

Nature of Human Rights Violation on Female Garments Workers in Bangladesh

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ABSTRACT

Bangladesh, a fast-growing developing country, has been experiencing rapid development in export-oriented industrialization. The total contribution of the garment industries to the national foreign exchange earnings is around 83%. About 80% of garment workers are women, and most have migrated from rural areas to industrial cities. Female workers have been an important factor in the growth of the garment industry in Bangladesh. Despite its contribution to the national economy and employment opportunities, the garment industry in Bangladesh is beset by many grievances. Such as sexual harassment, health problems, lack of toilet facilities, exploitation of low-paid and overworked workers and large-scale social insecurity. The present research analyzed such violations from different aspects with a qualitative approach. The main objective of this paper is to find out the types and nature of human rights violations that occur against female garment workers in Bangladesh. The present research combines both exploratory and descriptive methods. Sampled garment workers from two selected factories were surveyed and interviewed to understand the practical situation at the field level. The data findings have provided a complete picture of the nature of the human rights violations that occurred. The human rights of women workers have been found to be violated from all nine indicators. The patriarchal socio-economic setting and economic vulnerability of the women and their lack of awareness, as well as reluctance and quick profit motive of the factory owners, have contributed most to such unwanted situations.

Keywords: Female Workers, Human Rights, Human Rights Violations, Ready-made Garments.

ABSTRAK

Bangladesh, negara berkembang yang tumbuh cepat, telah mengalami perkembangan pesat dalam industrialisasi berorientasi ekspor. Total kontribusi industri garmen terhadap penerimaan devisa nasional sekitar 83%. Sekitar 80% pekerja garmen adalah perempuan, dan sebagian besar bermigrasi dari daerah pedesaan ke kota industri. Pekerja perempuan telah menjadi faktor penting dalam pertumbuhan industri garmen di Bangladesh. Terlepas dari kontribusinya terhadap ekonomi nasional dan kesempatan kerja, industri garmen di Bangladesh dilanda banyak keluhan. Seperti pelecehan seksual, masalah kesehatan, kurangnya fasilitas toilet, eksploitasi pekerja berupah rendah dan terlalu banyak bekerja, serta kerawanan sosial berskala besar. Penelitian ini menganalisis pelanggaran tersebut dari berbagai aspek. Dengan pendekatan kualitatif, Tujuan utama dari tulisan ini adalah untuk mengetahui jenis dan sifat pelanggaran HAM yang terjadi terhadap buruh garmen perempuan di Bangladesh. Penelitian ini menggabungkan kedua metode eksplorasi dan deskriptif. Pekerja garmen sampel dari dua pabrik terpilih disurvei dan diwawancarai untuk memahami situasi praktis di tingkat lapangan. Temuan data tersebut telah memberikan gambaran yang utuh tentang sifat pelanggaran HAM yang terjadi. HAM pekerja perempuan ditemukan telah dilanggar dari kesembilan indikator tersebut. Latar sosial-ekonomi patriarki dan kerentanan ekonomi perempuan dan kurangnya kesadaran mereka, serta keengganan dan motif keuntungan cepat dari pemilik pabrik, telah berkontribusi paling banyak pada situasi yang tidak diinginkan tersebut.

Kata kunci: Buruh Wanita, Hak Asasi Manusia, Pelanggaran Hak Asasi Manusia, Pakaian Jadi.

INTRODUCTION

Bangladesh is a South Asian Nation. It is a developing country, and its economy is largely dependent on the garments industry (M. H. Rahman & Siddiqui, 2015). This industry has been expanding rapidly since the late 1970s. It is now Bangladesh's largest export earner as the garment sector's earnings in the financial year 2020-21 were 31456.73 million US dollars, contributing 83 per cent of the total exports for the corresponding year (BGMEA, 2022). The garments industry accounts for the lion's share of the country's export earnings and a large part of the employment. The availability of many economically vulnerable and semi-skilled women workers for employment has been an important contributing factor in the growth of the garment industry in Bangladesh. Their cheap labor is the attraction here.

In the garments industry, more than 80% of workers are now women (Uddin, 2014). The garment sector rapidly attained high importance in Bangladesh in terms of employment, investment, foreign exchange earnings and its contribution to the Gross Domestic Product (GDP). After the inception of a free market economy in the 1980s, Bangladesh emerged as one of the largest garment-manufacturing countries in the world. Despite contributing so much to the national economy, female garment workers face various workplace problems and are deprived of their human rights (R. Naved, Rahman, Willan, Jewkes, & Gibbs, 2018). Sexual harassment, health problem, lack of childcare rooms, lack of toilets, exploitation of labour by low wages and overwork, large-scale social insecurity of women workers, wide-scale labour lawlessness among the workers, gender-discriminated working conditions etc., are very common issues in the garments sector.

Human rights are all those basic standards essential to living with dignity. These include the rights and freedoms to which all humans are entitled, the right to life and liberty, freedom of thought and expression, and equality before the law. To violate someone's human rights is to treat that person as though they were not human (K. F. Rahman, 2008). Human right is the idea of our time (Mutua, 2018). Human rights are the rights of females (Bunch, 2018). It is now a global issue and on the rise anywhere. The present condition of women's oppression is a matter of anxiety for every conscious person and all human rights organizations and investors. Statistically, the percentage of violence has increased alarmingly, but no proper action has been taken in this regard (Akhter, Rutherford, & Chu, 2019).

