

Copyright © 2015 Human Rights Watch

All rights reserved.

Printed in the United States of America

ISBN: 978-1-6231-31746

Cover design by Rafael Jimenez

Human Rights Watch defends the rights of people worldwide. We scrupulously investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice. Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.

Human Rights Watch is an international organization with staff in more than 40 countries, and offices in Amsterdam, Beirut, Berlin, Brussels, Chicago, Geneva, Goma, Johannesburg, London, Los Angeles, Moscow, Nairobi, New York, Paris, San Francisco, Sydney, Tokyo, Toronto, Tunis, Washington DC, and Zurich.

For more information, please visit our website: <http://www.hrw.org>



“Whoever Raises their Head Suffers the Most”

Workers’ Rights in Bangladesh’s Garment Factories

Map	i
Summary	1
Methodology	15
I. Background	17
Poor Industrial Relations.....	17
Dangerous Factories	18
Attempted Reforms.....	19
II. Abusive Factory Conditions	21
Non-payment or Late Payment of Wages and Benefits	22
Workplace Discrimination and Challenges for Pregnant Women	24
Physical and Verbal Abuse.....	26
Forced Overtime	28
Dirty Drinking Water and Unsanitary Facilities	29
III. Union Busting	30
Physical Assault	31
Intimidation and Threats.....	40
Threats of Sexual Violence	43
Dismissal of Union Organizers and Members	44
Criminal Complaints	47
The Far-Reaching Effects of Attacks on Union Organizers	50
IV. Failure of Government and Company Interventions	52
Failure of government interventions	52
Intervention In Labor Disputes	55
Failure of Company Interventions.....	58
Unauthorized Subcontracting	61

V. Compensation for the Victims of the Rana Plaza and Tazreen Fashions Disasters.....	63
The Rana Plaza Collapse	64
The Rana Plaza Donors Trust Fund.....	65
Tazreen Fashions.....	68
VI. International Legal Labor Standards	71
Freedom of Association and Right to Organize.....	71
Women Workers: Creating a Violence-Free, Non-Discriminatory Workplace with Maternity Protection.....	74
Business Responsibilities.....	75
Domestic Law Reform	75
Recommendations	78
To the Bangladesh Government	78
To the Ministry of Labour and Employment.....	79
To the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) and the Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA).....	80
To International Apparel Companies	80
To the US, EU, UK, Canada, Japan, and Other Countries whose International Companies Source from Bangladesh	82
To the ILO	82
Acknowledgments	83

Map



SUMMARY



A man looks out over the site of the 2013 Rana Plaza building collapse.
© 2014 G.M.B. Akash/Panos

Just before 9 a.m. on April 24, 2013, the eight-story Rana Plaza came crashing down. The building, in the Savar area outside Dhaka, the Bangladesh capital, contained five garment factories on its upper floors. These supplied clothes to well-known fashion brands around the world. A government inspector had ordered the Rana Plaza's evacuation the previous day after large cracks had appeared in the walls. But on the morning of the collapse, factory managers persuaded and cajoled workers to return, telling them it was safe. In some cases managers threatened them with dismissal if they did not comply. Shortly afterwards, Savar was affected by a power cut. Once the Rana Plaza's electrical generators were switched on, the building started to shake and then collapsed. More than 1100 people were killed and over 2000 were grievously injured.



The Rana Plaza collapse was the biggest disaster ever to hit Bangladesh’s garment export industry—the second largest in the world after China’s—but it came closely on the heels of another major calamity. Just five months earlier, 112 garment workers had died and several hundred had been injured in a fire at the Tazreen Fashions factory, the most deadly of a series of factory fires that have killed dozens of other garment workers and left hundreds or more injured in recent years.

In the two years since the Rana Plaza collapse, a huge effort has been put into making Bangladesh’s garment factories safer. In light of the recent calamities, the focus on physical factory safety is both understandable and vitally important. If the Bangladesh government, factory owners, foreign retailers, and donors are to truly address worker safety and well-being, however, they need to go much further. Real and sustained worker safety requires respect for workers’ rights and an end to mistreatment.

Improved workplace conditions and respect for workers’ rights, including their right to form trade unions, are essential both in their own right and because such reforms can help prevent disasters such as those that befell workers at the Rana Plaza factories and Tazreen Fashions.

If workers at Rana Plaza had more of a voice, it is entirely possible that the circumstances that led to the thousands of deaths and injuries could have been prevented. None of the five factories operating in Rana Plaza had a trade union, and so workers were powerless to resist their managers who ordered, threatened, and cajoled them to enter the doomed building a day after large cracks had appeared in it.

Similarly, workers at the Tazreen Fashions factory were prevented from leaving their workstations by managers, even after the ground floor of the building caught fire and alarms went off. If the workers at Tazreen had been members of an effective union it is much more likely that staff would have had fire safety training and could have pointed out safety violations like blocked stairwells, lack of fire escapes, and barred windows, all of which contributed to worker deaths.





Rehana Khatun, 24, at the Centre for the Rehabilitation of the Paralyzed (CRP) Hospital in Savar, Bangladesh. She was a sewing operator at New Star Ltd., a garments factory at Rana Plaza. After the building collapsed, she spent 20 hours buried in the rubble before being rescued. Six days later she had both her legs amputated. © 2014 G.M.B. Akash/Panos



Garment industry workers demonstrate for compensation and the arrest of owners of the Tazreen factory, where more than 100 workers died in a fire in November 2012.
© 2013 Tomas Munita/The New York Times/Redux

LABOR RIGHTS VIOLATIONS AND REPRISALS AGAINST UNION ORGANIZERS

This report documents continuing violations of garment workers’ rights in Bangladesh, details recent allegations of illegal anti-union tactics by managers, including assaults on union organizers, and shows the inadequacy of efforts to date to compensate victims of the Rana Plaza collapse and Tazreen Fashions fire. It also examines why recent government reforms and company interventions have not been sufficient to remedy the problems. It concludes with recommendations on what can be done to ensure enhanced respect for workers’ rights in Bangladesh, including measures that will contribute to improved factory safety.

In our research, we interviewed more than 160 workers from 44 factories, including workers from factories employing thousands of workers and from small units employing only a few dozen people. Almost all of the factories make garments for well-known retail companies in North America, Europe, and Australia. Violations of workers’ rights were a problem in nearly all of the factories and included practices contrary to both national Bangladeshi law and codes of conduct that western retailers insist, often in production contracts, that their suppliers follow.

Specific violations documented here include physical abuse as well as verbal abuse which is sometimes of a sexual nature, forced overtime, denial of paid maternity leave, failure to pay wages and bonuses on time or in full, pressures on workers not to use the toilet, and provision of dirty drinking water.



The experience of a worker in a factory that does sub-contracted work for a US company is illustrative of conditions and management attitudes workers say are all too common:

The factory working condition was very poor. Whenever someone missed the [production] target, the bosses started shouting at them. Sometime they also beat the workers. One of the supervisors once kicked me on the back just because I was talking to a fellow worker. We were not allowed to spend sufficient time in the toilet. If someone stays a long time in the toilet they use foul language like, “Did you go to toilet to make love?”¹

In many cases, workers said that they wanted unions to help end routine workplace abuses as well as to address broader safety concerns. A female sewing operator at an

Rafiqul Islam shows photographs of the body of his brother Aminul Islam, a labor organizer who had fought for the rights of garment factory workers. His brother disappeared in April 2012 and was later found dead, his body displaying signs of torture. © 2012 Arantxa Cedillo/The New York Times/ Redux

other factory in Dhaka said that workers at her factory were under intense pressure to complete orders:

If we are not able to fulfill the production target, they deduct from our salaries. They also deduct our overtime or show less attendance than is true. Sometimes when the management is angry they throw clothes at us. If our male colleagues stand up for us, then the management hires local thugs to beat them up.²

But those attempting to organize unions in Bangladesh face potentially serious reprisals. While attention has been paid to post-Rana Plaza improvements in govern-

¹ Human Rights Watch interview with worker at factory “U,” Dhaka, October 28, 2013.

² Human Rights Watch interview with worker of factory “P,” Dhaka, September 11, 2014.



Union leader Meera Basak was attacked with machetes in front of Global Trousers Ltd. in Chittagong in August 2014. © 2014 Private

ment responses in some cases and changes to some labor laws, including provisions easing the union registration process and facilitating registration of unions, even after the recent changes less than 10 percent of garment factories in Bangladesh have unions. And union leaders continue to be targeted. As one leader we spoke to put it: “Whoever raises their head suffers the most.” Violations include physical assaults on union organizers by both managers and thugs (“mastans”) acting at their behest, threats and multiple forms of harassment, and dismissal of union members.

The union organizer said that when she and others tried to set up a union in January 2014, organizers were brutally assaulted and scores of workers fired. She was beaten

while pregnant, forced to work at night, and eventually fired, without receiving all the back wages she was owed.³

I was beaten with metal curtain rods in February when I was pregnant. I was called to the chairman’s room, and taken to the 3rd floor management room which is used by the management and directors — and there I was beaten by the local goons... There were other women who were called at other times, and they were beaten the same way as well. They wanted to force me to sign on a blank piece of paper, and when I refused, that was when they started beating me. They were threatening me saying ‘You need to stop doing the union activities in the factory, why did you try and form the union. You need to sign this paper.’

Several workers we interviewed spoke of the chilling effect of such attacks. After more than 100 workers were fired from a factory in Gazipur after they filed union registration papers in early 2014, the union all but stopped functioning. As one worker explained:

The other workers still in the factory are saying to us, ‘See you were trying to form a union in the factory and now you’re out, so why should we want to form a union?’ What we see is the government gave permission to form a union in the workplace but then they do not back up their commitment.

In a not-for-attribution discussion, one of the bigger garment factory owners in Bangladesh summarized for Human Rights Watch the dynamics that fuel continuing workplace abuses:

Factory owners want to maximize profits, so they will cut corners on safety issues, on ventilation, on sanitation. They will not pay overtime or offer assistance in case of injuries. They push workers hard because they don’t want to miss deadlines and end up paying for air shipment

³ Human Rights Watch interview with union treasurer who was later fired, Dhaka, June 24, 2014.



which can destroy the viability of the operations. Workers have no unions, so they can't dictate their rights.... Some of this can also be blamed on the branded retailers who place bulk orders and say 'Scale up production lines because it is a big order, and improve your margins.' Even 2-3 cents can make the difference, but these companies don't want to factor in [labor rights and safety] compliance into costing.⁴

RESPECTING LABOR RIGHTS

The primary responsibility for protecting the rights of 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 law would go a long way toward

A garment worker sews clothing in a building near the site of the Rana Plaza building collapse. Activists say that some factories have closed because they cannot afford to comply with the new safety requirements, leaving workers unemployed. © 2014 G.M.B. Akash/Panos

ending impunity for employers who harass and intimidate both workers and local trade unionists seeking to exercise their right to organize and collectively bargain.

Section 195 of the Bangladesh Labor Act, 2006 (amended 2013) outlaws numerous "unfair labor practices." For example, no employer shall "dismiss, discharge, remove from employment, or threaten to dismiss, discharge, or remove from employment a worker, or injure or threaten to injure him in respect of his employment by reason that the worker is or proposes to become, or seeks to persuade any other person to become, a member or officer of a trade union." Bangladesh has also ratified International Labor Organization (ILO) conventions 87 and 98 on freedom of association and col-

⁴ Human Rights Watch interview with a Dhaka factory owner, March 21, 2015.



A security guard at a garments factory keeps watch to ensure that the emergency exit is open at all times. Earlier, workers complained, that locked doors made emergency evacuation difficult.

© 2019 M. B. Akash/Panos



Factories in Bangladesh are now required to install and maintain fire safety equipment. © 2014 G.M.B. Akash/Panos

lective bargaining, and is required to protect the rights contained in them.⁵

The factory owners also need to commit to reform. There is much more the government, the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), and the Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA) 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 workplace rights, as well as health and safety provisions. Mohammad Shahidullah Azim, Vice-President of BGMEA said that Rana Plaza had served as a “wake up call and turning point” and that factory owners now recognize that “compliance is not for customers, but for safety.” However, he expressed discontent with unions. “We have a bitter experience about unions. They believe they don’t need to work and they will get paid.”

⁵ International Labour Organization, Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87, (Entry into force: July 4, 1950), http://www.ilo.org/dyn/normlex/en/f?p=NO:RMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312232:NO and Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No.98, (Entry into force: July, 18 1951), http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312243:NO

International companies that purchase clothes and other products from Bangladesh factories also have a responsibility to ensure that worker safety and rights are maintained throughout their supply chains. Many factory conditions described in this report not only violate Bangladesh's labor law, but also breach the standards that Western high street retailers insist that their suppliers follow. BGMEA's Shahidullah Azim explained, "We are raising our voice, asking for ethical buying from brands. They are asking for so many things, they should pay for it. Instead of paying compensation after a disaster, they should pay earlier to prevent such incidents."

According to the UN Guiding Principles on Business and Human Rights, factory owners and the companies which buy their products also have responsibilities to prevent human rights violations occurring in the garment factories, and should take remedial action should abuses occur. All businesses, regardless of their size or where they are based, should "avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur." They should also "seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts."

Many national and international companies with business activities in Bangladesh are failing to meet these responsibilities.

COMPENSATION FOR RANA PLAZA AND TAZREEN FASHIONS VICTIMS

The final chapter of this report examines the failure of all actors involved in the Bangladesh garment industry to adequately support the victims of the April 2013 collapse of Rana Plaza and the deadly fire at the Tazreen Fashions factory in November 2012. Survivors we spoke with said the compensation they have received until now was not sufficient to pay their medical bills and cover their loss of livelihood; many continue to suffer from their injuries, moreover, and the costs continue to mount.

In January 2014, the Rana Plaza Donors Trust Fund, chaired by the ILO, was set up. Composed of Bangladesh officials and representatives of the garment industry (both domestic and international), trade unions, and non-governmental organizations, the fund seeks to ensure "a systematic and transparent claims process." It has paid the first installment, about 40 percent of the total compensation due to each victim, with the rest to be paid depending on future contributions.

Many international retailers have paid into the fund, including some that did not do business with the Rana Plaza factories. Other retailers connected to Rana Plaza, however, have not donated at all, or donated relatively small sums. In April 2014, Human Rights Watch wrote to the companies that have not paid into the fund. Among those that replied, some said they have given money directly to NGOs or other groups supporting victims instead of the ILO-chaired fund. Others denied they were doing business with the Rana Plaza factories, or that suppliers had done so without permission.

While some observers have suggested that the Rana Plaza fund could be a model for responses to future industrial disasters in Bangladesh and elsewhere and while some aspects of how the fund was established and managed are indeed worthy of emulation, the fund should not be seen as a success or a model unless and until it is replenished and full compensation is paid to claimants.

THE WAY FORWARD

Claiming that the Rana Plaza accident had served as a "warning," Commerce Minister Tofail Ahmed claimed in December 2014 that the government was undertaking a series of reforms to try and make "the Bangladesh apparel sector the world's number one." If this promise is to become a reality, far more needs to be done, starting with rigorous enforcement of existing labor laws.

The government and the factory owners associations, the BGMEA and the BKMEA, have recently conducted some mediation to settle disagreements after attacks on activists or union workers, but they should also in-



sist that members comply with labor laws and sanction member companies that abuse worker rights. Since the Rana Plaza accident, government inspectors, supported by the ILO and funded by the EU, have been inspecting and overseeing improvements in some 1500 factories, but the government needs to ensure that this is a routinely robust and transparent process.

The Accord on Fire and Building Safety, run on behalf of 175 retailers, most of which are based in Europe, and the Alliance for Bangladesh Worker Safety, a group of 26 North American retailers, are conducting a series of inspections. Retailers should ensure that the outcomes are properly monitored.

Workers in factories told Human Rights Watch that many abuses and violations are simply not noticed, or are ignored, by the inspections carried out by or on behalf of buyers. Most trade union leaders said that freedom of association and collective bargaining are part of company codes of conduct but in their experience audits and inspections conducted by company agents prior to the

Yanur, 14, studying at the CRP Hospital school. She was badly injured and her mother was killed in the Rana Plaza building collapse. Now she lives in the hospital's hostel while receiving ongoing treatment.

© 2014 G.M.B. Akash/Panos

Rana Plaza collapse often overlooked these issues or addressed them only superficially.

As Roy Ramesh Chandra of the IndustriALL Bangladesh Council put it, inspectors “are more interested in making sure if there is toilet paper in the toilet.”

A factory owner told Human Rights Watch that prior to the Rana Plaza disaster safety inspections were primarily intended to just make factories “look good on paper” rather than ensure safety for workers. The owner added that inspectors hired by western companies frequently asked that factory owners make safety improvements, but then failed to ensure the required remedial work was carried out.

Pressure from buyers can push factory owners to respect workers' rights, including freedom of association, and stop illegal anti-union activities. Some brands temporarily suspended orders from the Azim Group in late 2014 after finding out about anti-union activities in two of its factories. In February 2015, managers agreed to recognize and bargain with unions, reinstate several union officials with full back pay, and pay medical bills for Mira Basak, a union leader who was badly beaten allegedly at the direction of factory management.

The Bangladesh government is worried that additional scrutiny of the garment industry, which has played an important role in lifting people, particularly women, out of poverty, will lead companies to withdraw their orders. One factory owner told Human Rights Watch that business has suffered since the Rana Plaza accident because of the reluctance of western buyers. As he phrased it: "Now we are [just] trying to survive."

The development of an economically thriving garment industry sector does not have to come at the expense of workers' basic rights. Global brands sourcing from factories where there are abuses can use their leverage to demand improvements. In correspondence with Human Rights Watch, representatives of several brands expressed their commitment to worker safety and welfare in Bangladesh, but that should be evidenced by tangible changes on the ground. US-based Walmart said that it cared "deeply about improving the safety situation in Bangladesh." Sears said that its "policy is to respond to all complaints regarding labor law non-compliance." H&M said it "always promotes direct dialogue between the parties" to ensure that "long term, sustainable relations can be formed."

Western companies, foreign donor agencies, the Bangladesh government, factory owners, trade unions, and civil society groups are working together to ensure that Bangladesh's factories become safer. That effort will not be complete if it does not include working together to promote and protect the rights of Bangladesh's workers.

KEY RECOMMENDATIONS

- The Bangladesh government should carry out effective and impartial investigations into all workers' allegations of mistreatment, including beatings, threats, and other abuses, and prosecute those responsible.
- The Bangladesh government should revise the labor law to ensure it is in line with international labor standards. Amendments made to date fall short of International Labour Organization's conventions ratified by Bangladesh, including Convention No. 87 on freedom of association and Convention No. 98 on the right to organize and bargain collectively.
- Companies sourcing from Bangladesh factories should institute regular factory inspections to ensure that factories comply with companies' codes of conduct and the Bangladesh Labor Law.
- Companies should work in consultation with unions and labor rights lawyers to ensure that pricing and sourcing contracts adequately reflect and incorporate the cost of labor, health, and safety compliance. Such contracts should include the cost of the minimum wage, overtime payments, and all legal benefits.

