

The impact of Covid-19 on women workers in the Bangladesh garment industry

Research Report

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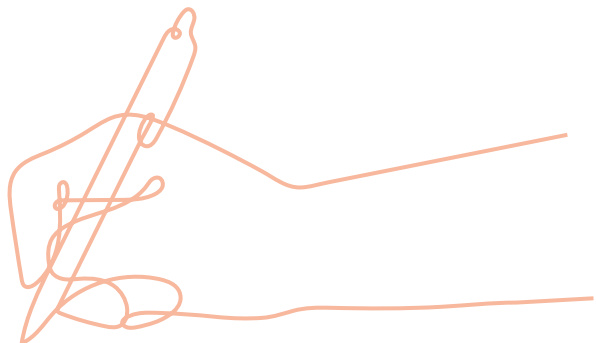
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Cover photo: Photo of women leaving a garment factory in Bangladesh during the Covid-19 pandemic taken by the research team.



Background

This research considers the impact of the ongoing Covid-19 pandemic on women working in Bangladesh's ready-made garment (RMG) industry. The RMG industry is the mainstay of the Bangladesh economy, accounting for 85% of export earnings, about 20% of GDP, and directly employing about four million workers with more than 12 million workers dependent on the sector.

Academic research suggested that women workers in the RMG industry in Bangladesh are especially vulnerable to exploitation.¹ Women in the Bangladesh RMG sector have few other employment options; a majority are young, poorly educated, and from rural areas. Legal protection for women workers, including against gender violence, were limited, as were the grievance mechanisms. Those which existed were said to be disregarded with impunity by many factory owners and managers.²

Early reports by academics and NGOs on the impact of the Covid-19 pandemic on the Bangladesh RMG industry indicated that many clothing retailers (buyers) had cancelled orders, were refusing to pay for work in process, and, when they started to place new orders, demanded lower prices.³ The early reports,⁴ in particular, have highlighted that the impact of Covid-19 and the cancellations of orders by retailers, many of which are based in the UK or have operations in the UK market, have led to factory closures and job losses, leaving around 2.8 million workers facing poverty and hunger. More recent reports show that Covid-19 is having an ongoing impact on the industry and, more specifically, on the factory workers.⁵ Given such a devastating impact of Covid-19 and associated global stakeholder concerns over exploitation of women workers in its RMG sector, it is imperative to research a gender dimension of the impact within the RMG sector and explore how Covid-19 has impacted on women workers in the RMG sector. Accordingly, this research project has sought to evidence the impact on women workers of Covid-19 and to make recommendations for positive change to prevent and remediate gender discrimination in the RMG industry.

1. See for example Naila Kabeer and Simeen Mahmud, 'Rags, Riches and Women Workers: Export Orientated Garment Manufacturing in Bangladesh', in *Chains of Fortune: Linking Women Producers and Workers with Global Markets*, ed. by Commonwealth Secretariat (London: Commonwealth Secretariat, 2004) <<https://www.wiego.org/publications/rags-riches-and-women-workers-export-oriented-garment-manufacturing-bangladesh>>; Soma Dey and Palash Basak, 'Out of the Shadows: Women and Wage Struggle in the RMG Industry of Bangladesh', *Asian Journal of Women's Studies*, 23.1 (2017), 163-82 <<https://www.tandfonline.com/doi/full/10.1080/12259276.2017.1317702?needAccess=true>>; Humayun Kabir, Myfanwy Maple, and Syadani Riyad Fatema, 'Vulnerabilities of Women Workers in the Readymade Garment Sector of Bangladesh: A Case Study of Rana Plaza', *Journal of International Women's Studies*, 19.6 (2018), 224-35 <https://www.researchgate.net/publication/328017879-Vulnerabilities_of_Women_Workers_in_the_Readymade_Garment_Sector_of_Bangladesh_A_Case_Study_of_Rana_Plaza>.

2. See for example the review in Muhammad Shaheen Chowdhury, 'Compliance With Core International Labor Standards in National Jurisdiction: Evidence from Bangladesh', *Labor Law Journal*, 68.1 (2017), 78-93 <http://www.labourlawresearch.net/sites/default/files/papers/Chowdhury_Article_copy.1.pdf>.

3. The Decent Work in the Garment Sector Supply Chains in Asia project, 'Recommendations for Garment Manufacturers on How to Address the COVID-19 Pandemic' (Bangkok: ILO Regional Office for Asia and the Pacific United Nation, 2020) <<https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/briefingnote/wcms.741642.pdf>>; Nglaa Ahmad, Shamima Haque, and Muhammad Azizul Islam, 'COVID-19 and Global Clothing Retailer Responsibility to Vulnerable Workers NGO Counter-Rhetoric: NGO Counter-Rhetoric', *Accounting, Auditing and Accountability Journal*, 2021, advance online <<https://www.emerald.com/insight/content/doi/10.1108/AAAJ-08-2020-4794/full/html>>; Muhammad Azizul Islam, 'Coronavirus Measures Give Bangladeshi Workers for Global Clothing Chains a Stark Choice: Disease or Starvation', *The Conversation* (London, 30 June 2020) <https://theconversation.com/coronavirus-measures-give-bangladeshi-workers-for-global-clothing-chains-a-stark-choice-disease-or-starvation-138549?utm_content=buffer74c31&utm_medium=social&utm_source=twitter.com&utm_campaign=UoASocial>; Humayun Kabir, Myfanwy Maple, and Kim Usher, 'The Impact of COVID-19 on Bangladeshi Readymade Garment (RMG) Workers', *Journal of Public Health*, 43.1 (2021), 47-52 <<https://academic.oup.com/jpubhealth/article/43/1/47/5879065?login=true>>.