Garment owners in Bangladesh have different types of organizations, and they are very strong, but there is no such strong organization for workers that can contribute boldly. Those in charge of trade unions are often sold to garment owners. The women workers in the garment factories of Bangladesh face many challenges. One thing to note here is that, despite the problems faced by the garment workers, appropriate action is not being taken in this regard. There are many such incidents in Bangladesh (M. Rahman, 2022). The presence of a significant portion of young women workers in the garments industry does not make outright the fact that the socio-cultural setting in Bangladesh is still patriarchal. Women are still considered a sexual symbol; it (women) is now a money income machine. Naturally, the male supervisors also treat them disgracefully. In addition, garment owners are highly profit-motivated. The national and international directions for ensuring safer and better work environments have been considered very costly. Even though these owners are not adhering to the instructions or taking just eyewash measures, the government cannot take strong measures against them. This is because Bangladesh's national economy is too dependent on the garments sector. The administration and executives seem reluctant to see strictly whether the security and human rights instructions are followed inside the factories.

The International Labor Organization (ILO), Amnesty International, the United Nations (UN) Universal Declaration of Human Rights, Human Rights Watch, Human Rights Commission of Bangladesh (HRBD) and many more organizations as well as the Bangladesh Labor Act (BLA) 2006, are acting to protect human rights violations. However, the sad fact is that human rights continue to be violated in the garment industry in Bangladesh. According to a report by Action Aid in Naved et al (2018), a non-governmental organization, 80% of female workers in garment factories in Bangladesh are sexually harassed in their workplace. 62% of respondents in the report said that they are aware of sexual harassment in the workplace, and 25% said that all female garment workers are victims of sexual harassment. The report further states that 54% of women workers do not open their mouths on this issue out of fear. 51% of women workers do not like to talk about this. Their supervisors have offered 17% of women workers direct physical contact.

The safety of the workers in the garments of Bangladesh is neglected. A total of 112 workers were killed, and more than 300 were seriously injured in the 2012 Tazreen fashion fire. A few months after of this incident, the Rana Plaza accident took place in 2013. One thousand one hundred thirty-six workers were killed, and more than 1000-1500 workers were injured in this incident (Prothom Alo, 2022; Sumon, Shifa, & Gulrukh, 2017). These two incidents are a scandalous chapter in the history of garment factories in the country (Jalava, 2015).

Despite the prevalence of human rights violations against women workers in garments, no research has yet been published that targets human rights violations in complete detail. Rahman (2018) discusses the Tazreen Fashion and Rana Plaza tragedy and highlights its legal aspects but does not analyze the overall picture of human rights violations. Madeleine Jalava (2015) highlights the issue of human rights violations but does not elaborate on the causes and types of violations happening in the garments sector. A few literatures have done in-depth analysis upon one or two types of human rights violations in their research work, like Akhter et al (2019) where she analyzes in detail the sexual harassment of female garment workers. Dina M. Siddiqi (2003) also addressed the questions of sexual harassment. Given the stigma attached to open discussions of sexuality, and the potential loss of honour, most women are understandably reluctant to reveal sexually exploitative experiences. Pāla-Majumadāra & Begum (2006) highlight women garment workers' health. However, these researches do not provide a complete pattern of human rights violations that are taking place against women workers in the garment industries.

The present research attempts to present a complete discussion about the nature of human rights violations. The objective of this study is to identify the nature of human rights violation that is taking place in garment factories upon women workers from nine different but interrelated issues of human rights. They are 1) forced labour, 2) sexual harassment, 3) misbehavior of the supervisors, 4) health and sanitation problems, 5) safety issues, 6) denial of maternity leave, 7) child labour, 8) job insecurity, 9) an obstacle to freedom of rights. These nine human rights issues have been selected as these are the most popular issues discussed in previous literature and newspaper columns. Moreover, international and state laws on labor and human rights are very clear and specific. Our data analysis shall be based on understanding the following ideal model. Figure 1 shows the ideal situation under which the garment factory management shall maintain the human rights of the women garment workers under the direction of national and international agencies, laws and conventions.

According to figure 1, the human rights standard for garment workers is decided by the international charters, labour law by the UN and ILO and National Constitution. These are accordingly followed in stipulating the clauses of the national labour law adopted by the parliament. Based on these

laws and constitutional obligations, government policies and instructions are made to ensure human rights at the factory level. These government instructions reach the factory level through Bangladesh Garment Manufacturers and Export Association (BGMEA). On tragic events and accidents, international investors and brand companies also fall into obligations to ensure human rights in manufacturing units, that is, garment factories, like child labour, safety, fire safety etc. In this situation, they send their instructions to the national government and the BGMEA. Following the instructions, the garment factory owners are bound to ensure the proper environment for human rights on the nine issues mentioned. This is a very simple and ideal model. The actual situation is complicated and influenced by socio-economic facts like the over-dependency of the national economy upon the garments sector, the high-profit motive of the garments' owners, the patriarchal social-cultural setting, the economic vulnerability of the garments workers and so on. After explaining the methodology, We will analyze the human rights situation in garment factories based on empirical observations, focusing on nine human rights issues and their violations, which this study has done so as to cover up the existing research gaps.