Methodology

This report is based primarily on interviews conducted in Bangladesh from October 2013 to April 2015. Human Rights Watch researchers visited Dhaka and surrounding towns where garment factories are situated. We interviewed a total of 160 workers, 37 of them women from 44 factories about factory conditions and safety issues. Among them were 88 workers from 39 factories involved in efforts to form trade unions. Most of these factories are covered by the Accord on Fire and Building Safety in Bangladesh or the Alliance for Bangladesh Worker Safety. Some interviews with factory-level labor leaders were facilitated by contacts provided by the Solidarity Center (AFL-CIO) office in Dhaka.

Our interviews also included 46 former Rana Plaza workers and relatives of the deceased workers killed in the collapse as well as 15 former workers and relatives of deceased workers killed in the Tazreen Fashions fire.

All worker interviews were conducted in person, with some follow-up interviews conducted by telephone.

Workers in the Bangladesh garment industry fear losing their jobs if they publicly complain about poor working conditions and violations of labor rights. Some fear that factory owners share an informal “blacklist” of “troublemakers,” and that if they are fired and then put on such a list they may not be able to find further employment. As this report demonstrates, some workers also face the threat of serious physical and verbal abuse. For this reason we have withheld the names of workers who are still employed by the factories they discuss, and have also chosen not to publish the names of those factories, instead using randomly assigned letters of the alphabet. Where interviewees consented to being identified and did not fear job-related retribution because they no longer work for the factories, we have used their actual names. In some of the latter cases, we have also named the factories.

Before each interview we informed the interviewee of its purpose and asked whether he or she wanted to participate. No incentives were offered or provided to persons we interviewed. Interviews were conducted in discreet locations some distance from where the workers lived so that they would not be spotted or overheard. Human Rights Watch

paid for their transport and in some cases also provided them with food or food expenses if they had a long journey or needed to wait to be interviewed.

Human Rights Watch researchers also interviewed 40 people closely involved with the Bangladesh garment industry, including factory owners, union organizers, international campaigners, and representatives of the two retailer-led initiatives to make the industry safer. We conducted these interviews in Bangladesh, the US, Europe, and Hong Kong. All were conducted in English, most of them by telephone.

Human Rights Watch also wrote to 28 western retail companies seeking their views on the complaints that we had received about their sourcing factories. Ten companies responded, of which two denied that they had a continuing relationship with the factory. Eight others said that they were investigating the complaints.

We also reached out to 15 factories to seek their response on the complaints. Only three have responded.

We have also included in this report responses received by companies on supporting the compensation fund.

I. Background

Bangladesh is the second largest exporter of ready-made garments in the world, after China.¹ The growth of the industry has been dramatic. In the 1983-4 fiscal year, Bangladesh exported garments worth just over US\$31.5 million, and employed 120,000 workers in 384 factories. By 2013-14 it exported garments worth more than US\$24 billion, and employed some 4 million workers in 4,536 factories.² Garments account for almost 80 percent of the country's export earnings and contribute more than 10 percent of GDP.³

According to the industry's most powerful trade body, the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), factories have played an important role in alleviating poverty in Bangladesh "through skills development and employment generation." More than 20 million people depend directly and indirectly on the industry, according to the BGMEA.⁴ Eighty percent of the workers are women.⁵ According to the ILO "the industry is the major driver of Bangladesh's development. Most workers are women from poor backgrounds for whom jobs in the RMG sector are a lifeline out of poverty. Continued growth of the garment industry is critical for eradication of poverty in Bangladesh."⁶

Poor Industrial Relations

Although the government increased the minimum wage in late 2013, Bangladesh has historically paid its garment workers less than its major competitors, and has a record of poor industrial relations.⁷ In November 2013, the government deployed a paramilitary force,

¹ Bangladesh Garment Manufacturers and Exporters Association (BGMEA), "RMG - the mainstay of the Bangladesh economy," <http://www.bgmea.com.bd/home/pages/Strengths#.VAB6tYwiw> (accessed August 28, 2014).

² BGMEA, "Trade Information," http://www.bgmea.com.bd/home/pages_test/TradeInformation (accessed August 28, 2014).

³ BGMEA, "RMG - the mainstay of the Bangladesh economy," <http://www.bgmea.com.bd/home/pages/Strengths#.VAB6tYwiw> (accessed August 28, 2014).

⁴ Ibid.

⁵ Ibid.

⁶ International Labour Organization, "Towards a safer ready made garment sector for Bangladesh: Progress made and way ahead," November 13, 2014, http://www.ilo.org/dhaka/Whatwedo/Publications/WCMS_317816/lang-en/index.htm. (accessed August 28, 2014).

⁷ International Labour Organization, "Seeking better employment conditions for better socioeconomic outcomes," 2013, http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_229105.pdf p 2. (accessed August 28, 2014).

the Border Guard Bangladesh, to help quell violent protests by workers seeking an increase to the minimum wage.⁸ In December 2013, the government raised the minimum wage to US\$68/month from US\$39/month, bringing it closer to the wages paid in other Asian countries, but still significantly less than the workers had demanded.⁹

Trade unions are legal in Bangladesh but, as discussed later in this report, workers seeking to form unions face an often daunting environment—including at times violent retaliation, termination of employment, and other violations— as well as arbitrary barriers to registration, and harassment and retaliation once a union is established. In one of the worst cases, labor activist Aminul Islam was abducted, tortured, and killed in April 2012, and to date his killers have not been found.¹⁰

Amendments to the labor law in July 2013 have made registering a union easier. Factors such as international pressure following the disasters at the Rana Plaza and Tazreen factories, and the government’s hope that the United States might reinstate suspended GSP trade benefits, have led to improved government response in registering trade unions. But even with the recent new union registrations, unions exist in fewer than 10 percent of garment factories in Bangladesh today.¹¹

Dangerous Factories

The rapid rate at which the industry has grown, as well the failure of the Bangladesh government to enforce its building and labor regulations, has resulted in many unsafe and poorly constructed factories. On April 24, 2013, Bangladesh witnessed the worst industrial disaster in its history when the Rana Plaza building collapsed, killing more than 1,100

⁸ Al-Mahmood, Syed Zain, “Bangladeshi Police Fire Rubber Bullets at Protesting Garment Workers,” *The Wall Street Journal*, November 19, 2013, <http://online.wsj.com/news/articles/SB10001424052702303755504579207670715004340> (accessed August 29, 2014).

⁹ International Labour Organization, “Seeking better employment conditions for better socioeconomic outcomes,” 2013, http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_229105.pdf p2. (accessed August 28, 2014).

¹⁰ “Bangladesh: find killers of labor activist,” Human Rights Watch news release, April 2, 2014, <http://www.hrw.org/news/2014/04/01/bangladesh-find-killers-labor-activist> (November 20, 2014).

¹¹ The International Labour Organisation, “Towards a safer readymade garment sector for Bangladesh: Progress made and way ahead,” November 13, 2014, http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_317816.pdf (accessed November 14, 2014).

workers and leaving hundreds more badly injured.¹² A government investigation found that there had been a series of irregularities in its construction—the top two floors were added illegally and the building was not designed or built for industrial use.¹³ Five months before the Rana Plaza tragedy, Bangladesh’s deadliest factory fire occurred, at the Tazreen Fashions factory, killing at least 112 people.¹⁴

These were not isolated incidents. Factory fires alone killed almost 500 workers between 2006 and 2010, according to fire department figures quoted by the Clean Clothes Campaign.¹⁵ In April 2005, 64 workers were killed when the Spectrum factory collapsed.¹⁶ Since the Tazreen fire, the Solidarity Center has tracked at least 68 garment factory fire incidents, in which 30 people were killed and more than 800 people—most of them women—injured.¹⁷

Attempted Reforms

Since the Rana Plaza accident, Bangladesh has come under intense pressure to reform the industry, both from retailers considering pulling their supply chains out of the country, as well as from major donor nations. The United States suspended Generalized System of Preferences (GSP) trade benefits in June 2013 because, as President Barack Obama phrased it, Bangladesh was “not taking steps to afford internationally recognized worker rights to workers in the country.”¹⁸ The European Union also threatened to remove trade benefits for Bangladesh garment exports if reforms did not take place.¹⁹

¹² Human Rights Watch, “Bangladesh: Tragedy Shows Urgency of Worker Protections,” April 25, 2013, <http://www.hrw.org/news/2013/04/25/bangladesh-tragedy-shows-urgency-worker-protections> (accessed December 2, 2014).

¹³ “Bangladesh factory collapse blamed on swampy ground and heavy machinery,” *Associated Press*, May 23, 2013, <http://www.theguardian.com/world/2013/may/23/bangladesh-factory-collapse-rana-plaza> (accessed January 11, 2015)

¹⁴ Human Rights Watch, “Bangladesh: Companies Fail to Compensate Fire Victims,” December 16, 2013, <http://www.hrw.org/news/2013/12/15/bangladesh-companies-fail-compensate-fire-victims> (accessed December 2, 2014).

¹⁵ The Clean Clothes Campaign, “Hazardous workplaces: Making the Bangladesh Garment industry safe,” November 2012, <http://www.cleanclothes.org/resources/publications/2012-11-hazardousworkplaces.pdf/view> (accessed August 28, 2014).

¹⁶ Ibid.

¹⁷ Tula Connell, “Two Years After Tazreen Fire, Life Worse for Survivors,” Solidarity Center, November 21, 2014, <http://www.solidaritycenter.org/two-years-after-fatal-tazreen-fire-life-worse-for-survivors/> (accessed January 12, 2015). Based on local media reports, Solidarity Center tracks the incidents and keeps an updated record. On file with Human Rights Watch.

¹⁸ Palmer, Doug, “US Suspends Trade Benefits for Bangladesh Over Safety,” *Reuters*, June 27, 2013, <http://www.reuters.com/article/2013/06/27/us-obama-trade-bangladesh-idUSBRE95Q15720130627> (accessed August 28, 2014).

¹⁹ Ibid.

In July 2013, Bangladesh signed a Sustainability Compact with the European Union to improve labor rights with a particular focus on freedom of association and collective bargaining; occupational safety and health and factory safety; and supporting and promoting responsible business conduct.²⁰ A stock-taking report produced a year later noted some achievements. These included the adoption of an amended labor law in July 2013 which made it easier for workers to establish trade unions, including by streamlining the process for registration of new unions, and called for the hiring of new factory inspectors. But the EU report added that the country's labor law needed further amendments to fully comply with core international labor standards. It also called on the Bangladesh government to address "reports of denials to register trade unions, anti-trade union discrimination, intimidation, and harassment."²¹

Additionally, three separate initiatives to inspect the factories for safety are underway. The first, the Accord on Fire and Building Safety, is being run on behalf of 175 retailers, most of which are based in Europe.²² The signatories of this legally binding agreement are responsible for inspecting and overseeing improvements in 1,611 factories.²³ Members of this ground-breaking initiative also include trade unions and campaign groups. The second initiative, the Alliance for Bangladesh Worker Safety, is inspecting and overseeing improvements in 587 factories.²⁴ The Alliance is a group of 26 North American retailers, including Walmart and Gap. Finally, the government's own inspectors, supported by the ILO and funded by the EU, are inspecting and overseeing improvements in the remaining factories, which number about 1,500.²⁵

²⁰ "Staying engaged: A Sustainability Compact for continuous improvements in labour rights and factory safety in the Ready-Made Garment and Knitwear Industry in Bangladesh," Joint Statement, Geneva, July 8, 2013, http://trade.ec.europa.eu/doclib/docs/2013/july/tradoc_151601.pdf (accessed September 20, 2014).

²¹ Technical progress report for the Sustainability Compact, July 8, 2014, http://trade.ec.europa.eu/doclib/docs/2014/july/tradoc_152657.pdf (accessed September 20, 2014).

²² Accord on Fire and Building Safety in Bangladesh, <http://bangladeshaccord.org> (accessed December 3, 2014).

²³ Accord, Factory record status, November 1, 2014, <http://bangladeshaccord.org/wp-content/uploads/Accord-Public-Disclosure-Report-1-November-2014.pdf> (accessed December 3, 2014).

²⁴ Alliance for Bangladesh Worker Safety, November 2014, <http://www.bangladeshworkersafety.org> (accessed December 3, 2014).

²⁵ Department of Inspection for Factories and Establishment, Government of Bangladesh, "RMG Sector Database," <http://database.dife.gov.bd> (accessed November 14, 2014).

II. Abusive Factory Conditions

It shall be a fundamental responsibility of the State to emancipate the toiling masses, the peasants and workers...from all forms of exploitation.

— Constitution of Bangladesh, Article 14.²⁶

While the focus of the post-Rana Plaza reforms has been on factory safety, little has been done to address poor working conditions. In many factories, these remain dire, in breach both of national law and the standards that are often stipulated by the western retailers who buy most of Bangladesh's garments.

Human Rights Watch interviewed 88 workers from 38 different factories about recent workplace conditions. Nearly all of them identified serious concerns. Though working in very different factory settings, they shared many of the exact same concerns. These can be grouped into three categories. First, many raised concerns about pay and benefits, including not being paid the minimum wage, late payment of wages and bonuses, denial of overtime payments, and denial of maternity and sick leave. Second, the workers complained about how they were treated by factory supervisors and managers, and the pressure they were put under to complete work quotas which included resorting to forced overtime, physical abuse, and verbal abuse that sometimes was of a sexual nature. Third, workers complained about unsanitary conditions in the workplace, particularly drinking water of such poor quality that many refused to drink it. According to a major factory owner in Bangladesh, these complaints are common.

Factory owners want to maximize profits, so they will cut corners on safety issues, on ventilation, and on sanitation. They will not pay overtime or offer assistance in case of injuries. They will not build fire exits or stock fire extinguishers. Many of them treat their workers like slaves. They also pass orders on to subcontractors, who are even less careful on compliance because they rely on these short-term orders. Some of them even employ underage workers. Things are improving since Rana Plaza, but enforcing compliance is a big challenge.²⁷

²⁶ "Constitution of the People's Republic of Bangladesh," Article 14. http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367

²⁷ Human Rights Watch phone interview with a factory owner in Dhaka, March 21, 2015.

An April 2014 survey of 1508 workers at 150 factories, conducted by Democracy International, found that most of these concerns were widely shared.²⁸ It found, for example, that 34 percent of respondents said they had been harassed by their supervisors and 25 percent said they had experienced sexual harassment. When asked the main problem they faced, 37 percent identified lack of paid sick leave and 29 percent identified lack of paid maternity leave.²⁹

The size and sophistication of garment factories in Bangladesh varies considerably. At one extreme are the flagship, purpose-built factories that employ thousands of workers and have relatively secure, long-term contracts with foreign buyers. At the other extreme are unregistered, back-street workshops that employ dozens of workers and work on a sub-contracted, often short-term basis. There are also many medium-sized factories, employing about 500 workers each. Conditions are worst in the smaller sub-contracting factories which don't bother with garment brands' codes of conduct since they do not directly interact with the brands.

Human Rights Watch interviewed workers from all three kinds of factories. They were situated in some of the main industrial areas in and around the capital, including in Dhaka, Ashulia, Badda, Gazipur, Mirpur, Rampura, and Savar. We also met with workers from factories in the southern port city of Chittagong and in Valuka district in the north. According to the workers, most of these factories were making clothes directly for well-known retailers in North America and Europe, some on a sub-contracting basis. With the exception of one factory that had closed before our interviews took place, all these factories continue to operate.

Non-payment or Late Payment of Wages and Benefits

Workers in almost all of the factories complained that managers did not pay wages or benefits in full or on time. This included pay for overtime, maternity benefits, the Eid holiday bonus, and compensation for working during vacations. For example, Nazimuddin, reported such abuses were common at his former factory:

²⁸ Democracy International, "A Survey of RMG Workers: Issues, Policy Aspirations and Political Participation. Summary of Results and Key Findings," April 2014.

²⁹ The survey also revealed some positive findings. For example, 82 percent of respondents considered "safe working conditions" prevalent or very prevalent in their factories, 67 percent said they received periodic wage increases, and 66 percent said they considered their working hours to be "fair."

They didn't give us the yearly bonus, they didn't us give a yearly increment, they didn't give us money for earned leave. Basically, the factory management didn't ever follow the labor law.³⁰

A union leader at a different factory said her colleagues were denied the compensation they were owed for working during their vacations:

We were supposed to get one day's leave every 18 days, but they only used to pay us for a few days at the end of the year. We protested, 'Why are we getting less than what we're owed?' The owners did not agree, but then we went to the union federation and found out that the factory owes us more than we thought. That's why we decided to set up the union.³¹

As well as not receiving what they were entitled to, some workers complained about late payments. According to Article 123 of the Bangladesh Labor Act, 2006 (amended 2013), wages should be paid before the end of the seventh day of each month.³² According to a worker at a major factory, his factory's failure to do so is one of the main reasons why he is trying to set up a union. As he explained it: "The problem is that we all have to pay our house rent at the start of the month and the landlord creates pressure if there is any delay."³³

A worker at another factory complained:

The managers say they will pay us on the 10th of every month but sometimes they give it on the 12th, or maybe the 14th, or even after the 20th. Last month we got our salaries on the 22nd. But we still have to pay our rent in the first week of every month, pay for food and send money home to our parents.³⁴

³⁰ Human Rights Watch interview with Nazimuddin, Dhaka June 25, 2014.

³¹ Human Rights Watch interview with worker of factory "L," Dhaka, November 12, 2013.

³² The Bangladesh Labour Act, 2006 (amended 2013). An English translation is available on the ILO website, http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=BGD&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY

³³ Human Rights Watch interviews with worker of factory "V," Dhaka, January 19, 2014.

³⁴ Human Rights Watch interview with worker of factory "O," Dhaka, December 1, 2013.

Another issue is arbitrary deductions from worker pay. A female sewing operator at another factory in Dhaka described her experience, noting that workers at her factory were under intense pressure to complete orders:

If we are not able to fulfill the production target, they deduct from our salaries. They also deduct our overtime or show less attendance than is true. Sometimes when the management is angry they throw clothes at us. If our male colleagues stand up for us, then the management hires local thugs to beat them up. They also beat up female workers in front of everyone if the production target is not fulfilled, even more now because of union activities.³⁵

Workplace Discrimination and Challenges for Pregnant Women

Workers we spoke with from 12 different factories complained that pregnant women at their factories were denied maternity leave or given too little leave. Human Rights Watch did not independently verify the women's claims but the frequency of the complaints, combined with third-party research by groups like Democracy International, cited above, suggests pregnancy discrimination is a serious problem.

According to the Bangladesh Labor Act, women are entitled to 16 weeks maternity benefit, at least eight weeks of which should be taken after the birth, so long as they have worked for the employer for at least six months prior to the delivery date and they do not already have two children. In cases where they already have two children, the women are entitled to unpaid leave only. Those entitled to paid leave should be paid the average wage they received over the preceding three months, and they should receive it for 16 weeks.³⁶

A female worker at a Dhaka-based factory employing over 400 people told Human Rights Watch that women workers there were humiliated when they asked for their benefits:

In our factory, 80 percent of workers are female and they will get pregnant, but the managers are not doing anything about maternity leave and

³⁵ Human Rights Watch interview with worker of factory "P," Dhaka, September 11, 2014.

