



**The Research Report**

**On**

**Rights of the Women Workers in Garments Sector in  
Bangladesh: A Study of Law and Reality**

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## **Executive Summary**

In Bangladesh, Garments sector have played an important role in reducing poverty and the female workers are now being taking part in maintaining of their family by earning. As most of the girls from poor family are illiterate or less literate, they took it as bless to get opportunity to work in the garments thinking that they will be independent by earning. And that's why, they hardly bargain with the employers about their rights and privileges. Most of the factory owners are not providing the rights and the privileges as per law to the garments workers especially to the female garments workers. So this research is conducted to find out the rights of the women garments worker under the existing laws and to analyze how far the rights are being enjoyed by the women workers. This study also tried to evaluate the awareness level of the women garments workers about the rights and the privileges which has been inserted in the laws of the land. To conduct this research, both quantitative and qualitative methods have been used. To collect quantitative data, we have selected three areas from Dhaka district and three areas from Gazipur district. A number of fifty samples has been taken from each district and total sample sizes are 100(one hundred). From these samples we have collected our primary data by using questionnaire survey and interviewing methods. Through this survey it is proved that the women workers are not getting rights and privileges as per the law. In most of the cases the women have given negative answer and some of the cases they were silent. And in some of the cases they have answered positively where is has been found that the respondents are in a hurry that they are giving answer by not understanding the questions actually. As they are very much ignorant about their rights, they do not have any idea about rights and privileges actually, especially in case of leave, working hour, maternity benefit etc. On the other hand the women workers are not aware about their job security benefits like appointment letters, provident fund, increment etc. So, it is found the terminations of the workers are depending on the will of the owners and the victims are very much reluctant about taking legal steps. As our main objective is to find out the actual scenario about the laws and the reality of awareness of laws and getting privileges as per laws by the women workers, so to make our report genuine and authentic, we have interviewed some of the garments owner and they stated that they are providing rights and privileges to their workers as per law. They showed that they have complaint cell, trade union, but in interviewing

the workers the present scenario has focused that the workers have a little bit chance to submit their complaint to the complaint cell because of losing job fear. It is also founded that some of the factories have trade union but the female participation are very low in trade union which hinders their expression. In our research we found although Bangladesh labour laws are modern and appropriate to promote the rights of workers but the incidence of violation of labour rights is taking place in most of the garments sectors. The reasons for violation of the rights are not related to policy but the execution. The major drawback to ensure labour rights lies in the poor logistic and infrastructural facilities of the concerned authority of government of Bangladesh.

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## Chapter-1

### 1.1 Statement of the Problem:

At present the garment sector of Bangladesh has mastered a dignified position as it is the most important source of foreign currency. This sector has become an important sector for reduction of poverty. In our country garment industry has achieved a prime position by dint of export boom ever since the factory opened in 1976. Approximately 5000 Garments factories in Bangladesh have created a scope of employing over three million people where 85% workforces are women who were between the age of 18 and 32 years (Mahegir,2015). A large portion of women are engaged in this praiseworthy profession like job in garments from home worker or servant. Women are the main workforce of garments industry. Facing hardship and poverty, these women who are often illiterate and having less than primary level education come to urban areas in search of work in garment factories for better living conditions (Asia Pacific National Consultation, 2013). The women engaged in the garment factories are facing inequality in paying wages, gender discrimination even basic rights are violated in workplace (Aegir, 2015), as they are engaged in the factory without any formal agreement and job contract, so they can be easily hired and terminated even without any compensation and are forced to do overtime as mandatory. Though the BGMEA, ILO and Government Policy, Labour laws have fixed terms and conditions, working hour, fixing wages salary, benefit with rights of workers, the rights are eventually ignored in various cases. They performed poorly paid jobs, face severe labour rights violations and do not enjoy their legal rights (Mahegir, 2015). The constitution of Bangladesh has ensured the equal rights of women and men and other statutory laws are in place to safeguard women's rights. At the international level Bangladesh has ratified the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) as well as International Labour Organization on discrimination in employment and occupation, the reality is that despite such legislation women workers right are ignored and violated. The main focus of the study is to find out how far the women garments worker are enjoying the rights inserted in different laws and to analyze the reality of implementation of the laws regarding the women's rights in garments sector in Bangladesh.



## 1.2 Objects of the Study:

The general objective of the study is to find out the rights of the women garments worker under the existing laws of the land and to rummage how far the rights are being enjoyed by the women workers. To achieve the general objectives, the study will be conducted on the basis of some specific objectives.

The specific objectives of this research are as follows:

1. To examine the laws relating to the women workers in Bangladesh.
2. To evaluate the measure for enforcement of rights of women garments workers and to find out the reasons of violation of the rights;
3. To find out the factual scenario about the awareness of the rights inserted in different laws;
4. To make a comparative study between the law and its practice.

## 1.3 Literature Review:

Mahegir, H. (2015) in his article **“Social Awareness for protecting Female Garments Workers rights and minimizes inequality of wages in Bangladesh”** has focused to build awareness regarding inequality and continuing violation of women workers in the garments industry of Bangladesh in comparison with the reality that are to face the female workers in the garments industry of Bangladesh. He also mentioned that women act as the main working force of garment industry; although they are facing inequality in wage, gender discrimination, and even their basic rights are bottled-up and violated in work place and also in society. Women workers remain at the bottom of the supply chain, working long hours for poor wages and denied also the basic maternity rights. The aim of his paper is to seeks awareness in inequality and the continuing violation of women workers’ rights in the garment industry of Bangladesh.

Uddin, Sanjida S. (2015) in her paper **“An Analysis of the Condition of Bangladesh Female RMG Workers”** has explored the vulnerable situation of the female garment workers in

Bangladesh due to liberalized trade policies and expansion of the garment industry in Bangladesh. In her paper she also focused that After the independence of Bangladesh, the government has been trying to implement privatization policies and other liberalized trade policies to cope with the world economy. As a result the garment industry gained the highest focus and became the largest export sector sector in Bangladesh, which from the very beginning largely depended on low-skilled women workers because of their availability at low wages. Thus the low skilled Bangladeshi women garment workers who got the option to work in the garments industry to earn money for their family, it also creates vulnerabilities for them which are largely responsible for health susceptibilities, mental pressure, low life standard, etc.

The Asia Pacific National Consultation with Special Procedure (2013) in the paper of **“National Consultation on the Women in Readymade Garment (RMG) sector of Bangladesh”** has focused on the condition of the women garment workers specifically in economic, socio-political and hazardous and safety sector. This paper focused that the employers engage garment workers, mainly women, in the factory without any formal agreement or job contract. Thus they can be easily hired and fired and no compensation is offered when they are laid off in the interest of the factory owners. It also focused that the social standard of the women workers are very poor as they are poorly paid in this sector, they face problem in the areas of accommodation, transport and access to health treatment. Most of them are living in urban slums and they have no access to government social protection measures. Existing situation also deter them from getting involved in any right based activities for their well being and therefore, they have no power or voice to bargain with the factory owners.

Majumder, Pratima P. (2000) in her research work **“Occupational hazards and Health consequences of the Growth of Garment Industry in Bangladesh”** has explored the nature and extent of occupational hazards in the garment industry of Bangladesh. In her research she focused that occupational hazards and occupational diseases are widespread in the industrial sector of Bangladesh and there is a lack of understanding and awareness, especially among the entrepreneurs about occupational hazards and occupational diseases. In her study she has

attempted to identify the impacts the occupational hazards on workers physical and mental health, which in turn affected the competitiveness of the garment industry in the world market. And finally her research pointed out some policy and concluded with some suggestions about measures that reduce or eliminate occupational hazards in the garment industry.

Hossain J, Ahmed M. and Akter A. (2011) in their research work “**MDGs Decent Work and Women Workers in Bangladesh**” they wanted to show the cause why and how decent work for women workers matter for achieving Millennium Development Goals (MDG) in Bangladesh. They focused that women workers of the country are unprotected in respect of social security provisions. Most of the workers are deprived of social protection schemes like provident fund, health and group insurance, maternity protection, unemployment allowance. They hardly have scope to bargain with the authority. So they wanted to find out whether the decent work is reachable to women workers of Bangladesh, what are the relationship between MDGs and decent work, which challenges are being faced by the women workers in achieving decent work and what should be the policy of Bangladesh in achieving decent work for women workers and subsequently the MDGs.