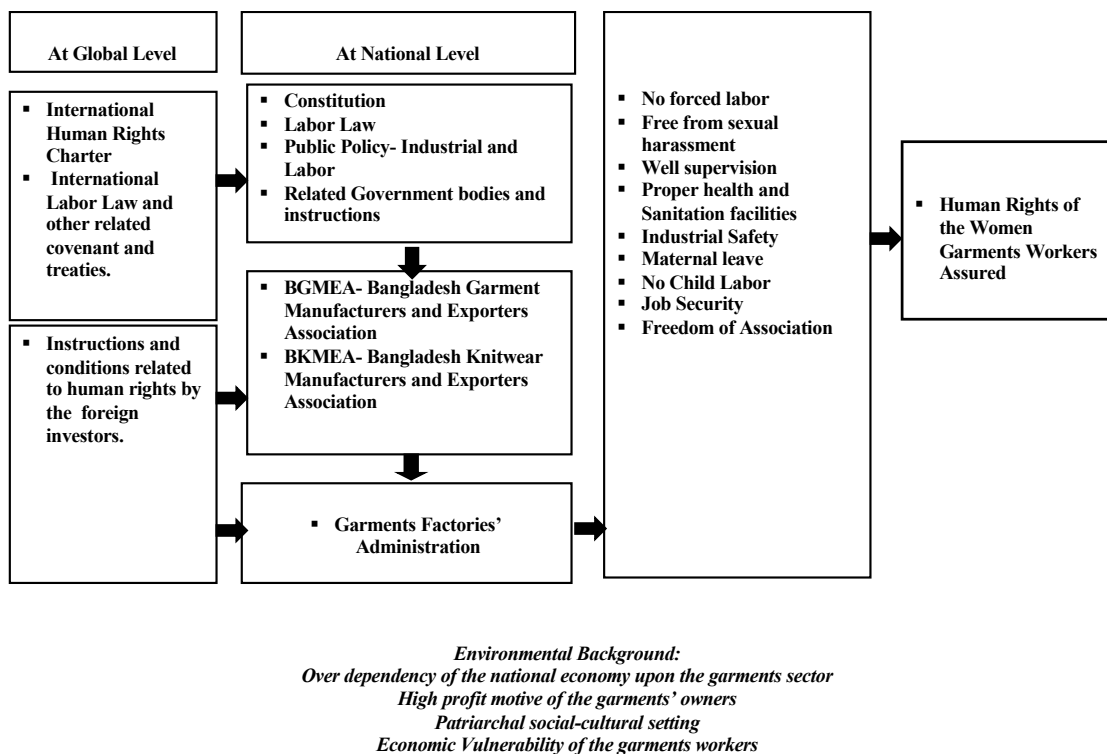


Figure 1. Analytical Framework to investigate the points of Human Rights violation of the Garments Workers

RESEARCH METHOD

The research was carried out to identify the nature of human rights violations against female garment workers in Bangladesh. This is an empirical research. This study used quantitative and qualitative methods to get a reasonable true picture of the human rights situation inside garment factories.

At first, the methodological issues, such as the type of the study, methods of data collection, sources of data, tools for data collection, data analysis, and respondents' selection, were made. Next, the other issues, such as a brief overview of the study area, and the rationale and criteria for selecting the study area, were included in the subsequent sections. Most of the garment factories of Bangladesh are concentrated in Dhaka city and its surroundings. The Mirpur of Dhaka city is the location of the study. Many factories are situated in these areas mainly because of the infrastructure and connectedness with the centre, port area, and other business facilities which are favourable to foreign investors.

In total 90 respondents were chosen randomly from two selected garment factories in the Mirpur area (Tables 1 & 2). They were considered for their organizational nature that represents the over all organizational structures of the garment factories of Bangladesh. Two factories, one large and one relatively small, had been selected. Primary data sources were the women and men working in selected two garment factories and the senior staff or owners of the garments factories. Besides, NGO leaders, human rights activists and scholars were interviewed as key informants (Tables 1 and 2).

Table 1. Name of Garments and Number of Respondents

Sl. no.	Name of Garments	Population and Sampling	Number of Actual Respondents
01.	Factory One-large size	1641 (both male and female workers) (target sample was 410, which is 25% of the total population)	Female- 30 Male- 05 Owners or senior staff- 05 (with a 9% response rate)
02.	Factory two Small size	380-400 (both male and female workers) Target Population was 100, which is 25% of the total population	Female- 30 Male- 05 Owners or senior staff- 05 (with a 35% response rate)

Table 1 explains the total population and sampling process of the garment workers. From factory one, 30 female and five men workers answered with a response rate of 9%. With the restricted and commercial factory environment and limited time, more respondents could not be interviewed. However, the small factory's response rate was relatively high, at 35%. Here also, 30 women and five male respondents were surveyed.

Table 2. Categories of the Respondents

Sl.no.	Categories	Tools for collecting data/ group discussion at their residential slums	Number
01.	Female garments workers	Structured questionnaire/ group discussion at their residential slums	60
02.	Male workers	Structured questionnaire	10
03.	Senior staffs/ Garment owners	Interview with open-ended questions	10
04.	Officials of Ain O Salish Kendra, the National Human Rights Commission, women-based organizations like Karmojibi Nari(KN) etc.	Interview with open-ended questions	05
05.	Prominent researchers, Scholars, Professionals etc.	Interview with open-ended questions	05
06.	Total		90

Table 2 shows the different categories of respondents from whom field data have been collected and the tools used for data collection, such as questionnaire survey, interview, focus group discussion, etc. The information collected from the garment workers has been cross-examined through interviews with the garment owners and white-collar staff members. Moreover, selected prominent human rights experts and NGO leaders have also been interviewed for further validation. Respondents from the last two categories were selected purposively. Secondary data were collected through literature and report reviews from various sources such as relevant books, journals, reports, articles, official statistics, daily

newspapers, thesis/dissertations, laws, regulations and so on. The worldwide web was also used as an important source for data collection.