4. Kabir, Maple, and Usher; Islam.

5. Sanchita Banerjee Saxena, Nancy Reyes Mullins, and Salil Tripathi, 'The Weakest Link in the Global Supply Chain: How the Pandemic Is Affecting Bangladesh's Garment Workers' (Berkeley: IHRB & Chowdhury Center for Bangladesh studies at UC Berkeley, 2021) <https://www.ihrb.org/uploads/reports/IHRB_Chowdhury_Center_-_How_the_Pandemic_is_Affecting_Bangladesh_Garment_Workers_-_Apr_2021.pdf>.

Methodology

This research was carried out between November 2020 and July 2021. It utilised mixed methods research combining qualitative interviews and focus group discussions (FGDs), an online survey of compliance auditors, and an analysis of legal protection for women workers in the RMG industry. The qualitative interviews and FGDs were designed to uncover and explore the impact of Covid-19 on the lives of women workers in the export-facing RMG factories. The research team carried out 87 face-to-face interviews with female and male workers and former workers, three focus group discussions (37 participants) and made 12 short video case studies. They interviewed workers from factories that were mainly manufacturing products for UK retailers and other major western retailers, many of them sell in the UK market. Thirty-two key informant interviews included nine with factory owners and their representatives, nine with representatives from trade unions and other NGOs advocating on behalf of the workers, seven with government officials, and seven with representatives of development agencies and international NGOs, including the International Labour Organisation and UN Women. Two round table discussions were held with local academics, experts on working conditions in the RMG sector, and one with trade union leaders and advocacy NGOs. Interviews with RMG workers were in Bengal and those with key informants mainly in English. All interviews were recorded and transcribed into English.

We used semi-structured interviews with key informants asking them to recount how the sector had been impacted since March 2020. A list of pre-agreed prompts was used to encourage them to expand on points they made and to raise specific issues that they did not bring up. For RMG workers, we also used semi-structured interviews, asking them to recount the changes in their work and domestic lives since March 2020 and the impact these changes had had on them. Our research question informed our analysis of the transcripts, the impact of Covid-19 on the women workers and our review of international conventions and local laws on gender equality and the empowerment of women, including relevant International Labour Organisation (ILO) conventions, Sustainable Development Goals (SDGs), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), local labour law. We started the analysis by reading through the transcripts and identifying patterns and meanings across the data relating to the impact of Covid-19 on the women workers. We gave each of the patterns (themes) a name and used NVivo as a data management tool to sort the data into the themes. We identified four themes: economic security and forced labour; job security and workers' rights; health and wellbeing; and violence and harassment. The final step was to summarise the responses under the themes and select quotes to illustrate each theme.

An online survey asking questions about the extent to which gender equality issues were included in compliance audits was answered by 90 compliance auditors working in Bangladesh 78 had undertaken audits since March 2020, and 12 had been advised not to undertake audits.

The research also included an analysis of the extent to which Bangladesh has ratified and domesticated ILO Core Labour Standards on gender equality in employment, the employment clauses in the CEDAW and the relevant targets in the SDGs. To do this, we extracted the requirements of the ILO Core Labour Standards and the relevant clauses in CEDAW and the UN's Millenium Development Goals (MDGs). We compared them with the provisions of the 2006, 2013 and 2018 Labour Laws and the Labour Rules 2013. We also carried out a literature review using the Social Science Citation Index, Google Scholar and Google. We used Google and Google Scholar to ensure that we accessed the grey literature, including reports by the International Labour Organisation and UN Women.

Key findings

- The disruptions from Covid-19 exacerbated interrelated vulnerabilities in economic security, job security, food security, housing security and health and wellbeing, resulting in women workers struggling to support themselves and their families.
- These serious disruptions and devastating impacts on workers were exacerbated and, in some cases, directly caused by retailers and brands selling into the UK and other markets in the Global North.
- There was an increase in sexual and verbal abuse and symbolic violence mainly from line supervisors pushing women to work faster to meet unrealistic production targets.
- The legal framework regulating the industry fails to meet the requirements of international conventions designed to protect and promote the rights of women in employment that Bangladesh has ratified.
- Even where the legal framework regulating the industry protects workers, some employers disregard it with impunity.
- Social compliance auditors do not always include women's equal rights issues in their audits, and 40% of auditors surveyed do not audit the right to trade union recognition.

The impact of the pandemic on women workers in the RMG industry

The Covid-19 related disruption of the RMG has had a negative impact on workers and owners, but the most negative impact has been on women workers. Beyond the disruption caused by buyers cancelling orders and not paying for orders in process, the industry was disrupted by a lockdown,⁶ the costs of Covid-19 mitigation measures in the factories, and buyers demanding discounts when they started to place new orders.