#### **1.4 Research Methodology**

The present project is based on qualitative and quantitative methods. To collect primary data, we have selected three areas from Dhaka district and three areas from Gazipur district. A number of fifty samples have been taken from each district and total sample size is 100(one hundred). From these samples we have collected our primary data by using questionnaire survey and interviewing methods. To make our survey justified and authentic we have prepared two types of questionnaire, one is for the women workers and one is for the garments owners. For the survey questionnaire has been made in English but at the time of interviewing we have asked question in Bangla for making them understood the questions especially for the women workers. In this project the secondary data have been used from published articles, books newspapers, seminar or symposium results etc.

## 1.5 Area of Study

Six areas have been selected from two districts covering the one administrative divisions of Bangladesh to conduct this research project. Among the six areas, three have been selected from Dhaka District and three from Gajipur District. Geo-social setting is considered keeping in view with the main objectives of the study. The specific areas of research is identified in the following maps. The identified areas are Mirpur, Saver, Asulia from Dhaka and Chandra, konabari and Board Bazar from Gazipur District.



*This Map will show the area of study*

## 1.6 Data and analysis of data:

The study is organized into six chapters. In these chapters the collected quantitative data have been used through in chart, table or pie. And the qualitative data is analyzed in different chapters keeping in view with the objectives of the study. Besides these data we have used case study after interviewing some of the respondent.

## **1.7 Population of the study**

Population of the study means the subject of the study. The main subject of the study is women garments worker who are deprived to enjoy different rights. They are specified in relation to age, academic grade and severity of the cases. About 10-15 specific cases of the women garments worker will be selected using the technique of purposive sampling. To make our study authentic we have interviewed some of the garments owner by putting questions.

## **1.8 Rationale of the study:**

Millions of women garments workers are engaged in our garments industry who have a little knowledge about their rights and who do not enjoy their legal rights. Though lots of works have been done regarding garments related issues, but we think our work is a unique one because we have focused on the rights and the privileges of the women garments workers that have been inserted under different laws and policies. It is our desire that through our research the women workers will become aware about the relevant provision of the existing laws and will also realize how far they are being deprived from their rights. In our research, we have explained the reasons of violation of these legal rights and have made some recommendation and it will be helpful for the policy makers and the practitioners to identify the legal remedies for violation of their rights.

## **1.9 Limitation of the Study:**

This research is an empirical study and to collect the empirical data, survey and questionnaire method is used. In this regard, the researchers have to face some unavoidable problems. The populations of the study are not co-operative all the time. Some of them denied spending their time in giving interviews. It is our realization that some of the populations are hiding their problems by feeling insecure to sustain the job place. In addition to that the garments authorities sometimes were unwilling to interview and to give permission about the entrance of the researcher to their premise. In some cases it is found that the respondents are giving positive answers in almost every question but while they are interviewed, they then sharing their experiences which are negative. That is way, in some cases the result is not as per the

expectations. In some cases we have observed that the respondents are in a hurry that they are giving answer by not understanding the questions actually. As they are very much ignorant about their rights, they do not have any idea about rights and privileges actually.

## Chapter 2

### Laws Relating to the Rights of the Women's Worker

#### 2.1: Introduction

Since the 1980 the readymade garments sector has opened up the door that allowed poor people, especially women to lead better life (Kabber, 2004). Bangladesh Labour Act 2006 was enacted for amending and consolidating the laws relating to employment of workers, relations between workers and employers, determination of minimum rates of wages, payment of wages, compensation for injuries to workers during working hours, formation of trade unions, raising and settlement of industrial disputes, health, safety, welfare and working conditions and environment of workers and apprenticeship and matters adjuvant thereto. In order to make the labour law more efficient, amendments have been made to it several times and finally the latest amended law was enacted in the year 2013 as "Bangladesh Labour Act 2006". In addition to this different rights have been enacted regarding the rights of the women workers. Government Policy, Labour Laws, ILO, other Labour trade Union, BGMEA etc organizations have fixed terms and conditions, working hour, fixation wage, salary and benefit with the rights of the workers (Mahegir, 2015). The Constitution of Bangladesh guarantees equal rights to women and men and national laws are in place to safe guard womens rights. One example is the 2006 Bangladesh Labour Law, which protects the fundamental rights of the workers including the right to maternity leave. At the International level, Bangladesh has ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) as well as ILO Convention III on Discrimination in Employment and occupation. (Alam, 2011). Subsequently the Government of Bangladesh has also introduced Bangladesh Labour Rules 2015 (Rule of 2015) on 15 September 2015 through a gazette. But in this research, the survey shows the reality of the women workers across the Bangladeshi garments sector. Despite such legislations and rules, women workers are being ignored and poor paid. They are facing the severe labour rights violations and being deprived from legal entitlements. This chapter will state the rights of the women workers enacted by the different legislations and rules.

## 2.2: Rights to Wages

Wages as well as benefits are the primary interest of a women garment workers. Most of the women worker are paid minimum wages that they are not able to provide their family with basic human needs such as food, shelter, clothing, water, health and education. For the first time in 2010 the minimum wages for garments worker was raised but these increasing wages are depends on meeting an assigned production target of every garments factory. After a long period some of the biggest worker movements and unrest, the garment minimum wage 2013 gazette has finally been published by the Minimum Wage Board on 21 November 2013. According to this wage board in addition was the 5% annual increment over basic wage for every worker until the formation of another wages board for the garment sector.

<b>GARMENT WORKER MINIMUM WAGE 2013, BANGLADESH</b>	
<b>Lowest wage, Grade 7</b>	
Basic	3000BDT
House Rent	1200BDT
Food Allowance	650BDT
Medical Allowance	250BDT
Travel Allowance	200BDT
<b>TOTAL</b>	<b>5300BDT</b>

**1 Euro = 103BDT (approx.)**

## 2.3: Rights to casual leaves and holidays

According to section 115 of Labour Act 2006 every worker shall be entitled to enjoy casual leave with full wages for ten days in a calendar year. However, most workers didn't enjoy their casual as per rules. Even they are forced to work when they are sick. Every worker shall be allowed in a calendar year eleven days of paid festival holidays under section 118 of Labour Act. This section also provides if a worker is required to work on any festival holiday, she get the two days additional compensatory holidays with full pay.



## **2.4: Trade Union**

According to section 176 of the Bangladesh Labour Act 2006 workers shall have the rights to form trade or labour union without any distinction for the object of regulating the relations between workers and employers or workers and workers. In our survey we observed that most of garments factories have no trade union for women worker. Some of the women worker reported that though trade union existed in their factories which inactive because trade union leaders are serve the interest for owners not for workers. There are about 14 federations of factory workers unions but many of them are in name and are not registered with Directorate of Labour (Khan, 2001).

## **2.5: Maternity Benefit**

Women Workers are legally entitled to pay maternity Leave under Bangladesh Labour Law. Section 47-50 of Bangladesh Labour Act, 2006 provides maternity benefits where all women workers a total of 16 weeks paid maternity leave, eight weeks prior to the birth of the child or eight weeks after delivery. Furthermore this Act also states that no women are entitled to maternity leave if she already has two or more surviving children. Though this provision existed most of workers have little knowledge of their rights or of application to the employers or doctors' certificate needed in order to claim these rights. The survey shows that most of the factory provides maternity benefit to the women workers as per their own rules and the workers didn't give any objections as they are not aware about the rights and privileges.

## **2.6: Medical Allowance**

One of the basic needs of the human being is medical allowances from the employer but it is very unfortunate that we see in our survey the female workers get nothing from their employers for medications if they make any accident or become sick. According to the Bangladesh Labour Act 2006 in every establishment wherein three hundred or more workers are ordinarily employed, there shall be provided and maintained a sick room with dispensary of the prescribed size, containing the prescribed equipment or similar facilities, in the charge of such medical

nursing staff during all working hours. However most of the factories no doctors is available during their night shifts.

## **2.7: Transport facilities**

Workers come to the industries from different locations due to non-availability of the dwelling houses near to their factories. The study reveals that the female workers not avail any transport facility, while some are provided with transport allowance. Some factory has transport facility which is allocated for the officers and not for the workers. Most of the female garments workers traveled by bus experienced bad behavior by conductors and drivers; hence, the workers are willing to pay more for safe and secure transport facilities.

## **2.8: Welfare facilities**

Welfare facilities are the supporting issues of environment in the factory and also for refreshment of worker's mind. For better safety these issues is so much needed but there are many worker who do not get all types of facilities. In our survey, we see that some factory provide water through mineral bottle but actually not pure. Child care center, canteen, rest room all others facilities is shown when the foreign buyer is come and after that these type of facilities are not provided.

