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Contractual Protection in Readymade Garments Workers in Bangladesh during the pandemic

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Declaration

I hereby certify that the thesis has been composed only by me. It has not been submitted previously in any application. To my best knowledge and belief, I declare that the paper does not contain any material previously published by other person except the due references is made in the text.

Signature

Md. Akhinur Rahman Anik

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Abstract

This paper finds out the conditions of RMG workers during pandemic. It especially works on the employment guidelines of a RMG worker which was protected him or not. The purpose of this research is to analyze the implementation of Labour laws and rules on RMG workers in Covid 19 situation. It is a qualitative research that make on some specific primary and secondary data. As the result of this paper, in pandemic the employment contract did not protect the RMG workers for violating the contract from governing side.

Key word: Pandemic, RMG workers, Bangladesh, Contractual protection, Guidelines

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Abbreviation

Bangladesh Labour Act	BLA
Readymade Garments	RMG
International Labour Organization	ILO
Bangladesh Garment Manufacturers and Exporters Association	BGMEA
Occupational Safety and Health	OHS

Chapter 1

Introduction

1.1 Introduction

Our country's main export sector and major source of foreign money has been clothing.¹ The workers are the obstacle for running this sector. The employment contract protects the rights and obligations of those workers.² But the current status of the implementation of Labour Laws is not good in Bangladesh.³ So the RMG workers are one of the main victims in this segment. In pandemic it retained its worst nature.⁴ It cannot be overcome from the puzzle for many surrounding complicity where workers are only consumers.⁵ It should be unroll the conditions of RMG workers about their employment contract during pandemic. It should also be consider the content of contractual protection of RMG workers in this crisis.

This is a qualitative research. I divide this paper into 5 chapters. In first chapter I have said about the introductory part of this paper like-topic, scope, methodology, limitations of the research. In chapter two I discuss about the impact of RMG sectors in Bangladesh and conditions of that sector during pandemic. International guidelines or instructions about Covid 19 have criticized in chapter three with various motions. Different types of employment contract and their protection system to the RMG workers are discussed in chapter four. I have explained the topic at the view of national laws in here. Finally in chapter five I have hold our research findings, recommendations and conclusions.

¹ 'Overview Of Bangladesh Garment Industry' (*Fibre2fashion.com*, 2022)
<[² Chowdhury A, 'Employee'S Rights At Workplace In Bangladesh' \(2022\) 5
<\[³ *Ibid*\]\(https://juralacuity.com/employees-right-at-workplace-in-bangladesh/#:~:text=The%20daily%20working%20hours%20shall,without%20the%20woman%20worker's%20consent.> accessed 9 May 2022</p>
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⁴ 'Covid-19 And Garment Workers - Worker Rights Consortium' (*Worker Rights Consortium*, 2022)
<[⁵ *Ibid*](https://www.workersrights.org/issues/covid-19/> accessed 9 May 2022</p>
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At last I found a concern condition of our Labour Laws in RMG sectors. Now it is questionable matter about employment contract which should be protect the RMG workers during pandemic.

1.2 Research Question

How far was the employment contract protecting the RMG workers during the pandemic?

1.3 Scope and Methodology

Our research scope is contractual protection (working hours, retrenchment, OHS, wages, compensation) of the readymade garments workers during pandemic in Bangladesh. I will not cover all employment contract of a worker than specific sector which played a significant role during pandemic. Here Laws will identify only RMG workers and their conditions. I have focus on the implementation of Labour Laws during pandemic in some important areas.

The research will be following the qualitative research where discuss and analyze from the books, journals, articles, national and international laws to reach the purpose of this dissertation. Acts and legislation are primary sources of information for the research, whilst books, national and international periodicals are secondary sources. Secondary sources of information include newspapers, articles, websites, blogs, and other internet sources.

1.4 Limitations

This research has been focused on the violation of garments workers right during pandemic. Furthermore, the lack of resources is a constraint of this study. Aside from the lack of Bangladeshi case laws and specific books on the internet platform, some websites are not available for paid access. The time period to complete the dissertation is two and half months. There has not much time to do quantitative research.

Chapter 2

Covid 19 and RMG sector in Bangladesh

2.1 Impact of RMG sector in Bangladesh:

2.1.1. History

Textile sector found at 60th decade in 19th century.⁶ In 1965-66 the European Market exported Mercury shirts that produced from the Karachi.⁷ Riaj Garments, Jewel Garments, Paris Garments were the eldest and famous in 1977-78 in that time.⁸ Here Riaj Ahmed exported shirts in South Korean company 'Olanda' and the pioneer Desh Garments of Bangladesh RMG sector started to join project with 'Daiyuu' another South Korean Company.⁹ At that time some garments introduced with some discreet and hardworking entrepreneurs in RMG sector in Bangladesh.¹⁰ From then this sector developed day by day though passed various critical stages and path but not needed to look back.¹¹

2.1.2 Current situation:

Bangladesh manufactures two types of clothing. woven product and knitted product that is playing most significant role in Bangladesh¹². RMG sector has the highest supplier's capacity over South Asia¹³. It is working as the biggest earner of foreign currency in Bangladesh. In last

⁶ Garments Merchandising. 2022. *Readymade Garments Industry of Bangladesh | RMG Sector*. [online] Available at: N-<https://garmentsmerchandising.com/readymade-garments-industry-of-bangladesh/> [Accessed 19 March 2022].

⁷ *Ibid*

⁸ *Ibid*

⁹ *Ibid*

¹⁰ *Ibid*

¹¹ *Ibid*

¹² kabir, H., 2022. The impact of COVID-19 on Bangladeshi readymade garment (RMG) workers. *J Public Health (Oxf)*. 2020 [online] 05(15), p.07. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7454782/> [Accessed 19 March 2022].

