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Compliance of Occupational Safety and Health Laws in the Ready-Made Garment Factories of Chattogram: A Critical Study through Work from Home

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Abstract

The Readymade Garment (RMG) Industry of Bangladesh has very significant contributions to the country's economic development in terms of foreign earnings, employment opportunities, women empowerment and bringing social change. Bangladesh is the second-largest apparel manufacturer and exporter after China. But unfortunately, over the past decade, the RMG sector of Bangladesh has witnessed a number of industrial accidents that claimed the lives of hundreds of workers. Occupational Safety and Health has become the burning issue especially after the Rana Plaza catastrophe and fire accidents in Tazreen Fashions. These disasters received global attention and have brought the perennial challenge of worker safety into the spotlight once again. In Bangladesh, there are about 4500 ready-made garment factories and more than 4.2 million people depend on this sector for their livelihood. Chattogram is the port city of Bangladesh where more than 1200 factories are situated. This paper endeavours to analyze the laws regarding Occupational Safety and Health and to investigate the status of compliance of the laws in the garment factories of Chattogram. The study will then come up with some policy options for effective implementation of the laws in the practical field. It is hoped that this study will be highly beneficial to the garments workers if the recommendations are observed and materialized in due course.

Keywords: Occupational Safety, RMG sector, Bangladesh, Compliance, Legal Framework

Introduction

Background of the Study

In recent years, globalization of the world's economies and its repercussions has been perceived as the greatest force for change in the world of work (Alli, 2008). Safe and decent working environment has become the central issue in this globalized economy. The economy of Bangladesh is mainly dependent on agriculture. But the industry that has been making significant contribution in upgrading the country's economy is none other than the Readymade Garment (RMG) Industry which is now the single biggest export earner of foreign

currency. This sector creates about 4.2 million employment opportunities in about 4500 garment factories in Bangladesh (Akhtaruzzaman et al., 2019) and contributes around 83% to the total export earnings (Ovi, 2018).

This industry acts as a catalyst for the development and advancement of the economy of Bangladesh. But unfortunately, over the past decade, the RMG sector of Bangladesh has witnessed a number of industrial accidents that claimed the lives of thousands of workers (Hossain et al., 2022). In 2013, the industry, the country and the world have been shocked by several major industrial accidents in Bangladesh that led to large-scale unrest among thousands of workers resulting in mass protests and distractions of work in hundreds of factories. Safety has become the burning issue especially after the Rana Plaza catastrophe and fire accidents in Tazreen Fashions which has brought the perennial challenge of worker safety into the spotlight once again.

Rana Plaza collapsed on April 24, 2013, due to violation of the building construction and occupancy, resulting in 1132 deaths and more than 2500 injuries (ILO, 2016). Only five months earlier, at least 112 workers had lost their lives in another tragic accident, trapped inside the burning Tazreen Fashions factory on the outskirts of Dhaka. These catastrophes attracted international attention and raised a variety of difficulties affecting millions of employees, employers, brands, and customers throughout the whole supply chain of Bangladesh's RMG industry. Again, it is estimated by the International Labour organization (ILO) that over 11,000 workers suffer fatal accidents, 24,500 dies from work related diseases while 8 million suffers injuries at work each year in Bangladesh (ILO, 2016). Although little research has taken place in Bangladesh, it is internationally recognized that most occupational deaths and injuries are entirely preventable, and could be avoided if employers and workers took simple initiatives to reduce hazards and risks at the workplace. Chattogram is the port city of Bangladesh where more than 1200 readymade garment factories are located. RMG sector of Chattogram plays a vital role in the sustainable economic development of the country. This study aims to analyze the laws regarding safety and health applicable to the garment workers of Bangladesh. It attempts to identify the status of compliance of the laws in the garment factories of Chattogram. Finally, it concludes with some policy options for effective implementation of the laws in the practical field. It is hoped that this study will be highly beneficial to the garments workers if the recommendations are observed and materialized in due course.

Objectives of the Study

According to the latest statistics of the World Trade Organization (WTO), Bangladesh is the second-largest apparel manufacturer and exporter after China and had earned \$35.81 billion in 2021 (Textile Today, 2022). It has a substantial contribution to the country's development process in terms of foreign revenues, employment opportunities, women empowerment and bringing other significant social developments. It has also contributed tremendously through empowering women as almost 90 percent of its labor force is female which ranked the highest in South East Asia.