The disruption amplified existing interrelated vulnerabilities in economic security, job security and employment rights, health and wellbeing, and sexual harassment and violence, especially among women workers. Our research found that male workers were generally satisfied with their working conditions during the pandemic and had nothing they wished to change about their employment. In contrast, the women workers were generally dissatisfied and raised concerns about poor workplace hygiene and increased sexual harassment and violence during the pandemic. This difference between men's and women's perception of the impact of the

6. The RMG factories were required to shut when the first lockdown was imposed by the Government on 23rd of March 2020 but were permitted to reopen on the 29th of April before the national lockdown ended and were exempt when further lockdowns were imposed.

pandemic may be because women mainly work on the sewing production lines, and men are more often employed in jobs perceived to be more highly skilled such as cutting, dyeing, and operating machinery or as supervisors. The academic experts and representatives from the ILO and UN Women, trade unions and NGOs interviewed for this project said that child labour in RMG factories had increased during the pandemic.⁷ The workers told us that underage girls were employed in the factories and that when the underage workers apply for jobs, they alter their birth certificates so they can get a job. The project research assistants also observed many young women at the factory gates seeking jobs. This was thought to be due to the economic problems families were facing during the pandemic. Women workers faced increased financial pressures; many of their husbands could not find work due to lockdowns given a lack of demand for workers in the informal sector, where most men find employment in urban areas.

1. Economic security and forced labour

When the lockdown in Bangladesh started in March 2020, workers were sent home without pay including for work already completed. The women struggled to provide for their families, including feeding their children and keeping a roof over their heads. Many had to take out loans to survive, and given that most women workers earned low wages (in some cases far below the minimum wage set by the Government) when they returned to work, they were struggling to pay back loans and provide for their families. Some employers made late payments of wages which further exacerbated the economic difficulties women faced because they were forced to buy food on credit, which increased the cost. For some workers, their financial problems were further exacerbated by the loss of overtime pay, which women rely on to earn an income sufficient to survive.⁸ For other women, the loss of overtime pay was because of a cut in production due to fewer orders, and for others, it was because they were required to do unpaid overtime to meet production targets.

“There has been extreme hardship with Covid-19 as many households now only have one source of income. The women RMG workers have to take a loan or buy on credit to feed their families.”

Academic expert on RMG sector

“Some workers were terminated by factories [in March 2020] without any financial support. Others received only 50% to 60% of their usual wages from the EU support provided to pay workers salaries.”

ILO official

7. In the Labour Law 2006 the minimum age for employment is 14 years, but the Children's Act 2013 defines a child as any person under 18 years. Bangladesh has ratified ILO Convention 182 on the worst forms of child labour, but not ILO 138 on minimum working age. The participants in our research were generally referring to under 18-year-olds. Even before the pandemic children, including those below 14 years, and especially girls, were employed in the formal readymade garment sector, see, for example, Maria Quattri and Kevin Watkins, 'Child Labour and Education: A Survey of Slum Settlements in Dhaka' (London: Overseas Development Institute, 2016) <<https://www.refworld.org/pdfid/5853f8bb4.pdf>>.

8. Under the 2006 Labour Law workers can do two hours a day voluntary overtime which should be paid at double rate. (See Table 1 below).

During the pandemic, the workers were being subject to practices that amounted to forced labour⁹ that could have been prevented if government officials had enforced the law as an ILO official explained,

“It has been found during the pandemic that forced labour has increased substantially. This could have been prevented if there were proper monitoring mechanisms.”

ILO official

Of the ILO 11 forced labour indicators,¹⁰ workers reported being subject to intimidation and threats, physical and sexual violence, and restriction of movement. Workers were forced to do unpaid overtime until they met unrealistic production targets, production targets set following buyers' demands for a reduction in unit price and the additional costs to the owners of Covid-19 mitigation measures. Some women workers reported being forced to work on public and other holidays because orders had to be completed, and others that they were not paid on time. Some others said that they were not allowed to use washrooms when they needed. There is a consensus among women workers that they are shouted at, taunted, and bullied to work harder to reach production targets and that this had increased during the pandemic. The workers said they complied with these demands and abuse because they could not afford to be sacked. The academic experts and representatives of development agencies and NGOs interviewed for this project also thought there had been an increase in the RMG factories sub-contracting work to the informal sector, where indicators of forced labour are more common.

“They don't pay us fairly; they force us to do overtime without pay.”

Female RMG factory worker

“There are many things I dislike about the factory. The one I most dislike is the rude scolding and shouting of the supervisors. They physically abuse us by hitting or slapping us. They slap us to force us to work.”

Female RMG factory worker

“If I go to the toilet and the supervisor sees that I am not working, they deduct the time from my salary. They even deduct the time from salary if I drink water other than during the lunch break.”

Male RMG worker

9. ILO, 'ILO Indicators of Forced Labour' (Geneva: International Labour Organization) <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf>; ILO, 'CO29 - Forced Labour Convention, 1930 (No. 29)' (Geneva: International Labour Organization, 1930) <https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0:NO::P12100_ILO_CODE:CO29>.

10. The 11 forced labour indicators are: Abuse of vulnerability; Deception; Restriction of movement, Isolation; Physical and sexual violence; Intimidation and threats; Retention of identity documents; Withholding of wages; Debt bondage; Abusive working and living conditions; and Excessive overtime. ILO, 'CO29 - Forced Labour Convention, 1930 (No. 29)'; ILO, 'ILO Indicators of Forced Labour'.

“During the pandemic, we have been supporting workers that are demonstrating because they have not been paid for the work they have done for as much as three months. We speak to the employers, and if they do not pay them, we ask the Government to intervene. The workers are then generally paid some of the back pay they are due”.

Trade union leader

2. Job security and workers’ rights

According to the key informants we interviewed (ILO, UN Women, trade union leaders, NGOs and academics) and workers, many employers used the national lockdown as an opportunity to terminate the employment of workers that they considered a problem. They said that women workers were disproportionately targeted, with pregnant and older women having their contracts terminated and often not paid the compensation they were entitled to under the 2006 Labour Law and subsequent amendments in 2013 and 2018.