¹³ *Ibid*

year this industry earns over \$24.49 by exporting which is about 76% of total export earning in Bangladesh.¹⁴ There are almost 5000 garment factories here (private statistics), employing about 12 thousand people.¹⁵ RMG sector has 4.2 million employment opportunities that cover up the most unemployment crisis in Bangladesh.¹⁶

2.2 Covid 19 in RMG sector in Bangladesh:

Parents labored in a textile factory in Gazipur (Dhaka) to sell their newborn since they couldn't afford the 25000 tk medical cost. In an interview, they discussed a pandemic tragedy in which local police rescued a baby and returned it to its parents (story published in the national daily "The Daily Prothom Alo" on May 2, 2020). It was just an example of RMG workers of private story in that time. In declared first Covid 19 patient on the 8 march 2020 in Bangladesh as the slow start toward Covid 19 preparedness for a developing and over populated country.¹⁷ The non-education, unskilled, low socioeconomic and rural back ground people were easily affected on that time for unconsciousness.¹⁸ Due to COVID 19 Government declared lockdown on 26 March, 2020. On July 2020 Bangladesh had highest infection and death rates.¹⁹ The lockdown triggered an economic downturn, resulting in significant income losses for poor people who were forced to leave their homes, breach isolation, and risk infection in order to feed their families.²⁰

One RMG worker sold vegetable in local market to earn basic needs for his family.²¹ Ongoing infection BGMEA suddenly declared to reopening the garment factories on 26 April 2020 with the permission of Government on export condition. In that time some trouble issues (Transport, employment threat, Covid restriction, Livelihood) harassed the RMG workers for performing the open close play role. As reported by national electronic and broadcast media, the issue of returning workers has resulted in an increase in the number of new diseases and deaths. It

¹⁴ *Ibid*

¹⁵ *Ibid*

¹⁶ *Ibid*

¹⁷ *Ibid*

¹⁸ *Ibid*

¹⁹ *Ibid*

²⁰ Overview Of Bangladesh Garment Industry' (N 1)

²¹ Overview Of Bangladesh Garment Industry' (N 1)

happened not to focus on preparedness before reopening the factories where it was just a purely economic decision. It also effected the longer-term impacts on nature of clothing supply chain.²²

The first 7 days lockdown declared by the Government on 5th April for the rise of spreading Covid 19.²³The garments allowed opening at that time for export-oriented issues but it already affected by global exporting. Factories were closed nearly a month during lockdown (began March until May 3).²⁴ After that in Covid delta variant Government called for weeklong lockdown continuously.²⁵ The authority of garments created pressure to government to reopen the garments. In 12 may 2020 continuous lockdown in Bangladesh 4000 garments factories had reopen as the permitted with some guidelines to follow.²⁶

The government announced transport resumption only for joining to workers.²⁷ Workers had settled on a tough return travel to work, fearing job loss and wage nonpayment, by this time.²⁸ In the lack of access to transport they paid more than price also be in dangerous journey.²⁹

2.2.1 Conditions of RMG during pendamic (Fimalcial export and import):

The economic condition had been slumping for countrywide lockdown in disruption of supply chains and demand. Consumer's expenditure, confidence was not performed as like past

²² *Ibid*

²³ Aktar R, 'Impacts Of Covid-19 Pandemic On RMG Sector: A Study Of Bangladesh' [2022] International Journal of Science and Business <https://www.researchgate.net/publication/355782438_Impacts_of_Covid-19_Pandemic_on_RMG_Sector_A_Study_of_Bangladesh/link/617d972d3c987366c30947f1/download> accessed 7 May 2022

²⁴ *Ibid*

²⁵ *Ibid*

²⁶ Natives, D., 2022. *Reopening garment factories in Bangladesh despite Covid-19 threat – Fair Wear*. [online] Fairwear.org. Available at: <<https://www.fairwear.org/covid-19-dossier/fair-wear-staff-share-covid-19-guidance/reopening-garment-factories-in-bangladesh-despite-covid-19-threat/>> [Accessed 19 March 2022].

²⁷ 'Bangladesh Garment Workers Suffer As Factories Reopen During Covid-19 Lockdown' (*IndustriALL*, 2022) <<https://www.industriall-union.org/bangladesh-garment-workers-suffer-as-factories-reopen-during-covid-19-lockdown>> accessed 7 May 2022

²⁸ *Ibid*

²⁹ *Ibid*

financial years 17-19 was very creditable.³⁰ The companies were not producing new products, sold their stock products, delivery was not possible to deliver in time, deposited a lot of pending order, worked with problem sourcing, transparency, lack of materials, not support from backward linkage industry.³¹ Especially difficult to maintain pandemic related issues.

The reputed and trusted brands cancelled their orders for non-performing assurance responsibility.³² In import from china, Africa, India, USA were also locked down to pandemic.³³ The factories faced difficulties of import raw materials rate decreased 3.87% in first eight months that infected the export 12% decreased only January month in domestic demand.³⁴ As the failed to meet the schedule to supply factories depend on foreign suppliers also.

