

WOMEN LED ACTIONS THROUGH THE FPAR

Through the Labour FPAR, Awaj Foundation worked to organise 100 contractual workers from the 10 factories mentioned. The young woman FPAR coordinator from Awaj Foundation, who is also a trade unionist, organised several consultation meetings and workshops to build the workers' capacities in understanding their labour rights and labour laws. Through the FPAR process, the workers realised that through contractualisation, the employers are depriving them of their labour rights. In December 2018, 600 contractual workers (420 women and 180 men) in Amana Knit Fashion Ltd. were able to claim equal labour rights as the permanent workers including equal wages, leave days, day care centre facilities, medical facilities and fixed working hours. After becoming aware about their rights stipulated in the labour law, they collectively approached the management of the factories to demand equal labour rights and protection. Through negotiations, they were able to reclaim their rights to benefits and facilities that were never provided to them before.




**Feminist Participatory
Action Research (FPAR)**
**APWLD Labour
Programme**

Recommendations

To the Government of Bangladesh:

- Eliminate contractual form of employment in the RMG industry as it leads to deprivation of labour protection and rights of workers;
- Until the ending of all forms of contractualisation, develop a unique policy for protecting the rights of contractual workers;
- Ensure that contractual workers receive facilities and benefits as stipulated in the national labour laws;
- Provide training to the workers to raise awareness on labour rights and laws;
- Ensure that workers, permanent or contractual, can exercise their rights to association, collective bargaining and strike.

To the manufacturing companies, brands and buyers:

- Ensure that the RMG factories employing the workers adhere to the national and international labour rights standards;
- Ensure that the contractual workers receive equal benefits as the permanent workers;
- Ensure that the workers who work in an establishment on long-term basis (over one year) are employed as permanent workers, not as casual workers.

Working condition of women contractual workers in Readymade Garment Sector in Bangladesh

AWAJ Foundation

THE SITUATION OF WORKERS IN THE READY-MADE GARMENT (RMG) INDUSTRY IN BANGLADESH

The Ready-Made Garment (RMG) industry in Bangladesh employs over four million workers in 4,560 garment factories scattered across the country. Amongst the workers about 70 per cent are women. In 2017-2018, over 83 per cent of the country's export earnings came from the RMG sector totaling USD 30.6 billion¹, making Bangladesh the second-largest global apparel exporter after China.²

In April 2013, Bangladesh experienced one of the world's worst industrial tragedies when Rana Plaza, a nine-storey factory in Dhaka, collapsed killing at least 1,130 workers, most of whom were young women, and injuring another 2,500 workers. This highlighted the failure of many top Western fashion brands to comply with human rights and safety obligations in developing countries where their goods are manufactured. After the tragedy, more than 200 global firms signed a legally binding pact, known as the five-year Accord on Fire and Building Safety in Bangladesh, obligating them to source from factories that met basic safety criteria.³ The Government of Bangladesh also worked to amend its labour law to raise its standard, and expand on the rights of the workers, including easier access to freedom of association (i.e. to form trade unions), improved occupational health and safety conditions and workplace facilities, and better maternity benefits.⁴ While these initiatives boosted the 'permanent' workers' rights, gaps remain in protecting the 'contractual' workers in the national labour law, allowing employers to violate the rights of the vulnerable workers, in particular urban women living in poverty.



Awaj Foundation is a grassroots labour rights NGO with over 600,000 worker members across Bangladesh. Awaj Foundation works to empower workers and enable harmonious industrial relation through their projects, services, research and advocacy. The organisation particularly focuses on supporting women workers, because it believes that leadership from women can transform the society towards greater equity and justice.

Website: www.awajfoundation.org
Email: awaj@dhaka.net

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Asia Pacific Forum
on Women, Law and
Development

Website: www.apwld.org
Email: apwld@apwld.org

¹ Bangladesh Garment Manufacturers and Exporters Association (BGMEA). Retrieved from <http://www.bgmea.com.bd/home/pages/tradeinformation>
² France-Presse, Agence. (2019, Jan 4). Bangladesh strikes: thousands of garment workers clash with police over poor pay. Retrieved from <https://www.theguardian.com/world/2019/jan/14/bangladesh-strikes-thousands-of-garment-workers-clash-with-police-over-poor-pay>
³ Jacoby, Jon. (2018, April 25). What's Changed (and What Hasn't) Since the Rana Plaza Nightmare. Retrieved from <https://www.opensocietyfoundations.org/voices/what-s-changed-and-what-hasn-t-rana-plaza-nightmare>
⁴ Sattar, Md. Sameer. (2018, December 18). Towards a better labour law – Recent amendments to Bangladesh Labour Act 2006. Retrieved from <https://www.thedailystar.net/law-our-rights/news/towards-better-labour-law-recent-amendments-bangladesh-labour-act-2006-1675000>

The Bangladesh Labour Act does not include explicit provisions for contractual workers as it does for the permanent workers. However, in the classification of workers, there are some provisions for 'casual' and 'temporary' workers. Casual work refers to irregular work but without any time limit, whereas temporary work usually refers to one-time work within a limited period. These contractual workers are usually hired by factories via third party contractors on a casual or temporary basis, and are not entitled to the same benefits as the permanent workers.