Despite all of these success and holistic development, there are grey areas which are seldom looked at by the garment owners and policy makers, which very often act as hindrances in the way of economic development of the country. Occupational safety and health issues are

hardly given importance by the employers, policy makers and other stakeholders associated to this industry.

The objectives of the study are as follows:

1. To analyze certain key features of labour laws of Bangladesh regarding occupational safety and health of the workers;
2. To investigate the status of compliance of the existing laws in the readymade garment factories of Chattogram and to suggest some way-outs for effective implantation of the laws.

Legal Framework on Occupational Safety and Health

Like in most developed and developing countries, Bangladesh have a range of instruments to promote and protect workers' rights to OSH including national laws, trade agreements, contractual obligations and codes of conduct. Again, as a member of International Labour Organization (ILO), Bangladesh has an obligation to comply (respect, promote & realize) with the core ILO conventions in its legal framework.

National Legal Settings

The Constitution of Bangladesh

The Constitution of Bangladesh, as the highest law of the country has enunciated-

- socialism and freedom from exploitation (Article 10),
- emancipation of peasants and workers (Article 14),
- public health and morality (Article 18),
- work as a right and duty and a matter of honour (Article 20), as fundamental principles of state policy.

Moreover, the right to Collective Bargaining and Freedom of Association (Article 38), reasonable wages, social security, Freedom of Profession or Occupation (Article 40) and Prohibition of Forced Labour (Article 34) are guaranteed under the constitution.

The Bangladesh Labour Act, 2006

The Bangladesh Labour Act, 2006 (BLA, 2006) is the key labour legislation that sets Occupational Safety and Health standards and compensation for injury and accidents in the workplace. In 2013, significant amendments were made to the BLA, 2006 regarding occupational safety and health, primarily in response to the Rana Plaza collapse. The Bangladesh Labour Rules, 2015 set implementation procedures to corresponding sections of BLA (2006).

Besides, the Fire Prevention and Extinguishing Act (2003) and the Bangladesh National Building Code (2006) have several OSH-related provisions.

Policy Framework

OSH Policy, 2013

In the context of global, ethical and legal obligations to ensure a safe and healthy working environment for all, the National Council for Industrial Health and Safety (established under section 323 of the BLA, 2006), formulated and adopted the National Occupational Safety and Health Policy in 2013, with the understanding that the implementation of such a National Policy would firstly ensure the safety of workers and secondly, help increase industrial productivity. The ultimate goal of the Policy is the nationwide understanding and

acceptance of OSH for all women and men who are working in both the formal and informal sectors of Bangladesh. It is expected that a vigorous national OSH framework will significantly help reduce the number of deaths, injuries and occupation-related diseases, thereby fulfilling the constitutional and legal obligations of the state.

Numerous other policies of the country including National Labour Policy, 2012, National Child Labour Elimination Policy, 2010 and Industrial Policy, 2010 provide guidelines on OSH.

Summary of OSH Provisions

The key provisions regarding OSH under the existing laws may be summed up as follows:

Workplace Environment

The Bangladesh Labour Act, 2006 has a number of provisions for protecting workers from workplace hazards, which include:

- The establishments should be kept clean and free from effluvia arising out of every drain, privy or other nuisance (Section 51);
- Every employer is required to take effective and suitable measures for securing and maintaining adequate ventilation by the circulation of fresh air. The temperature of the work room should be comfortable and shall prevent injury to health (section 52);
- Effective measures shall be taken to prevent accumulation of dust or fumes in the workroom and its inhalation by workers (Section 53);
- No work-room in any establishment shall be overcrowded to an extent injurious to the health of workers. As a guideline, nine and a half cubic meters of space is provided for each single worker in a factory (Section 56);
- It is provided in section 57 of the Act that in every part of the establishment where workers are working or passing, there shall be maintained sufficient and suitable lighting;
- The BLA, 2006 mandates that employers should provide sufficient supply of pure drinking water for workers at a suitable point in the establishment (Section 58 (1)). During hot summers, provision shall be made for cooling potable water for establishments that employ more than 250 workers [Section 58(3)];
- In every establishment there shall be provided sufficient number of separate toilets with adequate light, air and water for male and female workers (Section 59);
- The Act necessitates the availability of sufficient number of clean and hygienic dustbins and spittoons at convenient locations in the workplace (section 60).