“The part that was alarming was that among female workers, pregnant women were sacked from their job because they were entitled to maternity benefits. The elderly female workers who had served more than five years were also sacked because they were entitled to service benefits, they were sacked.”

Trade union leader

“Workers who have been doing the job for a long time are the ones most likely to be terminated.”

Female RMG factory worker

“Because of pregnancy, I had to give up my job, pregnant workers get fired.”

Female former RMG factory worker

Employers also refused to let some workers return to work after the lockdown. Most workers who returned to work said that they had to sign a new contract losing the years that they had already accumulated towards the five years needed to be entitled to compensation on termination of employment. Many of the workers were not given letters of appointment which means they have no proof of when their employment started. Trade union officials pointed out that it is in the interest of employers to terminate workers’ contracts before they have worked the five years required to be eligible for termination payments. Workers and key informants representing the ILO, UN Women, NGOs and trade unions reported that, when hiring workers after the lockdown, employers preferred to employ young women because they were thought to be more loyal than male workers and could be pushed to work harder than older women workers.

Workers generally said they did not know their rights or only had a rudimentary understanding of them. Trade union officials and key informants from development agencies and international and national NGOs confirmed this. The trade union officials also told us that many workers, especially women, are frightened to take their problems to the trade unions or the courts for fear of retaliation from their employer, including losing their jobs. Some employers said they had terminated workers because they had tried to organise the workers in their factories to form and join a trade union. The trade union representatives said that the employers portray them to the workers as ‘troublemakers’ and warn them that they will be terminated if they try to form a trade union.

“While trade unions have the resources and knowledge to aid workers within the system, nothing can be done as long as the owners do not give their workers their letters of appointment[...]. The majority of those that come to us for help are not members of the union, and an even larger majority do not have appointment letters [...].”

Trade union leader

Workers and key informants interviewed also reported that some workers demonstrated outside factories asking to be paid what they were owed and that during those demonstrations, workers were beaten. They were uncertain who had organised the beatings.

“Factory workers are afraid to come to the labour leaders as their families warn them that if they come to the labour leaders, the owners will be unhappy, and they risk losing their jobs.”

Trade union leader

3. Health and wellbeing

The pandemic has had a negative impact on the health and wellbeing of women workers. They reported being constantly under financial and work pressure, being tired all the time and feeling depressed. Their working day has increased, Covid-19 has increased their burden of unpaid care work because of school closures,¹¹ and there is no transport between their homes and the factories, meaning that they spend between one and two hours a day getting to and from work.

“Another thing we know that is women workers must do the household chores after they get home from work, and they have to give four to five hours for that. The accommodation they live in requires using a shared kitchen, shared washroom and to use them they have to stay in a queue which is monotonous.”

NGO representative

The women say they are constantly worried about providing for their children and feel unsafe when they travel to and from work, especially in the dark. According to academic experts, trade union and NGO representatives, and representatives of international organisations, women workers have poor health generally, and it has deteriorated further during the pandemic. They are undernourished because they struggle to feed their families and prioritise their children over themselves. The loss of paid overtime means they do not earn sufficient to feed their families adequately. They feel constantly tired and exhausted because the long hours they work mean that they are deprived of sleep.

“There are female workers in the ready-made garment industry that suffer from undernutrition. They cannot eat properly, and this reduces their productivity.”

Female RMG worker

“If we look at a garment worker faces, we can see that they are suffering from lack of sleep and malnutrition, which harms their health. Moreover, they suffer from mental health issues as they work under mental pressure. They have to face constant stress at work, and there are social pressures at home.”

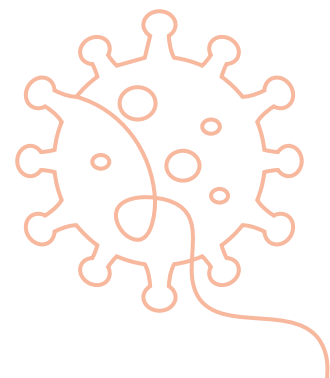
Trade union leader

¹¹ Schools were closed in March 2020 and as of the end of September 2021 were still closed. Country (Dashboard – Covid-19 Response (unesco.org)).

The workers reported that the factories were taking Covid-19 measures, including cleaning the factories, enforcing hand sanitising, wearing masks, and social distancing. Before and during Covid-19, the factories also had medical facilities on the premises.¹² However, few workers received any help with paying medical bills and employers were said to force workers to continue to work when they felt unwell during the pandemic. The key informants thought that employers should provide health cover for the workers, especially during the pandemic. The workers felt under constant pressure to work faster and reported being given inadequate time to rest during the day. They felt that insufficient account was taken of the needs of pregnant workers. They were concerned that they were not permitted to stop working to get water to drink and that they were monitored when they went to the bathroom. Employers were said not always to pay women the maternity pay they were entitled to or let them take their full maternity leave with the threat of losing their job if they did so.

“I often have to work for 14 hours a day. They don’t feed us or let us have a rest. I have to stand on my feet all the time and do the work. It impacts my health significantly. I get headaches and neck pain, and I also have problems with my eyesight.”