Awaj Foundation's Feminist Participatory Action Research (FPAR)

Awaj Foundation led a Feminist Participatory Action Research (FPAR) to investigate the current situation of the women contractual workers in 10 garment factories in Dhaka, Gazipur, and Tongi area between November 2017 and March 2019. Of the 1,850 contractual workers working in these 10 factories, 100 workers (88 women and 12 men) participated in the FPAR. The information was collected using different methodologies such as interviews, Focus Group Discussions (FGD) and the daily activity clock.

FPAR FINDINGS: WORKING CONDITION OF THE WOMEN CONTRACTUAL WORKERS

Limited benefits in the national labour law

As the contractual workers do not receive ID card, service book and appointment letters from the factories, they are deprived from benefits such as minimum wages, basic health care, reproductive healthcare, paid leave, maternity benefits, retirement benefits, pension or the right to join trade unions. It is a common practice in most garment factories in Bangladesh to employ workers temporarily and casually, even though the nature of their work is the same as the permanent workers. In the survey, 87.5 per cent of the workers indicated they were not aware of the provisions for the contractual workers in the national labour law.

No right to association

Most contractual workers are unaware of the workers' right to form trade unions, and/or collective bargaining. According to the Bangladesh Labour Act, contractual workers cannot join be a member of the trade union, and therefore, denied of their right to collectively bargain for their wages and working conditions.

Long working hours, no overtime pay

The usual working hours are from 8am to 6pm with a 15-minute interval break and one-hour lunch break (nine working hours daily). If the shipment time is closer, the workers would be made to work till 11pm without overtime pay or breaks. Such working hours and working conditions put double burden on women workers as they are also responsible for the household chores and childcare at their homes as there is no sufficient public services available. Many indicate that they start their day at 5am to take care of domestic responsibility.

Low and irregular wages

Most of the permanent workers receive a monthly wage between 6,500 to 10,000 BDT (78 - 120 USD). The contractual workers are paid by the unit performed rather than time spent on the job, and the pay is calculated based on 'piece rates' which ranges from 0.5 to 2.0 BDT (1 to 2 cents USD) per unit depending on the piece of clothing and the nature of work (e.g. joint sewing or fixing snap buttons and zipper). Most of the contractual workers working the same hours as the permanent workers do not earn a daily minimum wage as their pay is based on the 'piece rates'. However, it allows some of the efficient and skilled contractual workers to earn up to BDT 1000 (equivalent to USD 11.91) per day, which surpasses the average the daily wage of permanent workers. When there is no work, contractual workers are terminated. In some cases, contractual workers continue to work for a long period, but without receiving any of the benefits as the permanent workers.

Some contractual workers receive their wages on a weekly, fortnightly or monthly basis. Some of the workers are not even aware of the piece rates, and receive a lump sum wage at the end of the month, as unilaterally decided by the factory management and the contractor. The contractors often subtract a commission fee from the workers' wages. According to the workers involved in the FPAR, they only receive 300 BDT (3.57 USD) from the contractors when they actually earn 500 BDT (5.95 USD) per day as per the piece rates. The contractor would take 200 BDT (2.38 USD/day) from the workers as a commission fee.

Precarious form of employment

As there is no protection for the contractual workers, factories could terminate and replace them as per their whim. Every three to six months, the contractors would force the workers to change their factory without the workers' consent. This allows the factories to avoid responsibilities and accountability to the workers, while maintaining low labour costs. Most of the workers' responses to the FPAR survey indicated that they have been working as contractual workers for at least five years at different factories without any access to the workers' benefits. They are afraid to speak up to the management and contractors fearing they would lose their jobs.

Substandard Occupational Health and Safety (OHS), harassment and violence

Most of the workers do not use Personal Protective Equipment (PPE) as they find them uncomfortable. In the event of an accident, the workers receive in-house treatment from the doctor available on site while the factory covers the medical costs for the permanent workers only; contractual workers have to bear their own medical costs. The workers also reported that they experience abusive behaviour from the production manager and supervisor. Some women workers shared that they experience sexual harassment by the management. In case of harassment, the workers can file complaints with the production manager, administration or the welfare officer. However, most of the time, the management does not listen to the complaints, thus women feel demotivated to report or seek redress.