Safety

Safety of building and Machinery: The BLA, 2006 clearly states that if a Labour Inspector finds a building, or any part of a building, or its machinery and plant, poses a serious threat to workers, then s/he is duty-bound to issue a written notice to the employer of the establishment. The employer must then seek necessary remediation for the building and act on the notice according to the given deadline. The inspector may prohibit the use of any building, machinery or plant of any establishment if it appears dangerous to human life or safety (section 61);

Fire-fighting requirements: The Act states that every establishment shall be provided with requisite number of firefighting apparatus and fire exits including at least one alternative staircase connecting with every floor. The BLA (Amendment), 2013 requires that in every

establishment, while work is going on, no exit of a room shall be kept locked, and no exit shall be hindered or no barrier shall be put on the way. In every establishment wherein 50 or more workers are employed, employer shall arrange at least once in every six months a fire-fighting drills and shall maintain a record. [Section 62(8)].

Fire and Smoke Detection System: The Bangladesh National Building Code, 2006 requires the installation of automatic fire and smoke detection systems when the size, arrangements and the occupancy of a building become such that a fire itself cannot provide adequate warning to its occupants for their safety. The automatic fire and smoke detection system shall include sort of lien type heat sensitive detectors and optical, ionized or chemical sensitive type and smoke detectors [Section 4(41)].

Fencing of Machinery: The BLA, 2006 states that the machines which are in motion or in use, should be securely fenced by the safeguards of substantial construction (Section 63). Every set of screw, belt, key, or any other revolving shaft or spindle wheel or pinion shall be encased or otherwise effectively guarded so as to prevent danger (section 67).

Floor safety: All floors, stairs, passages and gangways of establishments should be of sound construction and properly maintained and where necessary, to ensure safety steps, stairs, passages and gangways shall be provided with strong handrails. The passages and stairs shall be kept opened for easy movement during continuance of work (Section 72).

Load handling: No person should be engaged in any establishment to lift, carry or move any load so heavy as to be likely to cause him injury (section 74).

Personal Protective equipment: No authority shall employ any worker without providing personal protective apparatus or without ensuring proper uses thereof. A record book shall be maintained by the employer in the prescribed manner. It further states that the workers concerned shall be held responsible if they do not use the safety equipment which has been supplied. To ensure occupational health and safety in the workplace, consciousness as to risk of work of every worker shall be created all workers shall be created through training(section 78A, [BLA (Amendment), 2013].

Electric supply: The Bangladesh Labour Rules (2015) state that electricity supply lines and apparatus in all factories, shall be of sufficient size and strength, and shall be constructed, situated, protected, and maintained in such a manner, so as to prevent the risk of serious bodily harm to the workers (Section 58).

Safety record: Section 90 of the BLA, 2006 makes it compulsory to keep and maintain a safety record book in every establishment and factories, wherein more than 25 workers are employed. Also, as per the Bangladesh Labor Rules 2015, the authorities of all factories are obliged to maintain a register of all accidents and dangerous occurrences that occur in that factory (Rule 73).

Safety Committee: As per section 90A of the BLA, 2006, if fifty or more workers are employed in any establishment, it is mandatory for the employer to form and ensure effective

functioning of a safety committee. Procedures for formation and role of safety committees is specified in Bangladesh Labor Rules, 2015 (Chapter 8 and schedule 4).

Health Services and Medical Care

First-aid box: According to Section 89 of the BLA, 2006 in every establishment there shall be provided sufficient first-aid boxes or cupboards equipped with the contents prescribed by the rules (The Bangladesh labour Rules, 2015). These should be readily accessible to all, during working hours. The number of such boxes or cupboards shall not be less than one for every one hundred and fifty workers.

Sick room and dispensary: According to the Bangladesh Labour Act (2006), in every establishment where three hundred or more workers are ordinarily employed, a sick room with a dispensary, of the prescribed size and containing equipment or similar facilities, shall be provided and managed by a medical practitioner, a medical assistant and nursing staff, as may be prescribed by the Section 77 of the (The Bangladesh labour Rules, 2015).