## **2.9: Right to Safety and Security**

The word security is not separately defined in the Bangladesh Labour Act, 2006. However, the security of the workers has been discussed in the Act very extensively which includes conditions of service ranging from the stage of appointment to the stage of termination of service and even beyond and relates to matters pertaining to disciplinary action. Truly, the insecurity of female workers is comparatively higher than male workers. Women workers face many forms of mistreatment in the workplace (Mammon and Islam, 2004). In the event of stoppage of work on account of fire and catastrophe, breakdown of machinery or stoppage of power supply, epidemics, civil commotion or any other cause beyond his control, section 12 provides for the

provisions proper notice to the workers and payment of wages in case the same continues for more than one but not more than three days (Report of National Human Rights Commission, 2014).

## **2.10: Conclusion**

Bangladesh Labour Act 2006 was enacted for amending and consolidating the laws relating to employment of workers, relations between workers and employers, determination of minimum rates of wages, payment of wages, compensation for injuries to workers during working hours, formation of trade unions, raising and settlement of industrial disputes, health, safety, welfare and working conditions and environment of workers. In order to make the labour law more efficient, amendments have been made to it several times and finally the latest amended law was enacted in the year 2013 as “Bangladesh Labour Act 2006”. As per these laws, the management of an organization has to comply with the detailed requirements mentioned in the Act and Rule for maintaining suitable working conditions at the work places and the degree of compliance is to be inspected by the relevant government authorities time to time. But the survey shows the different pictures regarding the rights and the benefits of the women workers.

## Chapter 3

### **Nature of the Violation of the Rights of the Women's Worker:**

#### **3.1: Introduction:**

Though the women workers participation in the workforce currently stands at 29.1 percent, according to World Bank 2017 figures, the reality is that the women are employed in a highly exploitative context. Women's workers remain at the bottom of the supply chain, working long hours for poverty wages and denied basic maternity rights ([Alam,2011](#)).As we know, some of the legislation like the Constitution of Bangladesh guarantees equal rights to women and men, and national Laws are in place to safeguard women's rights. One example is the 2006 Bangladesh Labour Law, which protects the fundamental rights of women workers, including the right to maternity leave. At the international level, Bangladesh has ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women(CEDAW), as well as ILO Convention 111 on Discrimination in Employment and Occupation(*ibid*).The reality is that, despite such legislation, women workers' rights are ignored. Women workers perform poorly paid jobs, face severe labour rights violations and do not enjoy their legal entitlements. Statutory maternity rights are rarely provided, overtime is compulsory and excessively long working days add to the burden of domestic responsibilities, denying women any rest periods or time with their children(*ibid*).The primary responsibility for protecting the rights of the workers rests with the Bangladesh Government. Though the government has amended some of the Laws recently, still the international standards fall short. In our research, we have interviewed 100 workers from different garments of five areas of Dhaka and Gazipur district. For the purpose of our research we have interviewed some garments owners and the women who are members of trade union and compliance officer. To compare the survey, it is very much clear that the women's workers are not getting the rights properly as stated in the laws. Some of the workers are unwilling to narrate the poor conditions and violations of the rights because of fear of losing their jobs which will felt effect to their family. The fact is most of the rights the women workers are not enjoying as per the law rather they are getting the rights and privileges as per the will of the owners.In this chapter, it is tried to find out some nature of the violation of the rights of the women workers in garments sectors in Bangladesh.

### **3.2. Nature of the Violation of Rights:**

From the above discussion it is clear that some of the garments factory is providing some rights and privileges to the garments workers which are not sufficient. That why it is very much needed to find out the nature of violation and its reasoning. The next chapter will discuss about the reasoning. From our survey and from reviewing some of the literatures, we have pointed out of the following nature of the violations of the rights of the women garments workers:

#### **3.2.1 Violation of the provision of Leave and holidays:**

The FGD focused on the point that sometimes the women workers have to work on their holidays even they are required to work on a festival holiday but they didn't get alternative leave for that and are paid wages equal to a normal day of work which is violation of section 118 of the Labour Act 2006 where it has been stated that if a worker is required to work on any festival holiday, she will get the two days additional compensatory holidays with full pay. As the workers are not aware about the law and sometimes kept silent for sustaining the job, the owners are making the rules as per their own will. The participants in the FGD also agreed that management does not allow any leave of absence, though there is a provision that workers should be given leave on certain grounds like during times of sickness ( Hussain and Islam, 2006).

#### **3.2.2 Violation of the terms of the employment:**

Bangladesh Labour Rules, 2015 clearly stated that under the Labour Act, an appointment letter must be issued for hiring any labour. The Labour Rules makes it compulsory that the appoint letter must contain information such as salary, other financial benefits, applicable rules etc. But survey found that workers are not getting appointment letters as they are notable about the laws and rules. Social security as well as financial benefit is very important for a worker as we know that most of the workers are living their lives with great miserable. Most of the workers are low

paid, and they have to lead their life with this small amount. In this context social security like provident fund, welfare fund, pension, insurance, maternity benefit, compensation for accident, all these will provide financial security to the workers and also their family in case of any types of disasters actually. Now a day the employees are provided identity cards, service book. In case of absence of appointment letter it is quite impossible to identify an employee. Moreover, the people of the country as well as the workers do not know that the Labour Rules, 2015 has provided some prescribed form for the workers to file a case to the court and they are very much reluctant to go to the court for their claim. As a result, the employers have been benefited out of this and it is found to some extent that the pregnant workers are vulnerable to lose their jobs because they have no job contract paper (Ahamed, 2013). Though the ILO conventions protects the pregnant worker's rights, it stated, that the pregnant workers cannot be compelled to work that poses a significant risk to the mother's and/or child's health (CPD, 2016).

### **3.2.3: Avoiding Social Security as rights of the workers:**

In Bangladesh social security benefit as right as a right of the workers is not widely recognized and practiced as well. Rather social security for the workers is commonly practiced in charity form limiting to providing some short term emergency assistance only. Social security is very important for a worker as we know that most of the workers are living their lives with great miserable. Most of the workers are low paid, and they have to lead their life with this small amount. In this context social security like provident fund, welfare fund, pension, insurance, maternity benefit, compensation for accident, all these will provide financial security to the workers and also their family in case of any types of disasters actually.

### **3.2.4: Violation of Privileges:**

Some sort of privileges like day care facilities, transportation, medical facilities are still depends on the will of the employers/ garments owners. Though day care facilities increase s female workers efficiency and productivity but the facility are not provided to the workers all the time, rather they are asked to bring their child to the child care f the garments on much specified day when the buyers visited the garments. As a result, most of the female workers can't pay their concentration to their duties, some of them send their child to the village.

*Hena (Not the real name) ,a female garments worker married with a person who is also a garments worker. After two years of their marriage, Hena gave birth to a boy who is now less than two years. One morning Hena sent her child with his husband to his mother in law with a broken heart and full of tears. “It seems to me I am leaving him forever and I just could not control my tears when my baby urged not to leave him” said Hena.*

This is almost the common picture of working mother. Some big factories have arranged child care centre for their employees but the facilities is not accessible to look after their child all the time. Like the child care facilities, transport and medical facilities are also depends on the willingness of the employers.

### **3.2.5: Violation of maternity provisions:**

Bangladesh Labour Act, 2006 states that every women employee will be entitled to maternity benefit in respect of the period of eight weeks preceding the expected date of her delivery and eight weeks immediately following the day of her delivery. But the survey shows that the garments factories have the provisions of maternity benefit which is not up to the mark. Women workers are early getting the maternity benefit. In some of the cases respondents share that most of the time the employers terminated the pregnant workers as she will not raise her voice.

### **3.3: Conclusion:**

The International labour Organization (ILO) sets out core labour standards which member states, such as Bangladesh, are expected to adhere to (CPD, 2016).To align closer with International labour standard, Bangladesh has amended the 2006 Bangladesh Labour Act in 2013, which incorporated the provisions to protect the workers right and in 2015 Bangladesh Labour Rules put in a place in order to ensure better implementation of the BLA. Bangladesh has ratified seven out of eight fundamental ILO conventions. One of these core labour conventions upholds the right of female workers to equal remunerations as their male counterparts.ILO conventions also protects the pregnant workers rights. It stated, that the pregnant workers cannot be compelled to work that poses a significant risk to the mother’s and/or child’s health (CPD, 2016). The ILO conventions also provides nursing breaks at the work place for the new mothers which has take

place in the BLA where the breaks are not mandated as under international law. The international Labour Organization (ILO), Bangladesh Labour Act, 2006, Bangladesh Labour Rules provides a set of rules for the workers, specially for the women's workers, but the reality is that all these laws and rules are not strictly followed. Labour Law Organizations and Labour Law experts highlight lack of awareness in addition to lack of implementation as major drawbacks (CPD, 2016). Besides, the factory owners want to maximize profits, so they will cut corners on safety issues, on ventilation, on sanitation. They push workers hard because they do not want to miss deadlines and end up paying for air shipment which can destroy the viability of the operations. (HRW, 2015). That is why, whenever someone missed the (production) target, the boss started shouting at them, sometimes they beat them. As the workers are not very much concern about rights, taking legal initiatives and as they don't raise their voice because of losing their jobs, so the factory owners are violating the rights and making their own rules in case of providing some facilities.