According to BGMEA data, Bangladesh's RMG sectors had to incur financial losses of approximately \$3.15 billion USD in order to complete pending contracts.³⁵ In export sector only USA in exported growth of RMG in Bangladesh decreased by 10.14% as like the impact of export with different countries has been affected by pandemic in those days.³⁶ During this day's factories lost new orders. They also lost their existing orders which already in the pipeline. Many factories did not receive any new orders for nonnegotiable demands from brands.³⁷ RMG factories took some orders at cheaper rates as global buyers have sealed down.³⁸ New orders also delayed for third wave of COVID 19 and factories were looking for new buyers to sell products of cancelled.³⁹ The garments authorities had burden to huge loan which were not given any bank or authority for the lack of security where most workers remained unpaid.⁴⁰

³⁰ Duan F, 'The Universal Declaration Of Human Rights And The Modern History Of Human Rights' <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3066882> accessed 7 May 2022

³¹ *Ibid*

³² *Ibid*

³³ *Ibid*

³⁴ *Ibid*

³⁵ *Ibid*

³⁶ *Ibid*

³⁷ *Ibid*

³⁸ *Ibid*

³⁹ *Ibid*

⁴⁰ *Ibid*

Chapter 3

ILO standard and COVID 19

3.1 General Guidelines

All human rights, including the right to work, were secured by the Universal Declaration of Human Rights.⁴¹ People and employment are protected under the International Covenant on Economic, Social, and Cultural Rights, which includes labor rights, minimum salaries, paid sick leave, and workplace health and safety, quality housing which is the essential part of the prevention and preparedness strategy.⁴² International Covenant on Civil and Political Rights also support the fundamental rights according to laws, conventions, regulations and customs.⁴³ They guarantees decent workplace and insure to access water, housing and good environment.⁴⁴ Insure women's equal access, equal opportunities, health, food, employment and all other human rights and fundamental freedoms.⁴⁵ It confirms all the area where woman are denied equality with man.⁴⁶ Article 11 of Convention of the Elimination of All forms describes the equal remuneration, benefits, job security, sickness unemployment, right to paid leave, pregnancy and maternity leave in appropriate measures.

In pandemic health care system, health inequities, right to access information, negligence to protect COVID 19 infection were not following the principles of the International Human Rights Laws. On controlling the virus, people must stopped moving or stayed at home for saving lives where factory ran against that. The pandemic affected all the rights of the workers in RMG sector describes in this paper the workers interest may not be given properly that we found the factual part in this paper.

⁴¹ Article 23 of International Covenant on Civil and Political Rights 1966

⁴² *Ibid*

⁴³ *Ibid*

⁴⁴ *Ibid*

⁴⁵ Article 45 of The Convention on the Elimination of all Forms of Discrimination Against Woman , 18 December ,1979

⁴⁶ *Ibid*

3.2 Specialize guidelines

In pandemic it should include immediate social protection and employment measures. The economic downturn, minimum wage protects workers in vulnerable situation and reduced poverty for economic stability.⁴⁷ The ILO policy framework has four pillars.⁴⁸ It gives an integrated menu of interventions-stimulating employment, support enterprise job & incomes depend on social dialogue for solution, protect the workers in workplace.⁴⁹ All workers need to keep informed, consulted and aware about the impact on their own terms protection in pandemic.

A worker should be entitled to a severance stipend, unemployment insurance benefits, and compensation under the Employment Termination Convention 1982.⁵⁰ Government should take unemployment benefit to worker or the temporary suspension workers for facing loss.⁵¹

In pandemic wages must be paid regularly according to the Protection of Wages Convention, 1949.⁵² The employer has provided reasonably practicable, adequate clothing, protective equipment protective measures for minimizing occupational risk as the Occupational Safety and Health Convention, 1981.⁵³ They are responsible to provide information and appropriate training on OHS and consulting workers, deal emergencies measures. COVID 19 infection could be deemed a work or employment injury according to the Employment Injury Benefits Convention, 1964.⁵⁴ Workers and family should be entitling to health care, cash benefit or compensation. Workers who contract COVID 19 should be entitle to be paid sick leave and sickness benefit and compensation.⁵⁵

⁴⁷ Alex Zender "International labour standards provide a tried-and-trusted foundation for policy responses that focus on a recovery that is sustainable and equitable" 29 May 2020 <
https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/genericdocument/wcms_739937.pdf> accessed 7 May 2022

⁴⁸ *Ibid*

⁴⁹ *Ibid*

⁵⁰ Employment Termination Convention 1982

⁵¹ *Ibid*

⁵² Art 6 of The Protection of Wages Convention, 1949

⁵³ Article 9 of The Occupational Safety and Health Convention, 1981

⁵⁴ Article 17 of The Employment Injury Benefits Convention, 1964

⁵⁵ *Ibid*

They provided some guidelines of universal washing hand, maintaining distance and staying home are followed by every person in pandemic.⁵⁶ They published guidance on COVID 19 about building capacity to find, isolate, test, safety minor, care for COVID 19 patient in manual make sure to inform decision and to clearly communicate with their citizens.⁵⁷

Workers should continue to have excellent working conditions that are both safe and secure, according to the guidelines. All workers should have access to occupational health services, including mental health, psychosocial assistance, and hygiene.⁵⁸

They discussed about- the ways to prevent the spread 19 in workplace, organizing meeting & events to manage COVID 19, consider the workers travel, ready workplace in case COVID 19, contaminate on surfaces touched by employees and customers, put hand rub dispensers in prominent, cover the face with the tissue if they cough or sneeze, places and refilled, make good hygiene, communicate the message about people need no stay home in emergency time, display posters with the message in workplace, communicate with local health authorities have a plan for safety transferred.⁵⁹ There had isolated room for ill person, promote regular teleworking organization keep operating the safety, medication support depend on the mild symptoms, isolated worker depend on their fever after the travel.⁶⁰

I cannot find any individual sector which followed those instructions or guidelines properly. At first time some factories tried to maintain some rules but they did not continue this. It must be provided report to the organization about the implementation but here we also see about their negligent. So, employment contract also disregards at international platform.