Health Centre: In any establishment or establishments where 5000 (five thousand) or more workers are employed, the employer of that establishment, shall maintain a permanent Health Centre, in such manner, as may be prescribed by Act and the Rules.

Compensation for Injury: Section 160 of the BLA, 2006 provides that, where a worker serves notice of an accident, the employer shall, within 3 (three) days of service of such notice, ensure the worker is examined at the expense of the employer, by a registered medical practitioner. The worker shall submit himself for such examination. Provided that the accident or illness of the worker is of a grave nature, the employer shall make arrangements for him/her to be examined at the place where the worker is staying;

If a worker is physically injured by an accident arising out of the course of employment, the employer shall be liable to pay the compensation in accordance with the provisions of Chapter XII of BLA, 2006 (Section 150);

If a worker, while in the service of an employer for a continuous period of not less than six months, is affected by an occupational disease peculiar to that employment, the illness shall be deemed to be a workplace injury by accident. Unless the employer proves the contrary, such an accident shall be deemed to have arisen out of the course of his/her employment (Section 150);

As per section 142 of the The Labour Rules, 2015, medical treatment of a worker injured in the workplace has to be performed under the supervision of the employer, and the employer is obligated to bear the expenses related therein.

Maternity Benefit: Every woman worker shall be entitled to maternity benefit from her employer for a period of 8 (eight) weeks preceding the expected date of her delivery and 8 (eight) weeks immediately following the date of her delivery, and her employer shall be bound to give this benefit. Provided that a woman shall not be entitled to such benefit unless she has worked under her employer for a period of not less than six months immediately preceding the date of her delivery [Section 46(1), BLA 2006].

Welfare Measures

Rest room: BLA, 2006 makes it mandatory that the employer shall establish a rest room for the workers (in case of more than 50 workers) with arrangement for drinking water, where they can eat meals brought with them and take rest [section 93 (1), BLA]. Separate rest rooms shall be provided for male and female workers if the number of female workers is more than 25 [Section 93(3), BLA].

Daycare for children: In every establishment, where 40 (forty) or more female workers are ordinarily employed, one or more suitable rooms shall be provided and maintained for the use of their children who are under the age of 6 (six) years (Section 94(1), BLA 2006).

Canteen: The BLA 2006 obliges the establishment of adequate number of canteens where more than one hundred workers are ordinarily employed.

Welfare Officer: In every establishment wherein five hundred or more workers are employed, owner of such establishment shall appoint welfare officer in the manner prescribed by the rules.

Group Insurance: As per section 99 of the BLA, 2006, in any establishment where 100 workers are employed, the employer of the establishment shall introduce group insurance for all workers. It is also provided that recovery of any insurance claim due to the death of worker shall be the responsibility of the employer and the claim shall be resolved by the joint initiatives of the insurance company and employer within 120 days of the raising of claim.

Labour Inspection and Training

Inspection: According to section 319 of the BLA, 2006, it is the responsibility of the Chief inspector or other inspectors (within the area of their jurisdiction) to make such inquiry as may be necessary to ascertain whether the provision of the Act or the rules, regulations and orders are complied with in the establishments.

Awareness building training: According to the rule 351 of Bangladesh Labor Rules, 2015, one of the key responsibilities of the labor inspector is to conduct training and workshop to raise the knowledge of workers, members of trade unions and employers regarding workers' rights under national labour laws and international obligations.

International Labour Standards

The International Labour standards formulated by the ILO are primarily tools for governments which are seeking to draft and implement labour law and social policy in conformity with internationally accepted standards. They serve as targets for harmonizing national law and practice in a particular field. There are 190 Conventions of ILO to date. Among them 11 Conventions are considered as the fundamental Conventions. These Conventions are considered as fundamental because they are binding upon every Member State of ILO irrespective of the ratification.