#### **Chapter-4**

### **Reasons of the Violation of the Rights of the Women Workers**



#### **4.1 Introduction:**

Bangladesh's garment industry generates over three quarters of the country's total export revenue. Women workers participation in the workforce currently stands at 29.1 percent, according to World Bank 2017 figures. With female workers dominating certain sectors such as readymade garments. In spite of the central role the sector plays in the nation's economy, Bangladeshi garment workers specially women workers suffer from appalling conditions and deprive from their rights and also vulnerable to abuse. The 2006 Bangladesh Labour Law was hailed as a landmark achievement for women workers. The new law brought together 25 separate acts and ordinances enacted over the three and a half decades since Bangladesh gained independence, extending the scope and applicability of labour regulations nationwide. A range of stakeholders played a role in developing the legislation, including workers' rights groups, human rights organizations, the UN International Labour Organization (ILO) and employers themselves (War on want 2009). Although Bangladesh labour laws are modern and appropriate to promote the rights of workers but the incidence of violation of labour rights is taking place every day in the country to a greater extent. The reason behind violation of this rights is not related to policy but execution. It is a matter of fun to monitor 60, 000 factories by only 2200 inspectors (Khan Hossain Tauhid , 2013). Thus, the major drawback to ensure labour rights lies in the poor logistic and infrastructural facilities of the concerned authority of government of Bangladesh. The 2006 Bangladesh Labour Act (BLA) was amended in 2013 to align it closer with international labour standards. Bangladesh has ratified seven out of the eight fundamental ILO conventions. A comparison of our labour laws and international standards reveals that while national laws generally align with the ILO core conventions, low enforcement leads to limited protection for workers. This chapter is trying to point out some reasons behind the violations of the rights of women workers in garments sectors in Bangladesh.

#### **4.2 Lacking of education of women workers**

Most of the women workers are uneducated and some of the workers only write their name. They do not know about the labour laws and rules that's why the garments employers regulate their own rules when they join in their factory. In our research we find most interviewers said that they have no idea about their rights and no knowledge about our existing labour laws. They do not understand the violation of their rights and laws which are effective for them. The garments owner takes this opportunity and didn't give any knowledge about laws.

### **4.3 Lack of raising voice**

In our country the garments owner prefer women workers because they are available, cheaper and managed easily due to their poverty, education and socio economic context. Women workers accept any terms of employment without any protest and do not raise their voice because they think if they lose their job they do not run their family costs and other expenses and they have no alternative to do. In our research, we have interviewed 100 workers from different garments sector from our selected areas where some of the interviewers are unwilling to narrate the poor conditions and violation of the rights because of fear of losing their jobs.

### **4.4 Trade Union**

Although most significant changes concerning the formation of trade union have included in labour law in July 2013 but this changes are not found in our garment sector. Though there are few number of trade unions are formed but many of them are in name only and are not registered properly. The existing unions are not work properly and not so strong to protect their violation of their rights. We know from our interviewer if the owner finds any women worker are involved with trade union then she may be fired. This is one of the reason for not joining the trade union. The threat is not only of being fired but even being beaten up, arrested and have criminal cases filed. This raises the personal cost of forming unions (which can be quite high for an individual worker whose family relies upon her wages) and undermines the long term gain for all workers. However they are few federation are involved with the BGMEA arbitration cell and in a limited way in organizing workers outside factories premises (khan, 2001). As a result the owners violated the rights and laws of the garments owner.

#### **4.5 Lack of monitoring**

Bangladesh Labour Law marked an important step towards justice for garment workers, factory conditions have not improved and workers continue to earn well below a living wage. The failure of the law to bring about lasting change in the lives of workers is due to lack of enforcement of its key provisions. The Bangladesh Ministry of Labour and Employment has primary responsibility for monitoring enforcement of the Labour Law. However, resources allocated to the Ministry are woefully inadequate: in 2006 there were only 20 inspectors responsible for monitoring the conditions of more than 20,000 factories, docks and other businesses across Bangladesh ( Report on War on Want ,2009).The Bangladesh Garment Manufacturers and Exporters association and the Bangladesh knitwear manufactures and exporters association were both established to monitor and established report on the implementation of the labour law as well as violation of those laws. In our research some of the interviewer is arguing that they didn't find any the inspector during his job tenure. Moreover they are stating that the inspectors do not work impartially all the time.

#### **4.6 Biasness of garments owner**

The primary responsibility for protecting the rights of women workers rests with the Bangladesh Government. While Bangladeshi law, despite recent reforms, still falls short of international standards in important respects, rigorous enforcement of existing laws would go a long way toward ending impunity for employers who harass and intimidate both women workers and local trade unionists seeking to exercise their right to organize and collectively bargain. The factory owners need to commit to reform. However, there are some professional bodies such as Bangladesh Garments Manufacturers and Exporters Association (BGMEA), and the Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA) who can do to ensure compliance with such provisions, and to sanction companies that abuse worker rights. However, factory owners can carry considerable political clout in Bangladesh and this can act as a barrier to holding them to account for violating women workers rights.

#### **4.7 Inadequate Legal Remedy**

Bangladesh Labour rules, 2015 clearly stated that under the Labour Act, an appointment letter must be issued for hiring any labour. The labour rules makes it compulsory that the appointment letter must contain information such as salary, other financial benefit and other applicable rules. In our survey found that workers are not getting appointment letter as they do not know any laws and they even know the rules regarding to filling the case to the appropriate court to protect and ensure their rights. In addition to this labour court are backlogged with cases which are the drawbacks to workers from getting legal remedy.

#### **4.8 Conclusion**

To ensure the rights of women workers two ILO conventions specific to female workers, those on maternity protection and workers with family responsibilities, are yet to be ratified by Bangladesh government. On the other hand if the effectiveness of complaint mechanisms can be demonstrated, female workers will be more confident in approaching authorities to make complaints, as is their right. Government should intervene to create congenial environment in the readymade garment sector. The employers must be followed the particular wage related section of Bangladesh Labour Law. Government should intervene in this sector and penalize the respective company. The employers must use all of the facilities provided by the government for the betterment of the workers. However; the employers can implement some measures themselves without any cooperation from the government.

## **Chapter-5**

## **Comparison between Law and Reality Regarding Women Workers Rights**

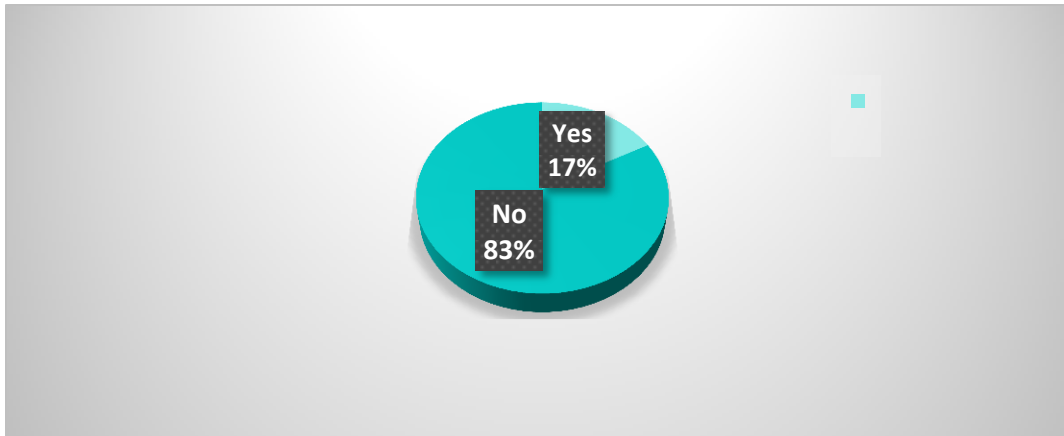
### **5.1: Introduction:**

Bangladesh is the world's second largest readymade garment (RMG) exporter. The RMG industry in Bangladesh has grown exponentially in over a few decades to become the backbone of the country's economy today (Jalava,2015).In this sector the majority of the workers are female and Bangladesh government has rectified the Labour Act in 2013 where 87 sections of the Labour Act,2006 were amended. Now, the Bangladesh Labour Act (BLA), 2006 seeks to protect and promote rights of the women workers, the Bangladesh Labour Rules 2015 are also put in place in order to ensure better implementation of the BLA. Not only that, Bangladesh has ratified the ILO Convention No. 111 on Discrimination in respect of Employment and Occupation. Ratifying states commit to adopt legislation which prohibits all discrimination and exclusion on any basis (Jalava,2015). Although legal provisions exist to uphold the privileges and to protect rights of women garments worker, their implementation and enforcement remain a daunting challenge. This study explores in this chapter whether and to what extent the Laws regarding women rights implemented in reality in our garments sector.

