Kumar,

2018; Hasan, 2017; Zafarullah & Nawaz, 2019). Also, Deindustrialization and marginalization of low-income countries have led to an increase in global poverty, inequality, and degradation of the environment (United Nations, 2020). While liberalizing trade has interwoven the state economies, it has often been to the benefit of economic giants and monopolized corporations.

Deregulation and privatization have further exacerbated the situation. These policy shifts have reduced government oversight and weakened enforcement mechanisms, allowing factory owners to bypass labour standards with little consequence (Alam et al., 2017; Sharma, 2015). Workers face poor working conditions, with many factories failing to meet basic safety requirements (Akhter & Palit, 2016). The tragic collapse of the Rana Plaza building in 2013, which killed over 1,100 workers, is a stark example of the severe consequences of inadequate safety standards and regulatory oversight (Ahmed & Sarkar, 2014).

4.1 Low Wages and Poor Working Conditions

The lack of effective labour regulations and enforcement has significantly exacerbated the problems within Bangladesh's garment industry (Schüßler et al., 2018; Bearnot, 2013). Despite efforts to improve workplace safety following high-profile disasters such as the Rana Plaza collapse, many factories continue to operate under substandard conditions. These conditions include inadequate fire safety measures, poor building maintenance, and overcrowded workspaces (Manzur et al., 2020; Ahmed et al., 2021). These systemic safety issues highlight the ongoing neglect in ensuring a safe working environment for garment workers.

Bangladesh has emerged as the second-largest exporter of ready-made garments (RMG) globally, largely due to the country's low labour costs. However, this competitive advantage comes at a significant human cost. Bangladeshi garment workers often earn as little as $68 per month, far below a living wage (Adnan, 2018). The industry's reliance on cheap labour has led to widespread exploitation, including excessively long working hours, unsafe working conditions, and the denial of basic labour rights (Saha, 2023; Sharma, 2015; Kabeer & Mahmud, 2003). The globalization of production and the integration of Bangladeshi firms into international supply chains have further exacerbated these issues. Factory owners strive to meet the demands of global brands and retailers, often at the expense of worker welfare (Ashraf & Prentice, 2019; Anner, 2019). This relentless pursuit of cost savings has led to a race to the bottom, where factories are under immense pressure to cut costs by any means necessary.

A primary issue facing the industry is the lack of adequate workplace safety measures. Despite past incidents, such as the Tazreen factory fire and the Rana Plaza collapse, which highlighted the need for improved regulations and enforcement (Hossain & Hosoe, 2017), progress has been slow (Schüßler et al., 2018). Factory owners have been reluctant to invest in the necessary infrastructure and training to ensure a safe working environment, prioritizing short-term profits over long-term sustainability. This reluctance underscores the broader challenges of ensuring worker safety in a highly competitive market. These challenges align with the theory that the foundation of global capitalism is being altered by the effects of the pandemic.

According to Smith (2015), global capitalism thrives on the exploitation of low-wage workers where consumer goods are produced. This exploitation affects not only textile workers but also precarious workers in manufacturing, agriculture, and the service industry. An economic disturbance caused by a global crisis disproportionately impacts those at the bottom of the supply chain.

The power imbalance between workers and management is another consequence of neoliberal policies. The prioritization of profitability over worker welfare has created a toxic environment of mistrust and disrespect (Kabir et al., 2019). This imbalance hinders workers' ability to advocate for their rights and makes it difficult to establish meaningful social dialogue between labour and management (Manzur et al., 2017). The relationship between workers and management has been characterized by a lack of mutual respect and damaged relations, negatively impacting productivity, worker satisfaction, and the industry's ability to grow sustainably. Addressing this power imbalance and fostering a more collaborative environment will be crucial for the industry's long-term success. As one observer notes, "the relationship between workers and managers must be built in lockstep with concrete investments in the physical infrastructure needed to modernize the industry and increase worker satisfaction" (Bearnot, 2013). This shift would require moving away from a reliance on low-cost labour toward a more sustainable model that prioritizes worker well-being and long-term competitiveness.