RESULT AND DISCUSSION

Nature of Human Rights Violation at the Garments Factories: Facts from the Field

South Asian women are no more endured as only housewives. Globalization, female education drive and social reorganization have predisposed women economically and socially. Presently, women are participating in the workforce to subsidize family needs. Women's contributions in the manufacturing sector, like RMG, Tannery, Bakery, Footwear, Food Processing Industry, Retail etc., are moderately more than Men in Bangladesh (Prothom Alo, 2019). However, in this reality, women are always facing various problems at their workplaces. This section highlights the types of human rights violations that women garment workers face from nine human rights issues.

Forced Labor

Forced labour can be defined as work that people are forced to do against their will under the menace of some form of punishment. In Bangladesh, typical examples of forced labour involve young women working sixteen hours a day, seven days a week, without appropriate compensation (Anner, 2020). In September 2013, the BBC reported that garment workers were being locked inside a factory for nineteen hours' shifts. Locking workers inside a building can have catastrophic consequences, as proven by the fire accident at the Tazreen factory. The labour law in Bangladesh states that a working day should be no longer than 8 hours. However, overtime is allowed subject to the provision that the whole day does not exceed 10 hours. The International Labor Organization (ILO) Forced Labor Convention No 29, ratified by Bangladesh in 1972, was introduced to end forced or compulsory labour use. The UN International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to the enjoyment of just and favourable conditions of work which ensures rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays. Though there (OHCHR, 2015) are clear national legislation and international human rights conventions, violations against labor law in Bangladesh have become a norm. The garments section is no exception. Our field data also supports such fact.

Table 3. About Forced Labor

Do the authorities force you to do overtime		Do they grant you any emergency leave		Do you enjoy weekends regularly	
Answers	Per cent of female workers	Answers	Per cent of female workers	Answers	Per cent of female workers
Force over time	8	Granted	52	Enjoy weekend	32
No forced overtime	45	Not granted	42	Do not enjoy a weekend	45
No comments	47	No comments	6	No comments	23
Total	100	Total	100	Total	100

Source: Field Survey 2022

Table 3 shows that among the respondents, 47% of female garment workers did not comment on overtime. But in Bengali society, silence is a synonym for consent. Strict environments and the insecurity of losing their job have kept the women's reticent about the forced labour they go through.

Working in garments is very challenging for women workers. A woman has to deal with so many things before and after coming to work. Moreover, women experience a menstrual period every month when they feel physically weak. At this time, they cannot work properly in the factory. In addition, they often need emergency leave for the sake of their families as they are often mothers too. When asked if women workers are given leave in such situations, 42% of women workers said that they are not given leave, but when the same question was asked to the male workers, it had been found in the survey that 70% of male workers said they got leave facilities in the factory (Table 3). Sorna (not her real name) is, a women worker of the surveyed factories, said,

"There is no limit to our work, and we are forced to work. I come to work at 7:30 am but leave the factory at 8:00 pm and reach home at 9:00 pm. Every morning when I go out to work on the road while walking through, I keep wishing that if I could come a little earlier today, I would be able to meet my daughter awake. Because I am late to return home, my infant daughter falls asleep every day before I return. This is our daily routine. If there is an emergency shipment, we leave the factory at 10 pm. We accept all these because, if we do not work, where will the food come from?"

Weekly leave is an important issue for all classes of officers and employees. Because it is very important to take rest at least one day after working all week. But the picture of women workers in the garment factories is completely different. 45% complained that they could not enjoy the benefits of weekly leave, and 32% said that they enjoyed this (table 3).

Sexual Harassment

Sexual harassment is that of unwanted and unwelcome sexual advances and requests for sexual favours or other verbal or physical conduct of a sexual nature. It has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, abusive, offensive or poisoned working environment. Bangladesh Labor Act 2006 stipulates that no one should make any behaviour towards a female worker, irrespective of her post or designation, which is indecent or obscene or which is contrary to decency or modest to her (BLA, 2006). Sexual harassment is an important indicator in determining the true status of women in garment factories. Female workers are regularly sexually harassed by their co-workers and supervisors. There may be different types of sexual harassment in garment factories. Male co-workers or supervisors sexually harass female employees in a variety of ways. As a result of working with women workers, they stand by them, and their evil eye falls on women workers. If the female worker does not agree to the unethical proposals, they are first verbally harassed, insulted in public, then forced to do extra work, falsely accused to the senior authorities and so on.

Table 4. Sexual Harassment

Have you been the victim of any harassment in the factory?		Are you constantly being sexually harassed by men in the workplace?	
Answer	Per cent	Answer	Per cent
Victim	37	Sexually harassed	47
Not Victim	13	Not sexually harassed	10
No Comments	50	No Comments	43
Total	100	Total	100

Source: Field Survey 2022

The frustrating fact is that there are no rules and regulations to prevent sexual harassment (Rubya, 2014). Female workers in the RMG sector face such harassment from their male co-workers and supervisors, and the rate is high, 69% (Rubya, 2014). The scenario remains the same today. Workers indict the following kind of harassment: drawing hair, spanking, hitting, rubbing, touching the body and even kissing. The other forms of harassment include glittering, staring, whistling, standing very near and pinching. If in case of unmarried female worker is sexually injured, it decreases her marriage probability (R. T. Naved et al., 2018). Now we shall try to understand the situation from our field data.