⁵⁶ 'Technical Guidance' (*Who.int*, 2022) <<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance>> accessed 8 May 2022

⁵⁷ *Ibid*

⁵⁸ *Ibid*

⁵⁹ *Ibid*

⁶⁰ *Ibid*

Chapter 4

Contractual protection of RMG workers in Bangladesh during pandemic

In Covid outbreak the immediate impact of the factories closed for the Government declared holidays. Despite the stoppage, some factories in the Gazipur area continued to operate.⁶¹ Moreover it has been worked some produces personal protective equipment with engage workers.⁶² It was not common to leave the place for workers during Covid. Many workers travelled several times from village to workplace which often difficult with considerable risk against regulation of Covid (Police harassment, additional financial burden) for the unregulated decisions of garments administration.⁶³ For these several reasons (due age, seek a new employer retrenchment) some workers changed factories.⁶⁴ The most severe loss of working days in the garment industry occurred in April 2020, followed by around 47 days in June 2020.⁶⁵

4.1 Working hours and leave:

After reading Bangladesh Labour Law, 2006 adult workers allowed to work not more than eight hours. In extra allowance for overtime it is not exceeding ten hours a day. In weekly count it is not exceeding 56 hours on average.

⁶¹ Dhaka Tribune. 2022. *Report: RMG workers lost \$500m in wages during the pandemic*. [online] Available at: <<https://archive.dhakatribune.com/business/2021/04/29/report-rmg-workers-had-35-pay-cut-deprived-of-502m-in-wages-during-the-pandemic>> [Accessed 2 April 2022].

⁶² *Ibid*

⁶³ *Ibid*

⁶⁴ *Ibid*

⁶⁵ *Ibid*

The Covid epidemic had a direct impact on RMG personnel' working hours, extra hours, rest breaks, and night duty.⁶⁶ In mostly RMG workers worked at least 8 hours per workday without overtime in any level of factory.⁶⁷ 83% workers conducted overtime during pandemic. Due to Covid 19 for cancellation from buyers it made burden to selective workers on work load in the factory.⁶⁸ The BLA permit 2 hours overtime each day but most workers work overtime exceed the legal limit. Some factories reduced the overtime on average ten days in every month.⁶⁹ Excluding launch break there had nothing to see about rest period in RMG sector (approximately survey on nine in every ten workers).⁷⁰ This rest period was also in short during pandemic.

The frequency of night duty had decreased for some workers.⁷¹ But for fulfilling the order/pick time / urgent shipment some factories allowed night duty.⁷² A proportion of woman worker worked after 10.00 in night duty which is not permitted by BLA, 2006. Without written consent it is prohibited for female workers in period (22.00- 6.00). As like regular activities, the consent did not follow in pandemic also. The right of refuse night duty also denied in most cases in pandemic.⁷³ They created pressure to give up the sessions.⁷⁴

The business has set any form of schedule for the sector to run on. In crisis time they did not continue run the factory in regular way for break down the chain and raise a question about loss. For reason they tried to overcome on any way that they thought in implement. That process may violate the employment contract where it was not show up for their regular practice of unemployment contract activities.

⁶⁶ *Ibid*

⁶⁷ *Ibid*

⁶⁸ *Ibid*

⁶⁹ *Ibid*

⁷⁰ *Ibid*

⁷¹ *Ibid*

⁷² *Ibid*

⁷³ *Ibid*

⁷⁴ *Ibid*

4.2 Retrenchment of workers

First of all in most cases RMG workers are the permanent workers. It is mandatory to provide appointment letters to workers before joining according to Sec 5 of the BLA, 2006. In normal situation one third cases worker receive the letter then it was non practicable to continue this employment situation.⁷⁵ Reopen the garments the employer received the worker in non-contractual way.

Retrenched the workers was another immediate impact during pandemic. Almost every company retrenched workers in that time.⁷⁶ Several diverse factors considered for retrenchment- gender, age of the workers, and length of service.⁷⁷ Male workers of not over 5 years of service length, pregnant, 30 years old are mostly retrenched.⁷⁸ Those workers were not eligible for gratuity, service benefit in pandemic.⁷⁹

Retrenchment occurred in first three months in 73% lost their jobs gradually in following lowest rate.⁸⁰ The reasons for retrenchment are Covid related shipment cancellation, work order cancellations, closure the factory.⁸¹

Most of the employers retrenched the workers with informal procedures. They did not serve a prior notice, not informed any worker in writing (only 17% workers received written information that also been in shorter than five days).⁸² There had been no study on layoffs, dismissals or pay cut the staff. Even department did not have any specific data on the retrenchment where workers could not say any comment on that issue.⁸³

Yet there is no security of unemployment insurance or job security for RMG workers. This is the responsibility of RMG sector to insure their safety. No measures had been taken to safeguard the workers. This was the alarming situation for the industry for losing job amount of 10.5

⁷⁵ *Ibid*

⁷⁶ *Ibid*

⁷⁷ *Ibid*

⁷⁸ *Ibid*

⁷⁹ *Ibid*

⁸⁰ *Ibid*

⁸¹ *Ibid*

⁸² *Ibid*

⁸³ *Ibid*

million.⁸⁴ The independent labour rights group reported that also this amount about a million Bangladeshi workers was laid off in one week during the middle range of pandemic.⁸⁵

In the course of employment, a worker may be retrenched with conditions: the employer must give one month notice with reasons, and a copy of the notice must be sent to the inspector or officer.⁸⁶ It has received compensation, wages, or gratuity, whichever is larger, or shall receive fifteen days' earnings with compensation.⁸⁷ It is just an act to show up for a factory where it does not follow in normal time then it was unpredictable to follow in pandemic for a factory.

In termination it has also some manners-minimum thirty days of notice with compensation, gratuity in addition to any other benefits⁸⁸. In pandemic it had terminated without following this. The workers faced an oral termination without showing any cause which directly violates the employment contract. Some factories produced a list of termination on checking board and did not contact with any worker for clarifying the reason.

According to the Labour Act it must reemployed the workers within one year from the retrenched. They give notice and same priority on basis of past services.⁸⁹ Here this paper had not found any that kind of contract maintained by authority. Some important post covered by reemployment without following the conditions. They used the weakness of employer on unemployment situation and even could not continue the past priority.