³⁶ Chapter IV of the Bangladesh Labor Act, 2006 (amended 2013). An English translation is available on the ILO website, http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=BGD&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY (accessed November 12, 2013).

bonuses. When we protested about it, our supervisors used really bad words against us, such as: ‘If you’re all concentrating on fucking, why are you working here? Go and work in a brothel.’³⁷

A union leader from a different Dhaka-based factory said she was forced to resign before she gave birth. According to section 50 of the Labor Law, she should have still received maternity benefits:³⁸

I was forced to leave when I was seven months pregnant, and then stayed at home for one-and-a-half years. After that I came back to the factory. I know that it was illegal but because I was pregnant there was nothing I could do about it. I didn’t argue with the managers because everyone was forced to leave and no one gets any [maternity] benefits. It was really tough for my family as I was the main earner.³⁹

Pregnant women should not, according to the Labor Law, do “any work which is of an arduous nature”⁴⁰ but a worker in another factory said that “pregnant women are given a heavy load and if they couldn’t do it they are fired.”⁴¹

A female worker in another factory said that there were protests because “one of the major problems was that we were not getting legal holidays off and even for maternity leave they would pay us for only half the amount they had to. They used to give us an annual bonus, but not for the right amount.”⁴² In a third factory, the union asked factory managers to allow pregnant workers to leave for lunch five minutes early to avoid getting caught in the large crowd. But managers refused according to one union representative.

³⁷ Human Rights Watch interview with worker of factory “Y,” Dhaka, November 17, 2013.

³⁸ “If any notice or order of discharge, dismissal, removal or termination of employment is given by an employer to a woman within a period of six month before and eight weeks after her delivery and such notice or order is given without sufficient cause, she will not be deprived of any benefit to which she would have become entitled under this chapter.” Chapter IV, Section 50, of the Bangladesh Labor Act, 2006 (amended 2013). An English translation is available on the ILO website, http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=BGD&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY (accessed November 5, 2013).

³⁹ Human Rights Watch interview with worker of factory “Q,” Dhaka, October 24, 2013.

⁴⁰ Chapter IV, Section 45, of the Bangladesh Labor Act, 2006 (amended 2013).

⁴¹ Human Rights Watch interview with worker of factory “G,” Dhaka November 12, 2013.

⁴² Human Rights Watch interview with worker of factory “L,” October 9, 2013.

When we raised this issue the managers said ‘whose factory do you think this is? Is it your father’s? These women can look after themselves.’⁴³

Physical and Verbal Abuse

Workers in most of the factories interviewed by Human Rights Watch said they had witnessed supervisors verbally and sometimes physically abusing people for not meeting production targets.

A worker whose job is to cut fabrics described what happened when his protective steel glove became damaged and he sent his helper to ask a manager for a new one:

The manager told the helper to ‘fuck off.’ When I heard this I became really annoyed, and the helper and I started to argue with the manager. He started to beat the helper because he couldn’t do anything to me. Every worker stopped working and protested with me in front of the owner’s room. He said, ‘If you want to work, go back to your seats. Otherwise leave the factory and I’ll get new workers.’ The helper felt so bad that he left the factory the next day.⁴⁴

In a different factory, one man said he was hit for missing his production target:

One day I was a bit late for meeting my target and the factory manager came and grabbed my neck then slapped me twice in front of my fellow workers. After that he took me to the time card section to sign a blank piece of paper, so that he could sack me and say I had resigned. But I did not sign and never got sacked. I could not protest about it, because anyone who does is fired straightaway.⁴⁵

In a third factory, one that workers said performed subcontracted work for a US company, verbal and physical was also reportedly common. According to one woman worker:

⁴³ Human Rights Watch interview with worker at factory “N,” Dhaka October 11, 2013.

⁴⁴ Human Rights Watch interview with worker at factory “Y,” Dhaka, November 17, 2013.

⁴⁵ Human Rights Watch interview with worker at factory “O,” Dhaka, December 1, 2013.

The factory working condition was very poor. Whenever someone missed the target bosses started shouting at them. Sometimes they would also beat the workers. One of the supervisors once kicked me on the back just because I was talking to a fellow worker.⁴⁶

In some of the cases documented by Human Rights Watch the abuse was of a sexual nature. Most garment workers are women, while supervisors and managers are mostly men. A worker at one factory, for example, said a colleague was insulted and pushed for not meeting her production target:

The line supervisor put his hands on [her] and used bad words like, ‘You shouldn’t be working here, go and fuck outside.’ He pushed her off her chair and away from her machine. This was just because she had not fulfilled her target and still had some work left over.⁴⁷

Some interviewees said that workers were verbally abused for using the toilet and thus avoided the toilet as well as drinking anything during the day. Sometimes this verbal abuse also had sexual overtones. The woman quoted above working on products being sold to a US buyer told us: “We were not allowed to spend sufficient time in the toilet. If someone stays a long time in the toilet they use foul language like, ‘Did you go to toilet to make love?’”⁴⁸

A colleague from the same factory commented:

Often I am given a target that I cannot meet. But I have to make up for it by working an extra hour or two without pay. We avoid drinking more water so that we don’t need to go to toilet. Spending more time in the toilet means falling behind the target.⁴⁹

⁴⁶ Human Rights Watch interview with worker at factory “M,” Dhaka, May 5, 2014.

⁴⁷ Human Rights Watch interview with worker at factory “U,” Dhaka, October 28, 2013.

⁴⁸ Human Rights Watch interview with worker at factory “U,” Dhaka, October 28, 2013.

⁴⁹ Human Rights Watch interview with worker at factory “M,” Dhaka, October 28, 2013.

A worker at a different factory said that employees would even be denied breaks or medical leave when sick:⁵⁰

They were really tough on us about production targets. If we fail to meet a production target, we are sometimes beaten. If someone gets sick, and asks for a break, they won't give it.⁵¹

Forced Overtime

Many workers complained that because they were given unattainable production targets they were forced to work late at night or on holidays, and were then denied the overtime pay they should have received. Abdul Jalil Mia said he tried to form a union to address these concerns but was fired from the factory.

We wanted the rights that the workers are entitled to. We never got those or the leave time that we should get. We never got national days like 16 December or 26 March. We never got any holidays. We had to work for 12 hours, and on Friday, the workers who worked on the night shift didn't get paid, it was like working for free.⁵²

According to another worker, conditions in his factory deteriorated after the buyer changed, demonstrating how a brand can influence practices:

When Nike was the buyer, everyone was okay. But after the factory switched to another buyer, the owners started making us work later and later – 10 pm. No overtime. Specific production target – if you were not done, you would have to work until it was done, without pay.⁵³

⁵⁰ According to Article 89 of the Bangladesh Labour Act, 2006 (amended 2013), "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 and nursing staff as may be prescribed." An English translation is available on the ILO website, http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=BGD&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY

⁵¹ Human Rights Watch interview with worker of factory "W," Dhaka, November 12, 2013.

⁵² Human Rights Watch interview, Dhaka, June 24, 2014.

⁵³ Human Rights Watch interview with worker at factory "J," Dhaka, November 12, 2013.

A worker at another factory said workers there were forced to work long hours without extra pay:

They made us work for more than 17 hours, even sometimes night shifts for nine hours. But they were not paying us a single Taka extra for overtime.⁵⁴

Dirty Drinking Water and Unsanitary Facilities

A common complaint is that the factories do not provide clean drinking water to their employees. This is in clear breach of the Labor Act, which stipulates that every factory must provide “a sufficient supply of wholesome drinking water.”⁵⁵ In one factory that supplies clothes to Canada and the US, workers said the drinking water container was so dirty it once had worms in it. “The water is dirty and smelly so we have to take water from the taps inside the toilets. But we don’t like doing that so have to bring water from home,” one man said.⁵⁶

A former worker from another factory told Human Rights Watch: “One of the main problems I had with the factory was that it was very dirty. One time I even found leeches in the drinking water container, and there was no space [in the factory] to eat so we had to take our lunches and eat in the toilet.”⁵⁷

Another female worker, working as a sewing operator in a factory in Dhaka, said it was filthy.⁵⁸ “The drinking water has such a bad smell, it’s not even drinkable. The washrooms are really dirty,” she said.⁵⁹

⁵⁴ Human Rights Watch interview with worker at factory “Y,” Dhaka, November 11, 2013.

⁵⁵ According to Section 51, Bangladesh Labour Law (2006), every factory must “be kept clean and free from effluvia arising from any drain, privy or other nuisance” and according to Section 58, every factory must provide “a sufficient supply of wholesome drinking water,” and factories which employ more than two hundred and fifty people must provide them with cold water during hot weather. An English translation is available on the ILO website, http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=BGD&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY

⁵⁶ Human Rights Watch interview with worker from factory “B,” Dhaka, October 9, 2013.

⁵⁷ Human Rights Watch interview with former worker of factory “L,” Dhaka, October 9, 2013.

⁵⁸ According to Section 51, Bangladesh Labour Law (2006), every factory must “be kept clean and free from effluvia arising from any drain, privy or other nuisance.” An English translation is available on the ILO website, http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=BGD&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY

⁵⁹ Human Rights Watch interview with worker at factory “S,” Dhaka, September 11, 2014.

III. Union Busting

“I was terrified.... Whoever raises their head suffers the most.”

— A former Bangladesh union member.⁶⁰

Many Bangladeshi garment workers involved in setting up trade unions — a “fundamental right” protected by the Bangladesh constitution⁶¹— face violence, intimidation, threats, and loss of employment.

While in one sense the climate for union formation has improved in Bangladesh since Rana Plaza—in part due to new legislation in mid-2013 easing requirements for union registration—national trade union federations report that abuses of workers pressing for or leading unions has actually increased as employers push back against new unionization drives. Our interviews provide substantial evidence of such abuse. Perpetrators of even egregious physical abuse are rarely prosecuted, although in several cases pressure from buyers or the BGMEA has led to mediated settlements of the underlying labor disputes.

Under intense international pressure to reform the industry following the Rana Plaza disaster, the government amended the labor law in July 2013, making it easier for unions to be organized. As a result, the labor department has registered more unions than ever: 85 new unions in 2013, 174 in 2014, and 21 in the first three months of 2015, bringing the total number of factory-level unions in Bangladesh from 136 in 2012 to 416 on March 30, 2015.⁶² By contrast, in 2011 and 2012, the labor department registered only two unions.⁶³ Clearly, this is progress, but there are more than 4,500 garment factories in Bangladesh and even after the new registrations unions are present in less than 10 percent of them.

⁶⁰ Human Rights Watch interview with former factory worker, Dhaka, October 11, 2013.

⁶¹ Under Article 38 of the Constitution of the People’s Republic of Bangladesh, “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.” http://bdlaws.minlaw.gov.bd/sections_detail.php?id=367§ions_id=24586.

⁶² European Commission, “Technical Progress Report,” July 8, 2014, http://trade.ec.europa.eu/doclib/docs/2014/july/tradoc_152657.pdf (accessed on August 28, 2014).

⁶³ International Labour Organization, “Union registrations rise sharply in Bangladesh garment sector: New labour laws pave way to improve conditions, workers’ rights,” February 20, 2014, http://www.ilo.org/dhaka/Informationresources/Publicinformation/Pressreleases/WCMS_236042/lang-en/index.htm (accessed August 28, 2014).

Section 195 of the Bangladesh Labor Act, 2006 (amended 2013) outlaws numerous “unfair labor practices.” For example, no employer shall, “dismiss, discharge, remove from employment, or threaten to dismiss, discharge, or remove from employment a worker, or injure or threaten to injure him in respect of his employment by reason that the worker is or proposes to become, or seeks to persuade any other person to become, a member or officer of a trade union.”⁶⁴

As detailed below, however, factory managers continue to use threats, violent attacks, and involuntary dismissals in efforts to stop unions from being registered. Even after unions are formed, union leaders still risk being fired. As a result, some unions exist only in name, with members too afraid to raise their voices and the union all but impotent as a channel to air and address worker concerns.

Another obstacle to unionization in Bangladesh, not covered in our interviews but addressed at the end of this chapter is that Bangladeshi law entirely denies workers in Export Processing Zones (EPZ) the right to form unions. The latter is a clear violation of workers’ right to freedom of association, another barrier that Bangladesh needs to tear down.

Physical Assault

Some workers involved in setting up trade unions have faced extreme violence by managers or by local criminals, known locally as “mastans,” who at times openly admit to acting on behalf of factory managers. In one case a worker was beaten by a man he described as being an influential political person connected to the factory owner. In another case a pregnant worker was beaten by a man wielding a curtain pole. In yet another case a female worker was hospitalized after being attacked by men with cutting shears.

Munir Moniruzzaman Sikder, a union organizer with the National Garment Worker’s Federation (NGWF), said that *mastans* beat him in May 2014 after managers discovered he was helping workers form a union at the Pioneer Knitwear factory.⁶⁵

⁶⁴ Bangladesh Labor Act, 2006 (amended 2013). An English translation is available on the ILO website, http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=BGD&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY

⁶⁵ In their response to queries from Human Rights, on December 22, 2014, Johan Stellansson from H&M Puls Trading Far East Ltd. Bangladesh Liaison office said that H&M, which was sourcing from Pioneer Knitwear, after a Memorandum of Understanding was signed by the NGWF President on July 6, 2014, H&M and the unions “considered this case closed.” In a

They were trying to force me to tell the names of all the other persons in the union and in other factories, and also how many workers were organizers and members of the federation. Those thugs said that factory owners have a lot of money. They said they were ordered to beat me so badly that I would be covered with soil [euphemism for dead and buried]. They hit me with field hockey sticks, fractured my right leg, and beat me on the arms, shoulders, and back. Really my entire body was covered with injuries. One thug yelled at me that if he heard me speak the name of the NGWF in the future, he would cut out my tongue.⁶⁶

Four activists of the Bangladesh Federation for Workers Solidarity (BFWS) were attacked as they helped workers at the Korean-owned Chunji Knit Ltd. factory sign union registration forms in February 2014. They told Human Rights Watch that the violence only stopped when the attackers thought they had killed one of them. Mohammed Selim was beaten so badly that he spent 10 days in hospital and suffered injuries to his kidney and back.⁶⁷ The activists said they did not recognize their attackers, but later workers said that both factory managers and local gangsters had been involved. Chunji Knit officials denied that factory employees were involved, blaming local people who did not want the factory operations disturbed by a union because the factory provides jobs.⁶⁸ The BFWS filed a case against Chunji, accusing its staff of assault. The next day, Chunji in turn filed a case against the four activists, accusing them of vandalizing the factory and stealing air-conditioners and computers.⁶⁹

In an email response to queries from Human Rights Watch, the Director for Global Compliance at Sears Holdings Management Corporation said that while it was “unable to confirm the involvement of any factory management from Chunji Knit in the alleged attack,

detailed response to queries from Human Rights Watch, on January 19, 2015, Philip Chamberlain from C&A Europe, which was sourcing from Pioneer Knitwear, said that it sent independent investigators to meet with workers and collaborated with H&M to convene a meeting that led to the July 6, 2014 MOU. In the MOU, representatives of the factory management and BGMEA regret the attack and promise to pursue “immediate legal action in the future for acts of intimidation, violence and coercion against any union member, union staff, or leader of trade unionism activities.” Injured workers were promised compensation, and those workers that were dismissed were assured severance pay or reinstatement.

⁶⁶ Human Rights Watch interview with Munir Moniruzzaman Sikder, Dhaka, June 25, 2014.

⁶⁷ Human Rights Watch interview with Mohammed Selim, Dhaka, June 24, 2014.

⁶⁸ Syed Zain Al Mahmood and Shelly Banjo, “Bangladesh Union Organizers Allege Intimidation,” *The Wall Street Journal*, April 13, 2014, <http://online.wsj.com/news/articles/SB10001424052702303873604579491434112456634> (accessed August 22, 2014).

⁶⁹ Human Rights Watch interview with Hasina Akhter Hashi, Rita Akhter, Mohammed Selim, Ali Hossain, Dhaka, June 24, 2014.

we reinforced our policy regarding freedom of association.”⁷⁰ While C&A used to source from Chunji Knit, in a response to queries from Human Rights Watch, Philip Chamberlain, Head of External Stakeholder Engagement, C&A Europe explained that although “the fact of being no longer a customer of the factory, gave us no capacity to speak directly with the management,” they have raised concerns with BGMEA representatives that “that potential cases such as the one in Chunji Knit might be jeopardizing the reputation of Bangladeshi suppliers.”⁷¹

The allegations are indeed shocking.

One of the labor activists, Hasina Akhter Hashi, described her experience:

The workers contacted the federation and said that they wanted to form a union. So the federation sent the four of us to go the workers’ houses in Dhaka city. The workers took us into their houses to fill out the forms, and quite quickly we signed about 300. But then some factory managers and local goons came and they attacked me and Rita in front of the house. They kicked, punched, and pushed us to the ground, they snatched away our mobile phones, they took all the completed forms, and our money.... I thought we were going to die. They were threatening that they would kill us. They had cloth cutting knives and scissors and they were yelling at us saying, ‘We are going to use these knives on your faces if you don’t listen to what we are saying.’ When our two male colleagues arrived to help, they attacked them.⁷²

Most garment workers are women and are not spared physical attacks to prevent them forming labor unions. Organizers of a new union registered at a factory in Gazipur in January 2014, say they were assaulted, in some cases brutally, in the ensuing weeks and months; they said scores of union members were fired.

⁷⁰ Email received by Human Rights Watch from Carol Rice, Director, Global Compliance, Sears Holdings Management Corporation, December 19, 2014.

⁷¹ Email received by Human Rights Watch from Philip Chamberlain, Head of External Stakeholder Engagement, C&A Europe, January 19, 2015.

⁷² Human Rights Watch interview with Hasina Akhter Hashi, Dhaka, June 24, 2014.

The union's treasurer said management staff beat her while she was pregnant, and forced her to work at night. Eventually she was fired on May 18, without receiving all the wages she was owed.

I was beaten with metal curtain rods in February when I was pregnant. I was called to the chairman's room, and then taken to the 3rd floor management room which is used by the management and directors and there I was beaten by the local goons. It was not just me that was beaten, there were other women who were called at other times, and they were beaten the same way as well. They also wanted to force me to sign on a blank piece of paper, and when I refused, that was when they started beating me. They were threatening me saying 'You need to stop doing the union activities in the factory, why did you try and form the union. You need to sign this paper.'⁷³

The union's general secretary also described being beaten by local gangsters inside the factory. He said he was beaten so badly it left him with chest injuries that make it hard for him to breathe. He complained to the police, naming his attackers, but they did nothing.

When I was working, the mastans came into the factory, and then pulled me up to the conference room on the second floor of the factory and beat me. I know who these goons are. They kicked and punched me and I fell to the ground, all the time they were saying that I had to leave the factory. They told me that if I didn't stop the union activity, they would kill me.⁷⁴

Some workers are beaten and then fired. For instance, two former workers from a large factory in Ashulia claimed that they lost their jobs after trying to organize a union. One of them also said he was attacked in September 2013:

One day the managers found the business card of an official of the union federation. It had fallen out of my pocket. They said that I was being fired for visiting the federation. The assistant production manager kicked me in the groin and slapped me several times, warning me that he would hand

⁷³ Human Rights Watch interview with union treasurer who was later fired, Dhaka, June 24, 2014.