Table 4 shows that when female workers were asked, 'Have you been the victim of any kind of harassment in the factory by your colleagues or supervisors?', 37% of the 60 respondents said they had been harassed and received a sexual offer from their male colleague or senior male officer. 13% said they had not received any sexual offers. The remaining 50% declined to comment. This 50% and 43% of the silent female workers also have a significant meaning. In the socio-economic situation in Bangladesh, women fear and feel uncomfortable answering sensitive questions related to their honour and living. In factory no. (1) 23 % of women respondents complained that they were victimized by sexual harassment either by their colleagues or their supervisors. In factory no. (2) 30% of women workers encountered sexual harassment. When the same questions about female sexual harassment were asked to the ten male respondents, they almost denied that such things happen inside the garments. The matter became certain to the researcher when he interviewed a female worker named Rahima (not her real name) at her residence.

"We women are harassed in various ways in the workplace, but no one can say or want to say anything outright," she said. She added that every woman in the workplace is sexually harassed by her male co-workers or supervisors, but no one complains for fear of losing their job. Even if they do, there is no fair trial.

Another female worker Amena (not her real name), shares with this researcher what happened in her life. She said,

"I was only 15 when I came to work in the new garment. My supervisor at that time was an unmarried man, probably between the ages of 22-24. At first, he was very nice to me, but after a while, I realized he was trying to get close to me with various excuses. He would come and stand beside me, and a few days later, he would call me to his room at different times and talk to me for a long time. He would occasionally touch me and even touch the private parts of my body. After continuing this for a few more days, he offered me love, but I didn't reply. He wanted to know the answer to me every day, but I could not reject him for fear of losing my job because I would be in great danger if I lost it. However, some days later, he became very angry with me and started torturing me in various ways. I was forced to quit my job as I could not bear his torture and could not tell anybody because the management would never take action against this type of harassment and rather sack me. Moreover, my colleagues would think bad about me."

At the workplace, female workers work in an antagonistic, intimidating and sexually stimulating environment. Supervisors, linemen, line chiefs, and production managers misuse power and hassle female workers verbally, physically and sexually.

Maltreatment of the Supervisors

Bad behaviour from the side of the supervisors has become common in garment factories. Most of the women working in garment factories in Bangladesh are the victims of the aggression of their supervisors or seniors. Most respondent garment workers mentioned that if they could not meet the

target production, the supervisor rebuked them using slang Bangla words. Rahima (not her real name), 20 years old, said,

"I work in the sewing branch of the factory. One day my supervisor told me to sew a lot of clothes in 30 minutes. But the cloth was so much that it would take at least 2 hours to finish it. After 30 minutes, when the supervisor came and saw that my work was not done, he became very angry and started abusing me with vulgar language. I told him, Sir, give me another 30 minutes, and I'll finish, but he didn't listen. At one point, he threw the clothes at me and said, Maggie (Bitch), sew these with your mother."

In the focus group discussions, the women workers of factory 2 (small size) complained about harassment by their superiors. More than 80% of the women in this factory were dissatisfied with their supervisor. But they do not want to complain about this for fear of losing their jobs. It is not only their job, but they are also concerned about their reputation, about their families. Many of the young girls are unmarried, and they face harassment often.

However, it needs to be mentioned that not all supervisors are the same. Some supervisors are kind and understanding, according to the respondents. The field survey found that over all 29% of the garment workers are dissatisfied with their supervisors. On the other hand, 56% said they are satisfied with their supervisor. 15% did not comment on this. This data proves that a good portion of the garment women workers are not satisfied with their supervisors.

Health and Sanitation Problem

Health and sanitation are basic human rights for any human being. The garment owners should provide the necessary sanitation and facility according to the labour law. Women garment workers suffer from several disorders and illnesses, including bone and back pain, malnutrition, forced abortions, eye strain, flu, dermatitis, respiratory problems, fever, gastric and abdominal pain, and hepatitis (Ahmed & Raihan, 2014).

These matters were inquired about during our survey at the two factories. For this, the incidence of illness, the reason for taking leave from work, and the medical expenses of garment workers were analyzed. The garment workers were asked about their health conditions before and after their employment. Most respondent workers replied that they had more sound health before entering their job in the garments. However, it deteriorated afterwards. It can be clearly seen that 56 per cent of the workers had fairly good health before joining the garment factory. But it came down to 16 per cent after joining the industry. Only 6 per cent of the workers reported that they often experienced various illnesses even before their recruitment. About 84 per cent of female garment workers experienced various illnesses, either often or sometimes, after joining the garment industry. Bangladesh's women are more disadvantaged than men in terms of health and nutrition.

In most cases, in RMG factories, windows are always closed, and there is a suffocation problem due to a lack of air movement. Toilets are not sufficient for female workers. These few toilets remain dirty most of the time. Lack of proper cleaning, less water supply, and the huge crowd cause harmful gas emissions from the toilets, and the factory environments always remain stinky. The quality of the drinking water supplied by the factories does not comply with the standard level. Due to this unhealthy environment and the huge crowd on the floor, the workers complain about eye-problem, headaches, illness, and general weakness. Often the workers are down by diarrhoea and water-borne diseases. Especially pregnant women face health problems since they get no support or maternity leave (only without pay) and have to work in such a working environment.

When the respondents were asked if their health was at risk, 38 % said they were at risk. 45% said they have no health risks in the factory (Table 5). Most of those who have given the opinion that they are not at health risk is from Factory No. 1 (big size). This research revealed that 43 per cent of respondents use clean toilets in their factory, but 50 per cent of respondents cannot use the toilet and water facilities as they are unhealthy. Most of the time, they face clogged water and the comet filled with menstrual dust. So it is very easy to say that various types of diseases are transmitted to other women in the factory.