### **5.2: Knowledge about Law and Rights for Women:**

The Bangladesh Labour Act (BLA) 2006 was amended in 2013 to incorporate the provisions to protect women workers' rights including the right to form trade unions as well as improving health, security and safety conditions. The La Act specifically states that every women worker will be entitled to getting equal rights and they are not discriminated by garments owner. In our study we find that the female garments workers have relatively poor knowledge about their rights in garments factory due to illiteracy and awareness in this aspect.

However Figure-1 we find 83% Women workers have no idea about laws where only 17% women worker answered that they know their rights and laws which inserted in different laws.

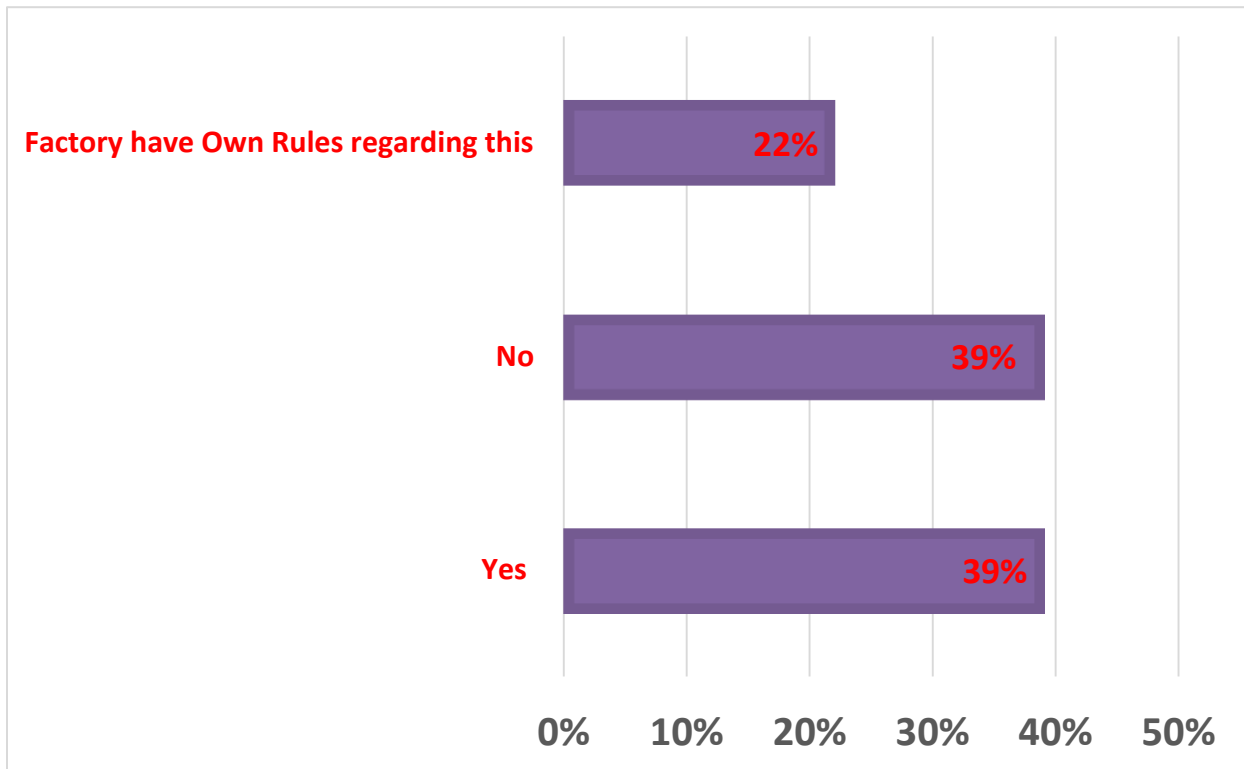


**Figure-1: Idea About Rights (Different Laws for the Women Worker)**

### **5.3: Maternity benefit:**

The Labour Act 2006(Amended in 2013) specifically states that every women worker will be entitled to the payment of maternity benefit in respect of eight weeks during the possible date of her delivery and eight weeks after the day of her delivery. The Act also provides the payment of maternity benefit will have to be calculated according to the average of three months of salary before leave or average of daily wages for the period of her accurate absence which depends on the nature of her job. If any women worker dies on the delivery period or within eight weeks after then maternity benefit will have to be paid to the person who takes care of the child. If both

women and child dies the benefit is to be paid to the person nominated.



**Figure-2, MATERNITY BENEFIT AS PER THE PROVISION**

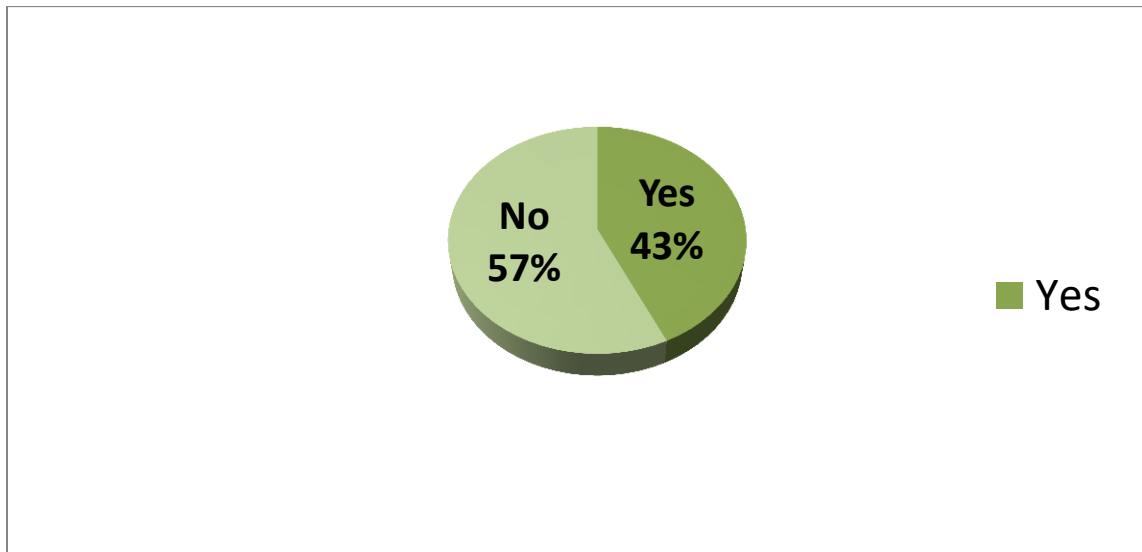
In our survey we see the different view regarding this benefit only 39% women employs getting maternity benefit as per above provisions of Labour Act,2006.On other hand 22% participant claim such type of benefit given them as per garments owner own rules. In addition to this 39% interviewer didn't get any maternity benefit as per existing Law.

#### **5.4: Pregnancy Women:**

As per law women employees are prohibited to discharge, dismiss and terminated any pregnant women prior to six months of the date of her delivery and the eight weeks after the date of delivery. If the garment owner give notice for dismissal, discharge or removal of worker without any sufficient grounds she will not be deprived of the maternity leave as per law. The reality is that 20% women worker didn't know such type of privileges which we found in our survey.