Overall, the impact of neoliberal policies in Bangladesh's garment industry has been mixed. While these policies have driven economic growth and created employment opportunities, they have also led to the erosion of labour protections and worker safety. The suppression of wages to maintain competitive pricing has been equally detrimental, with many workers earning less than a living wage, insufficient to meet their basic needs (Kabeer & Mahmud, 2003). Additionally, the predominantly female workforce faces higher levels of job insecurity and workplace discrimination, further compounding their economic vulnerabilities (Akhter et al., 2019). Women in the garment industry face high levels of sexual harassment and violence. The lack of regulatory oversight and weak enforcement of labour laws make it difficult for women to report and seek redress for these issues (Amin et al., 2017). Addressing these issues requires comprehensive policy reforms, effective enforcement of labour standards, and a shift towards prioritizing worker well-being to ensure a more equitable and sustainable industry.

4.2 Union Suppression

The Bangladeshi garment industry has undergone significant transformation in the past few decades, largely driven by the implementation of neoliberal economic policies (Davis, 2016). While these policies have led to rapid growth and increased employment opportunities within the industry, they have also profoundly impacted the ability of workers to organize and advocate for their rights (Trif & Paolucci, 2019). Neoliberal policies have created barriers for workers attempting to form and maintain unions, with stringent registration requirements and anti-union practices by factory owners and authorities weakening collective bargaining power (Human Rights Watch, 2016). Additionally, the low levels of education and socioeconomic

status of many garment workers, who are predominantly women migrating from rural areas, have further contributed to their vulnerability and limited bargaining power (Saha, 2023). Moreover, the pressure to maintain low production costs and remain competitive in the global market has led factory owners to resist the formation of independent trade unions and frequently exploit workers by manipulating laws to suit their interests and suppressing unions that advocate for better working conditions (Pickles & Godfrey, 2013; Ansary & Barua, 2015). This reluctance has severely constrained workers' ability to collectively advocate for their rights and interests (Saha, 2023).

Neoliberal policies, characterized by a focus on economic liberalization, deregulation, and global integration, have profoundly affected labour dynamics within the RMG sector in Bangladesh (Ahmed et al., 2014). Empirical evidence suggests that labour laws in the RMG industry are not adequately enforced, leading to widespread labour rights violations and a crackdown on union activities (Bair et al., 2020). The political settlement in Bangladesh, shaped by economic priorities and the influence of global markets, has contributed to this dynamic (Ahmed et al., 2014; Saha, 2023). The RMG sector's importance as a key driver of economic growth has led policymakers to prioritize the industry's expansion over the protection of labour rights, often at the expense of workers' well-being and their ability to organize.

The impact of these neoliberal policies on union suppression in the RMG industry is multifaceted. Workers face significant obstacles in forming and joining unions, with factory owners often resorting to intimidation, harassment, and even dismissal of union leaders (Lichtenstein, 2019). This hostile environment has made it extremely challenging for workers to effectively advocate for their rights and improve their working conditions.

4.3 Marginalization of Workers

Neoliberal policies, particularly deregulation and privatization, have led to the marginalization of these workers, often prioritizing profit over their welfare (Navarro, 1998). Deregulation in the RMG sector has involved the loosening of labour laws and weak enforcement of existing regulations. Factory inspections are irregular and often superficial, leading to unsafe working conditions, as tragically demonstrated by the Rana Plaza collapse in 2013, where over 1,100 workers lost their lives due to gross safety violations (The Independent, 2020). Employment in this sector is highly precarious, with many workers on temporary contracts that bypass the need for benefits and legal protections, resulting in job insecurity and exploitation (Uddin et al., 2023). Wages in the RMG sector remain among the lowest, failing to meet living costs, and workers endure long hours in poor conditions with limited breaks and inadequate facilities (Kabir et al., 2021).