The ILO Governing Body had initially identified eight "fundamental" Conventions, covering subjects that were considered to be fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the

elimination of discrimination in respect of employment and occupation. Following the adoption of the Protocol of 2014 to the Forced Labour Convention, 1930, a ninth ILO instrument was then considered as "fundamental". At the 110th Session of the International Labour Conference in June 2022, it adopted a resolution by which the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) are now considered as fundamental Conventions within the meaning of the 1998 Declaration, as amended in 2022 (ILO, 2022). The aim of the policy of the convention C155 is to prevent occupational accidents and injury to health, and illnesses by identification and minimizing the causes of hazards in the working environment. The aim of the convention C161 is to establish and maintain a safe and healthy working environment which will facilitate optimal physical and mental health in relation to work.

Bangladesh has been an important and active member of International Labour Organization (ILO) since 22 June, 1972. As a member of the ILO, Bangladesh has an obligation Bangladesh has an obligation to comply (respect, promote & realize) with the core ILO conventions in its legal framework. Bangladesh has ratified 33 ILO conventions to date. It has ratified 9 core conventions and has not yet ratified the two conventions regarding Occupational Safety and Health (No. 155 & No.187). Combined motivation and effort of the policy makers, employers and workers, is required for the ratification of these OSH conventions.

Literature Review

In recent years there has been a number of studies on various aspects of occupational safety and health issues, such as Occupational Safety and Health in Perspective of Disaster Management Approach (Galib et al., 2019), Occupational Safety and Health Practices after Rana Plaza Incident (Sharif et al., 2015), Safety Awareness and Health Hazards in the RMG Sector (Talapatra and Rahman, 2016), Workplace Safety in RMG Sector after 3 Years of Rana Plaza Collapse (Barua and Ansari, 2016), Health and Safety Situations of Garment Workers in Developing Countries (Shakil, 2017), Compliance of Safety, Health and Welfare in RMG Sector (Rashid et al., 2013), System Capacity to meet Occupational Health and Safety Needs (Akhter et al, 2019), Occupational Health and Safety Management in RMG Sector (Samaddar, 2016), Health Hazards of RMG Workers (Ahmed et al., 2020) Industrial Safety (Ahmed and Hossain, 2009), Health and Occupational safety for Female Workforce (Akhter et al, 2010), etc.

Ahmed (2020) attempted to examine the practice of health and safety provisions, to locate out the causes of health and safety hazards and to assess the possibility of reduction of the hazards. Samaddar (2016) tried to identify the occupational health and safety factors which have an impact on workers performance as well as factories efficiency. Galib (2019) tried to find out the overall status of occupational health and safety status in RMG of Bangladesh and to evaluate the linkage between Occupational Safety and Health and Disaster Management. He also reviewed progress and achievement of the initiatives to reduce vulnerability in the Bangladesh RMG industry within 3 years after the deadly accident.

Akhter (2019) explored the contextual factors and system challenges that create barriers for ensuring a healthy and safe workplace in the ready-made garment industry. Rashid (2013) focused on the safety management in the RMG industry, whereas Talapatra (2016) emphasized on the cause of health hazards in the garments sector.

Hossain et al (2020); Sharif (2015) attempted to verify the progress and implementation level of different initiatives taken by Bangladesh Government and the international buyers and retailers of RMG specifically in the field of occupational health and safety such as factory work environment, workers' health, safety and welfare situation as well as occupational health and safety management systems and training, after the horrible incident of Rana Plaza.

Afrin (2014) seeks to analyze the labour condition for workers in the apparel industry of Bangladesh by providing an analysis of the current state of labour condition in the RMG industry on the basis of nine indicators that are selected based on ILO core labour standards. The study went through the extensive analysis of implementation of the Bangladesh Labour Act, 2006 and concluded that though some of the labour rights issues like child labour, wages and working hour have improved significantly in Bangladesh, the other issues like health and safety, gender discrimination, compensation and benefits need careful attention in order to sustain in a very competitive global apparel market.

Ferdous (2014) attempts to analyze the status of compliance regarding security and safety net of the garment's workers in Bangladesh in line with national and international legal framework and investigate the main loopholes of the present labour law of Bangladesh. Hossain, Sarker and Afroze (2012) explore the reasons of labour unrest in the RMG sector in their study.

Mariani and Valenti (2013) in their study analyzed how two factors, (compliance and social dialogue) impact on the working conditions. They provided recommendations to improve the working conditions and to distribute the benefits among workers, employers and government, guaranteeing the sectorial long-term expansion and the significant benefits for global buyers.