⁸⁴ Hasan M, 'IMPACT OF COVID-19 PANDEMIC ON READYMADE GARMENTS (RMG) INDUSTRY OF BANGLADESH' (2022) 5 INTERNATIONAL JOURNAL OF MANAGEMENT
<https://www.researchgate.net/profile/Md-Sharif-Hassan/publication/344271343_Impact_of_COVID-19_Pandemic_on_Readymade_Garments_RMG_Industry_of_Bangladesh_Cite_this_Article/links/5f623f014585154dbbd72b36/Impact-of-COVID-19-Pandemic-on-Readymade-Garments-RMG-Industry-of-Bangladesh-Cite-this-Article.pdf> accessed 7 May 2022

⁸⁵ *Ibid*

⁸⁶ *Ibid*

⁸⁷ Bangladesh Labour Act, 2006 s 20

⁸⁸ *Ibid*, s 26

⁸⁹ *Ibid*, s 20

An interview worked in some garments sector for 10 years as senior operator. After 39 days of reopen the factory 5th May 2020 in rejoin 2nd June informed about the retrenched. She got her wages for neither one month late nor any other benefits.⁹⁰

Rather than in first wave overtime imposed increasingly also in second wave where reduction wheel ran oppositely. This industry just used their workers as their needed and reduced their pressure on supply market or ran with extreme benefit.⁹¹

4.3 Health, Hygiene and Safety

Fear of economy and feed the families were the main reasons to go back to the factories for workers during pandemic. The threat about health and hygiene – but wages were not paid if the factories remain closed is the effective argument on that time.⁹² Uneducated and unconcern people were made burden to follow the health, hygiene issue of the COVID 19.

In reopen of 26th April they had direction to follow government guidelines and their own health instructions.⁹³ Some corporations supplied hand washing facilities at their factories before shutting down and briefed plant doctors on employee hygiene and awareness training.⁹⁴ In observation it was difficult to ensure putting this training in practice when they returned to their communities.

⁹⁰ Hossain, J., 2021. HE IMPACT OF COVID PANDEMIC ON THE GARMENT WORKERS IN BANGLADESH. 05(10), p.77.

⁹¹ New Age | The Most Popular Outspoken English Daily in Bangladesh. 2022. *70pc retrenched RMG workers still remain jobless: survey*. [online] Available at: <<https://www.newagebd.net/article/147850/70pc-retrenched-rmg-workers-still-remain-jobless-survey>> [Accessed 2 April 2022].

⁹² 2020. COVID-19: Impact on ready-made garment workers in Bangladesh. [online] 10, p.19. Available at: <https://www.unicef.org/bangladesh/media/3926/file/%20UNICEF_COVID%20and%20Banladesh%20garment%20workers.pdf%20.pdf> [Accessed 27 March 2022].

⁹³ *Ibid*

⁹⁴ *Ibid*

An additional pressure of that sector to supply protective equipment (PPE) to the health sector.⁹⁵ At the same time factories expected to provide PPE for own workers. Some handful factories had sufficient PPE for own workers as need.⁹⁶ The provision of PPE for health professionals in medicine centers was a more essential necessity noted by the management..⁹⁷ When PPE was available, it was frequently not reusable and of poor quality.⁹⁸

In hygiene practice physical distancing was difficult. Some factories divided in two shift system for met the requirements.⁹⁹ Some firms have changed their seating arrangements so that operators sit back to back rather than face to face.¹⁰⁰ RMG staff found it difficult to maintain the recommended physical distance of 2 meters.¹⁰¹ Their living arrangements are equally congested and constrained in their communities.

Many skilled woman workers became scared about their safety on pandemic as like the workplace childcare facilities.¹⁰² A machine operator breastfeeding her child concern about her diet quality had dropped and feels insecure during pandemic. She used to receive milk, eggs and bring her child the workplace. She said that she found not being able to interact with other workers is stressful.¹⁰³ Some factories suggested the support pregnant women to improve their nutrition level in that time.¹⁰⁴ They also arranged the immediate needs of mothers, health checkups, and awareness in digital platforms.¹⁰⁵

It was working combined with local and international non-governmental organizations (NGOS) for awareness raise programmers on basic hygiene.¹⁰⁶ Good practice on occupational safety and health offer workers to return workplace with safeguard. The limit exposure of COVID 19, assessment of likely risks was needed and followed by the instructions of appropriate controls.¹⁰⁷

⁹⁵ *Ibid*

⁹⁶ *Ibid*

⁹⁷ *Ibid*

⁹⁸ *Ibid*

⁹⁹ *Ibid*

¹⁰⁰ *Ibid*

¹⁰¹ *Ibid*

¹⁰² *Ibid*

¹⁰³ *Ibid*

¹⁰⁴ *Ibid*

¹⁰⁵ *Ibid*

¹⁰⁶ *Ibid*

¹⁰⁷ *Ibid*

Where the risk could not be eliminated then it should be minimize the virus exposure.¹⁰⁸ Some factories called for additional support to local councilors, district administrators, make campaign led by different stakeholders.¹⁰⁹ They sometimes engaged with community's leaders to familiarize RMG workers with welfare programmers delivered by locally elected workers.¹¹⁰ The factories also took holistic approach for preventing and raising awareness of pandemic situation gave advice to follow that in both home and workplace.¹¹¹ Although it was more difficult to ensure full protection in society that does not mean the effort should not be made.

So most of the companies had not raised the proper instruction of OHS guidelines.¹¹² They just showed off the regulations to be followed but not took the reasonable step to maintain the safety of COVID-19 protocol. They ran the factories in regular basis on the time of high infection situation of Bangladesh. Here government or the director body had not provided any direction to follow the instruction strictly or mandatory. The workers just had threat to face the risk on that time unconditionally.