Female RMG factory worker



12. Under the Factories Act 1965 and the 2006 Labour Law a factory with more than 500 employees must provide a clinic of an appropriate size staffed by full time nurses (see Table 1 below). However, the adequacy of these facilities is variable. Most of the costs of health care in Bangladesh for those employed in the formal sector have to be paid out-of-pocket making health care unaffordable for women readymade garment workers the majority of whom earn the minimum wage for just above. A few readymade garment factories provide employer sponsored health insurance, see, for example, Sayem Ahmed and others, 'Do Employer-Sponsored Health Insurance Schemes Affect the Utilisation of Medically Trained Providers and out-of-Pocket Payments among Ready-Madegarment Workers? A Case-Control Study in Bangladesh', *BMJ Open*, 10.e030298 (2020) <<https://bmjopen.bmj.com/content/bmjopen/10/3/e030298.full.pdf>>; BSR, 'Healthcare Delivery in RMG Factories in Bangladesh: What Are the Missed Opportunities?' (New York, NY, Guangzhou and Copenhagen: Business in Conflict-Affected and High-Risk Contexts, 2014) <https://www.bsr.org/reports/BSR_Healthcare_Delivery_in_RMG_Factories_in_Bangladesh.pdf>; Health Economics Unit and Ministry of Health and Family Welfare, 'Expanding Social Protection for Health: Towards Universal Coverage. Health Care Financing Strategy 2012-2032' (Dhaka: Government of the People's Republic of Bangladesh, 2012) <<https://socialprotection.gov.bd/wp-content/uploads/2017/03/HCF-Strategy-Bd-2012-2032.pdf>>.

4. Violence and harassment

There was almost universal agreement among the women workers that sexual harassment was an ever-present threat and that it had increased during the pandemic. They reported that they feared sexual violence when travelling to and from work, and some recounted how women they knew had been raped whilst travelling. However, they were most concerned about the sexual harassment and verbal abuse they experienced at work. A few workers shared their experiences that top-level managers were directly or indirectly involved in the verbal and sexual abuse. However, they reported the abusers were generally supervisors who used it to control the women and make them work faster. This was said to be why the factory owners preferred to employ young female workers, especially during the pandemic when they set unrealistic production targets. Women are more obedient than male workers and too frightened to make complaints through fear of losing their jobs. Trade union leaders and representatives of international development organisations said that the extent of the problem was not recognised because the women were too scared to make official complaints. Some women said that complaints were not taken seriously by the Sexual Harassment and Complaints Committee in their factories.

“Management can dominate female workers more easily; they are a soft target, but it is difficult for them to abuse male workers.”

Female RMG factory worker

The women workers and key informants also pointed out that it was not just at work that women faced violence but also at home, which had become more problematic during the pandemic.

“Some women garment workers who live in the slums suffer many types of gender violence. They are economically exploited by their husbands who practice polygamy or do not take care of them and physically abuse them if they don’t hand over their salary. Some women have their salary taken from them by male relatives, leaving them nothing to live on. They can’t purchase basic food or pay back the grocery shops that have given them credit.”

NGO Representative

Compliance with International Convention on Gender Equality in Employment

The current condition and status of women and girls in employment in Bangladesh remains poor. There is structural discrimination and institutional sexism shaped by hegemonic patriarchal values.¹³ Bangladesh is rated as one of the ten worst countries on the Trade Union Confederation's Global Rights Index.¹⁴ On the World Bank's Women, Business and the Law 2021 Index, which captures the legal and regulatory environment for women working in the formal sector compared with that for men, Bangladesh is ranked 171 out of 190 countries with a score of 49.4 out of 100.¹⁵ On the World Economic Forums 2021 Gender Gap Index, Bangladesh is ranked 147th out of 155 economies for Economic Participation and Opportunity, and its score was poorer than in 2006.¹⁶

Bangladesh has signed up to the international frameworks for promoting gender equality, including in employment. It has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)¹⁷ and seven of the eight core ILO Labour Standards,¹⁸ including the C111 Discrimination in Employment and C100 the Equal Remuneration Conventions, and voted for C190 on the Elimination of Sexual Violence and Harassment. It has also signed up for the Sustainable Development Goals (SDGs) 2030,¹⁹ with specific targets (SDGs 5, 8 & 10) relating to gender equality in employment. However, the Government acknowledges that incorporating the international women's rights frameworks into domestic law must be done slowly because of religious sentiments.²⁰

However, in line with our review of national and international standards and laws, academics, trade union officials, ILO, and UN women representatives told us that there are significant gaps in the labour laws and that Bangladesh was far from compliant with the ILO conventions.

"The employers terminated the jobs of thousands of workers without letting the Government know. To comply with the law, the employer has to go to the Government and say, "I want to terminate 173 workers, and I'll pay this compensation, and this is the list of workers." But they didn't do this."

ILO official

13. CEDAW, 'Concluding Observations on the Eight Periodic Report of Bangladesh' (New York, NY: United Nations, 2016) <<https://undocs.org/CEDAW/C/BGD/CO/8>>.

14. ITUC, '2021 ITUC Global Rights Index' (Brussels: International Trade Union Confederation, 2020) <https://files.mutualcdn.com/ituc/files/ITUC_GlobalRightsIndex_2021.EN_Final.pdf>.

15. World Bank 2021, 'Women Business and the Law 2021' (Washington, DC: World Bank, 2021) <<https://wbl.worldbank.org/en/reports>>.

16. World Economic Forum, 'Global Gender Gap Report 2021' (Geneva: World Economic Forum, 2021) <http://www3.weforum.org/docs/WEF_GGGR_2021.pdf>.