⁷⁴ Human Rights Watch interview with union general secretary, Dhaka, June 24, 2014.

me over to the police. The next day my supervisor told me that I had to resign, so I did.⁷⁵

Human Rights Watch also spoke with several workers at two factories owned by the same man who tried to prevent workers from forming unions in both locations. After the unions were formed and registered in June 2013, the harassment of those who organized them intensified. At the first factory, a worker told Human Rights Watch that managers initially tried to prevent him from pursuing union activities by increasing his workload to the point where he had no time to speak with colleagues. After the union was registered in June 2013, he was beaten up: “Some local mastans beat me up and told me not to encourage other workers to join the union. Two managers and 10 outsiders were involved. They beat me up in front of the factory and told me to resign from the union or I would be killed.”⁷⁶

Another union leader at the same factory said that on November 14, 2013, he received a threatening phone call from an unknown number warning him not to go to work. “A man told me on the phone, ‘If we see you there we will shoot you and make sure you die.’” The next day, the leader was attacked when he went to work, slashed with blades, and had to be hospitalized.⁷⁷

Just as I left my house and reached the street corner, I saw some men standing there. They followed me closely as I went to the factory. Then one grabbed my neck and slapped me. He said, ‘Last night I told you not to come to the factory.’ They searched my pockets and stole my money. Then they began to beat me. Then they took blades out of their pockets and started to slash me. I called for help, and the men ran away. I have filed a case with the police and the union is now demanding that the factory sack the general manager and the production manager.⁷⁸

⁷⁵ Human Rights Watch interview with worker of factory “V,” Ashulia, January 21, 2014.

⁷⁶ Human Rights Watch interview with worker of factory “J,” Dhaka, October 27, 2013.

⁷⁷ Photographs of the cuts and copies of his medical notes are on file with Human Rights Watch.

⁷⁸ Human Rights Watch interview with worker of factory “J,” Dhaka, October 27, 2013.

At another factory owned by the same owner, a union organizer said that the management fired 50 workers in 2012 to prevent them from forming a union. Although the union was ultimately registered a year later, its leaders are still being harassed.

After registration, things are now worse. If anyone protests anything the manager will come and hit that individual in front of everyone. The management told us that they will not allow the union to operate.⁷⁹

Union leaders at other factories also said they were attacked and threatened by owners. A founding member of a union at Sadia Garments said she resigned due to serious threats against her:⁸⁰

When we took the registration form to the owner he threw it in the dustbin. He said that he would spend lots of money to stop the union from being formed. He said he would bribe the police and hire thugs. So we felt really scared. In total there were 14 organizers. Two of them were beaten. One woman was attacked with cutting shears. Then some men came to my house. This was about 15-20 days after we submitted the forms. There was one mastan as well as the owner's brother and some other staff. The mastan said, 'If you do not leave your job we will do something serious to you, so take your money, take two months' pay, and go away.' I was terrified and so I agreed. I signed the resignation letter and was given the money. Whoever raises their head suffers the most.⁸¹

M.G.R. Nasir Majumder, managing director of the Sadia Garments, denied all allegations and told Human Rights Watch that the reported violence had nothing to do with management. "There was fighting between two groups of workers for leadership," he stated. He further claimed that all was peaceful now and the workers' union was functioning without any problems.⁸² Earlier, in an interview with the *Wall Street Journal* he denied that the union organizers had been forced to resign. "Workers leave all the time.

⁷⁹ Human Rights Watch interview with worker of factory "J," Dhaka, October 27, 2013.

⁸⁰ The US State Department wrote about their ordeal in its 2013 human rights report on Bangladesh. US State Department human rights report for Bangladesh, 2013 <http://www.state.gov/j/drl/rls/hrrpt/2013/sca/220388.htm> (accessed August 21, 2014).

⁸¹ Human Rights Watch interview with former worker of Sadia Garments, October 11, 2013.

⁸² Human Rights Watch telephone interview with M.G.R. Nasir Majumder, Managing director, Sadia garments, January 19, 2015.

They get a better salary, they leave,” he said. He also claimed the photos of the injured worker were “artwork.”⁸³

A worker at another factory said he was beaten up in August 2013 after he intervened on behalf of a fellow worker who had been fired without receiving the benefits he was entitled to. He said the production chief forced him to leave the factory on the back of a motorcycle driven by two men, who he described as *mastans*. The production manager followed them in a rickshaw to a building site, and there the men attacked the union leader.

They started beating me, slapping me, slapping on the ears and punching me, boxing me in the chest, on the sides, and I fell down, and then they started kicking me. I was screaming.⁸⁴

A union leader described how in June 2014 management officials tried to bribe two union leaders to stop them from participating in the union at her factory. When they refused to give in, management officials threatened them. The management also hired local thugs to beat up some others:

Five of our workers were beaten up inside a chamber on the factory floor and the goons also flashed a gun at the workers. One male worker was beaten unconscious so we called the leader of our trade union federation, who called the police. Then the police came and controlled the situation.⁸⁵

The trade union federation helped the union workers file a police complaint against several of the management officials but the union leader told Human Rights Watch that the police did not investigate the matter. The union leader was fired in September 2014 after she was absent from work for three days. “They used that as an excuse to fire me,” she said. “But the real reason is that I participate in union activities.”⁸⁶ She said unpaid salary is still due her.

⁸³ Barta, Patrick and Al-Mahmood, Syed Zain, “Bangladesh Workers Face Fight to Form Unions,” *The Wall Street Journal*, September 11, 2013. <http://online.wsj.com/news/articles/SB10001424127887323455104579012201357331012> (accessed August 21, 2014).

⁸⁴ Human Rights Watch interview with former worker, Dhaka, November 12, 2013.

⁸⁵ Human Rights Watch interview with worker, Dhaka, September 11, 2014.

⁸⁶ Human Rights Watch interview with former worker, Dhaka, September 11, 2014.

My salary is pending for the last month and for nine days of this month but they [management officials] said ‘as long as you are involved in union activities, we will see how you are able to get your salary from us.’ They also told me that if ‘you try to get legal help, you will not succeed.’⁸⁷

Some workers also alleged that they were beaten up, harassed, intimidated, threatened, and sacked for efforts to unionize at Global Trousers Ltd. factory in Chittagong. Mitu Datta, who works in the factory’s finishing department, said that on August 26, 2014, six men attacked him and his wife Meera Basak (who is a junior sewing operator there) while they were outside the factory gate waiting for a bus. Basak is acting president of the union while Datta is a member of the union. Datta said the men, their faces covered by cloth, beat him and his wife with iron bars. Basak bore the brunt of the attack, he said.

Four people were holding me and beating me on the legs with bars and two people were beating her with iron bars. She was beaten on her head and on her back. Her arms were severely injured and bleeding. Bones of one of her fingers were broken. She had to get 14 stitches on her head. When they were beating up Mira, they were saying ‘You want to do union activities? Then we will shower you with blood.’⁸⁸

According to the *New York Times*, a law firm representing the Azim Group, which owns the factory, said that the incident was linked to a personal dispute and it “occurred outside working hours, outside the factory grounds, outside any industrial dispute.”⁸⁹ The company said it had covered the costs of Basak’s medical treatment.⁹⁰

Datta, however, said the management had tried to force him to sign a blank piece of paper since the incident. He told Human Rights Watch that one evening he was detained for several hours in a room with a hired *mastan* standing guard outside to coerce him to sign.

⁸⁷ Ibid.

⁸⁸ Human Rights Watch interview with Mitu Datta, Dhaka, September 12, 2014.

⁸⁹ Steven Greenhouse, “Union Leaders Attacked at Bangladesh Garment Factories, Investigations Show,” *The New York Times*, December 22, 2014, <http://www.nytimes.com/2014/12/23/business/international/attacks-on-union-leaders-at-azim-factories-in-bangladesh-are-documented.html> (accessed January 12, 2015).

⁹⁰ Ibid.

The union's general secretary Nurunnahar Begum described the situation as follows:

The management and the employers always treat us as if we are animals. For doing union-related activities, we have to suffer so. So why are we doing union work? If the government ensures worker safety, then we can work peacefully in the factory and have good relations with employers. But the most important thing is that the management of the factory can't accept trade unions and they have a negative perception of unions.⁹¹

After an incident in November 2014 targeting union workers at another factory, Global Garments Ltd., owned by the same group, two major apparel companies, Li & Fung and VF Corporation, temporarily suspended orders from both Azim group factories in Chittagong.⁹² In January 2015, in response to a letter by Human Rights Watch, PVH Corporation said it had ceased placing orders with the Azim Group and imposed a deadline by which Azim management needed to implement remedial measures across its entire organization.⁹³ Li & Fung responded to Human Rights Watch explaining that such incidents were a serious violation of their Code of Conduct and that they continue to engage with the management "to address these issues and to put in place corrective measures so that they do not happen again."⁹⁴

Under mounting pressure from buyers, the Azim Group and the union at Global Garments Ltd. signed a memorandum of understanding on December 28, 2014 agreeing to significant remedial measures including reinstatement for four union leaders the company had effectively fired; back pay for those four and other union leaders forced to stay out of work after the violence of November 10; a schedule for regular meetings between management and union members; and broad reassurances on respect for the rights to organize and bargain collectively.⁹⁵

⁹¹ Human Rights Watch interview with Nurunnahar Begum, Dhaka, September 12, 2014.

⁹² Steven Greenhouse, "Union Leaders Attacked at Bangladesh Garment Factories, Investigations Show," *The New York Times*, December 22, 2014, <http://www.nytimes.com/2014/12/23/business/international/attacks-on-union-leaders-at-azim-factories-in-bangladesh-are-documented.html> (accessed January 12, 2015).

⁹³ Samantha Sims, Director, Sustainability Communications & Stakeholder Relations at PVH responded to a letter by Human Rights Watch, January 26, 2015.

⁹⁴ Anna Tehan, Director, Corporate Communications, Li & Fung, responded to a letter from Human Rights Watch, February 5, 2015.

⁹⁵ Memorandum of Understanding between Global Garments Ltd and Global Garments Ltd. Workers Union, December 28, 2014. Copy on file with Human Rights Watch.

In February 2015, the *New York Times* reported that several international buyers that had suspended business with the Azim Group, including PVH Corporation and VF Corporation, had agreed to resume orders following weeks of negotiations.⁹⁶ The management of Global Trousers factory signed a memorandum of understanding with the workers union on February 3 in which it promised to recognize and bargain with unions, and abandon all complaints and objections brought against the union.⁹⁷

Intimidation and Threats

As noted above, even when workers involved in setting up unions are not physically attacked, they often face threats, intimidation, and increased workloads. In some cases union leaders have also been threatened at their homes by managers and *mastans*.

For instance, in one Dhaka-based factory, female union leaders faced threats and abuse, and dramatically increased workloads, between submission of their union registration forms in February 2013 and registration of the union in April 2013. Human Rights Watch interviewed six women who helped set up the union and all said a primary motivating factor behind the union drive was to end extra work without overtime pay. All of them said they were harassed for having sought to register a union to try to stop the practice,⁹⁸ and one even said she received threats at home: “When I submitted the registration forms, local gangsters came to my house and threatened me. They said, ‘If you come near to the factory we will break your hands and legs.’”⁹⁹ Similarly, some workers at a different factory told us that some union members had been forced to leave their homes after receiving threats when they filed union registration papers in 2014.¹⁰⁰

According to four workers we spoke to at another Dhaka factory, managers offered bribes and made threats in efforts to dissuade workers from forming a union. One worker described what happened after managers discovered what they were doing to organize the union:

⁹⁶ Steven Greenhouse and Hiroko Tabuchi, “Company in Bangladesh Agrees to Union Peace,” *New York Times*, February 18, 2015, <http://www.nytimes.com/2015/02/19/business/international/azim-bangladeshi-factory-agrees-to-union-peace-to-win-back-customers.html> (accessed March 12, 2015).

⁹⁷ Memorandum of Understanding between Global Trousers Ltd. and Global Trousers Ltd. Workers Union, February 3, 2015. Copy on file with Human Rights Watch.

⁹⁸ Human Rights Watch interview with workers at factory “L,” Dhaka, October 27, 28, November 11, 2013.

⁹⁹ Human Rights Watch interview with worker at factory “L,” Dhaka, October 28, 2013.

¹⁰⁰ Human Rights Watch interview with two factory workers, Dhaka, June 24, 2014.

They said that if we set up a union we would be sacked, that the foreign buyers would not want to place orders. For the slightest mistakes they would threaten to sack us. They even tried to bribe us. They said that they would give us whatever we wanted so long as we didn't form the union. But we didn't believe them and stuck with this.¹⁰¹

Eventually more than 400 of the factory's 500 workers signed papers supporting the union, and the union was registered in November 2013.

As noted above, Human Rights Watch documented several instances in which managers and owners tried to isolate union leaders or members and targeted them with threats of dismissal or violence. In one small Dhaka-based factory, for instance, the president of the union said he was first threatened and then offered bribes to prevent him from forming a union:

The problem was that whoever used to raise their voices in protest was fired. So we decided to form a union. 104 workers signed the papers. The chairman [of the factory] said to us, 'Why are you doing this? I have a big hand, my hand is very big, and if you go there, I will take care of you.' They identified me as a troublemaker and tried to have me thrown out. They said there was less work so I had to go. But the workers started a protest so I was allowed back. Then the owners tried to increase my salary or even promote me. But I argued that I wouldn't take an increase unless everyone did.¹⁰²

The 18 workers who organized the union at another Dhaka factory have faced threats and abuse since the time managers discovered what they wanted to do. Human Rights Watch interviewed eight members of the union who said that the factory employs between 400-600 workers and makes clothes for several European retailers. The union's president described what happened when managers first heard what the workers were doing:

I was elected the president of my trade union by my colleagues and we started to organize confidentially. But one day the floor supervisor found

¹⁰¹ Human Rights Watch interview with worker of factory "Y," Dhaka, November 12, 2014.

¹⁰² Human Rights Watch interview with worker of factory "T," Dhaka, November 12, 2013.

out. He started to threaten me. He said, ‘You will be killed by the owners.’ He then slapped me, insulted me, and said I would lose my job.¹⁰³

The union was registered September 29, 2013, and although no one was fired, workers report increasing pressure on union members, who are given extra workloads and subjected to insults if they fail to deliver.¹⁰⁴ In January 2014, the workers said they had asked managers to join them in a meeting to discuss factory conditions, but their request was denied. One manager told them that if they tried to “fight the owner” they would be left unable to walk.¹⁰⁵

A union leader at another factory said he was repeatedly threatened, and eventually fired. He said:

A line chief called me, and told me, ‘You talk too much with other workers, which creates a problem, so you must stop this.’ And he told me: ‘Don’t leave the line without permission, even if you go to the toilet, you must get permission.’ I asked, ‘I am not doing anything bad, so why is there any problem?’ And he replied, ‘I told you not to do this, and you will not do it.’

¹⁰⁶

Workers said that factory management at a Gazipur factory has succeeded in stopping all union activities after four organizers were fired.¹⁰⁷ “Management told the workers that if you have any problem with the factory, you can just get out. Now there are only 12 members left in the union but there is nothing official, nothing in writing. It is just a verbal agreement among us. I am always scared that I could be fired at any time, so that is why I stay quiet.”¹⁰⁸

¹⁰³ Human Rights Watch interview with worker of factory “U,” Dhaka, November 12, 2013.

¹⁰⁴ Human Rights Watch interview with worker of factory “U,” Dhaka, January 22, 2014.

¹⁰⁵ Human Rights Watch interview with worker of factory “U,” Dhaka, January 22, 2014.

¹⁰⁶ Human Rights Watch interview with former worker, Dhaka, November 12, 2013.

¹⁰⁷ After the US embassy raised concern, the government reportedly investigated allegations against this factory and six others. Monira Munni, “Govt probing Violations of TU Rights in RMG Sector,” *Financial Express*, November 20, 2013, <http://www.thefinancialexpress-bd.com/2013/11/20/4887/print> (accessed January 15, 2014).

¹⁰⁸ Human Rights Watch interview with worker, Dhaka, June 24, 2014.

Threats of Sexual Violence

Some female interviewees involved in organizing unions said they received threats or insults of a sexual nature.¹⁰⁹ For example, a worker at a Dhaka-based factory told us:

One day, after I had started work, my supervisor called me into his chamber and started threatening me. It was 10:40 in the morning. He told me to leave the factory because I was leading the union. He said I was making the place dirty, polluting it. ‘Go and work in a brothel,’ he told me. After that incident I felt really bad and stayed quiet for some time. But then I realized that this is how managers and supervisors try to scare the workers. I decided not to step back and started to fight for the union with more dedication.¹¹⁰

Another worker in the same Dhaka-based factory said that after she helped establish the union, she was ordered to do more kinds of work than before, making it harder to meet her targets, prompting more verbal abuse.

They would make me do belt loops, waistband, and sleeve-cuffs. And then when I didn’t meet a target they would be screaming at me saying words I cannot use even here, insulting me and my relatives. Disgusting words.¹¹¹

A worker in a different Dhaka-based factory also said that a supervisor made anti-union threats of a sexual nature: “In the sewing section, when the line supervisor walks up and down he says that anyone who is in the union will be stripped naked and kicked into the street.”¹¹²

Hasina Akhter Hashi was among four labor activists of the Bangladesh Federation for Workers Solidarity (BFWS) who were assisting workers form a union at Chunji Knit Ltd. in

¹⁰⁹ See Supreme Court of Bangladesh ruling seeking guidelines to protect women and girls from sexual harassment in the workplace. *Bangladesh National Women Lawyers Association v Government of Bangladesh and others*, May 14, 2009, <http://www.law.georgetown.edu/rossrights/chapters/BangladeshWomenLawyers.html> (accessed March 10, 2015).

¹¹⁰ Human Rights Watch interview with worker at factory “L,” November 4, 2013.

¹¹¹ Human Rights Watch interview with worker at factory “L,” November 12, 2013.

¹¹² Human Rights Watch interview with worker at factory “U,” October 28, 2013.

Dhaka on February 22, 2014, when they came under attack.¹¹³ She and another woman were separated from their male colleagues during the incident and threatened with rape. “During the attack, one of management representatives threatened to separate me and Rita, saying that they will take us aside and rape us.”¹¹⁴

Dismissal of Union Organizers and Members

As noted in several of the cases above, owners sometimes also dismiss workers who chose to form unions. Some of the workers subsequently find it hard to find work elsewhere, suggesting that factory owners may share names or maintain a blacklist of labor activists.

For instance, in July 2013 and March 2014, workers tried to organize a union at a Mirpur-based subcontractor factory, but on both occasions organizers were dismissed. Human Rights Watch interviewed four of these organizers. One of those involved in the first attempt described what happened:

When they heard about me, the owner of the factory called me into his office. He tried to bribe me with a promotion, saying I should stop setting up the union. But we wanted it to establish our rights, and get our wages and bonuses on time, so I refused. Since I was the leader they then put a lot of pressure on me. They threatened to take my life. They then sacked me and 48 senior workers and even filed a case against me for organizing a strike.¹¹⁵

In March 2014, workers tried again. One of the leaders said she was then dismissed:

Somehow the factory bosses came to know that we had visited a union federation to fill in our registration forms. After that, the floor-in-charge would insult me whenever he had a chance. Then, on March 24, when I was planning another visit to the federation and was collecting phone numbers

¹¹³ Syed Zain Al Mahmood and Shelly Banjo, “Bangladesh Union Organizers Allege Intimidation,” *The Wall Street Journal*, April 13, 2014, <http://online.wsj.com/news/articles/SB10001424052702303873604579491434112456634> (accessed August 22, 2014).