Table 5. Health and Sanitation Problem

Are you at any health risk?		Does your factory have medical facilities?	
Answer	Percent	Answer	Percent
Yes	38	Yes	33
No	45	No	50
No Comments	17	No Comments	17
Total	100	Total	100

Source: Field Survey 2022

Table 5 shows that 33% of women workers say they get medical benefits in factories, but 50% of women workers answered negatively. Parveen (not her real name), a garment worker, said,

"One day, I came to the factory sick, but I couldn't work because I had diarrhoea the day before. After coming to the factory, I went to the bathroom a few times, but it didn't help. After working for 2-3 hours, new headaches started, which were very difficult to bear. I told my supervisor that I could not stand it, and he told me to take Napa medicine (pain killer) and keep working. I took medicine, but it did not change. I could not concentrate on any work. After a while, I went to the supervisor and told him about my problem again. I wanted to leave for the rest of the day, but he did not give me one. I came to my sewing machine and lay on the machine. I don't know what happened then. When I regained consciousness, I saw that I was in the hospital. Later I discovered that I had fallen from the machine and lost consciousness, so I was brought to the hospital."

Though this is an extreme situation, it shows us how the garment authorities are indifferent to the health and sanitation of the workers. No factories have facilities for emergency medication for the workers, nor any counselling facility.

Safety Problem

Due to the rapid and unplanned expansion of the industry, many buildings that were originally built for shopping malls or residential purposes have been converted into factories without proper permission, and the buildings are loaded with heavy machinery, posing various security risks. A significant share of Bangladesh's garment factories is located in the capital Dhaka, where RAJUK (Rajdhani Unnayan Kartripakkha-Capital City Development Authority) monitors the legitimacy of the building. According to the Bangladesh Institute of Architect Project, 50% of the country's garment factories are expected to be unsafe (Seattle Times, 2013). As of this, we can mention Rana Plaza collapsed with thousands of workers inside. This was a shameful and tragic incident for the garment industry. One study found that between January 2018 and December 2019, there was an average of one garment fire per week. The Tazreen fashion fire is still a nightmare for garment workers, which took place in November 2012. The accident killed 112 workers and injured more than 200 (Prothom Alo, 2012). After the Tazreen factory fire and the Rana Plaza collapse, the Ready-made Garments (RMG) industry was forced to tackle non-compliant workplace security and occupational health and safety global standards (Barua & Ansary, 2017). The government, ILO, EU and buyers proposed different collaborative initiatives to improve health and safety conditions.

In our survey, when asked about safety measures during group conversations and solo interviews with garment women workers, it was found that about 45% of women workers are indifferent and unaware of this issue. The authorities of Garments no. (1) Claim that they provide various training to ensure the safety of their workers, such as fire control training, what to do during an earthquake, how to get out if there is an accident inside the garments, etc.

Safety is totally neglected in factory number (2). 80% of the women workers here are indifferent about their safety and are not given any safety training. 80% of the women workers here are in the age group of 15-25 years. Authorities claim that safety is paramount in their factory and that the safety risk is lower because their factory is smaller, so they do not need to take any special measures or provide training to the workers. If the factory owners' perception of safety and security is such, the possibility of a safe working environment in the Ready-made Garment Sector (RMG) shall remain a far cry.

Maternity Leave Problem

The Bangladesh Labor Act 2006 guarantees all women workers a total of 16 weeks of paid maternity leave: eight weeks before the birth of the child and eight weeks after delivery (Bangladesh Labor Act, 2018). It is the same for female garment workers. However, both the garment factories in the study have maternity leave facilities. Still, practically none of the industries is giving maternity leave to their workers with pay as they claim to do. Table 6 shows that 75% of women workers enjoy this holiday. While collecting data on two specific garments, the researchers noticed that both garments provide this holiday. Most of the 25% of women workers who did not give their opinion on the table are unmarried, that's why they were not aware of it.

Table 6. Maternity Leave Problem

Do you get maternity leave during pregnancy?		Do you think this holiday is enough for a mother?		Do you enjoy this holiday with pay?	
Answer	Per cent	Per cent	Per cent	Per cent	Per cent
Yes	75	13	75	75	75
No	00	28	00	00	00
No Comments	25	58	25	25	25
Total	100	100	100	100	100

Source: Field Survey 2022

Bangladesh Labor Act (BLA) 2006 provides 120 days for pregnant women at work. But the garments factory of the Mirpur area gives their workers 90 days of maternity leave for pregnant workers. No garment factory in Bangladesh provides maternity leave for more than 90 days (Field survey, 2022). Through discussions with the workers and owners of two specific garment factories, we came to know that women workers are also given maternity leave for 90 days only. When we asked the workers, is this leave sufficient for a mother? 13% of women workers said yes, it is enough, but 28% of women workers said this leave is not enough for a new mother, and 58% of workers did not want to comment on this topic (Table 6). 25% of women workers said that this leave is not given with pay, but 75% said that this leave is given with pay. Researchers have found that women workers are paid leave of absence, but there are problems with the scope of the maternity leave. So it is clear that maternity leave for women workers is not enough for pregnant women workers. The most important thing in a woman's life is to be a mother; it is as hard as pride.

Child Labor

The UN Convention on the Rights of the Child defines a child as someone lower than the age of 18 years. The convention also calls upon its member states, including Bangladesh, to recognize the right of the children to be sheltered from economic exploitation and from doing any work that is likely to be threatening or to inhibit the child's education or to be harmful to the child's health or physical, mental, nonphysical, ethical or social development (OHCHR). In 2001, Bangladesh approved the ILO Convention No. 182 on the worst forms of child labour, prohibiting slavery, child prostitution and other illicit activities. Under article 15 of the Constitution, a child has the right to social security and article 34 excludes the intimidation of children into doing obligatory labour.

