



Labour FPAR Country Briefer

Shrinking Workers' Rights amidst Expanding Export Processing Zones in Bangladesh





Source: Karmojibi 2022

The situation of women workers in the Dhaka Export Processing Zone (DEPZ), Dhaka, Bangladesh

Bangladesh has a population of over 161.3 million people out of which 36.3 per cent of women are part of the labour force of the country. Out of the 36.3 per cent of women workers, 90 per cent of the working women are involved in the informal sector, mainly the agriculture and service sectors. A huge majority of women are also engaged in domestic work, however, they are not considered a part of the labour force.

In order to promote rapid economic growth in the country through industrialisation, the Government of Bangladesh (GoB) adopted an 'Open Door Policy to promote, attract and facilitate'¹ foreign investments in the Export Processing Zones (EPZs). EPZs are defined as 'industrial zones with special incentives set up to attract foreign investors, in which imported materials undergo some degree of processing before being exported again'.² In order to have Bangladesh categorised as a 'developed' country by 2041, the GoB has taken up the plan to establish

100 Special Economic Zones (SEZs) by 2030.³ The Bangladesh Economic Zone Authority (BEZA) has so far approved the establishment of 93 economic zones in Bangladesh, including 55 public SEZs, 29 private SEZs, two Public-Private Partnerships (PPP) based SEZs, four Government to Government (GTG) Economic Zone, and three tourism parks. Besides that, nine EPZs have also been installed.

BEPZA has been lauded for setting up a milestone for women empowerment by employing women workers. Among the total number of 516,588 workers in the EPZ, around 66 per cent are women.⁴ However, the realities of the women workers in those EPZ are far from empowerment with rampant violations of their labour rights and fundamental freedoms. For

¹Bangladesh Export Processing Zones Authority.(n.d). *Objectives of BEPZA*. BEPZA. <https://www.bepza.gov.bd/content/objective-of-bepza>

²Sukthankar, A. & Gopalakrishnan, R. (2012). *Freedom of Association for Women workers in EPZs: A Manual*. International Labour Organisation. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_186807.pdf

³The Business Standard. (9 September 2022). *Two special economic zones in the making for India*. The Business Standard. <https://www.tbsnews.net/world/south-asia/two-special-economic-zones-making-india-492906>

⁴Financial Express. (11 February, 2022). *66 prc are women in eight EPZ*. FE. <https://thefinancialexpress.com.bd/economy/bangladesh/66pc-workers-are-women-in-eight-epzs-1559050676>

instance, a 2019 study⁵ indicated that 30 per cent of the women workers employed in Bangladesh's Ready-Made Garment (RMG) industry in the EPZ, experience job insecurity as they are hired and fired at the employers' discretion. Their recruitment also remains informal where they do not receive any appointment letters and the basic terms and conditions of the work including benefits, compensations, paid leave days and employment periods remain unknown to them.⁶ These women workers have been in the trade for two-three generations now. However, women workers' understanding and awareness of labour rights, including the legal framework remain quite limited given the absence of company provision in upgrading their knowledge and skill, contrary to what has always been promoted by the government to the workers.

Beyond A Research Methodology: Feminist Participatory Action Research (FPAR) in the Context of COVID-19

COVID-19 has shaken the livelihood of women workers in DEPZ. During the pandemic, 10 to 15 factories in the zone were closed down,⁷ and in one factory, Kungton Apparels Ltd., all workers were laid off in August 2020. The workers had arrears of salary for four months and 10 days,⁸ though workers have the right to get half of the basic pay as lay-off compensation according to EPZ labour Act 2019. Around 6,500 workers of the factory took part in the strike due to difficulties in not paying house rent and buying food.⁹ There was an urgent need to do the FPAR as a way to respond to the needs of DEPZ women workers during the crises.

During the COVID-19 pandemic, retrenchment remained a constant context that made some women, including community researchers, lose their jobs and move to other areas. The FPAR team encountered the restriction of DEPZ to conduct their programme inside the



zone. The access restriction also applies to journalists, which explains why any events or issues related to industrial relations are hardly covered by the media. All research teams including community researchers decided to organise women workers outside of the zone, including in the housing, co-researchers house and private school to mitigate the potential risk that could happen to women workers. In another case, community researchers benefitted from a classroom to make women come together. They did not find any big space to meet each other and instead, the principal of a private school gave them space to utilise