¹¹⁴ Human Rights Watch interview with Hasina Akhter Hashi, Dhaka, June 24, 2014. In response to queries from Human Rights Watch, Sears Holdings Management Corporation and C&A Europe said that they had expressed concern and reinforced policy regarding freedom of association.

¹¹⁵ Human Rights Watch interview with worker at factory “M,” Dhaka, November 12, 2013.

of other workers he saw me. He snatched the list of workers from me and said that this is what he had been looking for. After my duty was over he forced me to sign a resignation letter.¹¹⁶

One worker at the factory described above where more than 100 workers were dismissed shortly after they filed union registration papers, told Human Rights Watch:

The factory terminated 86 workers who are members of the union, and the management told all of them, 'You're being fired for union activities.' Since then, our union has tried to get the workers reinstated but the management refuses and tries to pay them off instead. If we include all the persons on the original union committee and others who have been fired, the number of fired workers from the union is 106.¹¹⁷

Similarly, a day after a group of workers submitted their application to the labor department to form a union at their factory in Ashulia in January 2014, managers dismissed them and 100 others. The former president of the union, Nazimuddin, said they were forced to sign bank sheets of paper:

We don't know how the company got the list of members, but maybe one of the workers told the management, or the JDL [labor department] gave them the list? We still don't know. At the end of work on January 27 at 8 p.m. at the factory gate, management forced the workers to sign the blank papers and all 120 signed. The management intimidated the workers, and told them that they all had to sign because from tomorrow they are going to close down the factory, and that was why they had to sign the paper. Some of the workers said they didn't want to sign the paper, and some refused to do so, but then management told them that 'if you don't sign, you can't leave and if you don't sign, then the management will have to beat you.' They also told them that 'if you don't sign the paper, you will not get the wages that you are owed.' It was late at night when this was happening,

¹¹⁶ Human Rights Watch interview with worker at factory "M," Dhaka, May 5, 2014.

¹¹⁷ Human Rights Watch interview with former worker, Dhaka, June 24, 2014.

and that area around the factory is considered dangerous and people were afraid to stay longer. So finally everyone signed.¹¹⁸

Needless to say, union leaders are often among those who are dismissed during such purges of union members. One union leader at a Dhaka factory told us she was fired merely for having visited the union federation offices.¹¹⁹

A union leader at another factory said that not only was he dismissed, but he suspects that his name had been passed on to other factories, preventing alternate employment.

The question I have is how can I survive with my family? Because now I have no money at all. I know there is a blacklist that has my name on it. This is what prevents me from getting a job somewhere else. I know this because when I went out to look for work, the people at the factory office tell me I will not get it. What I have heard is the factory managers have lists with photos of the faces of union people in them.¹²⁰

Union leaders at EFE Textiles allege that in April 2014, they were threatened with violence by factory management and forced to resign. They say that they have been unable to find work apart from in a low-paid subcontractor factory, and suspect their names have been shared with other factory owners.¹²¹

Md. Aslam Hossain, a senior manager at the factory, denied the management prevented workers from unionizing or forced any workers to resign because of their unionizing efforts. “We did not threaten anyone. Sometimes there are problems. Some people have left because they didn’t want to work with us. We did not force anyone to resign. People have resigned of their own choice,” Hossain told Human Rights Watch.¹²²

At another Dhaka factory, union leaders allege that the managers are trying to force the 18 founding members of the union to leave. “They threatened one of us so much that he

¹¹⁸ Human Rights Watch interview with Nazimuddin, Dhaka June 25, 2014.

¹¹⁹ Human Rights Watch interview with former worker at factory “I,” Dhaka, November 12, 2013.

¹²⁰ Human Rights Watch interview with dismissed factory worker, Dhaka, June 24, 2014.

¹²¹ Human Rights Watch interview with Nazimuddin, Sumon and Belal Hossain Dhaka June 25, 2014.

¹²² Human Rights Watch telephone interview with Md. Aslam Hossain, Merchandizing manager, EFE Textile Ltd., January 19, 2015.

decided to resign. Managers have increased our production targets dramatically. The ironing man who used to have to do 20 pieces per hour now has to do 30, and has to suffer insults if he is late to finish it.”¹²³

After the union at a factory in Gazipur was registered in March 2013, four of its organizers and many other workers were fired.¹²⁴ A union leader said he was fired in front of a local government official and member of the industrial police.

I was threatened and scolded, and then finally one day they called me to their room, and said I was terminated and I had to leave this place. Senior managers were there, also the representative of local area chairman. He said, ‘If we see you inside the factory gate, how can you survive? Because we will kill you.’ One industrial policeman was also present but he didn’t say anything. I asked them, ‘What is my fault? Why are you firing me?’ And the management person was quiet. Finally, they confined me for two hours in that room, but I still refused to sign their paper. They didn’t get a chance to beat me, because the door was open and finally when they were not paying attention, I ran away.¹²⁵

Criminal Complaints

Some factory owners file criminal complaints against workers who form unions as well as staff from national worker federations who support them. Those against whom such complaints have been filed say that these are false charges and trumped up against them in retaliation for their union activity. In some cases, agreements reached to end labor disputes expressly stipulate that all such criminal complaints will be withdrawn.

For example, following the attack on four members of the Bangladesh Federation for Workers Solidarity (BFWS) who were helping workers at Chunji Knit organize a union,

¹²³ Human Rights Watch interview with worker at factory “U,” Dhaka, November 12, 2013.

¹²⁴ After the US embassy raised concern, the government reportedly investigated allegations against this factory and six others. Monira Munni, “Govt probing Violations of TU Rights in RMG Sector,” *Financial Express*, November 20, 2013, <http://www.thefinancialexpress-bd.com/2013/11/20/4887/print> (accessed January 15, 2014).

¹²⁵ Human Rights Watch interview with a union leader, Dhaka, June 24, 2014.

managers filed a criminal case against them and 45 factory employees.¹²⁶ BFWS staff said the workers have been accused of vandalizing the factory and stealing computers and air conditioners, but that the charges are without factual basis.¹²⁷

Mohammed Nazrul Islam, who set up a union at another factory said managers falsely accused him of stealing a power generator from the factory. He was subsequently arrested, then released on bail.¹²⁸

When the workers at Designer Jeans Ltd., a factory in Savar area, refused to stop union-related activities, the management filed criminal cases against 110 workers, including all factory-level union leaders, accusing them of theft, trespassing, destruction of property, and criminal intimidation.¹²⁹ After an agreement on November 15, 2014 between the owners, BGMEA, and Bangladesh Garments and Industrial Workers Federation which represented the workers, all the cases were withdrawn.¹³⁰ The owners agreed to offer to reinstate a total of 195 workers, including the 110 facing criminal allegations.¹³¹

One of the suspended workers from the factory, also a union leader, told Human Rights Watch that the harassment from management officials had begun soon after they applied to register a union.

The management started threatening us union members and leaders saying,
'We will hire local goons to beat you up unless you stop all your union

¹²⁶ In response to queries from Human Rights Watch, Sears Holdings Management Corporation and C&A Europe said that they had expressed concern and reinforced policy regarding freedom of association.

¹²⁷ Human Rights Watch interview with Rita Akhter, Hasina Akhter Hashi, Mohammed Selim, Ali Hossain, Dhaka, June 24, 2014.

¹²⁸ Human Rights Watch interview with Nazrul Islam, Dhaka, June 24, 2014.

¹²⁹ Human Rights Watch has copies of both First Information Reports on file. In an email response to queries from Human Rights Watch, Hedayetul Islam, Director & C.E.O, Designer Jeans Ltd said that the police complaints were lodged due to "violence and destructions" caused by workers and that "if the accused can finally prove their innocence before the court, they will be freed accordingly," April 16, 2015.

¹³⁰ A copy of the Memorandum of Understanding is on file with Human Rights Watch, November 15, 2014. Hedayetul Islam, Director & C.E.O, Designer Jeans Ltd said in an email response to queries from Human Rights Watch that the factory has fulfilled their obligations under the agreement that there is an "effective grievance redress mechanism in place as set out by the applicable labour laws," April 16, 2015. In the same email Hedayetul Islam, also noted that with respect to concerns of sexual harassment raised by Human Rights Watch, the company had not received any relevant complaints but that the "management is very strict, sensitive and give[s] utmost importance to redress any allegations for sexual harassment immediately and we have separate redress process of any such allegations in accordance with prevailing laws of the land."

¹³¹ "Workers Demand Reappointment of Sacked Colleagues," *The Daily Star*, September 9, 2014, <http://www.thedailystar.net/workers-demand-reappointment-of-sacked-colleagues-40833> (accessed January 12, 2015).

activities.’ They gave us an ultimatum of seven days to ‘stop your union activities otherwise we will have you killed and disappeared.’¹³²

The management of Designer Jeans factory repeatedly tried to stop the union from being registered, and apparently even tried to register a fake union— the authorities said that they had received another application at the same factory and many of the workers’ names overlapped in the two applications.¹³³ The suspended worker explained:

They [labor authorities] said, ‘Since there can’t be dual membership in unions we can’t accept your application.’ So we knew that management had sponsored a ‘yellow union.’¹³⁴ But this time, angry factory workers protested at the office of the joint director of labor and we were reassured that we would be able to get the union registered the next time around.¹³⁵

In signing the November 2014 memorandum of understanding, the owners agreed that workers would henceforth “be able to join any union of their choice,” and would not face discrimination for joining a union.¹³⁶

Workers alleged that the management of Fresh Fashion Wear, a factory in Ghazipur also filed allegedly false criminal complaints against union members and fired them. A union leader, in hiding to avoid arrest on vandalism allegations, told Human Rights Watch:

We are all on the run. The police didn’t visit my home in the city but went to my village home to inquire about me. The management has complained that I was carrying iron rods in the factory and stole some garments from the factory to sell. They had warned me. Management officials said that ‘We don’t need any unions in factories. If unions exist in factories, we will take action against union members.’¹³⁷

¹³² Human Rights Watch interview with factory worker at Designer Jeans Ltd, Dhaka, September 11, 2014.

¹³³ Ibid.

¹³⁴ A yellow union refers to a union set up and/or controlled by the employer to prevent the establishment of a genuine trade union.

¹³⁵ Human Rights watch interview, Dhaka, September 14, 2014.

¹³⁶ Unofficial translation of Memorandum of Understanding, November 15, 2014.

¹³⁷ Human Rights Watch interview with former worker from Fresh Fashion Wear Ltd, Dhaka, September 11, 2014.

In their response to Human Rights Watch, the management at Fresh Fashion denied these allegations and said there are no restrictions on joining trade unions. They also explained that some employees caused unrest and damaged property making illegal demands in July 2014 and that after investigations the management suspended the culprits.¹³⁸

The Far-Reaching Effects of Attacks on Union Organizers

Rita Akhter, a labor activist who was physically attacked when helping to form a union at Chunji Knit, noted that assaults on union leaders had a chilling effect on many workers' efforts to form unions in the surrounding area:

The workers say to us, 'Even you organizers were beaten up by the factory management—so how can you protect us, what will be our fate if we join you?' And now many workers in many nearby factories are very afraid because factories are using this situation as an example of what can happen, and people are scared.¹³⁹

Similarly, employer retaliation against a large number of workers who had filed union registration papers at another factory, including the dismissal of scores of workers and physical threats against leaders, had far-reaching consequences. As one worker explained:

The other workers still in the factory are saying to us, 'See you were trying to form a union in the factory and now you're out, so why should we want to form a union?' What we see is the government gave permission to form a union in the workplace but then they do not back up their commitment.¹⁴⁰

Factory owners interviewed by Human Rights Watch said they do not believe that permitting the existence of independent trade unions will improve factory conditions. One owner accused union organizers in his factory of fighting among themselves for control of the union; another was afraid that political parties might try to manipulate the unions.¹⁴¹

¹³⁸ Email response from Fresh Fashion Wear Ltd to Human Rights Watch, April 1, 2015.

¹³⁹ Human Rights Watch interview with Rita Akhter, Dhaka, June 24, 2014.

¹⁴⁰ Human Rights Watch interview with factory worker, Dhaka, June 24, 2014.

¹⁴¹ Human Rights Watch telephone interviews with Imrul Anwar Liton from Lyric Apparel and Azizul Kabir from Fashion Island, November 27, 2013.

Political parties do indeed seek to organize and control groups representing lawyers, teachers, and other professions, and are closely involved in some of the national-level worker federations. However, Human Rights Watch found no evidence to suggest that the factory-level unions contacted for this report are linked to parties, though they had received support from national worker federations. Rather than seeking personal gain, several of the organizers said they had actually rejected bribes or promotions offered by managers in exchange for leaving the union. In contrast, several of the owners of the factories featured in this report are prominent members or funders of the political parties.

One of the trade union organizers explained why he thought unions are important. “We need unions to build a good relationship, a bridge between the owners and the workers, to help us solve problems. I know that they [factory management] think I’m a trouble maker, and they are afraid of me, but there is nothing they should be afraid of, we need to sit together and negotiate.”¹⁴²

¹⁴² Human Rights Watch interview with a union organizer, Dhaka, June 24, 2014.

IV. Failure of Government and Company Interventions

The poor and abusive working conditions in Bangladesh's garment factories are not simply the work of a few rogue factory owners willing to break the law. They are the product of continuing government failures to enforce labor rights, hold violators accountable, and ensure that affected workers have access to appropriate remedies. While the Bangladesh government has taken steps since the tragedy of the Rana Plaza to strengthen its capacity to monitor factories and enforce the law, it bears responsibility for its failure over the years to enforce labor rights.

The companies, predominantly western, that source garments from Bangladesh also have a responsibility to take action to counter such abuses.

Failure of government interventions

The Bangladesh Department of Labor (DOL), within the Ministry of Labor and Employment is responsible for dealing with trade unions, but it is hampered by a lack of political will, capacity, and enforcement power.

The DOL registers unions and can investigate unfair labor practices such as the harassment of union officers and members. But there are no provisions or procedures in the law that require the DOL to investigate allegations of unfair labor practices, leaving follow-up on complaints entirely within the discretion of the DOL.

Furthermore, the DOL does not have the authority to enforce decisions such as reinstatement of wrongfully dismissed employees. For such violations, its powers are limited to filing complaints with a labor court.¹⁴³ There are seven labor courts in Bangladesh as well as one Appellate Labor Court, but it can take years for cases to work their way through the courts. According to Alonzo Suzon of the Solidarity Center, these

¹⁴³ Bangladesh Labour Act, 2006 (amended 2013), Article 214. An English translation is available on the ILO website, http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=BGD&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY. Some of the acts committed against workers wishing to form or join a union that we document, such as the violent assaults, are also clear violations of the Bangladesh Penal Code, 1860, http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=11.

courts are slow and ineffective. “All they can do is file against management in the labor courts and, in the labor courts, the case gets stuck in an abyss, a dark hole,” he said.¹⁴⁴

A second department, the Directorate of Inspection for Factories and Establishments (DIFE), is responsible for monitoring workplace safety and compliance. The government has strengthened this department since the Rana Plaza disaster. It agreed to do so in the “Sustainability Compact” that it signed with the EU, the US, and ILO in July 2013.¹⁴⁵ Whereas DIFE used to have only 76 factory inspectors, the government has since authorized the number to increase to 575. The ILO is helping train new inspectors as they are hired.¹⁴⁶

Both the US and EU have expressed their concern over the government’s ongoing failure to protect labor rights. In an evaluation of progress made since the Sustainability Compact was signed, the EU noted in July 2014 that “the ability of the Ministry of Labour and Employment to investigate and prosecute unfair labour practices, including anti-union discrimination, intimidation and harassment cases effectively, expediently, and transparently, such as through the establishment of expedited procedures and public reporting of cases, must be improved.”¹⁴⁷ In a statement released to mark the first anniversary of the Rana Plaza, the US government stated that “the government of Bangladesh must...do more to ensure protection when workers face intimidation and reprisals for trying to organize.”¹⁴⁸

Labor activists in Bangladesh go further, and accuse the DOL of bias in favor of the factory owners, who often also have strong political connections, and say that some staff are corrupt.¹⁴⁹ “Instead of helping the unions as they are supposed to, they [labor department

¹⁴⁴ Human Rights Watch interview with Alonzo Glenn Suson, Dhaka, September 12, 2014.

¹⁴⁵ “Technical Progress Report,” *European Commission*, July 8, 2014, http://trade.ec.europa.eu/doclib/docs/2014/july/tradoc_152657.pdf (accessed August 29, 2014).

¹⁴⁶ *Ibid.*

¹⁴⁷ *Ibid.* p. 5.

¹⁴⁸ “Joint Statement on the Anniversary of Rana Plaza Building Collapse in Bangladesh,” US State Department, April 23, 2014, <http://www.state.gov/r/pa/prs/ps/2014/04/225087.htm> (accessed December 10, 2014).

¹⁴⁹ John Chalmers, “Special Report: How Textile Kings Weave a Hold on Bangladesh,” *Reuters*, May 2, 2013, <http://www.reuters.com/article/2013/05/02/us-bangladesh-garments-special-report-idUSBRE0411CX20130502> (accessed December 10, 2013); Kunal Bose, “Rana Plaza Fall Exposes Underbelly of Bangladesh Garment Industry,” *The Business Standard*, May 20, 2013, http://www.business-standard.com/article/markets/rana-plaza-fall-exposes-underbelly-of-b-desh-garment-industry-113052001015_1.html (accessed December 10, 2014).

officials] help the owners. They are under pressure from higher authorities and there is also corruption. They don't treat us well," one union organizer said.¹⁵⁰ He added that the corruption starts as soon as they try to register a new trade union.

When we go to apply for registration, they ask for bribes. If the union is approved, again at the time of registration, they ask for bribes. They also take bribes from the management and refuse to register unions.¹⁵¹

When a DOL inspector visited one factory in March 2013 to investigate complaints that 120 workers had been dismissed for their union activities, workers said he clearly took the side of managers. The union's president, Nazimuddin, recalls telling the government inspector about the problems at the factory:

He asked me. 'Why do you want to form a union in the factory?' I replied it is because we are deprived of many rights in the factory. I told him that I wanted to establish a union because we are not getting paid our wages on time and we don't get the correct overtime payment, and the management doesn't give us the various types of leave [guaranteed] in the labor law. He replied to me that if I really wanted to form a union then 'I will slap you!' I was shocked by that. I said that there are many problems in this factory. He told me that he didn't know about any problems in the factory, and said that he already talked to management and other workers and they said that there are no problems here.¹⁵²

A few months later, the organizers were threatened with violence and were forced to resign for a second time. When they called the government inspector for help he told them that as it was a Saturday he did not want to talk to them.¹⁵³

¹⁵⁰ Human Rights Watch interview, Dhaka, September 14, 2014.