4.4 Wages and compensation

Workers at RMG received a total of 10500 crores from the government to pay their monthly wages, putting the jobs of 4 million people in jeopardy.¹¹³ But in report workers received 29% less wages than the regular time.¹¹⁴ Even the report estimated that 147000 workers had not received any wages in March 2020.¹¹⁵ Economist scholars had raised question about the

¹⁰⁸ *Ibid*

¹⁰⁹ Antora I, 'RMG Wages And Employment And Role Of Trade Unions' (2022) 5 Brac Institute of Governance and Development <<https://bigd.bracu.ac.bd/wp-content/uploads/2020/08/Phase-VI-COVID-19-CRISIS-IMPACT-ON-RMG-WAGES-AND-EMPLOYMENT-AND-ROLE-OF-TRADE-UNIONS-%E2%80%93-MEDIA-TRACKING-REPORT.pdf>> accessed 7 May 2022

¹¹⁰ *Ibid*

¹¹¹ *Ibid*

¹¹² *Ibid*

¹¹³ *Ibid*

¹¹⁴ *Ibid*

¹¹⁵ *Ibid*

implementation of loan from the Government in pandemic. Demonstration of due wages featured continuously on daily news¹¹⁶

In July RMG workers demanded full wages with Eid bonus by strike where it announced to provide 15 days salary in regular month¹¹⁷. Most of the companies had cut the worker salary.¹¹⁸ By regularize the salary workers might be worked with very enthusiasm. Company shared 1-2% profit with the workers during this period¹¹⁹

In August the industry had paid \$35 million non-productive wages in one month during lockdown period. Government provided them many packages but everyone did not receive the benefits. RMG workers perform work on \$30.61 billion every year to the factory owners where the factory owners did not stand beside them in critical crisis period¹²⁰. Workers with extremely

¹¹⁶ *Ibid*

¹¹⁷ The Business Standard. 2022. *Garment workers protest and block highway in Gazipur*. [online] Available at: <<https://www.tbsnews.net/economy/rmg/garment-workers-protest-and-block-highway-gazipur-111391>> [Accessed 2 April 2022].

¹¹⁸ *Ibid*

¹¹⁹ Nrgis N, 'IMPACT OF COVID-19 PANDEMIC ON READYMADE GARMENTS (RMG) INDUSTRY OF BANGLADESH' [2022] INTERNATIONAL JOURNAL OF MANAGEMENT <https://www.researchgate.net/profile/Md-Sharif-Hassan/publication/344271343_Impact_of_COVID-19_Pandemic_on_Readymade_Garments_RMG_Industry_of_Bangladesh_Cite_this_Article/links/5f623f014585154dbbd72b36/Impact-of-COVID-19-Pandemic-on-Readymade-Garments-RMG-Industry-of-Bangladesh-Cite-this-Article.pdf> accessed 7 May 2022

¹²⁰ Dhaka Tribune. 2022. *Report: RMG workers lost \$500m in wages during the pandemic*. [online] Available at: <<https://archive.dhakatribune.com/business/2021/04/29/report-rmg-workers-had-35-pay-cut-deprived-of-502m-in-wages-during-the-pandemic>> [Accessed 2 April 2022].

low earnings had no resources to pay expenses while waiting for the factories to reopen.¹²¹ This had negative consequences for human rights such as food, health, housing, and even life

14 percent of employees were not paid on time or received overtime pay.¹²² In survey two third of the workers did not receive salaries or due in the time of pandemic.¹²³ The majority waited more than 15 days, and some even more than 60 days, to collect their dues.¹²⁴ Only 6% retrench workers received service benefit which was not also been 100%.¹²⁵ Here employees should be informed in advance and paid at least one month salary.

In reopen of 2 days, April 26 -60 workers from 37 factories tested positive in COVID-19.¹²⁶ About 52% of effected positive in immediate time of reopen.¹²⁷ The information also did not publish in proper manner.¹²⁸ This could be hiding from the industry or unconsciousness. The quarantine also been neglected. Those profit hacked by the industry through violate employment contract in compensation.¹²⁹

Because of the increased number of new infections and deaths reported in the media, RMG employees returned to work fearful of COVID 19. The industry did not take any kind of measures or provide compensation to the infected workers rather they focused on the issue of run the factory. Some factories provided their regular wages in recent month but most of them did not take any step about the employment compensation on that matter.¹³⁰ In long term impact of COVID 19 many managers thought about squeeze business, reduce regular work wages for employees and deplete the workplace. This made the reduction in worker capacity to contribute higher level of unemployment.

¹²¹ *ibid*

¹²² *ibid*

¹²³ *ibid*

¹²⁴ *ibid*

¹²⁵ *ibid*

¹²⁶ *ibid*

¹²⁷ *ibid*

¹²⁸ *ibid*

¹²⁹ *ibid*

¹³⁰ *ibid*

So far the RMG sector had not performed in regular way on pandemic. Even they did not include the infected or death workers in their record book.¹³¹ Bangladesh Government did not provide any rules to follow about the compensation of Covid death workers. This sector did not cover any kind of compensation describes in the occupational decease of our Labour Law and Rules. In sick benefit of a worker it must be paid compensation at the rate of thirty days wages, six months of gratuity or any other benefit that he retired from service.¹³² Here it also attached insurance issue scheme. I cannot find any kind of sick benefit provides by any factories in pandemic which also affected the life security issue of this sector. They just ran the machines not the factories where disorder performance had shown in every sector. Wages and compensation are the steams of any workers to work in this time but they also played the negative role in this issue.