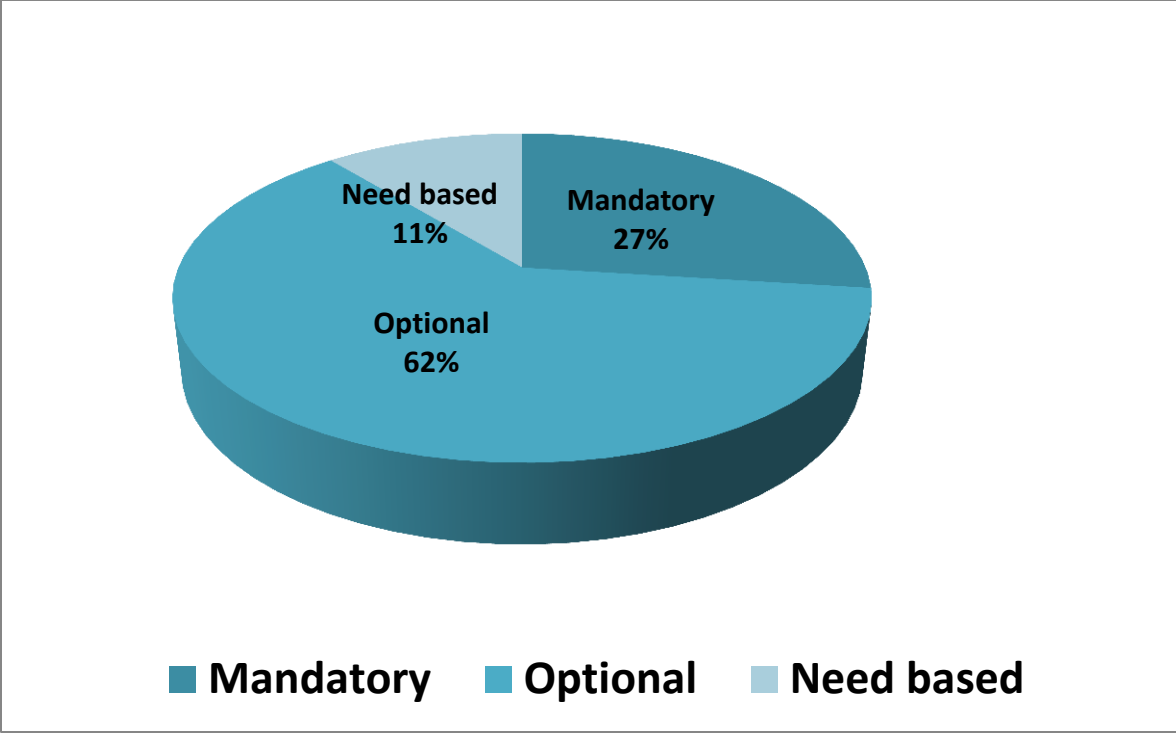
### 5.5: Over time:

Women worker have to work overtime to meet the target production. Sometimes it is compulsorily for them. As per Law workers are supposed to work an eight hours shift. Section 109 focus on the limited working hours for women that **no** women shall, without her consent, be allowed to work in an establishment between the hours of 10.00PM and 6.00 AM. On the other hand in our questionnaire survey 43% women worker interview that they are forced to perform overtime on their daily basis by the garments owner.



**Figure-3, FORCED TO PERFORM OVERTIME**





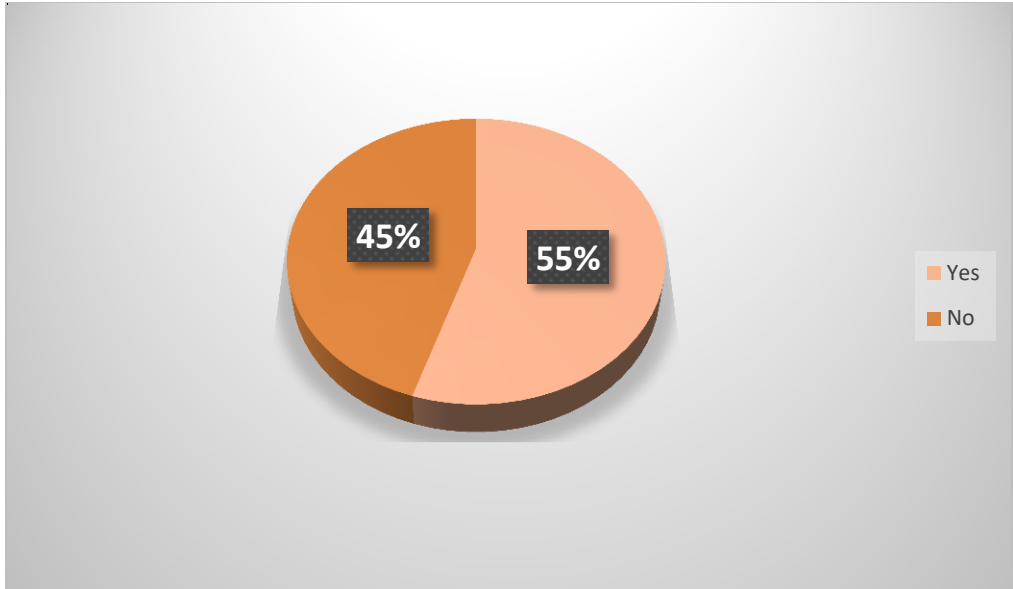
**Figure-4, Overtime is mandatory or not**

In addition to this we find in figure-4 women worker started to work 8 a.m. and leave their factory 8p.m. or 10p.m. 57% interviewer answered they are not forced to perform overtime. Most of the worker claim that maximum payment of overtime was unpaid.

While 27% women worker answered they performed overtime as mandatory and 62% overtime arranged by owner as optional. On the other hand only 11% garments owner arranged overtime if necessary.

**5.6: Childcare facility:**

Arrangement of childcare center during working times reduces women’s worker worries for their kids and help to devoted on their duty. As per law garments owner arranged child care center below 6 years child of women worker which provided in section 96 of Labour Act2006.



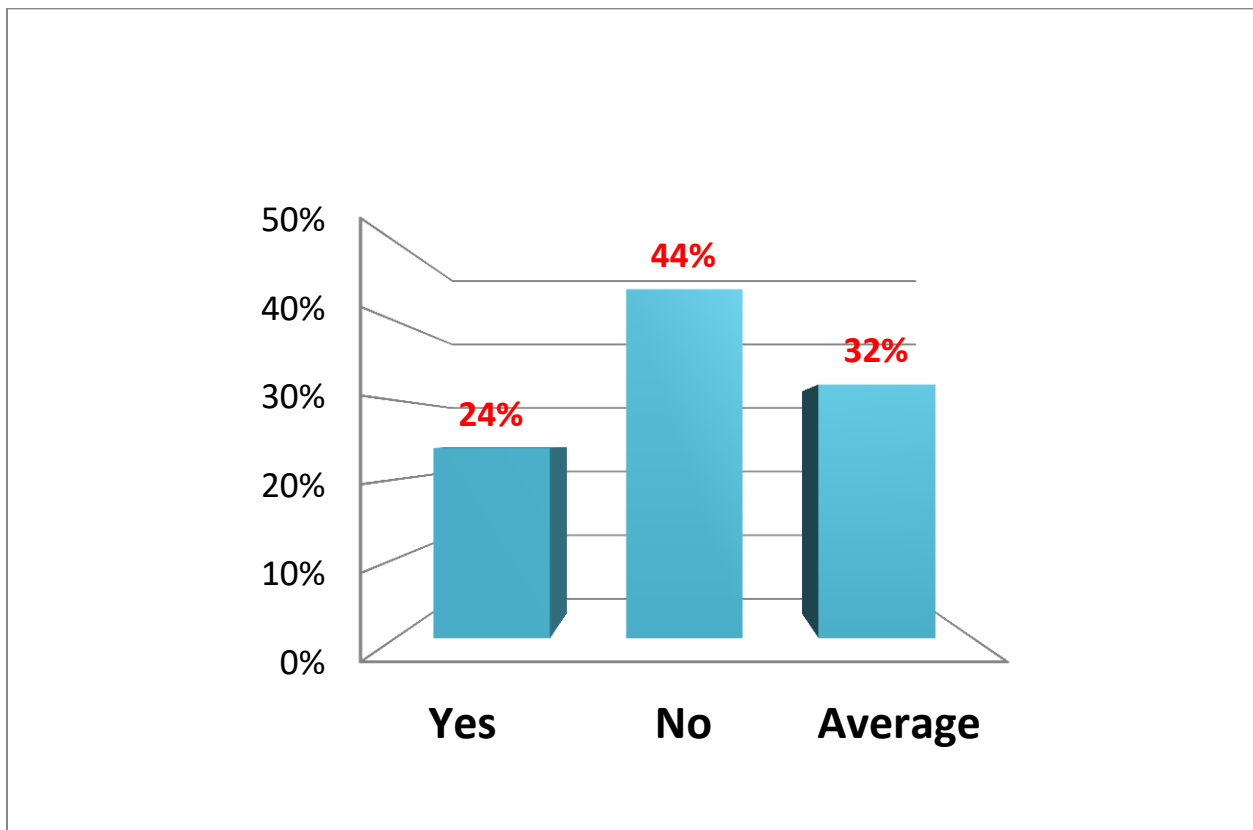
**Figure-5, Room for Child Care Center in Your factory**

Most of the percipients have claimed although some garments have such arrangement for day care but these facilities are not always available rather subject to the buyer’s presence. Female worker are asked to do on those specific dates when buyers are supposed to visit their garments. In our study 54% participants answered negative in this matter. On the other hand 66% participants said about such facilities and they also reported that most of the working places have no arrangement for breast feeding. They also added that the employer wants to satisfy the buyers only not to workers.