¹⁵¹ Ibid.

¹⁵² Human Rights Watch interview with Nazimuddin, Dhaka June 25, 2014.

¹⁵³ Human Rights Watch interview with Nazimuddin, Sumon and Belal Hossain Dhaka June 25, 2014.

Intervention In Labor Disputes

When there are disputes between workers and employers or violations of the Labor Act the law specifies that the case should be handled in a labor court.¹⁵⁴ This comprises a judge, a representative of the employer, and a representative of the workers. But the labor courts have a reputation for being slow and ineffective. In its 2013 human rights report on Bangladesh, the US State Department noted that “Resources at the MOLE [Ministry of Labor and Employment] were inadequate to inspect and remediate problems effectively. Penalties for violating the law were not sufficient to deter violations. Administrative and judicial appeals were subjected to lengthy delays.”¹⁵⁵

In one case where government inspectors did formally investigate allegations of anti-union activities in 2013, their orders were ignored by the factory management.¹⁵⁶ According to the US Department of State:

Workers applied to register a union at garment factory Rebeke Fashions in Kafrul, Dhaka, in December 2012. Four members of the union’s board stated they were beaten, and management told them to cease their organizing activities. Although the MOLE approved their union’s registration, the union’s board members stated employers harassed them and forced them to resign. The MOLE viewed the workers’ terminations as unlawful and ordered their reinstatement, but the factory owner did not rehire them.¹⁵⁷

There have been several more recent cases, however, in which managers have backed down and reinstated dismissed workers and allowed union activities to resume. This has occurred when the factory’s owners come under pressure from national trade union federations and the buyers, rather than the government.

¹⁵⁴ Bangladesh Labour Act, 2006 (amended 2013), Article 214. An English translation is available on the ILO website, http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=BGD&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY. Some of the acts committed against workers wishing to form or join a union that Human Rights Watch documented, such as the violent assaults, are also clear violations of the Bangladesh Penal Code, 1860, http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=11.

¹⁵⁵ “2013 Human Rights Report: Bangladesh,” US State Department, February 27, 2014, <http://www.state.gov/j/drl/rls/hrrpt/2013/sca/220388.htm>.

¹⁵⁶ Human Rights Watch wrote to Walmart which is sourcing from Rebecca Fashion. Jan Saumweber, VP Responsible Sourcing, responded by email on January 9, 2014 to say that the company was investigating alleged abuses in the factory.

¹⁵⁷ Ibid.

In November 2014, for example, the owners of Designer Jeans Ltd. backed down in their dispute with workers wanting to form a union. In September they had filed criminal cases against 110 workers, including all factory-level union leaders, accusing them of theft, trespassing, destruction of property, and criminal intimidation, and suspended a total of 195 workers.¹⁵⁸ In an agreement in November, brokered by a national trade union federation, the Bangladesh Garments and Industrial Workers Federation, and the BGMEA, all the charges were dropped and the workers reinstated.¹⁵⁹ A union official involved in the dispute told Human Rights Watch that the decisive factor was the intervention of the German retailer, Lidl.¹⁶⁰

In September 2014, the Chunji Knit factory in Dhaka agreed to allow workers to freely organize a union and reinstate workers who had been fired for union activity.¹⁶¹ At least one of the factory's customers, Sears, had investigated reports that labor activists had been attacked while helping workers at the factory organize a union.¹⁶²

In July 2014, the two garment factory owners' associations in Bangladesh, the BGMEA and BKMEA, brokered an agreement between the owners of Pioneer Knitwear and the National Garment Workers' Federation, after European companies Hennes & Mauritz (H&M) and C&A intervened.¹⁶³ In May 2014, *mastans* had attacked Munir Moniruzzaman Sikder, a union organizer with the NGWF, after managers discovered he was helping workers at Pioneer Knitwear form a union, Munir claimed.¹⁶⁴ His office was vandalized and he was evicted from his home. Three workers involved in the union were dismissed.

¹⁵⁸ Human Rights Watch has copies of both First Information Reports on file.

¹⁵⁹ Human Rights Watch has a copy of the Memorandum of Understanding, signed November 15, 2014, on file.

¹⁶⁰ Human Rights Watch interview with union official, Hong Kong, November 19, 2014.

¹⁶¹ "Bangladesh Garment Workers Win Right to Organize at Factory," The Solidarity Center, September 8, 2014, <http://www.solidaritycenter.org/content.asp?contentid=1931>.

¹⁶² Email sent by Carol Rice, Director, Global Compliance, Sears Holdings Management Corporation to the Workers Rights Consortium, February 25, 2014, on file with Human Rights Watch.

¹⁶³ In an email on June 2, 2014, Johan Stellansson of H&M's Bangladesh Liaison Office told the Workers Rights Consortium (WRC) that "H&M is...in direct contact with NGWF regarding this case, and we are seeking to jointly address this together with relevant stakeholders." (Email on file with Human Rights Watch.) On June 10, Philip Chamberlain of C&A wrote to the WRC that two auditors had investigated the allegations. (Email on file with Human Rights Watch). On January 19, 2015, Chamberlain wrote to Human Rights Watch and shared further details on the investigations undertaken by the company.

¹⁶⁴ Human Rights Watch interview with Munir Moniruzzaman Sikder, Dhaka, June 25, 2014.

In the agreement, the BGMEA and BKMEA agreed to pay for Munir’s medical costs and for damage to his home and office.¹⁶⁵ They also said they would “try to ensure” that NGWF staff and worker activists would not face further intimidation in Bhaluka District. The factory owners agreed to reinstate or compensate the dismissed workers.

Such interventions, however, do not always bring lasting change. As a worker at Natural Apparels Ltd. in Dhaka told us:

The problems began when the owners came to know we were forming a union. They began abusing us, the ones who had formed it. We were overworked, and not allowed to use water or go to the toilet. We wrote to H&M about this, who [in September 2013] sent an email to the owner, saying they would visit. The day they came, the owners reduced the pressure on us. But after they left it went back to the way it was before.¹⁶⁶

H&M is phasing out its business with Natural Apparels Ltd (Rampura Production Unit), although it still does business with other units of the Natural Group.¹⁶⁷ Although the company clarified that the phase out plan was initiated in April 2013 prior to the letter from workers noted above, a trade union federation official said that factory managers are using the H&M phase-out to further pressure the workers:

Since the H&M pull-out, the union has become weaker because there is more management harassment against the union. The harassment has not come directly against the union leaders, but rather indirectly—for example, when workers talk to union leaders on the floor, the supervisors verbally harass the workers, making the union leaders feel guilty. The H&M pull out is being used by management to say that they cannot accede to other union demands, and to make threats that if the union pushes the management too hard, they might have to shut down the factory.¹⁶⁸

¹⁶⁵ “Memorandum of Understanding” between the NGWF, BGMEA and BKMEA regarding Pioneer Knitwear, July 6, 2014, on file with Human Rights Watch.

¹⁶⁶ Human Rights Watch interview with worker from Natural Apparels, Dhaka, November 20, 2013.

¹⁶⁷ Email response from Johan Stellansson, Relations Responsible, H&M Puls Trading Fareast Ltd, Bangladesh Liaison Office, Dhaka, December 22, 2014.

¹⁶⁸ Human Rights Watch interview with union official, Hong Kong, November 19, 2014.

H&M told Human Rights Watch that it had successfully initiated and facilitated negotiations between the unions and the owners of Natural Apparels leading to an agreement between them. “Our observations through worker interviews that harassment and anti-union activities were not present at Natural Apparels Ltd (Rampura Production Unit) at the time we concluded our phase out, is corroborated by the factory union.”¹⁶⁹ H&M says it closed its investigations in September 2013. Workers say that the harassment resumed after H&M concluded its investigation.

Failure of Company Interventions

The responsibility of international brands to ensure that human rights abuses do not occur in their supply chain are laid out in the UN’s Guiding Principles on Business and Human Rights and are recognized by many of the companies themselves.¹⁷⁰ The major companies who buy Bangladeshi garments all demand that factories respect their codes of conduct. For example, the Swedish fashion giant, H&M, the largest buyer of Bangladeshi garments, says that commitment to its code is mandatory if suppliers “are to enter into a business relationship with H&M.”¹⁷¹ H&M says that its code of conduct is based on the International Labor Organization’s Declaration on Fundamental Principles and Rights at Work.¹⁷² Among the ILO’s fundamental principles are the freedoms of association and collective bargaining.¹⁷³

Similarly, Walmart, the largest US-based buyer of Bangladeshi garments, said their suppliers “are contractually required to sign our Standards for Suppliers before they’re approved to produce merchandise for sale at Walmart.”¹⁷⁴ Walmart insists, for example, that “suppliers must respect the right of workers to choose whether to lawfully and peacefully form or join trade unions of their choosing and to bargain collectively.”¹⁷⁵

¹⁶⁹ Email from Johan Stellansson, H&M, December 22, 2014.

¹⁷⁰ “UN Guiding Principles on Business and Human Rights,” http://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_en.pdf.

¹⁷¹ “Code of Conduct”, H&M, <http://sustainability.hm.com/en/sustainability/commitments/choose-and-reward-responsible-partners/code-of-conduct.html>, (accessed, August 19, 2014).

¹⁷² Ibid.

¹⁷³ “The four fundamental principles and rights at work,” The International Labour Organization, <http://www.ilo.org/declaration/principles/freedomofassociation/lang--en/index.htm>.

¹⁷⁴ “Standards for Suppliers,” Walmart, <http://corporate.walmart.com/global-responsibility/ethical-sourcing/standards-for-suppliers> (accessed, August 19, 2014).

¹⁷⁵ Ibid.

Retailers say that factory standards are monitored by unannounced inspections conducted by their own staff, or by separate, specialist companies. Some retailers closely follow what happens in the factories that supply them, while other companies place orders through third party supply agencies and so have little to do with the actual factories. Smaller companies often do not conduct their own inspections but choose factories used by larger retailers that do conduct inspections.

A factory owner in Dhaka said that the companies can do a lot more to ensure compliance.

These companies operate on bulk orders. It is all about maximizing profits down the line. Even 2-3 cents can make the difference, but these companies don't want to factor in compliance into costing.¹⁷⁶

BGMEA Vice President, Shahidullah Azim said, “We are raising our voice, asking for ethical buying from brands. They are asking for so many things, they should pay for it. Instead of paying compensation after a disaster, they should pay earlier to prevent such incidents.”¹⁷⁷

Human Rights Watch wrote to a number of brands. Some, like C&A, accept that audits can only go so far in improving factory working conditions. C&A says it believes that most of the challenges faced by the ready-made garment industry are a consequence of the difficulties in ensuring proper collective bargaining processes. It told Human Rights Watch that it was in talks with the global trade union federation IndustriALL Global Unions and its local affiliates to share ideas and start a joint project on this issue.¹⁷⁸

Trade union leaders said that while freedom of association and collective bargaining are part of companies' code of conduct, in their experience, many audits and inspections carried out by company agents prior to the Rana Plaza collapse did not look into such issues or did so only superficially. Referring to inspections in general, and not those ones carried out on behalf of any particular company, Roy Ramesh Chandra, secretary general of the IndustriALL

¹⁷⁶ Human Rights Watch interview with a Dhaka factory owner, March 21, 2015.

¹⁷⁷ Human Rights Watch interview, Dhaka, April 5, 2015.

¹⁷⁸ Philip Chamberlain, Head of External Stakeholder Engagement at C&A wrote a letter to Human Rights Watch on January 19, 2015, in response to queries regarding the company's operations in Bangladesh.

Bangladesh Council, part of the IndustriALL Global Union, told Human Rights Watch that “They are more interested in making sure there is toilet paper in the toilet.”¹⁷⁹

Workers told Human Rights Watch that they also had the impression managers in their factories seemed to know in advance of inspection visits. “When the buyers visit everything is neat and clean, they even use fresheners in the toilets. Everything is made shiny,” one woman said.¹⁸⁰ A worker from a different factory said that, “when the buyers come they make it all neat and clean and even invite us into the canteen for tea and biscuits. It is just to show how well they treat us.”¹⁸¹ A third said that managers warned employees not to complain about the factory when asked by inspectors.¹⁸²

Better inspections could have saved lives. According to a former worker at Tazreen Fashions which suffered the devastating fire, employees would be given safety equipment before visitors arrived, and had to return it after they left.

When the buyers came they used to provide us with masks, gloves, ID cards, and head scarves, and then they would take them away again. Whenever the foreigners came, they would tell us to put on our gear, and they would tell us not to say anything negative about the factory. If they were to ask us if we received our allowances we would say yes. Visitors came once to three times a month.¹⁸³

Similarly, former workers in three of the five factories housed in the Rana Plaza alleged that owners knew in advance about visits and would hide child workers.¹⁸⁴ For example Abdour Rouf, who worked at one of the factories destroyed in the collapse, said that “there

¹⁷⁹ Human Rights Watch interview with Roy Ramesh Chandra, September 13, 2014.

¹⁸⁰ Human Rights Watch interview with worker at factory “N,” Dhaka, October 11, 2013.

¹⁸¹ Human Rights Watch interview with worker at factory “B,” Dhaka, October 9, 2013.

¹⁸² Human Rights Watch interview with worker at factory “L,” Dhaka, October 9, 2013.

¹⁸³ Human Rights Watch interview with Nasima Akhter, Ashulia, October 4, 2014.

¹⁸⁴ The interviewees did not specify how old these workers were or why the managers wanted to hide them. Under Bangladeshi law, it is illegal for factories in to employ anyone below the age of 14; children ages 14-17 are not allowed to work more than five hours a day. Chapter III, Bangladesh Labour Act, 2006 (amended 2013). An English translation is available on the ILO website, http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=BGD&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY

were some child workers. Whenever a buyer would come they would be asked not to come for the day or hide in a toilet.”¹⁸⁵ Mohammed Hamidur Rahman, who worked at another factory that was destroyed in the accident, said that when buyers visited children “would be given leave.”¹⁸⁶

One factory owner told Human Rights Watch that, prior to the Rana Plaza disaster, safety inspections were primarily intended to just make factories “look good on paper” rather than ensure safety for workers. For example, the owner noted that inspectors would count how many fire extinguishers there were, but then fail to ask about the number of workers trained to use them. The owner added that inspectors hired by western companies frequently asked factory owners to make safety improvements, but then failed to ensure the required remedial work was carried out.¹⁸⁷

Since the Rana Plaza accident, however, new initiatives have been launched to inspect factories for safety. The first, the Accord on Fire and Building Safety, is being run on behalf of 175 retailers, most of which are based in Europe. The Accord is overseeing improvements in 1,611 factories.¹⁸⁸ The second initiative, the Alliance for Bangladesh Worker Safety, a group of 26 North American retailers, including Walmart, is inspecting and overseeing improvements in 587 factories.¹⁸⁹ The government’s own inspectors, supported by the ILO and funded by the EU, are inspecting and overseeing improvements in the remaining factories, which number about 1,500.¹⁹⁰

Unauthorized Subcontracting

A particularly difficult challenge is the monitoring of smaller factories that rely only on subcontracting. When they receive large orders that they cannot meet on their own, manufacturing factories often subcontract to other facilities which have no relationship with the retailers and are not monitored. While many retailers expressly forbid this practice, when hiring agents place large orders with quick turn-around times in factories that do not

¹⁸⁵ Human Rights Watch interview with Abdour Rouf, Savar, April 14, 2014.

¹⁸⁶ Human Rights Watch interview with Mohammed Hamidur Rahman, Savar, April 9, 2014.

¹⁸⁷ Human Rights Watch interview with factory owner, details withheld Dhaka, October 8, 2014.

¹⁸⁸ Accord on Fire and Building Safety in Bangladesh, <http://bangladeshaccord.org> (accessed December 3, 2014).

¹⁸⁹ Alliance for Bangladesh Worker Safety, November 2014, <http://www.bangladeshworkersafety.org> (accessed December 3, 2014).

¹⁹⁰ Department of Inspection for Factories and Establishment, Government of Bangladesh, “RMG Sector Database,” <http://database.dife.gov.bd> (accessed November 14, 2014).

have the capacity to complete the work, these factories then naturally pass on some of the work to other factories.

Pay and working and safety conditions are often worse in subcontracting factories. This is not only because they are not inspected by the companies. They also have less secure sources of income, and owners are reluctant to invest in scaling up their safety measures, even as managers and workers are under more pressure to complete orders quickly.

The practice means that retailers can end up being supplied by factories with which they have previously refused to do business. For example, it was discovered following the fire at the Tazreen Fashions factory that it was still making clothes for Walmart on a sub-contractual basis even after Walmart had removed Tazreen from its list of authorized suppliers for having violated its code of conduct.¹⁹¹

Yasser Yousuf Khan, Managing Director of Rebecca Fashions Limited in his response to queries from Human Rights Watch said that he was subcontracted by a supplier even though the factory was not certified by the company. However, he says that he was assured the certification was not needed, and so he invested in fulfilling the contract. “They said you do not require approval when you are working with an importer.”¹⁹² However, when the retailing company discovered this, they cancelled the orders leaving him “with unthinkable amounts of liabilities in our bank.”¹⁹³

¹⁹¹ See “Bangladesh: Companies Fail to Compensate Fire Victims,” Human Rights Watch, New York, December 16, 2013, <http://www.hrw.org/news/2013/12/15/bangladesh-companies-fail-compensate-fire-victims>. In an electronic mail in response to our inquiries, on January 9, 2015, Walmart told Human Rights Watch that it “has a Responsible Sourcing program that sets standards and does risk-based auditing around the world, including in Bangladesh.” Also see “Walmart Statement on Fire at Bangladesh Garment Factory,” Walmart, November 26, 2012, <http://news.walmart.com/news-archive/2012/11/26/walmart-statement-on-fire-at-bangladesh-garment-factory>.

¹⁹² Email from Yasser Yousuf Khan, Managing Director, Rebecca Fashions Limited, March 23, 2015.

¹⁹³ Ibid.

V. Compensation for the Victims of the Rana Plaza and Tazreen Fashions Disasters

Since November 2012, Bangladesh has experienced the worst two garment factory disasters in the country's history. More than 1,100 persons died when the Rana Plaza building, which housed five factories, collapsed on April 24, 2013. Five months earlier, on November 24, 2012, Tazreen Fashions caught fire, killing at least 112. The disasters left many more workers with serious physical and psychological injuries. All the factories were making garments for well-known western retailers.

Human Rights Watch interviews with the dependents of those who died as well as with survivors shows that many are still suffering. Despite a high profile international campaign drawing attention to their plight, the support they have so far received from the government, the garment manufacturers association, and the western retailers linked to the factories has not been enough to meet their needs.

For example, while an independent commission has estimated that US\$30 million needs to be paid to the survivors of the Rana Plaza and the dependents of those that died, only about US\$21 million had been paid or pledged as of March 2015.¹⁹⁴ British retailer Primark is one of the biggest contributors with US\$14 million in total aid payments so far.¹⁹⁵ By contrast, 15 companies whose clothing and brand labels were found in the rubble of Rana Plaza by journalists and labor activists have not paid anything into the trust fund established with the support of the ILO to manage the payments.¹⁹⁶

¹⁹⁴ See Rana Plaza Arrangement, "Donors," March 15, 2015, <http://www.ranaplaza-arrangement.org/fund/donors> (accessed April 14, 2015).