17. Microsoft Word - Document1 (ohchr.org)

18. Ratifications of ILO conventions: Ratifications for Bangladesh

19. THE 17 GOALS | Sustainable Development (un.org)

20. see for example, paragraph 49 in Government of the People's Republic of Bangladesh, 'Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): The Eighth Periodic Report of The Government of the People's Republic of Bangladesh' (Dhaka: Government of the People's Republic of Bangladesh, 2015).

However, they also pointed out that even when these international frameworks have been incorporated into domestic law, they are disregarded by many employers and rarely enforced. An ILO official pointed out how employers had ignored the law in March 2020,

“Women’s issues are not discussed enough by the trade unions, with men generally dominating them. General training in women’s issues and gender issues is not prioritised by senior management as they focus on their business. Senior management must realise that implementing gender policies is not only the right thing to do but also profitable for their businesses.”

UN Woman representative

“What must change is the culture and mindset so that employers understand that happy and healthy workers will be more productive and increase profits.”

ILO representative

The ILO and UN Women representatives pointed out how a patriarchal culture mitigates against the implementation and enforcement of gender equality legislation.

The key informants are also concerned that international initiatives, such as the Accord on Fire and Building Safety in Bangladesh,²¹ had focused on occupational health and safety rather than workers’ rights and the wellbeing of workers, especially women.

Our analysis of the legal framework governing employment in Bangladesh confirms that the legislative provision has failed to domesticate the international frameworks fully (see Table 1). A noticeable weakness in the legal provision is that there is no law promoting gender equality and women’s empowerment or any legal provision for promoting gender equality in employment. In the absence of a legal requirement to promote gender equality, the absence of discrimination in legislative provision does not guarantee that women will be treated equally with men.

The legal framework includes the Labour Law 2006 amended in 2013 and 2018, the Labour Rules 2015 and a 2009 High Court Directive on the Prevention and Redress of Sexual Harassment in the Workplace. Although the Constitution mandates gender equality, this does not apply in the private sector, and there is no law promoting gender equality or prohibiting gender discrimination in employment. Furthermore, the Government has not amended the 2006 Labour Law to make sexual harassment in the workplace illegal as required by the 2009 High Court judgment. The High Court Judgement itself is inadequate to effectively tackle sexual harassment in the workplace because there are no criminal penalties or civil remedies for sexual harassment in employment or means of effectively enforcing it.

21. The ACCORD, signed on 15 May 2013, was a five-year independent and legally binding Global Framework Agreement between global brands, retailers and trade unions designed to build a safe and healthy Bangladeshi garment industry.

“While the High Court can make the regulation that there must be anti-harassment committees in every factory, this does not mean there is one. Even if there is one, there is no way of regulating them or ensuring they are doing what they are supposed to do. Also, workers will continue not to report abuse due to fear of termination”.

ILO representative

The provisions in the law for maternity leave and protecting the health of pregnant women fall well short of the international requirements, and the fine for breaching any provisions in the law is only 5,000 taka (£42). There are no provisions, for example, against dismissal on the grounds of pregnancy or any requirement that women can return to the same job or an equivalent one when they return to work. Nor are there any legal provisions to protect those responsible for dependent children from discrimination in employment. It is crucial to keep in mind, as we have already discussed in this report, the failure of the Government to enforce the laws in place.

Table 1: Mapping Bangladesh laws against international conventions and agreement for promoting gender equality and the empowerment of women

International Convention/ Agreement	Ratified	Applicable Bangladeshi Law	Provision of the law/ comments
International Labour Organisation Conventions			
C111 Discrimination (Employment and Occupation) Convention 1958	Yes	None	There is no law mandating equal opportunity in employment.
C100 Equal Remuneration Convention 1951	Yes	2013 Amendment to 2006 Labour Law ²²	Complies with the Convention, but there is no reference to job appraisal.
C019 Equality of Treatment (Accident Compensation) Convention 1925 (C 121 Employment Injury Benefits Convention)	Yes	2006 Law ²³	Employers' obligated to pay lump-sum compensation in cases of death or permanent disabilities, but the law does not meet the minimum standard of C121. The law does not discriminate on the grounds of gender.
C089 Night Work (Women) Convention (Revised) 1937 Prohibits women working the night shift	Yes	2006 Labour Law 2013 Labour rules	It does not comply with the Convention, as women are permitted to work at night if they consent.
P089 Protocol of 1990 to the Night Work (Women Convention) 1984 Places restrictions on pregnant women working the night shift.	No	2006 Labour Law	No specific provision is made limiting the nightwork that women can do.

22. (The version received on 05 July 2013) (ilo.org)

23. Microsoft Word - 2269_Labour Act_ _p-1-179_ 28-9-2015 (dpp.gov.bd)

C183 Maternity Prevention convention 2000	No	2006 Labour Law Section 45-60 2013 Labour Rules C4, C8. 2018 Labour Amendment Law	Complies with Convention on length of leave and facilities and time for breastfeeding. Does not comply with Convention on maternity pay which is restricted to women who have two or fewer children, right of return to same/ equivalent position, or security of employment while pregnant. The find for breaches of the law is 5,000 taka (£42).
C156 Workers with Family Responsibilities Convention 1981	No	None	No provision
C190 Violence and Harassment Convention 20	No	1860 Penal Code, S 354 2006 Labour Law, S 332 2009 High Court Judgement (has the force of law) ²⁴	The Penal Code and the Labour Law have a vague definition and make it difficult to prove intent and do not meet the requirements of the Convention. The maximum penalty under the Labour Law is a fine of BDT25,000 (£212.00). The 2009 High Court Judgment requires employers to deter and prevent sexual harassment and violence and set up complaint's committees. However, no regulatory authority was set up, and the Government have not brought forward legislation as required in the Judgement.
Convention on the Elimination of All Forms of Discrimination Against Women			
Article 2: To condemn and eliminate all forms of discrimination against women and to promote gender equality	Yes, but with reservations To gender equality in family life when it conflicts with shari'a 25	Constitution 1972 ²⁶ 19 (2) & (3)	The Constitution commits the Government to remove economic and social inequalities between men and women and endeavour to ensure equality of opportunity and participation of women in all spheres of national life. There is no legislation to promote gender equality generically or specifically in employment.
Article 11: Eliminate all forms of discrimination in employment	Yes	2006 Labour Law	It does not ban all forms of gender discrimination – it only provides for equal pay for work of equal value.