**5.7: Safety and Security:**

According to the Act the security of the worker includes conditions of service ranging from the stage of appointment to the stage of termination of service specially the insecurity of female workers is comparatively higher than male workers. As per BLA, 2006 the employers are required to provide basic safety measure under section 44 which include safety of buildings, securely guarding all parts of dangerous machinery, precautions for working on machinery, emergency devices for cutting off power, provide protective equipment, measures to prevent fire and so forth. Besides, the existing law has also dealt with the occupational safety and health issues of the labour which inserted in section 45. Safety of buildings, machinery and plants is to be ensured to the satisfaction of the inspectors and the inspector of labour has been given huge

power in this regard. If it appear to the inspector that any building or part it or any machinery or plant in an establishment is in such a condition that it is dangerous to human life or safety, he may serve to the employer and order in writing specifying the measures which in his opinion should be adopted and requiring them to be carried out within a specified time. In case a building or machinery involves imminent danger to human life or safety, the inspector may order in writing prohibiting its use until it has been properly repaired or altered. Regarding the precaution against fire, section 62 of the Act provides that every establishment shall have an alternative stair connected to every floor as a means of escape in case of fire and be equipped with fire extinguisher with adequate warning systems.



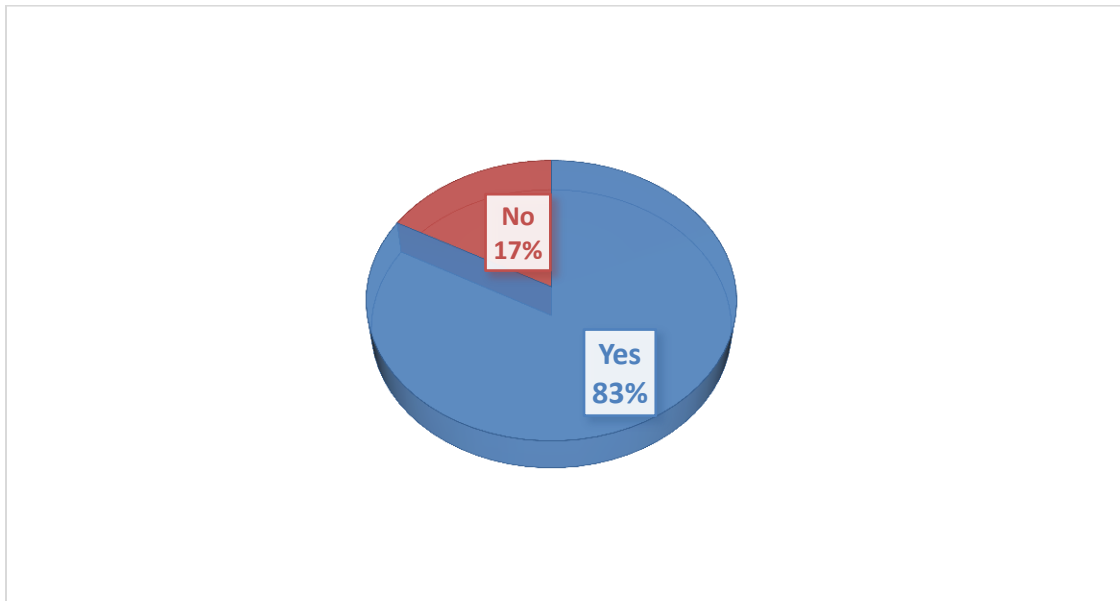
**Figure-5: Satisfied with the Environment and the Safety Security System**

In practice the scenario is totally different as the workers face unsafe, cramped and hazardous conditions which often lead to work injuries and factory fires (National Human Rights Commission, 2014) In our study only 24% women worker are satisfied in this matter but 44% didn't satisfied. In addition to this 32% participants give common answer.

### 5.8: Festival Leave:

Section 118 of the Bangladesh Labour Act, 2006 prescribes that every worker shall be allowed in a calendar year eleven days of paid festival holidays. The days and dates for such festivals shall be fixed by the employer in such manner as may be prescribed.

A worker may be required to work on any festival holiday, but two days' additional compensatory holidays with full pay and a substitute holiday shall be provided for him in accordance with the provisions of section 10. On the other hand in reality 17% respondent give negative answer where 83% give positive answer in this matter which shown in the below figure.

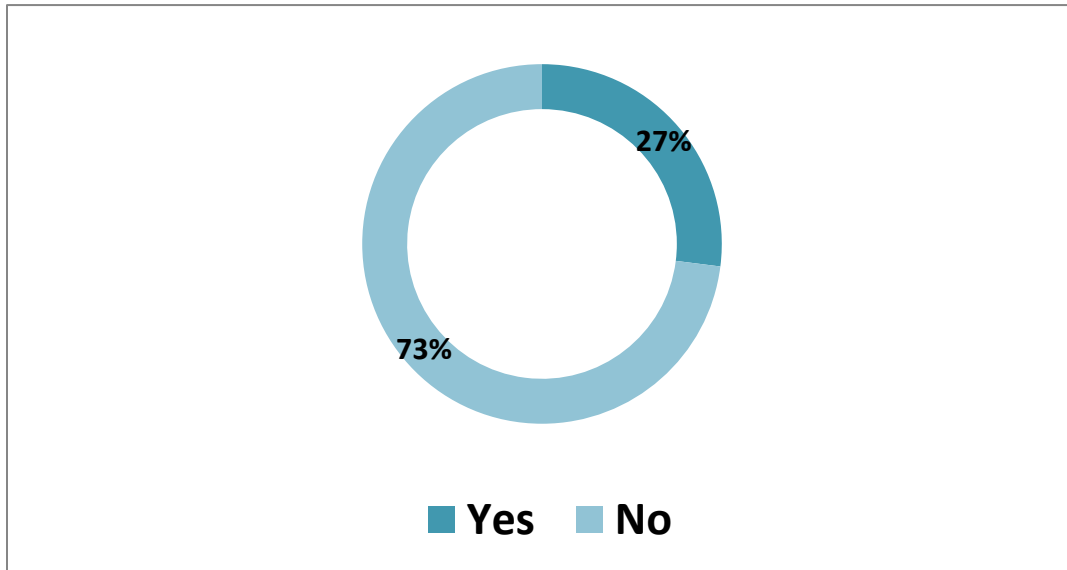


**Figure-6: ENJOYING FESTIVAL LEAVE AS PER THE RULES**

### 5.9 Medical Care:

Women workers in the garments industry have to face severe health related complications due to unsafe factory conditions, factory owners' stringent rules, frequent overtime work along with daily long working hours, absence of maternity leave, etc. Most of the factory owners do not follow the 2006 Bangladesh Labour Law, which protects the right to health. Furthermore, many factory owners pay less to the women workers during this special period which is much less than the legal right. Another consequence is that most of the time women workers have to lose their job after giving birth of child. In figure -7 shown that only 27% participants give positive answer

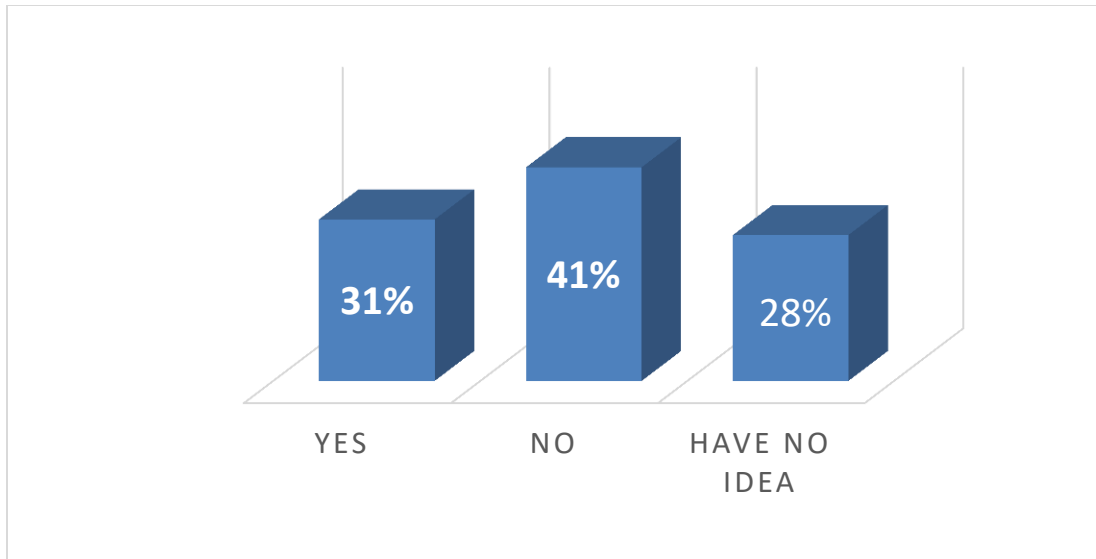
regarding health insurance facility in their garments factory while 73% participants give negative answer.