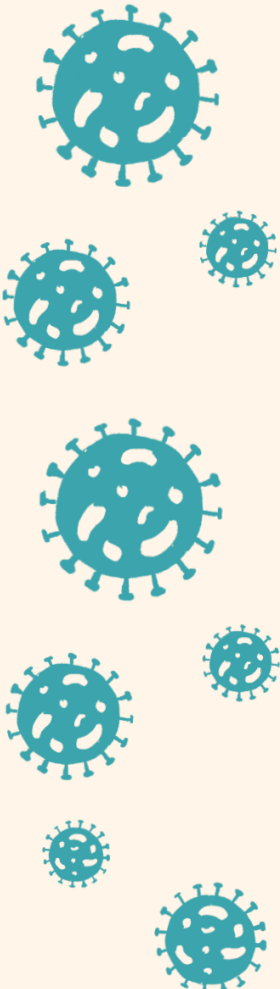
⁵Rahman A. (June 2019) Women workers in the RMG sector in Bangladesh, A Case study of CEPZ). Global Scientific Journals. GSJ: Volume 7, Issue 6, June 2019. Retrieved from https://www.globalscientificjournal.com/researchpaper/Women_Worker_in_RMG_Sector_of_Bangladesh_A_Case_Study_of_CEPZ.pdf

⁶Rahman A. (June 2019) Women workers in the RMG sector in Bangladesh, A Case study of CEPZ). Global Scientific Journals. GSJ: Volume 7, Issue 6, June 2019. Retrieved from https://www.globalscientificjournal.com/researchpaper/Women_Worker_in_RMG_Sector_of_Bangladesh_A_Case_Study_of_CEPZ.pdf

⁷According to the observation of co-researcher

⁸The Daily Inqilab, আদমজী ইপজিডে শ্রমকি অসন্তোষ, ২০২১ Labour Unrest in EPZ, 2021). The Daily Inqilab. <https://bit.ly/3AEytMb>

⁹The Daily Inqilab, আদমজী ইপজিডে শ্রমকি অসন্তোষ, ২০২১ (Labour Unrest in EPZ, 2021). The Daily Inqilab. <https://bit.ly/3AEytMb>

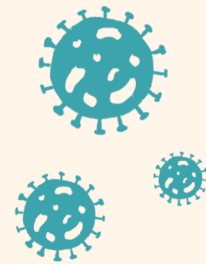


a classroom. As a result, about 300 women workers from 30 garment factories in DEPZ have participated in the FPAR which has been organised by KN.

Unionisation is prohibited under the EPZ's Labour Act of 2019. The FPAR team along with KN converted the challenge into a learning opportunity. They facilitated a platform – a 'workers' club' as an alternative to enable women workers to gather, talk and discuss. Step by step, they built the impact objectives, theory of change and critical pathway for the FPAR collectively. Like everyone else at the distressing time of COVID-19, the FPAR team of KN also adjusted the way of designing the research, collecting data and organising women by maximising online spaces such as a Whatsapp group and a messenger group, a series of video consultations, virtual workshops and personal chats as an approach to build and maintain

the trust between women workers and the FPAR team. It was a crucial starting point for the team to continue their research journey from the survey, Focus Group Discussions (FGDs), in-depth interviews to storytelling methods.

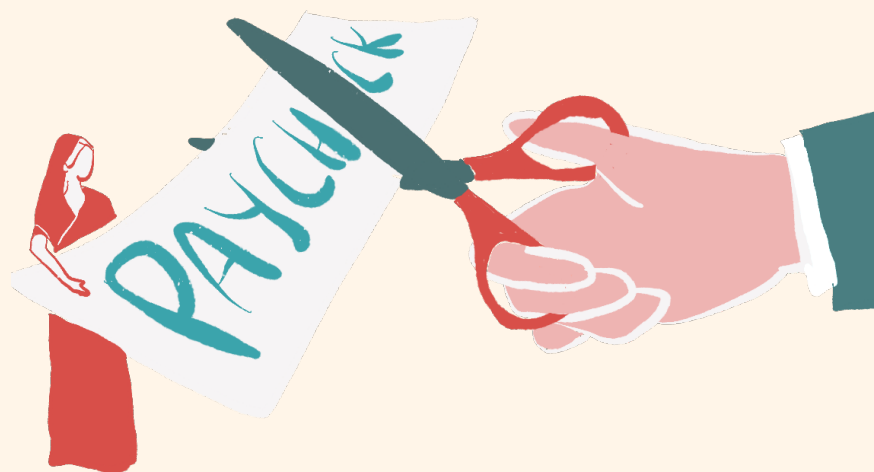
Trust-building led women workers to feel more engaged in the FPAR process. Intersectionality, as a core of the research, allowed women to present themselves in multilayered identities and later on, spoke about their experience on different levels of oppression.