Many researchers have investigated the working conditions in the Bangladesh garments industry (Hossain et al., 2022). According to their study, working conditions in the RMG sector are below standard and do not meet the ILO standards. Labour standards and rights are commonly ignored in the RMG factories in Bangladesh. Work areas are often over crowded with limited workspaces, causing occupational hazards such as musculoskeletal disorders and contagious diseases. Injuries, fatalities, disablement and death from fire and building collapses are frequent in the RMG sector. The absence of labour standards monitoring system and ineffective building codes, poor enforcement and outdated labour laws, and a lack of awareness of labour rights among workers are the major problems in this sector.

Several authors have analyzed various aspects of the garment industry. The problems regarding workplace safety (Barua and Ansari, 2016) and causes of health hazards (Ahmed, 2020), health and safety management (Galib, 2019) in the garments sector have received the greatest attention but few has attempted to analyze the existing legal framework on OSH, the current state of the compliance of OSH laws specially in the port city Chattogram are not addressed. This study is an attempt to fulfill the gap. The study will focus on the domestic laws and policies on OSH and will investigate the present then status of implementation of the laws in Chattogram. It will come up with some recommendations for effective implementation of the laws in the practical field to ensure a safe and healthy working environment.

Research Methodology

Sample Size

As a methodology, this study employed qualitative approach because of the nature of the problem with a view to achieving the best outcome of the research. Data was collected from a total of 224 workers from 14 factories located in different places of Chattogram.

Survey Instrument

For this research, Focus Group Discussion (FGD) and interview has been employed. Both primary and secondary sources have been used in this study. FGD was conducted on one group of samples having eight members. Semi-structured Interview and FGD were conducted on the general workers of the garment factories to ascertain the practices of occupational health and safety in their respective workplace. Semi-structured Interviews were also conducted with employers, trade union leaders, government officials and labour law experts.

Data Collection Procedure

Primary data was collected from different garments factories of Chattogram. FGD and Interview were the primary data collection instruments for the research. Secondary data was collected by consulting official documents of garment industries, industry manuals, audit reports, annual reports and data from various official and unofficial sources. internet, etc. Other secondary sources reviewed were, books, journals, conference proceedings, etc.

Limitation of the Study

The study was limited by a number of factors. Firstly, the main limitation of the research was the collection of information, because most of the information was confidential. The authority could not support us with all information related to the study because they had to maintain their organizational policy. In spite of, during the survey period employees are forced by the management to provide answers in favor of them. Secondly, the study investigates the status of OSH compliance in the RMG factories outside the Export Processing Zones (EPZs) to make it a manageable one. Lastly, the study investigated the status of compliance of the existing labour laws regarding occupational safety and health, the compliance of the government policies and the international standards were not emphasized in this study.

Conceptual Framework

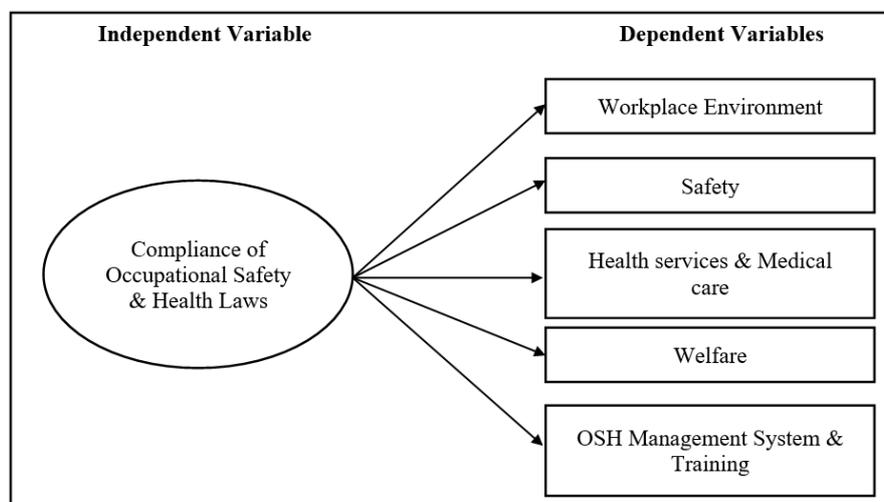


Figure 1: Conceptual Framework

Findings & Discussion

In this study, the current status of Chattogram garment industry has been examined in terms of worker's health and safety rights. 85% of the total respondents were female and 15% were male. The percentage of the respondents is shown in the pie chart (Figure 2).