Guidelines from Government in pandemic-it were the number one priority to protect the health of a worker.¹³³ The management should make sure a safer, healthier and more productive workplace.¹³⁴ On correct information they could do prevent the spread of COVID 19 at workplace, home and community.¹³⁵ They must organized meeting with staff for brief about pandemic, virtual meeting about social distancing, having the occupational health and safety officer to offered guidelines to workers, putting the signs and poster to promote good practices of personal protection.¹³⁶ Information should communicate between the management and the workers in factory.¹³⁷ Surfaces in the factory should be disinfected on regular basis. Sanitize hand rub dispensers must be available in factory and provide facemasks in mandatory.¹³⁸ It should be count the time at home of sick leave which was important to make sure about the infection and avoid the infecting coworkers.¹³⁹ In reduced working hours or terminated employment they should try to make little harm as possible to those workers.¹⁴⁰ The factories

¹³¹ *ibid*

¹³² N-77,s 19

¹³³ (Ilo.org, 2022) <https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/briefingnote/wcms_741642.pdf> accessed 8 May 2022

¹³⁴ *ibid*

¹³⁵ *ibid*

¹³⁶ *ibid*

¹³⁷ *ibid*

¹³⁸ *ibid*

¹³⁹ *ibid*

¹⁴⁰ *ibid*

should updated COVID 19 situation, own plans to the authority.¹⁴¹ Factory got in touch with local garments association and gives advices.¹⁴²

Those guidelines were not properly maintained by any factory. In first flow some factories tried to maintain some rules- as personal protection, distancing, advertising but most of the factories were not continuing the guidelines provided by the government. Government might not also take reasonable action for this violation from own side¹⁴³

¹⁴¹ *ibid*

¹⁴² *ibid*

¹⁴³ *ibid*

Chapter 5

Conclusion

5.1 Findings

The pandemic affected all the rights of the workers in RMG sectors. There was no job security for RMG workers in Bangladesh that also effected on workers during pandemic very badly. In pandemic the factories putted extra working pressure on the workers. They retrenched the workers without following any procedures. The guidelines about health, Hygiene and safety were not followed by this sector which was most important issue at that time in whole world. They did not provide full wages and compensation in pandemic which are mostly frustrating. If this sector were controlled by employment contract in pre pandemic then it was not that much violating at pandemic. After some crisis of RMG sector it was more careful about the workers' rights but again it played a devastate role in pandemic. So I shall work from the basic criteria in this sector. The workers' rights will be practice from the first date of join the factory.

This industry just used their workers as their needed to run the factories by violating that contract. Covid guidelines were not followed by any factories which raise a big question in International platform during pandemic. The government of Bangladesh might not also take reasonable action for this violation rather they put pressure on Government for admitting their conditions. This paper work on working hours, health, hygiene, wages, compensation are totally disagree with the contractual protection of a worker. The guidelines provided from the International Law were not followed by this sector even they were not concern about the implementation. The report submission about law implementation to the International Organization was also neglected by this sector. The legal actions about violation were not possible for the unemployment and unconcern workers. The trade union was also corrupted in our country. So there was no one to say about the rights of a worker. Where Covid 19 was the biggest crisis to control for our over populated country, RMG sectors activities played risky role on that time against pandemic. In one word employment contract did not protect the RMG workers in Bangladesh.

5.2 Recommendation

First of all employment contract does not properly followed by any RMG sector of Bangladesh in any time. In pandemic it had to deal with different stages- one side deal the pandemic and another deal the contractual protection of the workers. It might fix a minimum working hours for the workers and paid a minimum wages during pandemic. In Covid crisis it might suspend the workers for few days but it does not mean to retrench any workers. Where it did not possible to secure full OHS sector in a factory but it must imposed to maintain the academic guidelines for Garments. It must provide at least injury compensation to the infected workers. At normal situation Government or authority does not reported in time to International Organization but in pandemic it must be maintain properly. They must be included all the International Laws and rules in the national guidelines and maintain appropriately. Government should make a committee for looking after the implementation of their guidelines in this sector. It must be improve the implementation system in this sector. Workers should be more concern about their rights and action policy. The trade union has to maintain without corruption and responsibility about the competency. It has more protective way to implement the rights through the movement. The employer and employee must be worked with coordinating method during pandemic. In granted permission of reopen the garments Government should provide strict rules about pandemic or employment contract to them.

5.3 Conclusion

How far the employment contract was protecting the RMG workers during pandemic? This paper found the answer is no. The contractual protection was mostly violated in RMG sector during pandemic-that is one of the important topic in Bangladesh discuss in this paper. Government should provide strict rules and regulation for protecting the employment contract during pandemic. The implementation system will be more codified and follow the international platforms. In pandemic the employment contract does not protect the workers and there had no

return of that infraction. We must improve the contractual and implementation system for saving our biggest financial sector in Bangladesh.

Bibliography

Legislations:

1. The Convention on the Elimination of all Forms of Discrimination Against Woman New York, 1979
2. International Human Rights Laws
3. ILO Convention
4. Employment Convention, 1982
5. Protection of Wages Convention, 1949
6. Occupational Safety and Health Convention, 1981
7. Employment Injury Benefits Convention, 1964
8. Bangladesh labour law, 2006
9. Labour Policy, 2018
10. Labour Rules, 2015
11. Labour Act, 2006
12. International Covenant on Civil and Political Rights 1966

Journal And Articles

1. Garments Merchandising. 2022. *Readymade Garments Industry of Bangladesh | RMG Sector*. [online] Available at: N-<https://garmentsmerchandising.com/readymade-garments-industry-of-bangladesh/> [Accessed 19 March 2022].
2. kabir, H., 2022. The impact of COVID-19 on Bangladeshi readymade garment (RMG) workers. *J Public Health (Oxf)*. 2020 Jul 31, [online] 05(15), p.07. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7454782/> [Accessed 19 March 2022].
3. Aktar R, 'Impacts Of Covid-19 Pandemic On RMG Sector: A Study Of Bangladesh' [2022] International Journal of Science and Business https://www.researchgate.net/publication/355782438_Impacts_of_Covid-19_Pandemic_on_RMG_Sector_A_Study_of_Bangladesh/link/617d972d3c987366c30947f1/download accessed 7 May 2022
4. Natives, D., 2022. *Reopening garment factories in Bangladesh despite Covid-19 threat – Fair Wear*. [online] Fairwear.org. Available at: <https://www.fairwear.org/covid-19-dossier/fair-wear-staff-share-covid-19-guidance/reopening-garment-factories-in-bangladesh-despite-covid-19-threat/> [Accessed 19 March 2022].
5. Hasan M, 'IMPACT OF COVID-19 PANDEMIC ON READYMADE GARMENTS (RMG) INDUSTRY OF BANGLADESH' (2022) 5 INTERNATIONAL JOURNAL OF MANAGEMENT <https://www.researchgate.net/profile/Md-Sharif->