Highlights of FPAR: Suppression of Fundamental Labour Rights and Decent Work within the DEPZ

COVID-19's effect on workers' wages

Workers' payments got severely affected during COVID-19 because of low production or factory closures. The wages of women workers were significantly affected during the pandemic. Seventy-five per cent of women workers reported receiving partial wages (around 60 per cent) during 2019-2020, soon after the world was gripped by the pandemic. Over 22 per cent of women reported receiving partial or no wages due to low production levels within the factories, while 69 per cent received partial to no wages due to factory closures.





Workers were denied their rightful paid leaves

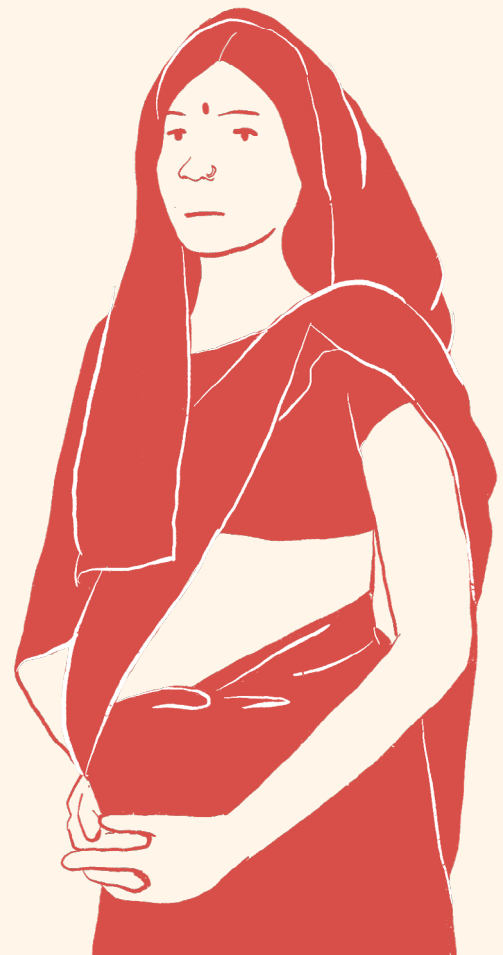
The women workers of DEPZ reported that they faced various problems in getting leaves from work. These issues range from fears of losing their job, needing to visit various officials to get their leave approved, and hearing undesirable comments from senior management. From the FPAR, we saw that almost 70 per cent of the participants said that they have to go to different officials to get their leave approved. Further 57.1 per cent said that they face complications in stating legitimate reasons for getting their leaves approved. Other informal ways that the management makes it difficult for their staff to take leave is through making undesirable comments regarding leaves and maintaining uncertainty around the leave. Analysing the responses of women workers of DEPZ, almost 59 per cent of women said that they do not get sick leave when needed.

Some women workers reported that when they return to work at the end of their maternity leave, the factory management offers them lower grade position than previously, under the pretext that they are trying to reduce women's workload due to their increased family obligations.

Discrimination against pregnant women and working mothers

When it comes to maternity leaves, women workers have to face humiliation from their supervisors. One of the women workers from DEPZ shared, *"When pregnant women workers find it difficult to work, their factory owners ask them to quit their jobs. Saying abusively that, year after year, you will get pregnant and want leaves? Who will do your job? Even if a woman worker is sick during the period, she has to listen to bad comments. Supervisors say, who will give you leave every month?"*

Trade Union leader Foridul from the Jatio Garments Shramik Federation, said that most factories fire pregnant workers before they start their maternity leaves. This lets the factory owners keep the salary which was due to the pregnant women workers.



Regarding factory infrastructure, only 8.9 per cent of women workers reported that they have special seating arrangements in their factories for pregnant women, while no such arrangement was claimed by other women workers. This finding shows how women are only perceived as means of production, despite their crucial role in social reproduction. Her body's autonomy, while they survive on low wages has been determined by the capitalists to constantly exploit pregnant workers' labour instead of providing adequate maternity benefits.

The daycare provided by the factory management is not the most reliable option, as reported by women workers in DEPZ. Women workers claimed that they felt safer keeping their children with their relatives instead of the daycare centres within the factories. In one of the FGDs, they shared, 'EPZ women workers do not rely on factory daycare. They have heard that the daycare of the factory puts the children to sleep by giving them sleeping pills.'

Gender-Based Violence on the Factory Floor

247 FPAR co-researchers in DEPZ reported that mental (75.3 per cent) and verbal (75.7 per cent) harassment of women workers in the EPZ is much higher than other forms of harassment, such as physical (16.6 per cent) and sexual harassment (12.1 per cent)¹⁰. Due to the grave underreporting of sexual and physical harassment, the number of these cases remains severely low. Out of 247 women workers, 57.1 per cent said that women workers are afraid to complain about harassment and violence in the factory or BEPZA¹¹. The reasons for this can be attributed to the fear of losing one's job, further social stigma and the lack of presence of women workers in the complaint committees.