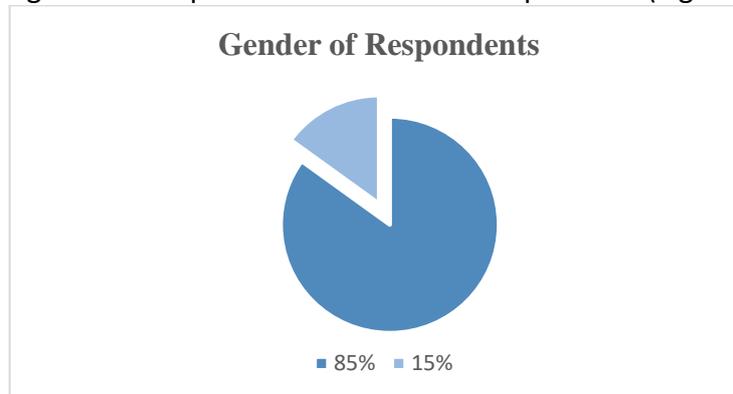


Figure 2: Percentage of gender of the respondents

It is appreciable that the garment industry has done paramount ameliorations after the Rana Plaza incident in 2013. Combined efforts of the Government, employers, ILO and buyers have been taken to improve worker's safety and health issues at work. Nevertheless, many significant shortcomings still exist which are traced in this study and requires to be addressed felicitously.

Safety of Building and Machinery

The workers were asked whether they are satisfied with the state of building and the machineries inside the factory. About 70% of the worker are satisfied with the present condition while 30% feels that the building is risky and unsafe for work.

Fire Safety

The workers were asked whether they have sufficient number of fire-fighting apparatus in their factories. All of them affirmed that they have such appliances but more than 50% said they do not know how to operate the fire extinguishers. About 30% said no fire-drill took place in their factories in last one year whereas 20% considers that the fire safety measures are adequate.

Fencing of Machinery

Though the BLA,2006 (section 63) obliges fencing of dangerous part of machineries, but according to 30% of the workers, machineries are not fenced properly and they consider it very risky. About 30% said they did not get any training on operating the risky machineries and 40% are satisfied with the management of machinery.

Personal Protective Equipment

About 40% of the workers said no PPE is supplied to them for their personal protection. More than 50% said they have apron and gloves to wear during their work. About 10% said they do not need any PPE for their work. 40% of the employers said they supply PPE for their workers but some workers are very callous and do not use those during their working hours.

Safety record book and Safety Committee

In more than 60% of the factories, no safety record book is found. There is no any existence of any safety committee in more than 50% of the factories visited. They have heard participation committee but they do not even have heard the name of safety committee.

Temperature and Ventilation

The workers were asked whether the workroom is well ventilated and comfortable. 60% of the workers said that the rooms are comfortable but 40 % said they feel very hot specially during the summer. Sometimes it causes them dehydration and it hampers their work.

Drinking Water

As per the Bangladesh Labour Act, 2006, provision shall be made for cooling the drinking water during the hot weather by effective means, where two hundred and fifty or more workers are employed but more than 60% of the workers said that they do not get cool water at summer. Due to the hot weather, water becomes warm and this water is undrinkable. About 20% said, sometimes they do not get sufficient supply of pure drinking water.

Toilets and Washrooms

More than 30% of the worker said they do not have sufficient number of toilets in their workplace. All the workers affirms that they have separate toilets for male and female but more than 60% of the workers are not satisfied with the cleanliness and hygiene of the toilets.

First Aid Appliances

All the workers of the FGD affirms that they have first Aid boxes in their factories but 40% said that the numbers are not adequate. Also, very often the appliances required in the boxes (as prescribed in the Labour rules, 2015) are found unavailable.