24. In the Supreme Court of Bangladesh (squarespace.com)

25. Government of the People's Republic of Bangladesh.

26. The Constitution of the People's Republic of Bangladesh (minlaw.gov.bd)

The right to work	Yes	Constitution 1972	Equal opportunity in economic life.
The right to the same employment opportunities	Yes	Constitution 1972	Equal opportunity in economic life.
The right to equal remuneration for work of equal value	Yes	2013 Amendment to 2006 Labour Law	Mandates equal remuneration for work of equal value.
The right to social security	Yes	Constitution 1972	The Constitution mandates social protection for vulnerable populations. However, no national integrated social security system protects workers from risks such as unemployment, pregnancy, illness, and old age in place.
The right to health and safety in working conditions	Yes	2013 Amendment to 2006 Labour Law 2015 Labour Rules ²⁷ Factory Act, 1965 ²⁸	Safety Committee in factories with more than 50 employees. Regulations on building safety and accident prevention. Factories with more than 500 workers must have a clinic of an appropriate size with full-time nurses
To prohibit subject to the imposition of sanctions dismissal on the grounds of pregnancy	Yes	2006 Labour Law	The 2006 Labour law only provides partial protection as it does not prohibit the terminating of women's employment when they are pregnant.
Maternity with pay and without loss of employment, seniority, or social allowances	Yes	2006 Labour Law Section 45-60 2013 Labour Rules C4, C8. 2018 Labour Amendment Law ²⁹	Provides for maternity pay but not for the loss of employment or seniority.
Social support services to enable parents to work, including childcare facilities	Yes	2006 Labour	Employers with more than 40 employees must provide childcare for employees' children under six years. Employers can be exempt if the chief inspector is satisfied there is insufficient space to provide a nursery. No provision for parental leave.
Protect women, during pregnancy, from doing work likely to be harmful to them.	Yes	2015 Labour Rules	Protects pregnant women.

27. [bangladesh_labor_rules_2015_english_version_15-09-2015.pdf \(wordpress.com\)](#)

28. [Bangladesh. The Factories Act \(ilo.org\)](#)

29. [Bangladesh Labour Law Pdf \(faq-law.com\)](#)

The Sustainable Development Goals			
G 5.2: Eliminate all forms of violence against all women and girls in public and private spheres	Yes	None	There is no violence against women legislation.
G 5.5 Ensure women's full and effective participation for leadership in economic life	Yes	None	There is no legal procession for promoting equality of opportunity in employment.
G 8.5 By 2030, achieve full and productive employment and decent work for all women and men, and equal pay for work of equal value.	Yes	2006 Labour Law 2018 Amended Labour Law	Provides for equal pay for work of equal value, but there is no law promoting gender equality or equal opportunity in employment. The maximum hours of employment are eight hours a day plus two hours of voluntary overtime, but employers can apply for exemptions for six months at a time. The national minimum wage is 1,500 taka per month but only 5,300 taka per month in the ready-made garment sector. ³⁰

30. Bangladesh Minimum Wage - World Minimum Wage Rates 2021 (minimum-wage.org)

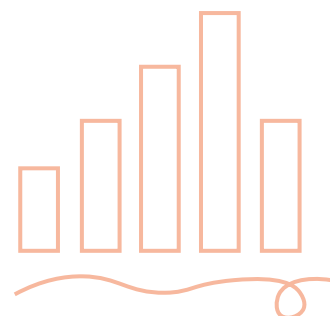
Compliance auditing for gender equality

The export-oriented RMG factories are usually subject, among other things, to social compliance audits. Such audits measure factories' compliance with social accountability standards to which buyers expect factory owners and suppliers to adhere. The audit is expected to cover legal requirements in Bangladesh, the ILO Conventions, and best international practices in promoting workers' rights. In the survey, we asked the social auditors if, in their last compliance audit, they audited for a range of social issues (derived from ILO conventions and other international labour standards and guidelines), including women's rights, that should be covered in such an audit. That they audited for something does not mean that the factory was compliant and protecting workers' rights.

Out of 90 compliance auditors surveyed, 12 auditors said that they were not engaged by suppliers/buyers to audit their factories during the pandemic time. While this number is relatively low, key informants interviewed reported that NGOs uncovered many instances where audits were not undertaken during the pandemic; as a result, workers remained even more vulnerable. The first finding of interest is that there was no issue that 100% of auditors had included in their audit, even those where adherence is a legal requirement, for example, child labour and maternity leave. In the case of child labour, there is zero-tolerance (provision in the ethical codes of conduct published by most global retailers on their websites), so, remarkably, this was not checked for in 100% of audits.