Bangladesh's labour law states that children are prohibited from working in any job or establishment. However, from the age of twelve, they may be employed in light work that is not harmful to their health and development or deters their education. Adolescents, i.e. 16 and 17 years old, are allowed to be employed only if they have a fitness document in the prescribed form and are granted by a registered medical practitioner. But they can work for only five hours a day and thirty hours a week. The law also states that, for dangerous work such as working in a garment factory, the legal minimum age is eighteen, with no exceptions (Bhuiyan, 2020).

Accordingly, there should be no child labour in the garment factories of Bangladesh. However, the practical situation is different. A few child laborers were seen in factory number 2 (small size). One of them, Saiful, was only 14 years old. When asked why he came to work at such a young age, he said that his father had passed away, and now they are four members of the family. Being the family's eldest child, he has to bear all the family's expenses. He has been working in this garment for the last two years. Another child labour named Shiuli (not her real name) is 13 years old. Shiuli said,

“ I have been working here for one and a half years. My parents were separated, so to find a living to survive, my mother and I left the village and came to the city. I used to go to the factory with my mother and work slowly. Later she asked the owner of this factory and the owner gave me a job here”.

When asked if the garment authorities were aware of child labour, they said they were aware of it and even claimed that there were no child laborers in their factories. But researchers found some child laborers during factory visit. In this regard, 32% of women workers said there are child laborers in the factory.

Job Insecurity

Fear of losing a job is constant anxiety among female garment workers. As they are economically very vulnerable, they always compromise with their supervisors or seniors to keep their job. In factory no.1, the workers reported that there is a complaint box to complain where they can complain if they are physically or verbally abused. In reality, they hardly dare insert any complaints in the box because if they do so, the supervisors get more dangerous and want to take revenge. Female workers reported that they always try to be silent and do not argue with their supervisors even when they are acting against the rules, doing injustices or violating their human rights.

A female worker shared some of her real-life experiences with the researcher on condition of anonymity. She said,

"Many of us work together here. When our supervisors harass us physically and verbally, everyone sees it, but all are silent. If any one of us complains in the complaint box, the supervisor

will know somehow. The supervisor continues to harass the complainer in various ways and does everything necessary to get him/her fired. Many used to work with me in this factory, but now they are gone. Many of them have been fired because they were vocal about harassment. Most of them were harassed by supervisors."

Job insecurity among garment workers has made their lives miserable. It was the same for both the big and small garments under the survey. This fear could be observed among all the respondents. This fear worked in 70% of the female workers, especially when they were interviewed inside the factory. So the researchers had to go to the women workers' dwelling slums and tried to find their real facts.

Associational Rights

Associational right is a fundamental right safeguarded by the Constitution. Every citizen of Bangladesh ought to enjoy such rights. However, in Bangladesh, whenever women garment workers have agitated for their right to form a trade union, they have suffered violence, coercion and threat of losing their job (Human Rights Watch, 2015). After the Rana Plaza tragedy, there was enormous global pressure to restructure the RMG industry; accordingly, Bangladesh Parliament revised the Labor Act 2006 on 15 July 2013. Such revision made it easier to form a trade union. The amendment is known as Bangladesh Labor (Amendment) Act 2013 (act no. 30) and was enacted on 22 July 2013 (Bangladesh Labor Act, 2013).

Consequently, trade union registrations increased from 85 to 416 in 2015. The act was again amended in 2018, known as Bangladesh Labor (Amendment) Act 2018 (Bangladesh Labor Act, 2018). The trade union numbers increased from 416 to 450. Though there were sympathetic laws for forming trade unions, many unions complained that factory owners continued to practice threats, physical assault and compulsory dismissal of union leaders and members to stop union activities. According to Human Rights Watch (2015), garment union leaders at a factory situated in Gazipur (near Dhaka) tried to establish a union in January 2014. Still, they were brutally assaulted, and their efforts led to many workers being sacked. Even a pregnant female union leader was beaten, forced to work at night, and eventually fired without paying all her due wages as she wouldn't agree to stop unionizing (Human Rights Watch, 2015). Because of the protests against 'poor wages', the garments workers unity forum president was arrested and jailed seven times. There are dozens of similar cases of threatening, attacking and firing union leaders for pursuing their legal rights (Hossain, 2019).

Despite revisions to the labour law, it does not comply fully with international labour standards in terms of freedom of association. The two significant International Labor Organization conventions for labour rights are No. 87 and 98, comprising freedom of association and the right to organize and collectively bargain. These were ratified by Bangladesh in 1972 and oblige the government to adopt legislation allowing its citizens the full right to form and enter organizations according to their desire, together with specific safeguards against acts of anti-union discrimination (ILO, 2013). The new law amendment kept the provision of 30 per cent membership for organizing a trade union which reasonably refutes the sense of free trade unionism (thedailystar, 2013). In addition, the amendments did not extend freedom of association and collective bargaining rights to garment workers in the Export Processing Zones, which clashes fundamentally with article 23 of the worldwide Declaration of Human Rights. It states that everyone has the right to form and join trade unions to protect his interests (UDHR, 2014). The Constitution of Bangladesh recognizes the right to organize. So not allowing garment workers to organize, violates human rights and is against the Constitution of Bangladesh. The right to an

organization is one of the most important fundamental rights for the citizens of Bangladesh. Articles 37 and 38 of the Constitution of Bangladesh mention that every citizen shall have the right to assemble and to participate in public meetings and processions peacefully and without arms, subject to any reasonable restrictions imposed by law in the interests of public order or public health. Moreover, the Constitution also states that every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interests of morality or public order (Bangladesh Constitution, 2022).