¹⁹⁵ Primark has paid out US\$14 million overall including US\$11 million in long-term payments, US\$2 million in short-term aid and a donation of US\$1 million to help the other victims. See: <http://www.primark.com/en/our-ethics/news/rana-plaza>.

¹⁹⁶ Clean Clothes Campaign, "Who has paid and who is dragging their heels," <http://www.cleanclothes.org/ranaplaza/who-needs-to-pay-up>. In April 2015, Benetton Group reportedly said it will contribute US\$1.1 million to the fund. <http://www.ft.com/intl/cms/s/0/07265a38-e41b-11e4-9e89-00144feab7de.html#axzz3XV3ulbdd> (accessed April 17, 2014)

According to the UN Guiding Principles on Business and Human Rights, companies have a responsibility “to prevent or mitigate adverse human rights impacts that are directly linked to their operations,” and to take remedial action should abuses occur.¹⁹⁷

The Rana Plaza Collapse

Human Rights Watch spoke to 46 survivors and relatives of the deceased, and while all said they had received some financial support, the amounts were small and inadequate, in some cases grossly inadequate. There is little opportunity for victims to seek adjustments.

For instance, Rabeya Begum, whose legs had to be amputated eight months after the accident due to the injuries she sustained, explained:

I have four children and my husband can no longer work because he needs to look after me. We are now only living off the money I received when I was in hospital. This is about to be finished and I don't know what we will do once we spend this money.¹⁹⁸

Several people spoke of psychological trauma that prevents them from working. Mohammed Khokan says he is now dependent on relatives to feed his family. “I can't work because I am terrified every time I step into a building.”¹⁹⁹

Alamgir Hossain says he is struggling to support his family because he cannot tolerate loud sounds.

After I left the hospital I took a job at a factory, but I could not continue for more than four months. Whenever there was a fire alarm I started screaming. Even if there was a small sound I had to run away. People thought I was

¹⁹⁷ “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework,” UN Human Rights Council, March 21, 2011, <http://business-humanrights.org/sites/default/files/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf>.

¹⁹⁸ Human Rights Watch interview with Rabeya Begum, Savar, April 1, 2014.

¹⁹⁹ Human Rights Watch interview with Mohammed Khokan, Savar, April 14, 2014.

going mad. I had to leave the job, now I am struggling to support my wife and a kid.²⁰⁰

Like many survivors, Rita, age 17, has decided to leave Dhaka and return to her village. As she explained:

I had to return home because I no longer worked. When I worked, my stepmother was looking after the family because I was sending money for my siblings. But now I still can't do any strenuous work because I have pain. One of my younger brothers who is eight years old is working, he takes care of cattle. So now I skip medicines because there is no money. I only buy medicines when there is an emergency.²⁰¹

Rita says that she has not yet received compensation because she was too late to register. "I don't know how to feed my younger siblings. Earlier I worked in a factory I had a job but now I worry about them. It saddens me to think that I have put my younger brother to work."²⁰²

The Rana Plaza Donors Trust Fund

Chaired by the ILO, the fund was set up in January 2014 by the Bangladeshi government and representatives of the garment industry (both domestic and international), trade unions, and non-governmental organizations to establish "a systematic and transparent claims process."²⁰³ The fund's website explains that the fund is open to any company, individual, or organization that "wishes to contribute as a way of expressing solidarity and compassion with the Rana Plaza victims."

The Rana Plaza Fund received a total of 2,849 claims related to injured persons and dependents of deceased workers.²⁰⁴ On the first anniversary of the accident in April 2014,

²⁰⁰ Human Rights Watch interview with Alamgir Hossain, Savar, April 14, 2014.

²⁰¹ Human Rights Watch interview with Rita, Dhaka, September 12, 2014.

²⁰² Ibid.

²⁰³ See: "The Rana Plaza Donor's Trust Fund," <http://www.ranaplaza-arrangement.org/fund> (accessed April 14, 2015).

²⁰⁴ Rana Plaza compensation fund pays first installments to 1,587 beneficiaries, Clean Clothes Campaign, October 9, 2014, <http://www.cleanclothes.org/news/press-releases/2014/10/09/rana-plaza-compensation-fund-pays-first-installments-to-1-587-beneficiaries> (accessed December 4, 2014).

the fund paid an initial amount of about US\$650 to each beneficiary.²⁰⁵ By December 2014, the fund had paid the first installment to nearly all beneficiaries.²⁰⁶ This amounts to about 40 percent of the total compensation each of them is due.²⁰⁷ The rest of the payment will be paid depending on future contributions into the fund.

Many international retailers have paid into the fund, including some that did not do business with the Rana Plaza factories. Other retailers connected to Rana Plaza have not donated at all, or donated relatively small sums.²⁰⁸ Some of the companies have chosen to give money directly to NGOs supporting victims instead of to the ILO-chaired fund.

In April, 2014 Human Rights Watch wrote to the companies that have not paid into the fund, asking them to explain why they have not done so.²⁰⁹ Benetton replied that it preferred to directly fund a project run by an NGO.²¹⁰ Danish retailer PWT wrote that it was not producing garments in Rana Plaza at the time of the accident, but had in any case “donated in sympathy, already in July 2013, a significant 6-figure sum to the victims of the disaster.” This was given partly to the BGMEA and partly to a hospital that treated the survivors.²¹¹ German firm Adler wrote that a former supplier had placed two small orders with one of the Rana Plaza factories without its permission and “against our supplier policy.”²¹² Since this factory was not an approved supplier to Adler and the company did

²⁰⁵ Human Rights Watch interviews with Rita and Bijoy, survivors of Rana Plaza accident, Dhaka, September 12, 2014.

²⁰⁶ According to the fund’s website, a small number of claims are still under review along with a small number of claims that require further investigation. <http://www.ranaplaza-arrangement.org/timeline>.

²⁰⁷ Timeline of the Rana Plaza Arrangement, <http://www.ranaplaza-arrangement.org/timeline> (accessed December 4, 2014).

²⁰⁸ Butler, Sarah, “Matalan donates less than £72,000 to Rana Plaza fund,” *The Guardian*, August 27, 2014, <http://www.theguardian.com/business/2014/aug/27/matalan-donates-less-than-72000-rana-plaza-fund> (accessed August 29, 2014).

²⁰⁹ Companies that Human Rights Watch sent letters to include Adler Modemärkte (Germany), Ascena Retail (USA), Benetton (Italy), Carrefour (France), The Cato Corporation (USA), Grabalok/Store Twenty One (UK), J.C. Penney (USA), Kids for Fashion (Germany), NKD Deutschland GmbH (Germany), PWT (Texman) (Denmark), and Yes Zee ESSENZA (Italy). http://www.hrw.org/sites/default/files/related_material/Human_Rights_Watch_Letters_Sent_on_April_4_2014_to_14_Companies_Not_Paid_to_the_Rana_Plaza_Fund.pdf.

²¹⁰ Email from Luca Biondolillo, Head of Corporate External Relations, on April 18, 2014 in reply to a Human Rights Watch letter faxed on April 4, 2014. http://www.hrw.org/sites/default/files/related_material/April_18_Response_Letter_From_Luca_Biondolillo_Head_of_Corporate_External_Relations_Benetton_Group.pdf

²¹¹ Email from Brian Børsting on April 23, 2014 in reply to a Human Rights Watch letter e-mailed on April 4, 2014. http://www.hrw.org/sites/default/files/related_material/April_23_2014_Response_Letter_From_PWC.pdf

²¹² Letter to Human Rights Watch from Lothar Schafer sent April 14, 2014, http://www.hrw.org/sites/default/files/related_material/Rana_Plaza_Response_Letter_From_ADLER.pdf.

not have a direct “business contact” with it, Adler wrote that it was not necessary to join the fund. Nevertheless it had donated €20,000 “directly to victims of Rana Plaza.”

Human Rights Watch also wrote to the 14 companies that are listed as donors to the Rana Plaza Trust Fund asking them to explain why they had contributed to the fund and what further steps they might take.²¹³ Twelve of the companies responded, including some that said they had done so even though were not linked to Rana Plaza.²¹⁴ Britta Schrage-Oliva of KIK, for example, said KIK was not linked but hoped her company’s contribution of \$500,000 would encourage others to donate.

Many experts see the Rana Plaza fund as a model that could be replicated following industrial accidents in the future—both in Bangladesh and in other countries. Roy Ramesh Chandra, secretary general of the IndustriALL Bangladesh Council, part of the global trade union federation IndustriALL Global Union and a member of the Rana Plaza trust fund arrangement committee, explained that it had helped to include all stakeholders in setting up and managing the fund. But he suggested improvements, such as including psychological suffering and loss of future earnings when computing compensation. He also felt that financial counseling should be provided to all beneficiaries so that they can use the compensation funds to better secure their futures. But most importantly, he said, the process should work much faster. “On principle, I feel the workers should get compensation within the shortest possible time,” Chandra said.²¹⁵

“The Rana Plaza compensation arrangement has given us a number of lessons,” Srinivas B Reddy, ILO country director for Bangladesh told Human Rights Watch. The ILO is conducting talks with the Bangladesh government to work out a mandatory employment

²¹³ Human Rights Watch wrote to Bonmarché (UK), C&A (Holland), Camaïeu (France), The Children’s Place (USA), El Corte Inglés (Spain), Inditex (Spain), KIK (Germany), Loblaw (Canada), LPP S.A. (Poland), Mango (Spain), Mascot International (Denmark), N. Brown Group (UK), Premier Clothing (UK), and Walmart (USA), https://www.hrw.org/sites/default/files/related_material/Human_Rights_Watch_Letters_Sent_on_April_4_2014_to_14_Companies_Listed_as_Donors_to_the_Rana_Plaza_Fund.pdf

²¹⁴ 12 letters in response to Human Rights Watch letter sent on April 4, 2014. http://www.hrw.org/sites/default/files/related_material/12%20companies_Reply_to_Letters_Human_Rights_Watch_Sent_on_April_4_2014_Regarding_the_Rana_Plaza_Fund.pdf

²¹⁵ Human Rights Watch interview with Roy Ramesh Chandra, Dhaka, September 13, 2014.

injury insurance program. The idea, he explained, is to have all workplace injuries covered under it so that workers have full protection in case of minor or major accidents.²¹⁶

Tazreen Fashions

In November 2014, on the second anniversary of the deadly fire at Tazreen Fashions, the European retailer C&A announced that it had reached an agreement with the IndustriALL Global Union and the Amsterdam-based Clean Clothes Campaign to finally deliver a “significant amount towards full and fair compensation” for the many victims.²¹⁷

The Savar-based Tazreen Fashions factory was engulfed in flames on November 24, 2012, killing 112 workers and injuring many more. Managers had barred workers from leaving by the stairs since they said it was a false alarm, survivors said.²¹⁸ The exits were also blocked with cartons as the factory was rushing to fill an order. Workers were badly injured as they jumped out of the upper floors of the burning factory. Hundreds continue to suffer from their injuries and cannot afford medical treatment.²¹⁹

Hong Kong-based company Li & Fung made a donation to support victims soon after the disaster, according to the Clean Clothes Campaign.²²⁰ At this writing, the amount pledged by C&A had not yet been disclosed or dispersed, but its decision to participate is welcomed.

Prior to the C&A pledge, workers who survived the fire told Human Rights Watch that they had received only 100,000 Bangladesh Taka each (US\$1,267) in compensation from the

²¹⁶ Human Rights Watch interview with Srinivas B Reddy, Country Director for Bangladesh, ILO, Dhaka, September 15, 2014. ILO also held a workshop on January 24, 2015, in Dhaka for government officials, workers, employers’ organizations and civil society to create dialogue for a better understanding of merits of an employment injury insurance scheme for the ready-made garment sector in Bangladesh

http://www.ilo.org/dhaka/Informationresources/Publicinformation/Pressreleases/WCMS_339660/lang-en/index.htm (accessed March 12, 2015).

²¹⁷ “Second Anniversary of Tazreen Fire,” *C&A Foundation*, November 24, 2014, <http://candafoundation.org/blog/news/second-anniversary-of-the-tazreen-fire/>.

²¹⁸ “Bangladesh: Companies Fail to Compensate Fire Victims,” Human Rights Watch news release, December 16, 2013, <http://www.hrw.org/news/2013/12/15/bangladesh-companies-fail-compensate-fire-victims>.

²¹⁹ “Bangladesh: After fire, companies evade compensation,” Human Rights Watch news release, November 23, 2014, <http://www.hrw.org/news/2014/11/23/bangladesh-after-fire-companies-evade-compensation>.

²²⁰ “Agreement on Tazreen Fashions Announced,” *The Clean Clothes Campaign*, November 24, 2014, <http://www.cleanclothes.org/news/press-releases/2014/11/23/agreement-on-tazreen-compensation-announced>.

Bangladesh government and the BGMEA, but they had spent most of the funds within the first year of the disaster on medical costs.²²¹

In November 2013, Human Rights Watch wrote to the other companies whose products were in some way associated with the Tazreen factory. These were Dickies (USA), Disney (USA), NTD Apparel, Amerella of Canada, El Corte Ingles (Spain), Karl Rieker (Germany), KiK (Germany), Piazza Italia (Italy) Sears (USA), Sean Combs/Enyce (US), Teddy Smith (France), and Walmart (USA). To date, none have replied.²²²

Several companies publicly emphasized that their products were being manufactured or stored in the Tazreen Fashions factory without their knowledge. For example, in a statement released soon after the fire, Walmart blamed a supplier for subcontracting an order to the plant without informing them. It stated that, “the Tazreen factory was no longer authorized to produce merchandise for Walmart. A supplier subcontracted work to this factory without authorization and in direct violation of our policies. Today, we have terminated the relationship with that supplier.”²²³

Mohammed Sulaiman, a sewing supervisor, said a big order was due to be completed the day of the fire and the management officials had given strict instructions not to leave the building. Sulaiman, like several other workers, said that managers had initially ordered people to stay at work even after fire alarms sounded. Some exits were locked and others were blocked by stock prepared for delivery. Sulaiman fractured his right leg when he jumped out of the burning building. Like others interviewed by Human Rights Watch he said he received 100,000 Taka (US\$1,267), but had spent the money, mostly for medical care. He recalled his experience:

When the fire broke out, many of the workers died of suffocation from smoke. Those who could, tried to save their lives by jumping off the building. I jumped too but broke my leg... I was the only earning member [in

²²¹ “Bangladesh: After fire, companies evade compensation,” Human Rights Watch, November 23, 2014, <http://www.hrw.org/news/2014/11/23/bangladesh-after-fire-companies-evade-compensation>.

²²² “Bangladesh: Companies Fail to Compensate Fire Victims,” Human Rights Watch news release, December 16, 2013, <http://www.hrw.org/news/2013/12/15/bangladesh-companies-fail-compensate-fire-victims>.

²²³ “Walmart Statement on Fire at Bangladesh Garment Factory,” Walmart, November 26, 2012, <http://news.walmart.com/news-archive/2012/11/26/walmart-statement-on-fire-at-bangladesh-garment-factory>.

my family]. My brother stopped studying because of my accident and now works as a daily wage laborer. I have not done any work since the accident because the doctor told me not to do any heavy work. I still have to spend money on medicines. I cannot sit on the floor anymore. I cannot sit or stand for too long at a time.²²⁴

Aleya, who worked on the sixth floor, said she seriously injured her back, neck, and head when she jumped to escape the fire. She spent over a month in hospitals. She told Human Rights Watch that the initial compensation has run out but she is unable to go back to work due to her continued poor health.²²⁵ “We are in much misery and pain. When Eid [religious festival] came, everyone else was celebrating with much happiness, but we spent the day crying, we could not buy clothes for our children.”²²⁶

Roy Ramesh Chandra of the IndustriALL Bangladesh Council told Human Rights Watch that there was a failure all around to ensure fair and full compensation for Tazreen victims, and that the current state of affairs was “unacceptable and unethical.”

I again request all global stakeholders to raise their voice because these victims are really suffering. Some money was given to deceased families from the Prime Minister’s fund, and some companies may have given some money. This is not compensation. When there is compensation, everyone should get it and there should be proper calculation.²²⁷

²²⁴ Human Rights watch interview with Mohammed Sulaiman, Dhaka, September 14, 2014.

²²⁵ Human Rights Watch interview with Aleya, Dhaka, September 14, 2014.

²²⁶ Human Rights Watch interview with Aleya, Dhaka, September 14, 2014.

²²⁷ Human Rights Watch interview with Roy Ramesh Chandra, September 13, 2014.

VI. International Legal Labor Standards

The basic human rights standards that guarantee everyone the right to just and safe conditions of work including reasonable limitations on work hours and fair pay as well as non-discrimination in the work place are articulated in the Universal Declaration of Human Rights (UDHR), and then enshrined as legally binding commitments in several of the international human rights treaties, which Bangladesh has ratified.²²⁸ Key amongst them are both the International Covenant on Civil and Political Rights (ICCPR)²²⁹ and the International Covenant on Economic, Social and Cultural Rights (ICESCR)²³⁰ as well as multiple core International Labor Organisation (ILO) conventions discussed below.

The ICESCR in particular requires all states party to ensure safe and healthy working conditions, reasonable limitations of working hours and non-discrimination in the work place.²³¹ In the context of this report, two aspects of labor law: the right to freedom of association and rights of women workers are set out in more detail below.

Freedom of Association and Right to Organize

Workers' right to organize is well established under international human rights law, and explicitly guaranteed in the ICCPR and the ICESCR as well as two of the core ILO conventions, ILO Convention 87 concerning Freedom of Association and Protection of the Right to Organise²³² and ILO Convention 98 concerning the Right to Organise and Collective Bargaining²³³ that Bangladesh has ratified.

²²⁸ Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71, Articles 2, 23 and 24.

²²⁹ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Bangladesh in 2000.

²³⁰ International Covenant on Economic, Social and Cultural Rights (ICESCR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force Jan. 3, 1976, ratified by Bangladesh in 1998.

²³¹ ICESCR article 7.

²³² CO087 entry into force, July 4, 1950, ratified by Bangladesh in 1972.

²³³ CO098 entry into force, July 18 1951, ratified by Bangladesh in 1972. article 23 (4) "[e]veryone has the right to form and to join trade unions for the protection of his interests."

These conventions, and their authoritative interpretations by the UN Human Rights Committee, UN Committee on Economic, Social and Cultural Rights and the ILO Committee on Freedom of Association (CFA), which examines complaints from workers' and employers' organizations against ILO members, impose an obligation on the Bangladesh government to ensure that employers do not thwart workers' right to union formation and participation.

The ICCPR provides that “everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”²³⁴ and the ICESCR recognizes “[t]he right of everyone to form trade unions and join the trade union of his choice.”²³⁵

As a party to the ICCPR, Bangladesh is required to “take the necessary steps . . . to adopt such legislative or other measures as may be necessary to give effect to” the right to form and join trade unions and to ensure that any person whose right to organize is violated “shall have an effective remedy.”