⁶ During the work of a new female worker, one of the supervisors of the factory grabbed the hand of the woman and said, "your hand is so beautiful, hot!" The woman worker protested, saying, "I am an ordinary worker. You are the supervisor. You shouldn't tell me that. You have a family, I have a family. Never do that to me again." The woman worker wanted to slap the supervisor but did not do so for fear of losing her job. She worked hard for a month in the hope of getting a salary. Then she quit her job. ⁹

- DEPZ Woman Worker

¹⁰Labour SEZ FPAR Questionnaire survey, 2021

¹¹Labour SEZ FPAR Questionnaire survey, 2021

Workers' complaints of sexual harassment and violence were directed to the Human Resource Department (44.1 per cent) and the Complaint Box (47.4 per cent). Whereas, the complaints directed to the Anti-Harassment Committee and the Workers' Welfare Association (WWA) are severely low- 9.7 per cent and 3.6 per cent respectively. These statistics show that various committees and the WWA are ineffective nor trusted by workers to seek justice and remedies.

Violation of the workers' right to receive attendance bonus

An attendance bonus is being provided to workers who go to work on time or do not take any leave in a month. However, this is based on an informal promise made by the EPZ factory owners and there is no formal provision under the EPZ Act 2019. During the FGD, participants shared that it is difficult to manage the housework in the morning and reach the factory in time, however, they still do it so that they can claim the promised attendance bonus. In fact, 78.1 per cent of women workers feel mentally pressured during the entry time of the factory. One responded that after being late for five minutes for three consecutive days, the factory owner deducted the entire attendance bonus from their salary. However, participants shared that even when the workers reached on time, they would not receive any attendance bonus as the factory owners would simply break their promise and not provide anything to the workers.

Repression of Collective Bargaining and a complaint mechanism within EPZs

In Bangladesh Labour Law, there is a provision to form a trade union within each factory, while EPZ's Labor Act 2019 prohibits trade unions. The EPZ Labour Act only allow the formation of WWA as their 'collective bargaining agent' in a

A former president of the WWA, who was also a worker in an EPZ factory, said that although women workers complained of sexual harassment, no witnesses were found during the trial due to the widely spread fear of losing their jobs. So, the WWA cannot judge these cases fairly. (In-depth interview taken last 11 February 2022). FPAR analyses that the complaint procedures are not effective due to the patriarchal mindset of WWA and the Anti-Harassment Committee. A complaint is not acknowledged as an allegation and in most cases, an investigation is not conducted.



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factory, not a trade union. The two laws are in contradiction with each other and need to be resolved. The contradiction gives employers a free hand to repress workers' voices within factories.

As per the Bangladesh EPZ Labour Act 2019, 30 per cent of the total permanent women workers have to be present as a member of the executive committee of the WWA. However, FPAR found that only ten per cent of the FPAR participants knew about the existence of WWA. The Act also calls for fresh elections of WWA every three years, but BEPZA and the companies do not want re-elections as it interrupts the production process.¹²

Additionally, only 15-20 per cent of the factories have elected WWA. It has also been found that whenever members of WWA took initiative to demand the welfare of workers they were either retrenched or the cases related to harassment remained unresolved for years.

Women's participation rate also remains poor in the committees formed for the protection of workers' rights. FPAR reveals that only 6.5 per cent of women are members of the participatory committee, safety committee and anti-harassment committee due to their overtime and strenuous work targets. Because there are low rate of elected female members in the WWA, women find it difficult to report any complaints related to harassment within the factory units. However, it is the women workers who are the most affected because of an ineffective WWA as they are the ones who get sexually harassed by their male co-workers or high-ranking officials- as shared during the FGDs.

Recommendations

For the National government

- △ A comprehensive labour law must be enacted that upholds workers' rights, including their right to unionise and collective bargaining, especially in the EPZs.
- △ The government should ratify ILO Convention No. 87 concerning Freedom of Association. Protection of the Right to Organise and ILO Convention No. 98 on Right to Organise and Collective Bargaining, hold the companies accountable that refuse to implement the required conventions in the Export Processing Zones.
- △ Department of Inspection for Factories and Establishments (DIFF) should conduct regular and critical supervision over BEPZA to uphold workers' rights.
- △ The government's Labour Law Reform Committee should make recommendations and amend the EPZ laws in accordance with international human rights and labour rights. In particular, workers must have their rights to organise trade unions and the ban on workers' communication outside the EPZ must be lifted.
- △ Government should work with rights-based organisations and trade unions to build the capacity of workers on labour law.