Privatization policies have aimed at attracting foreign investment and increasing competitiveness, frequently at the expense of worker welfare. To attract international brands, factory owners often engage in cost-cutting measures, minimizing expenditures on worker safety, wages, and benefits (McKinsey, 2023). This has led to overcrowded factories with

inadequate safety measures and exploitative labour practices (International Labour Organization, 2017). Privatization has also encouraged the proliferation of subcontracting, where major contracts are split among smaller factories. This fragmentation makes it challenging to enforce labour standards uniformly, resulting in exploitation and abuse, especially in smaller, less regulated units (The Business Post, 2023).

The marginalization of RMG workers has been starkly highlighted through various labour protests and the repression they faced. The Tazreen Fashion fire in 2012, which killed over 100 workers, brought to light the dire safety conditions in RMG factories (Solidarity Center, 2020). Workers organized protests demanding better safety standards and compensation for victims' families, but the response from the government and factory owners was repressive, including dismissals of protesting workers and threats, with minimal legal accountability for factory owners (Clean Clothes Campaign, 2016). The 2013 Rana Plaza collapse, one of the deadliest industrial disasters in history, resulted in over 1,100 deaths and countless injuries. Massive protests erupted in the aftermath, with workers demanding justice and improved safety standards. The state and factory owners responded with violent crackdowns, including police action against demonstrators and harassment of labour organizers. Although this disaster led to international initiatives like the Accord on Fire and Building Safety in Bangladesh, local implementation and enforcement of these measures remain inconsistent (Human Rights Watch, 2013).

In 2018, RMG workers protested for higher wages, demanding an increase in the minimum wage, which was far below a living wage. The protests saw significant participation but were met with a harsh response. The government and factory owners used police force to disperse the protests, resulting in injuries and arrests, with many workers being blacklisted or fired (Fair Labour Association, 2019). Despite the government announcing a wage increase, it fell short of workers' demands, and the repression discouraged further protests, demonstrating the limited impact of these movements under current conditions.

5. Conclusion and Recommendations

The research paper has thoroughly examined the impact of neoliberal policies on labour protections within Bangladesh's garment industry. The findings highlight that while neoliberal policies such as deregulation, privatization, and market liberalization have contributed to significant economic growth and integration into the global market, they have also led to substantial adverse effects on labour conditions. These policies have facilitated the rise of Bangladesh as a major exporter of ready-made garments, but this economic success has come at a substantial cost to labour protections.

Workers in the garment sector, predominantly women, face poor working conditions, low wages, and limited labour rights. The deregulation of labour markets has weakened enforcement mechanisms, allowing for widespread exploitation of workers. Privatization has led to cost-cutting measures that often compromise worker safety and benefits, while market liberalization has placed immense pressure on local manufacturers to maintain competitive

pricing, further exacerbating the precarious labour environment. The paper underscores the critical role of labour unions and grassroots movements in advocating for workers' rights. However, these efforts are frequently met with violent repression and legal obstacles, reflecting the broader trend of labour suppression under neoliberal regimes. The case studies of labour protests reveal a climate of unrest where workers' attempts to organize are systematically stifled, highlighting the urgent need for comprehensive reforms to protect workers' rights.

To address the challenges faced by workers in Bangladesh's garment industry, a comprehensive and cohesive set of recommendations is necessary. First, enhancing labour laws is crucial to provide robust protections for workers. This includes facilitating easier unionization processes, ensuring fair wages, and enforcing strict safety standards in factories. Additionally, global brands and retailers must adopt ethical sourcing practices, ensuring that their supply chains comply with labour standards and include fair pricing structures that do not compromise worker welfare. Collaboration among government entities, industry stakeholders, labour unions, and civil society organizations is essential for creating effective solutions. This collaborative approach can help address systemic issues and promote sustainable labour practices. Furthermore, initiatives to educate and empower workers about their rights are crucial, as they can encourage collective action and enhance workers' ability to advocate for better conditions. Given the prominent role of women in the garment sector, policies must prioritize gender equality by addressing issues such as harassment, pay disparities, and ensuring equal opportunities and protections in the workplace. Lastly, supporting grassroots movements and civil society organizations is vital in holding industry stakeholders accountable and promoting labour rights. By embracing these strategies, meaningful changes in labour practices can be achieved, leading to a more equitable and sustainable garment industry in Bangladesh.

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