**Figure-7: Health Insurance Facilities**

#### **5.10: Termination of women worker:**

According to the Law in case of permanent women worker the employer must have to give at least four months' notice before terminating her. The Law also provides if the garments owner terminates any worker immediately the employer has to give her four months' salary during such termination. Moreover the terminated women worker



**Figure-8: MAINTAINING LABOR CODE IN CASE OF TERMINATION**

can get the other compensation as per their year of service. On the contrary we find in our survey 41% factory owners didn't maintain labour code in case termination .Only 31% garment owner follow the existing rules and 28% owner maintain their own rules.

#### **5.11: Conclusion:**

The Bangladesh garments industry provides good employment opportunities to the poor, low skilled women workers. Although it provides low-skilled women workers the ability to earn by themselves, it also creates several vulnerabilities related to health, life standard and security (Uddin, 2015). Findings showed in our project paper that garments owners' do not ensure their rights which inserted in Labour Act and other labour related laws. For this reason proper monitoring as well as creating awareness should be needed to ensure the rights of women worker.

## Chapter 6

### General Conclusion

**6.1 Major Findings of the Study:** Through this survey it is proved that the women workers are not getting rights and privileges as per the law. In most of the cases the women have given negative answer and some of the cases they were silent. Moreover in some of the cases they have answered positively where it has been found that they do not know the laws or have a little bit idea.

Specially in case of –

- Child care center: Some factory have child care center but it is used only in case of inspection.
- Maternity Benefit: Most of the workers do not know the actual provision of such leave and the owners are providing maternity benefit as per their own rule.
- Festival leave: Some of workers complaint that they are providing festival leaves and Government holidays but they have to work to some alternative day for this.
- Complaint Cell: Though the owners have mentioned that they have complaint cell in case of harassment, while most of the workers were silent and they some were totally unaware regarding this matter.
- Trade Union for Women workers: If any women workers are involved with trade union then she may be fired. This is one of the reasons for not joining the trade union. The threat is not only of being fired but even being beaten up, arrested and have criminal cases filed

**6.2: Recommendations:** Through this research we have pointed out that the laws relating to the rights of the women's workers, are not being implemented properly because of some factors and regarding this, we have made some recommendation which are as follows:

- Laws and rules relating to the workers' rights should be properly **implemented** by the Government
- **Monitoring system** from the BGMEA and BKMEA as well as government level should be effective
- Increasing skill development and rights based **training** to the female workers
- Make sure of **social security benefits** at every garments factory
- Female participation at the **management level** should be mandatory
- **“Welfare Commission”** may be established where the female workers can submit their complaint initially.
- To arrange **safe living accommodation** especially for the women's worker in industrial area.
- Forced **overtime** should be stopped
- Proper **medical care and child care** system must be made available at workplace.
- Government may take initiative to build up **Rights based culture** among the factory owners for implementing the rights and compliance.
- The **rights of the trade union** should be strengthened that women workers are able to appeal against Labour Court decision while rejecting their application.

**6.3: Concluding Remark:** In Bangladesh, women workers account for 85% of the total workforce in the garments industry. The Constitution of Bangladesh guarantees equal rights to women and men, the Universal Declaration of Human Rights (UDHR), 1948 spells out core economic rights related to employment, including the right to work (Article-23) and the right to an adequate standard of living (Article-25). In national context Bangladesh government has amended the Labour Act in 2013 and the existing Bangladesh Labour Rules, 2015 has promulgated different rights for the women's workers in garments sector. We have



interviewed 100 female workers of different garments sector and we have found that more than 90% of the women's workers are not aware about the existing laws as well as the rights which have been inserted for them. The study shows that most of the workers live in low rented house or at slum and their educational qualification is up to primary level and a few cases up to secondary level. This means that their social status is very poor. They had to struggle to live their life. As a result in most of the cases where they face problems and ignored to enjoy the rights, they just avoid the matters in fear of losing their jobs. As a result they are being deprived from time to time. So, finally it has been proved that the rights which has been inserted under different laws, are not been enjoyed by the women garments worker of our country.

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# Questionnaire

## For the Women Garments Worker

**Object:**

This questionnaire is designed to find out a few things about the rights of the women garments workers. This study will help the researcher to understand how far the women garments workers engaged in garments sectors are enjoying the rights and getting the benefits which are inserted in different laws and Policies.

<p>Name of the worker.....</p> <p>Age .....</p> <p>Education.....</p> <p>Marital Status.....</p>
--

**1. Monthly income of the worker-**

- a) up to 8000
- b) up to 10000
- c) up to 15000
- d) above

**2. Living status of the worker-**

- a) Rented house
- b) Mess
- c) Sharing room with others
- d) at a slum

**3. Do you have any idea about the rights which have been inserted in different laws for the women workers?**

- a) Yes
- b) No

**4. If yes, then mention some rights**

.....  
 .....

**5. Are you getting the privileges as per the law?**

- a) Yes
- b) No
- c) Not applicable

**6. If yes, then what are those privileges?**

.....  
 .....

**7. Do you think that the company is providing equal rights of female and male workers?**

- a) Yes
- b) No

**8. Can you specify some facilities which are providing by your company?**

.....

**9. Are you satisfied with the facilities that are providing by the garments owner?**

- a) Satisfied
- b) a little bit satisfied
- c) dissatisfied

**10. Do you have any health insurance facilities?**

- a) Yes
- b) No

**11. Do you think your factory owner is maintaining Labor Code in case of termination?**

- a) Yes                      b) No                      c) have no idea

**12. Are you forced to perform overtime by the owner?**

- a) Yes                      b) No

**13. Whether over time is mandatory or not?**

- a) Mandatory              b) optional                      c) need based

**14. Do they follow the provisions of limited working hour for the women worker?**

- a) Yes                      b) No

**15. Do you have any earn leave / special leave facilities?**

- a) Yes                      b) No                      c) depends on the will of the owner  
d) have no idea

**16. Are you enjoying the festival leave as per the rule?**

- a) Yes                      b) No

**17. Are the women employees getting the maternity benefit as per the provision?**

- a) Yes                      b) no                      c) factory have own rule regarding this

**18. Is there any room for children/ child care Centre in your factory?**

- a) Yes                      b) No

**19. Are you satisfied with the environment and the safety security system of the factory?**

- a) Yes                      b) No                      c) average

# Questionnaire

## For the Garments Owner

Name of the Garments.....
Address.....
Name of the Garments owner.....

1. How many female workers are working in your factory?  
.....
2. Do you have any specific rules and regulations for recruitment of your women workers?  
.....
3. Is there any transport facilities for women workers?  
  - a) Yes
  - b) No
4. If yes, then how many female workers are getting such facilities?  
.....
5. Do you think that the working conditions of your garments are hygienic and safe for women workers?  
  - a) Yes
  - b) No
6. Do you provide sufficient safety and security for women workers?  
  - a) Yes
  - b) No
7. What types of safety measures and facilities you have adopted for the women workers?  
  - a) .....
  - b) .....
  - c) .....
8. If any female worker feels insecure or harassed by any male worker, in those cases, do you have any special support service or complaint cell?  
  - a) Yes
  - b) No
9. If yes, then what types of remedies are available for the victims? Please mention  
.....
10. Is there any compliance code of conduct in your garment for the workers?  
  - a) Yes
  - b) No