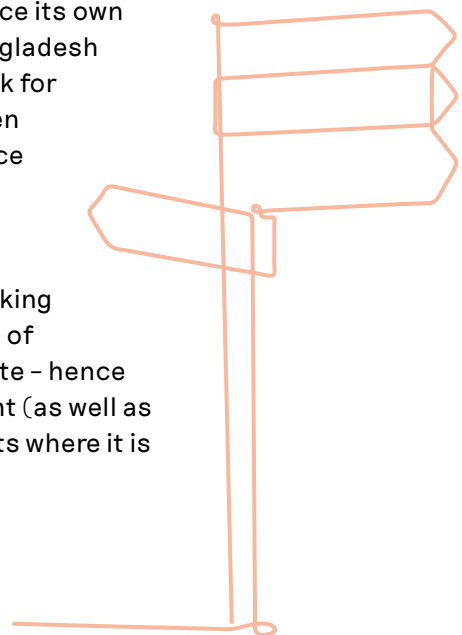
As workers' job loss was a significant global concern during the pandemic, we asked auditors whether they had audited or kept records of termination of employment since the beginning of the Covid-19 outbreak. A quarter of the auditors reported that employers had terminated workers, and one in ten auditors did not consider the issue part of their audit.

Compliance auditors were least likely to say they had audited for trade union recognition; 40% did not check for this. In the interviews with representatives of trade unions, the international development agencies and international and local NGOs, concerns were frequently raised about the negative attitudes of owners to trade unions and their reluctance to let workers exercise their limited rights under the law. Workers' inability to collectively organise and raise concerns with employers without fear of recrimination was seen as a significant impediment to workers claiming and exercising their legal rights. It is one of the reasons that employers can, for example, terminate the contracts of pregnant women with impunity, force them to do unpaid overtime, and fail to take measures to tackle sexual harassment and violence. Around a fifth of auditors had not checked for one or more issues relating to women workers rights. These included compliance with the law on maternity leave, checking if the factories had policies on violence against women, verbal abuse or sexual abuse that were being implemented and verifying if factories had Complaints Committees carrying out their legal duties.



Recommendations

- **The Bangladesh Government** should consider reviewing and revising its legal framework for protecting the rights of all workers, including women workers in the RMG sector. This should include bringing forward legislation to promote women's rights at work in line with best international practice, bringing maternity leave provisions in line with the ILO recommendation of a minimum of 18 weeks, and legislating against sexual harassment and violence in the workplace.
- **The Bangladesh Government** should consider ensuring that workers can claim and exercise their rights under existing law and increasing penalties for non-compliance. This should include the right to collective bargaining and security of employment, the right to paid maternity leave and the right to equal treatment with no verbal, sexual or physical abuse. The Government should consider the feasibility of an independent watchdog to ensure that owners respect women's rights at the factory.
- **Retailers and brands** should consider emphasising respect for workers' rights, including women's rights, in the conditions, they place on factories they purchase from. They should also consider requiring all social audits they commission to include all workers' rights and/or re-prioritise audits, focusing and prioritising some rights over others (for cost-effectiveness reasons). For example, focus on a) enabling rights, i.e., freedom of association, recognition of trade unions, and b) other rights which provide an overall marker for the quality of working conditions, e.g., wage levels and what provisions are in place for handling employee complaints and their effectiveness.
- **Retailers and brands** should consider ensuring that there is no forced labour in the supply chains requiring that manufacturers that supplier factories sub-contract work to are audited along with the supplier factories. As sub-contracting factories are linked to the informal economy and buyers currently do not disclose when they use sub-contractors, this also raises an additional regulatory challenge to eliminating forced labour in supply chains.
- **UK retailers and brands** need to recognise that Bangladesh has failed to ratify relevant international laws and enforce its own labour law, and collectively put pressure on the Bangladesh Government to review and revise its legal framework for protecting the rights of all workers, including women workers in the RMG sector. Whilst continuing to place orders into Bangladesh, UK retailers and brands must find mechanisms to eliminate the exploitation of workers in the supply chains that supply them with clothes. Social audits can only be regarded as a sticking plaster and not a long-term solution to the problem of the poor protection enforced by the Bangladesh state – hence the need to engage with the Bangladesh Government (as well as governments of other countries supplying garments where it is clear there are rampant labour rights abuses).



- **UK retailers** must only source products from and should reward suppliers that have policies and mechanisms in place to address: sexual abuse and harassment, and violence (physical, verbal, and psychological) against women, pregnancy and maternity-related discrimination, the underrepresentation of women in management positions, the gender pay gap and barriers to women's access to remedy.
- **The UK Government** should use diplomacy to encourage the Bangladesh Government to respect and act on international commitments under ILO conventions and UN SDGs to introduce legislation to promote and protect workers' rights, including women's rights, and enforce its employment legislation.
- **The UK Government** should establish a Garment Trading Adjudicator (GTA) or an independent watchdog to tackle abusive purchasing practices in international supply chains in the RMG industry.

Areas for further research

The power shift to the buyers during the pandemic has negatively impacted the workers in the industry, especially women workers. However, there has been little research on the impact on the industry and the Bangladesh economy. Most of what is known is anecdotal and about buyers' actions when the pandemic began to impact countries in the Global North in early 2020. There is a need for more research on the impact on the RMG industry during the pandemic to understand the implications for the industry and the Bangladesh economy in the future.

Little is known about the informal RMG suppliers. However, more sub-contracting by the export facing factories is said to have occurred during the pandemic. The limited academic research suggests that they may use forced labour. Research is needed to understand the sector's size, working conditions, and the extent to which it is involved in the RMG value chain.



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