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Toward the Development of Post Covid-19 Gender Policy and Accountability Measures to End Modern Slavery in the Bangladeshi Garment Sector: A Policy Brief for Bangladesh Government and Stakeholders

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The views expressed in this report are those of the authors and not necessarily of the Court of the University of Aberdeen, the Arts and Humanities Research Council or the UK Modern Slavery Policy and Evidence Centre.

Policy Brief for the Bangladesh Government

This policy brief focuses on gender discrimination in the Ready Made Garments (RMG) in Bangladesh during the Covid-19 pandemic. Bangladesh has ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and signed up to the SDGs, committing to promote gender justice to ensure that women can claim and exercise their rights under domestic and international law. However, Bangladesh employment law offers little protection to women, and what protection it offers is not enforced. Factory owners and managers disregard the law with impunity. This policy brief highlights the vulnerability women RMG workers faced during the Covid-19 pandemic. This policy brief calls upon the various stakeholders, including the Bangladesh Ministry of Labour, international buyers, including those in the UK, and RMG factory owners, to promote gender justice for women RMG workers. This policy brief highlights key policy recommendations for the Bangladesh Government.

Background

The RMG sector has been the driver of economic growth in Bangladesh since the 1980s., With more than 4000 factories, it supplies RMGs to global fashion brands and exports apparel to around 150 countries. The major purchasers are buyers in the European Union, the United Kingdom, and the United States. It employs about 4 million workers, providing about 45 per cent of total formal sector employment and contributing around 85 per cent of export earnings. However, there are significant concerns regarding the working conditions for women in the sector, including poverty wages, sexual harassment, lack of social protection and work-life balance.

Women makeup around 60% of workers in the formal sector factories and are concentrated in low skill jobs with little prospect of upward job mobility and are forced to do overtime to earn enough to meet their household needs. This means that they cannot save for their future. After losing or leaving their jobs, they appear to get disconnected from the labour market. The Covid-

2019 pandemic has made women in the RMG sector even more vulnerable. Media and civil society reports have highlighted that at the start of the pandemic in March 2020, many international buyers cancelled orders and delayed payments for orders already delivered, affecting an estimated 1,200 factories and leaving around 2.8 million workers at risk of being laid off without pay. Some workers were forced to continue working through the first lockdown to enable factories to meet orders still on the books. Factories were reopened before the lockdown was lifted and have remained open since, leaving workers at increased risk of getting Covid-19. When buyers started to place orders again, they demanded large discounts, which put pressure on owners to reduce the cost of production, mainly by demanding increased labour productivity.

In response to the broader concerns over working conditions during the pandemic, our research has investigated the impact of the Covid-19 pandemic on women workers in the exporting garment sector in Bangladesh. Our research also explores gaps in gender policy and regulations for preventing exploitation within the industry.

Highlights of research findings

To achieve our research aims, we interviewed workers, key stakeholder groups, including trade union leaders, industry leaders, government policymakers, development agencies, including ILO and UN bodies, between January and July 2021. Our key research findings are:

- Covid-19 has had a negative impact on women workers. They disproportionately lost their jobs compared to men when the first lockdown was imposed in March 2020. Those most at risk of losing their jobs were pregnant women and older workers. However, managers have preferred to employ young women since the outbreak of Covid-19 because they are seen as more compliant, cheaper, and less likely to complain than male workers.
- Women workers who lost their jobs are left struggling to survive and are often left unable to feed themselves and their households.

- The factories have increased production targets and failure to meet these during the normal working day means that workers are being forced to do unpaid overtime.
- The loss of paid overtime leaves women workers and their families vulnerable as they rely on overtime pay to have sufficient income to feed and house themselves and their children and meet other household expenses.
- Abuse in the factories against women has increased, especially verbal abuse, rudeness and shouting, mainly because male line supervisors are pressuring them to meet unrealistic production targets. Women are afraid to complain through the fear of losing their jobs.
- Although most factories have followed Government Covid-19 instructions for health and safety measures in the factories, the poor living condition in their homes due to shared washrooms and kitchens and the journey to the factories in crowded localities remains a threat to workers' health and puts workers at increased risk of contracting Covid-19.
- Women workers lack knowledge and understanding of their rights under Bangladesh labour law. They rarely join trade unions because they are afraid of their employment being terminated.
- The compliance of factories with the limited legal protection provided by Bangladesh Labour law is poor, at least partly due to a lack of enforcement. Few factories provide a gender-friendly working environment: sexual harassment and violence are pervasive. Some factories do not have formal grievance procedures or a complaints committee and do not follow termination rules. Workers are forced to do unpaid overtime; women workers are often denied the maternity leave and pay they are entitled to, and not all factories provide childcare facilities.
- Our extensive review of Bangladesh labour law shows that it fails to meet the requirements of international conventions designed to protect and promote women's rights in employment and accord them gender justice. This includes ILO Conventions and the CEDAW, which Bangladesh has ratified. Bangladesh has also

not ratified all ILO Conventions aimed at promoting women's rights. These include the Violence and Harassment at Work Convention, 2019, the Family Responsibilities Convention 1981, and the Maternity Protection Convention 2000.

- Bangladesh has no law promoting equal rights for women in employment.
- International buyers are more interested in compliance with occupational health and safety compliance than they are in workers' rights, including the rights of women workers.

Recommendations for the Government of Bangladesh and Stakeholders

The Bangladesh Government should build on its legislative and policy foundation to promote gender equality and women's empowerment in the RMG factories. The key recommendations for the Government of Bangladesh are:

- To 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 practise, bringing maternity leave provisions in line with the ILO recommendation of a minimum of 18 weeks, and legislating against sexual harassment and violence.
- With support from international development agencies, the Government should consider introducing an independent 'watchdog' comprising representatives from NGOs, trade union bodies, and development agencies (ILO) who can regularly check or monitor gender violence and discrimination at the factory premises and prosecute/blacklist suppliers for misconducts. The 'watchdog' should be independent of government and industry associations This should be in addition to the present DIFE inspection.
- Women who lost jobs are more vulnerable than men. They should be included in the Social safety net programmes, such as the 'One House One Farm' project or any other development interventions that can reduce their vulnerabilities of poverty and hunger.
- The Government should introduce legally enforceable measures to provide decent employment in line with SDG8, Article 11 of CEDAW and ILO Conventions to ensure gender justice for women workers in the factories. At the same time, the Government should enforce the 2009 High Court Judgement making sexual harassment in the

workplace illegal and amending the 2006 Labour Law to make violence and harassment in the workplace a criminal offence.

- Bangladesh Government should mandate that garment exporters/factories have policies and mechanisms in place to address sexual abuse and harassment, pregnancy and maternity-related rights, the underrepresentation of women in management positions, the gender pay gap and the barriers women face in getting redress for violations of their legal rights.
- Bangladesh Government together with Bangladeshi supplier associations should advocate for a cross-border mechanism to stop abusive purchasing practices by international brands and retailers buying clothes.



Aberdeen University Project team: From left to right: Prof M. Azizul Islam, Nglaa Ahmad (a final year sustainability accounting PhD candidate who joined the project team as a research assistant), Prof Pamela Abbott, Solvej Andersen (a final year sociology and anthropology graduate student who joined the team as a research assistant) and Dr Shamima Haque.