Therefore, there was clear progress in amending trade union laws after 2013, but continuing abuse by factory owners limited the development of trade union activities. Garments No. 1 and 2 have no trade union. 100% of the workers here are not affiliated with any organization. However, there is an organization called Peace Committee in Garments No. 1. Garment authorities claim the committee works for the welfare of the workers. But the workers informed us that this committee is only in name and they have no activities. The representatives of the garment owners and workers head this committee. The researchers spoke with several male staff members to learn more about the committee. A male garment worker told the researcher on condition of anonymity that .

"The peace committee was set up to show foreign buyers and the government that there is an organization for the workers in their factory. Everyone on the committee is very close to the owner, so the garment authorities have never had a problem with this committee. However, the employer always disagrees with every group working for the workers. If this committee had actually acted in the workers' interest, the authorities would have had trouble with them, but it never happened".

On the other hand, there is no such organization in Garments No. 2. These two garment authorities claim that they do not need such organization as the garment workers are enjoying proper facilities.

CONCLUSION

From our discussion and data analysis so far, we have understood that the human rights of women garment workers are being violated from all nine points in Bangladesh. Field data have shown that forced labour is an obvious matter for women workers. 12 to 16 hours of labour is a common culture in all garment factories in Bangladesh. The workers can hardly enjoy their personal and family life. 45% of the respondents replied that they could scarcely enjoy weekends. Maltreatment by the supervisors is taken for granted by them. Moreover, they are afraid to protest against such misbehavior in fear of losing their jobs. Job insecurity among these poor and vulnerable classes is so severe that they fear complaining even about sexual harassment at the factories that happen in different forms. They do not expect to get remedies or justice to their problems or complaints if they inform the authorities. Rather there is a high chance of losing their job and receiving a strong social stigma. The women's economic vulnerability and constant fear of their job loss lead to more exploitation by the owners, including their human rights violations. Improper ventilation of the factories has caused different medical conditions among the workers. Complaints from allergies, asthma, hepatitis B and forced abortion are common medical conditions. Lack of pure drinking water, proper sanitation, and clean toilets are common in the garments sector. The surveyed garment industries also did not have any medical facilities for the primary treatment of the workers. The right to maternity leave is well established by law in Bangladesh. However, garment workers are never granted 120 days of maternity leave. It is always 90 days and often without pay. Child labour is a common picture in Bangladesh. The garments sector is no exception. Though there have been different initiatives and pressure from foreign

investors for the child labour-free garments sector, the tradition of recruiting young teenagers continues. After the Rana Plaza tragedy, the strict rules against forming trade unions were relaxed. However, the culture of workers' association is yet to develop. Rather the workers know that any complaint or argument with the authorities means being fired. From our observation, it has been found that small factories hardly care about such instructions for labour associations. To keep conformity with the law, the larger factories arranged for the formation of worker groups comprised of their loyal members. This can be termed more as eyewash than executing the freedom of associational rights.

Despite the defined labour laws and their revisions from time to time to ensure the rights of the garment workers and the concern of foreign investors and international monetary organizations, human rights violation endures. And it is an everyday practice at garment factories throughout Bangladesh with few exceptions. The question may arise of why such violations are continuing. The reasons are also multi-dimensional. In the background of the patriarchal socio-economic culture, women's empowerment is taking place. The women at the garment factory come from very poor and vulnerable economic conditions with little education. Naturally, they are ready to meet any odds and accept inhuman working environments and job conditions. Profit-motivated garments owners exploit such vulnerability and determination of the workers. These ignorant workers are also unaware of the human and labour rights they are entitled to (M. Rahman, 2022). At the upper national level, as mentioned in the introduction, the national economy is too much dependent on the garments sector. Naturally, the government cannot be too strict on the factory owners. The government also lacks the necessary personnel to monitor upon the factories (Ahamed, 2013).

On the other hand, the national human rights commission and other human rights organizations fail to stand strongly against such violations (M. Rahman, 2022). Often these advocacy organizations are compromised by the government and the garment owners. Improving the human rights situation in Bangladesh's garments sector is the demand of the time. If such violations continue, then women will lose their interest in working in the garments. Policy implication to resolve the problem is multi-fold and requires actions from different levels. This may lead to another research paper dedicated to the reasons and remedies for the human rights violation of women garment workers in Bangladesh. However, at the end of the paper, we would like to mention a few urgent actions necessary from the organizational level to ease the situation and prevent further deterioration. The Bangladesh Garment Manufacturing and Exporters Association, popularly known as BGMEA, in collaboration with ILO and other international human rights organizations, should undertake a training program for the garment factory owners, managers, supervisors and workers on human rights, labour law and labour rights awareness. Proper execution of the labour law, child rights and human rights still remain a challenge for the government. Solution lies in establishing a healthy working environment, job security, and proper medical facility inside the factory. Conducting emergency training and ensuring freedom to trade unions is urgent. BGMEA and the owners should take a bottom-up approach instead of top-down strategies to implement such facilities and rights in the factories. The management should assess the need and requirements of the field before deciding at the board meetings. The government also needs to recruit well-trained personnel to monitor the garments sector from above.

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