As a member of the ILO, Bangladesh has “an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles the fundamental rights which are the subject of [the core] Conventions.” The ILO CFA has noted that ILO members, by virtue of their membership, are “bound to respect a certain number of general rules which have been established for the common good....Among these principles, freedom of association has become a customary rule above the Conventions.”²³⁶

Under ILO Convention 87, “Workers... without distinction whatsoever, shall have the right to establish and... to join organizations of their own choosing without previous authorization”²³⁷ and “to elect their representatives in full freedom.”²³⁸ Authorities should refrain from any interference that would restrict this right or impede its

²³⁴ International Covenant on Civil and Political Rights (ICCPR), article 22.

²³⁵ International Covenant on Civil and Political Rights (ICCPR), article 8 (1) (a).

²³⁶ ILO Committee on Freedom of Association, Fact-Finding and Conciliation Commission Report: Chile, 1975, para. 466.

²³⁷ ILO Convention 87, article 2.

²³⁸ *Ibid.* article 3.

enjoyment.²³⁹ States are free to prescribe legal formalities for establishing unions, but they cannot abuse this freedom by prescribing formalities that impair fundamental labor rights guarantees.²⁴⁰

The right to organize includes the right to official recognition through registration, and the conditions of registration cannot constitute a form of prior authorization before establishing a union.²⁴¹ The law should clearly specify the conditions for union registration and the grounds on which the registrar may refuse or cancel registration.²⁴² Government procedures that result in undue delays to registration are an infringement of workers' right to organize.²⁴³ If the law requires a minimum number of founder members to establish a union, states are not allowed to set the number so high that it effectively renders it impossible to set up a union.²⁴⁴ The Committee has repeatedly found that "a minimum membership requirement of 30 per cent of the workers concerned to establish an organization is too high."²⁴⁵

Convention 98 guarantees that:

Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment....Such protection shall apply more particularly in respect of acts calculated to ... (b) [c]ause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities.²⁴⁶

The ILO Committee of Freedom of Association has repeatedly underscored the importance of adequate penalties and mechanisms to ensure compliance with laws against union interference. The committee has noted:

²³⁹ Ibid.

²⁴⁰ Ibid. art. 7 and ILO Freedom of Association Decisions Digest, 2006 ed., http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_090632.pdf, paras. 275-76

²⁴¹ Article 2 and ILO Freedom of Association Decisions Digest, 2006 ed., paras. 294 – 307.

²⁴² Ibid., para. 302.

²⁴³ Ibid., para 279.

²⁴⁴ Ibid., para. 279 - 290.

²⁴⁵ Ibid., para 288. See also 306th Report, Case No. 1862, para. 102; and 337th Report, Case no. 2327, para. 200.

²⁴⁶ CO 098, article 1.

The existence of legislative provisions prohibiting acts of interference on the part of the authorities, or by organizations of workers and employers in each other's affairs, is insufficient if they are not accompanied by efficient procedures to ensure their implementation in practice.... Legislation must ... establish sufficiently dissuasive sanctions against acts of interference by employers against workers and workers' organizations to ensure the practical application of Article 2 of Convention No. 98.²⁴⁷

Women Workers: Creating a Violence-Free, Non-Discriminatory Workplace with Maternity Protection

Bangladesh is party to several international legal conventions that protect women at work from violence and discrimination, including pregnancy based discrimination. In addition to the ICCPR, and ICESCR Bangladesh is a party to the International Convention on the Elimination of Discrimination Against Women (CEDAW),²⁴⁸ and has also ratified the core ILO Convention No. 111 Discrimination (Employment and Occupation) Convention, 1958.²⁴⁹

Bangladesh's international obligations under these conventions include promoting equality at the workplace and prohibiting discrimination on the basis of sex or pregnancy. Women have a right to a workplace free of sexual harassment and states are duty-bound to take preventive steps and ensure access to redress.²⁵⁰ Women are entitled to special protection during pregnancy to avoid work harmful to them.²⁵¹ Protection against pregnancy-based discrimination includes but is not limited to dismissal.²⁵²

²⁴⁷ ILO Committee on Freedom of Association, Digest of Decisions: Fundamental obligations of member States in respect of human and trade union rights (Procedure in respect of the Committee on Freedom of Association and the social partners: Function of the ILO and mandate of the Committee on Freedom of Association), 1996, paras 763-64.

²⁴⁸ CEDAW, adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, art. 11(2) (prohibiting discrimination, including dismissal, on the basis of pregnancy). Bangladesh became a party to CEDAW in 1984.

²⁴⁹ CO 111, entry into force June 15, 1960, ratified by Bangladesh in 1972.

²⁵⁰ CEDAW Committee, General Recommendation No. 19, 1992, 11th session, <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm> (accessed September 9, 2014), paras. 17, 18, and 24.

²⁵¹ CEDAW, article 11(2) (d).

²⁵² CEDAW, article 11(2) (prohibiting discrimination, including dismissal, on the basis of pregnancy).

ILO Convention No. 111 on Discrimination defines discrimination as “any distinction, exclusion or preference made on the basis of ... sex... which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.”²⁵³

Business Responsibilities

The UN Guiding Principles on Business and Human Rights reaffirm that states have a duty to protect their citizens from human rights abuses committed by business. This requires them to take “appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.”²⁵⁴

The UN Guiding Principles also set out the responsibilities that companies have to prevent human rights abuses. Regardless of their size or where they are based, businesses must “avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur.” They should also “seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.”²⁵⁵

In order to meet these responsibilities, businesses should put in place a “human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights.”²⁵⁶ Additionally, “where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes.”²⁵⁷

Domestic Law Reform

Under domestic and international pressure following the collapse of the Rana Plaza building, on July 15, 2013, the Bangladeshi parliament enacted amendments to the Labor

²⁵³ CO 111, article 1.

²⁵⁴ Office of the High Commissioner for Human Rights, “UN Guiding Principles on Business and Human Rights,” Principle 1, http://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_en.pdf (accessed November 18, 2014).

²⁵⁵ Office of the High Commissioner for Human Rights, “UN Guiding Principles on Business and Human Rights,” Principle 13, http://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_en.pdf (accessed December 3, 2014).

²⁵⁶ “UN Guiding Principles on Business and Human Rights,” Principle 17.

²⁵⁷ “UN Guiding Principles on Business and Human Rights,” Principle 22.

Act.²⁵⁸ However, these amendments fall far short of protecting worker's rights and meeting international standards.²⁵⁹

Important sections of the Labor Act still do not meet ILO standards.²⁶⁰ The new amendments dealt with only some problematic provisions of the existing law, while leaving others untouched.

For instance, at least 30 percent of the workers in an “establishment,” which can comprise many factories, must agree to join a union in order for the government to register it. This is a violation of freedom of association standards. Unions are allowed to select their leaders only from workers at the establishment, which enables employers to force out union leaders by firing them for an ostensibly non-union-related reason. Workers in export processing zones, which cover a large percentage of Bangladesh's work force, remain legally unable to form trade unions.²⁶¹

The right to strike is burdened by a cumbersome bureaucratic process, although the requirement that two-thirds of the union's membership has to vote for a strike is an improvement over the previous requirement of three-quarters of the membership. The government retains the right to stop a strike if it decides it causes “serious hardship to the community” or is “prejudicial to the national interest,” terms that are not defined but can easily be misused. Discriminatory anti-strike provisions in the law favor foreign investors by prohibiting strikes in any establishment during the first three years of operation if it is “owned by foreigners or is established in collaboration with foreigners.”

²⁵⁸ Bangladesh Parliament, “An Act adopted to amend further the Bangladesh Labour Act, 2006,” July 22, 2013 (translated copy), <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94286/110640/F-482588609/BGD94286%20Eng.pdf>.

²⁵⁹ “Bangladesh: Amended Labor Law Falls Short,” Human Rights Watch news release, July 15, 2013, <http://www.hrw.org/news/2013/07/15/bangladesh-amended-labor-law-falls-short> (accessed March 10, 2015).

²⁶⁰ International Labour Organization, Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87, (Entry into force: July 4, 1950),

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312232:NO;

Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No.98, (Entry into force: July, 18 1951),

[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312243:NO.](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312243:NO;)

²⁶¹ Bangladesh has set up special export processing zones to ensure growth and attract foreign investment. These areas are managed by the Bangladesh Export Processing Zones Authority (BEPZA) and the primary objective “is to provide special areas where potential investors find a congenial investment climate free from cumbersome procedures.” No union activities are permitted and instead BEPZA is responsible to ensure compliance, labour-management and industrial relations. See <http://www.epzbangladesh.org.bd/> (accessed March 10, 2015).

The amended law also seeks to redirect attention to so-called “Participation Committees” and “Safety Committees,” largely powerless bodies made up of management and workers. Workers at non-union workplaces directly elect their representatives to Participation Committees and Safety Committees. However, the role of these committees is not clearly defined. Both types of committees fulfill duties that should be handled by a union acting as the duly organized and elected representative of the workers.

The revised Labor Act can also have a major negative impact on unions by expanding government control over unions’ access to foreign funding. The law requires prior approval from the Labor and Employment Ministry before either trade unions or employer organizations receive “technical, technological, health & safety and financial support” from international sources.

The law contains important provisions prohibiting discrimination based on gender and disability, including equal wages for equal work. However, the revised law includes no measures to tackle sexual harassment of women, who make up the vast majority of workers in the ready-made garment sector. The government is yet to fully carry out 2009 High Court guidelines against sexual harassment in the workplace.

Recommendations

To the Bangladesh Government

- Revise the labor law to ensure it is in line with international labor standards. The law and 2013 amendments fall short of International Labour Organization labor standards ratified by Bangladesh, including Convention No. 87 on freedom of association and Convention No. 98 on the right to organize and bargain collectively.
- Ensure that workers' rights to form unions and collectively bargain are protected. Promptly address complaints lodged with the labor department and ensure that workers are able to express their concerns without intimidation by managers and supervisors. Instruct the police to properly investigate complaints of physical attacks and identify perpetrators (critical because managers often use hired thugs and then deny any role). Investigate all factory owners alleged to have engaged in anti-union activity, and hold accountable and penalize employers found to have violated workers' rights.
- Carry out effective and impartial investigations into all workers' allegations of mistreatment, including beatings, threats, and other abuses, and prosecute those responsible.
- Develop and implement a plan to increase the number of government labor, fire, and building inspectors, improve their training, establish clear procedures for independent and credible inspections, and expand the resources at their disposal to conduct effective inspections.
- Expand factory inspections and labor rights protections to the Export Processing Zones (EPZs).
- Investigate all credible allegations of corruption by labor inspectors and prosecute those responsible.
- Establish an effective complaint mechanism so that workers can raise violations of safety regulations and workers' rights without fear of retaliation.
- Strengthen the labor department so that it has greater powers to penalize owners and unions for unfair labor practices, instead of just relying on the judiciary to address grievances. These should include fines and other sanctions to deter future violations.

- Investigate all cases in which managers or owners allegedly filed trumped up criminal complaints against workers and union organizers, and promptly drop all unwarranted charges.
- Take further steps to effectively investigate the murder of labor activist Aminul Islam.
- Investigate allegations that factory owners share a blacklist of workers involved in union activities and end any discrimination in hiring based on union involvement.
- Ratify ILO convention 121 on benefits to workers injured in workplace accidents.
- Amend regulations restricting foreign funding to non-governmental labor organizations.
- Implement the Supreme Court ruling to protect against sexual harassment in the workplace.

To the Ministry of Labour and Employment

- Review, in consultation with independent unions and the ILO, all union registration requirements and eliminate any that violate ILO Convention No. 87 on Freedom of Association. In the interim, accept and promptly grant pending applications for union licenses.
- Develop, in consultation with independent unions, a transparent system of union registrations that allows workers to track the status of each application online.
- Publicly report the status and final outcomes of union registration applications—including the time taken to process the applications and the basis for any denials—and provide information on collective bargaining agreements concluded between unions and employers.
- Periodically disclose the number of factories inspected, key labor rights violations, and enforcement action status.
- Allocate adequate budgets for labor inspectors and periodically disclose a statement of allocation and expenditure.
- Periodically disclose the names and number of garment factories that are registered with the ministry so that these may be cross-verified by labor rights groups and the Ministry of Labour for inspections.

- Periodically disclose any actions initiated by the ministry against non-compliant garment factories. Publicly disclose all suppliers and subcontractors on a regular (such as semi-annual) basis, indicate the level of production (for example, whether the unit is a small, medium, or large supplier) and disclose when the unit was most recently inspected by independent monitors.

To the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) and the Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA)

- Publicly support the right of workers to form trade unions and work with unions and factory owners to ensure that workers' right to freedom of association is respected.
- Encourage members to support the establishment of independent unions and ensure protection of both union members and leaders. Adopt and make public written policies prohibiting discriminatory action against workers, such as disciplining or dismissing workers based on pregnancy or union membership.
- Ensure that members strictly abide by the labor law.
- Work with BGMEA and BKMEA members and the government to ensure that anti-union behavior is eradicated.
- Encourage members to drop pending unwarranted criminal charges against labor activists and workers who have sought to organize unions.
- Collaborate with the International Labor Organization to educate factory owners in the benefits of having independent trade unions and improved labor relations.

To International Apparel Companies

- Effectively implement policies and practices to ensure that all factories in Bangladesh involved in the supply chain of apparel respect worker rights, in particular the rights to freedom of association and collective bargaining.
- Institute regular factory inspections to ensure that factories comply with companies' codes of conduct and the Bangladesh Labor Law.
- Audits and inspections undertaken by or on behalf of apparel companies should include an investigation of concerns about workers' rights to freedom of association and protection against anti-union discrimination.

- Create a whistleblower protection system for workers and union representatives who alert an international apparel company to labor rights abuses in a factory manufacturing their products. The system should ensure that all workers and union representatives receive appropriate protection for a reasonable period, including legal representation to defend themselves against vexatious lawsuits or criminal complaints filed by factories; monthly wages (including the minimum wage, reasonable allowances, and overtime pay); and, where workers are dismissed from work soon after reporting the labor rights abuses, that they do not face obstacles to obtaining alternative employment at a nearby location.
- Publicly disclose all authorized production units on a regular basis including any subcontracts. Indicate the level of production (for example, whether the unit is a small, medium, or large supplier), and disclose when the unit was most recently inspected by independent monitors.
- Ensure that unauthorized subcontractor factories brought to brand attention are formally reported to the Ministry of Labor and Employment for monitoring and enforcement action.
- Join the Bangladesh Fire and Safety Accord, a legally binding agreement that seeks to involve factory workers in ensuring the safety of factories.
- Ensure that pricing and sourcing contracts adequately reflect and incorporate the cost of labor, health, and safety compliance in consultation with labor rights lawyers and unions. This should include the cost of the minimum wage, overtime payments, and all legal benefits.
- Ensure that working conditions fully respect human rights and dignity, including provision for appropriate rest, restroom access and breaks, and drinking water breaks. Productivity targets should not be set at such a level as to encourage or in any way facilitate violations or undermining of such conditions.
- Actively encourage women's participation in union leadership and encourage training, awareness, and factory-level complaints mechanisms against sexual harassment at the workplace.
- Companies who had any commercial relationship with factories involved in either Rana Plaza or Tazreen Fashions should support the Rana Plaza Donors Trust Fund and a similar fund organized by the ILO for the victims of the Tazreen Fashions fire.

To the US, EU, UK, Canada, Japan, and Other Countries whose International Companies Source from Bangladesh

- Introduce legal measures to require companies domiciled in the country who purchase apparel from outside the country to periodically disclose and update their global suppliers and subcontractors together with an indication of the volume that is sourced from each supplier and subcontractor and the status of inspection by an independent monitor on the date of disclosure. Advocate for comparable legal measures in other countries.
- Provide funds and technical guidance to strengthen the capacity, transparency, and accountability of the Bangladesh Ministry of Labour.

To the ILO

- Ensure the Bangladesh government brings its labor laws into compliance with all ILO Conventions ratified by Bangladesh, and the core labor standards outlined in the ILO Declaration on Fundamental Rights and Principles at Work.
- Provide technical assistance, as needed, to ensure that labor inspections by the Ministry of Labor are comprehensive and transparent, and result in effective regulatory enforcement actions in accordance with the law.
- Press international labor and international employer groups to support full compensation for the workers or families of workers killed or injured in the Rana Plaza building collapse and the Tazreen Fashions factory fire.

Acknowledgments

This report was researched by several Human Rights Watch staff and consultants. The report was edited by Meenakshi Ganguly, South Asia director. It was also reviewed by Phil Robertson, deputy Asia director; Arvind Ganesan, Business and Human Rights director; Aisling Reidy, senior legal advisor; and Joseph Saunders, deputy program director. Aruna Kashyap of the women's rights division and Bede Sheppard from the child rights division provided additional inputs. Julia Bleckner, senior associate in the Asia division, provided editing and production assistance. Grace Choi, publications director, produced the photo feature.

We would like to specifically thank the country director, Alonzo Suson, and staff of Solidarity Center (AFL-CIO) in Bangladesh for assisting in our research. We would also like to thank staff of the Workers' Rights Consortium, the Accord on Fire and Building Safety in Bangladesh, The Alliance for Bangladesh Worker Safety, the Centre for Policy Dialogue, as well as different trade union federations who shared their experiences and insights with us. We thank Roy Ramesh Chandra of the IndustriALL Bangladesh Council, Srinivas B Reddy and Md. Saidul Islam of the International Labour Organization, Ineke Zeldenrust of the Clean Clothes Campaign, and Sarah Labovitz at NYU's Stern Center for Business and Human Rights, for their inputs and expertise. Others chose not to be named.

Above all, we thank all the garment workers and factory union leaders and members who shared their stories with us. We are also grateful to the survivors and families of those who worked at factories at Rana Plaza and Tazreen Fashions for sharing their painful experiences and their views.



Two years ago, the eight-story Rana Plaza building collapsed in Dhaka, Bangladesh, killing 1100 workers, the most deadly factory disaster in history. Since then, the International Labour Organization, foreign governments, and buyers have made a huge effort to make Bangladesh's garment factories safer. But to make the Bangladesh government's, factory owners', foreign retailers', and donors' commitment to worker safety and well-being truly effective, they need to go much further: they need to ensure respect for workers' rights and end the unlawful targeting of labor leaders by factory owners and supervisors.

"Whoever Raises their Head Suffers the Most"—based on interviews with more than 160 workers from 44 factories, consultations with labor rights experts, and written communications with western retailers and Bangladeshi factory owners—documents ongoing violations of workers' rights in Bangladesh.

The violations include physical and verbal abuse of workers, sometimes of a sexual nature; forced overtime; denial of paid maternity leave; and failure to pay wages and bonuses on time or in full. Despite recent labor law reforms, moreover, many workers who try to form unions to address such abuses face threats, intimidation, dismissal, and sometimes physical assault at the hands of managers or thugs. The report concludes with an analysis of continuing shortcomings in efforts to compensate victims of the Rana Plaza collapse and Tazreen Fashions fire.

(above) Mariam, a 27-year--old former textile worker and single mother, holds a picture of her two children. She lost her lower right arm when she was trapped in the collapsed Rana Plaza complex.

(front cover) Victims of the 2013 Rana Plaza building collapse and their families demonstrating at the site of the disaster demanding full compensation.

© 2014 G.M.B. Akash/Panos