¹²Labour SEZ FPAR KII, 2021. Abdul Latif, Former Education Secretary (elected), Beximco factory worker's welfare association, 2008- 2009

For BEPZA

The EPZ Labour Court should be made effective and a woman judge should be appointed to the EPZ Labour Court.



For Trade Unions

- Trade union leaders need to improve the conditions of the workforce in the EPZ, including more women leaders in the committees meant for workers' rights and welfare. Meaningful participation of women workers needs to increase during these meetings. This can be done by carrying out union activities during weekends, or according to the convenience and available time of women workers.
- Independent workers' union should have a central agenda of creating awareness about the need for Workers' Welfare Association as well as their responsibilities towards the workers. This would ensure a high degree of awareness among workers about their rights.



For Garment Suppliers/ Buyers/ Brands

- The concerned supplier, buyer or brand must conduct their utmost due diligence to ensure all workers in the supply chain can exercise their labour rights as enshrined in international labour laws and standards. Specifically, they must ensure Freedom of Association and Collective Bargaining requirements within the factories so that workers' voices are heard by the employers.
- Discrimination in the workplace on the basis of pregnancy should be prohibited. Pregnant women should enjoy their full labour rights without being forced to leave their jobs or be retrenched.
- Establish a daycare, an anti-harassment committee, and a trade union with women's leadership on the factory floor so that workers' rights are protected.



For Labour Movements

- NGOs should work with Sramik Karmachari Oikya Parishad (SKOP), a national federation of 18 trade unions, to elevate the voices and concerns of women workers in EPZs as priority trade union issues.
- The organisations that work with workers need to plan strategies to support workers to overcome legal barriers, procedural barriers or psychological barriers to solve their problems.
- NGOs and other organisations working on EPZ Labor Law and workers' rights need to prove that the WWA or People's Committee (PC) is not effective, it does not benefit the workers and the workers do not like these committees.
- In order to realise the dignity and rights of women workers in EPZ , it is necessary to build a social movement for the advancement of women's human rights and gender equality.





For Factory owners / management

- * WWA must be free from the influence and the interest of factory owners. Women workers need to be motivated to participate in the WWA. Factory owners need to pay attention to reducing the production process of the elected women workers' representatives and giving them some time to carry out their responsibilities towards WWA.
- * Regular meetings and awareness sessions on Labour law need to be held on the factory floor. Important labour laws concerning leaves, maternity benefits, and wage payment should be made visible in areas where workers can see them easily.
- * The various committees of the factory (e.g., Workers Welfare Association, Anti-Harassment Committee, Safety Committee, PC Committee) have to hold regular and periodic general meetings with the workers for at least three consecutive months.
- * In order to ensure the safety of women workers, an effective and impartial anti-harassment committee should be formed in all the factories.
- * Sanitary pads must be provided to the women workers whenever needed, six-month maternity leave should be provided and a suitable working environment should be created for pregnant workers.
- * Protection of basic rights of workers needs to be followed. Workers should be able to take the leaves that they are entitled to, adequate, effective and child-friendly daycare services need to be provided to workers. Factories that do not have daycare centres need to form a dedicated space.
- * Factory management needs to take action against the complaints lodged by the workers and those sent to the complaint box.
- * Employers need to act fairly on issues related to workers' wages and promotion – regular increase in annual salary at the rate of 10 per cent, regular promotions of the workers need to be ensured, provision of a provident fund should be made in all the factories and arrangements should be made for proper accounting of the workers.



About Karmojibi Nari (KN)

A Bangladesh organisation, started its journey on 1st of May, 1991 the International Labour day, 29 ago to ensure women rights, and informal sectors' workers especially the women workers.

KN tries to empower and strengthen dignity, power and authority of women workers. KN's vision is a just and egalitarian society free from exploitation, deprivation and discrimination in which women-workers, women, and labourers enjoy their rights, dignity, power and authority. Their FPAR will document the women workers' situation concerning Sexual and Gender-Based Violence (SGBV) in the SEZs. They will contribute to the building of women workers - to women-workers movement.

About APWLD

The Asia Pacific Forum on Women, Law and Development (APWLD) is the region's leading network of feminist organisations and individual activists. For over 35 years, we have been carrying out advocacy, activism and movement-building to advance women's human rights and Development Justice. This FPAR is part of APWLD's Women Organising Workers Programme. APWLD worked with and supported seven partner organisations from five countries in Asia to conduct Labour FPAR on Special Economic Zones (SEZs) between 2020 and 2022.

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