Hassan/publication/344271343_Impact_of_COVID-19_Pandemic_on_Readymade_Garments_RMG_Industry_of_Bangladesh_Cite_this_Article/links/5f623f014585154dbbd72b36/Impact-of-COVID-19-Pandemic-on-Readymade-Garments-RMG-Industry-of-Bangladesh-Cite-this-Article.pdf> accessed 7 May 2022

6. Antora I, 'RMG Wages And Employment And Role Of Trade Unions' (2022) 5 Brac Institute of Governance and Development <<https://bigd.bracu.ac.bd/wp-content/uploads/2020/08/Phase-VI-COVID-19-CRISIS-IMPACT-ON-RMG-WAGES-AND-EMPLOYMENT-AND-ROLE-OF-TRADE-UNIONS-%E2%80%93-MEDIA-TRACKING-REPORT.pdf>> accessed 7 May 2022
7. Nrgis N, 'IMPACT OF COVID-19 PANDEMIC ON READYMADE GARMENTS (RMG) INDUSTRY OF BANGLADESH' [2022] INTERNATIONAL JOURNAL OF MANAGEMENT <https://www.researchgate.net/profile/Md-Sharif-Hassan/publication/344271343_Impact_of_COVID-19_Pandemic_on_Readymade_Garments_RMG_Industry_of_Bangladesh_Cite_this_Article/links/5f623f014585154dbbd72b36/Impact-of-COVID-19-Pandemic-on-Readymade-Garments-RMG-Industry-of-Bangladesh-Cite-this-Article.pdf> accessed 7 May 2022
8. 'Overview Of Bangladesh Garment Industry' (*Fibre2fashion.com*, 2022) <<https://www.fibre2fashion.com/industry-article/37/overview-of-bangladesh-garment-industry#:~:text=The%20garment%20industry%20of%20Bangladesh,of%20whom%2090%25%20are%20women.>> accessed 9 May 2022
9. Chowdhury A, 'Employee'S Rights At Workplace In Bangladesh' (2022) 5 <<https://juralacuity.com/employees-right-at-workplace-in-bangladesh/#:~:text=The%20daily%20working%20hours%20shall,without%20the%20woman%20worker's%20consent.>> accessed 9 May 2022

Websites

1. 'Bangladesh Garment Workers Suffer As Factories Reopen During Covid-19 Lockdown' (*IndustriALL*, 2022) <<https://www.industrialunion.org/bangladesh-garment-workers-suffer-as-factories-reopen-during-covid-19-lockdown>> accessed 7 May 2022

2. Duan F, 'The Universal Declaration Of Human Rights And The Modern History Of Human Rights' <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3066882> accessed 7 May 2022
3. Alex Zender “International labour standards provide a tried-and-trusted foundation for policy responses that focus on a recovery that is sustainable and equitable” 29 May 2020 <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/genericdocument/wcms_739937.pdf> accessed 7 May 2022
4. Dhaka Tribune. 2022. *Report: RMG workers lost \$500m in wages during the pandemic*. [online] Available at: <<https://archive.dhakatribune.com/business/2021/04/29/report-rmg-workers-had-35-pay-cut-deprived-of-502m-in-wages-during-the-pandemic>> [Accessed 2 April 2022].
5. New Age | The Most Popular Outspoken English Daily in Bangladesh. 2022. *70pc retrenched RMG workers still remain jobless: survey*. [online] Available at: <<https://www.newagebd.net/article/147850/70pc-retrenched-rmg-workers-still-remain-jobless-survey>> [Accessed 2 April 2022].
6. 2020. COVID-19: Impact on ready-made garment workers in Bangladesh. [online] 10, p.19. Available at: <https://www.unicef.org/bangladesh/media/3926/file/%20UNICEF_COVID%20and%20Bangladesh%20garment%20workers.pdf%20.pdf> [Accessed 27 March 2022].
7. The Business Standard. 2022. *Garment workers protest and block highway in Gazipur*. [online] Available at: <<https://www.tbsnews.net/economy/rmg/garment-workers-protest-and-block-highway-gazipur-111391>> [Accessed 2 April 2022].
8. Dhaka Tribune. 2022. *Report: RMG workers lost \$500m in wages during the pandemic*. [online] Available at: <<https://archive.dhakatribune.com/business/2021/04/29/report-rmg-workers-had-35-pay-cut-deprived-of-502m-in-wages-during-the-pandemic>> [Accessed 2 April 2022].
9. (ilo.org, 2022) <https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/briefingnote/wcms_741642.pdf> accessed 8 May 2022
10. 'Covid-19 And Garment Workers - Worker Rights Consortium' (Worker Rights Consortium, 2022) <<https://www.workersrights.org/issues/covid-19/>> accessed 9 May 2022
11. 'Technical Guidance' (Who.int, 2022)

<<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance>> accessed 8 May 2022

Books

1. Hossain, J., 2021. HE IMPACT OF COVID PANDEMIC ON THE GARMENT WORKERS IN BANGLADESH. 05(10), p.77.

Newspaper

1. Rayhan, 'A Mother's Struggle For Her Rights during a Pandemic' *The Daily Prothom Alo* (Dhaka, 2 May 2020)