Dispensary, Doctor, Medical Assistant and Nurse

About 50% of the workers said there is no doctor in their factory, there is only one nurse. About 40% said there is a doctor but he comes twice a week. About 10% said there is no appointed nurse, there is a doctor who comes once a week. No Medical Assistant is found in 90% of the factories. Sick room with dispensary as required by the BLA 2006 is not found in 50% of the factories.

Maternity Benefit

Only 20% of the workers said they enjoy maternity leave with pay for a period of sixteen weeks. About 30% said they make take leave without pay. About 50% said in their factory, the practice is, a pregnant woman who need a leave for her delivery, resigns from her job as she does not get any leave. She has an option to join later if her employer recruit worker later.

Welfare Officer

More than 60% of the workers said there is no welfare officer in their factories.

Rest Room

As per section 93 of the BLA 2006, suitable and adequate rest rooms and a suitable lunch room shall be provided in every establishment where more than fifty workers are employed.

But more than 70% of the workers said that they do not have separate rest rooms. 40% of the workers said they have lunch rooms where they take rest at the time of interval.

Daycare for Children

It is provided by law that there shall be suitable room for children below six years where more than forty female workers are employed and there shall be trained and experienced caregiver to take care of the children. About 55% of the workers said they do not have such rooms in their factories. About 20% of the workers said they have such room but they cannot bring their children as there is no caregiver to take care of their child. About 25% said that the room is comparatively small and the number of caregivers is also insufficient. On the other hand, about 60% of the employers interviewed said that the female workers do not bring their children in the workplace and therefore they do not feel it necessary to appoint more caregivers.

Compensation

Workers were asked whether the employer pay compensation to the workers if any injury is caused in the course of his employment. 40% of the workers affirms that the employer pay compensation and bears the expenses of treatment. 40% said the employer pay the expenses of treatment but do not give compensation. 20% said the employer neither pay compensation nor the treatment cost. Sometimes the workers try to give financial support to their injured colleague collectively.

Group Insurance

More than 50% of the workers affirmed that there is no such arrangement for workers in their factories. About 30% said that there is an insurance policy but they do not know the detailed of it. 20% was silent on the issue because they do not have any idea about it.

Awareness on OSH

About 60% of the total respondents have no clear idea about OSH provisions enumerated in the labour laws of Bangladesh whereas 40% have very little knowledge about the laws. As per section 348, the government shall organize training courses on the BLA 2006 for officer of trade union of workers and employers. Members of TU of workers were asked whether they have got such training. More than 50% said they did not get any such training. More than 60% of the employer interviewed informed that DIFE never arranged any training on OSH or labour law for the workers. Sometimes the employer arrange such awareness training for the workers. They do so as it is one of the requirements from their buyers.

Labour Inspection

It is the prime responsibility of the Inspectors of DIFE to inspect the factories to investigate whether the provisions of the BLA 2006 are being implemented in the establishments. But more than 90% of the workers in FGD said that they never met any government officials coming and inspecting their workplaces. Those who have visited their work places talked only to the employers. Also, inspections take place only after some accidents have occurred.

More than 60% of the employers interviewed said no inspector from DIFE has visited their factory in the last five years. When asked, the inspector of DIFE said, it is very difficult for them to inspect this huge number of establishments with the existing manpower. They have only 23 inspectors to cover more than 1200 RMG factories in Chattogram.

It is observed that the status of compliance of OSH in export-oriented factories are a bit better than that of the sub-contract factories because the former is obliged to comply with the legal provisions and the code of conduct as it is the requirement of the buyers. The compliance of labour law including OSH is relatively very poor in subcontract factories and the condition is not improving. Neither the DIFE is playing an effective role for proper implementation of laws in these factories nor the employer is interested to bring significant changes.

It is also found that the main causes of hazards in the garments industry of Bangladesh includes unsafe and risky building and machinery, exposed operating machines, inadequate fire-fighting apparatus and improper precautions for fire safety, non-performance of fire-drills, lack of training to understand OSH issues, stairs and floors use as storage, factory not designed with commercial facility, narrow aisles for firefighters to enter and rescue, etc. A large portion of workers (30%) feel their job place unsafe and insecure for them. They have anxiety for electrical faults, fire accidents, building collapse, etc. About 40% are not satisfied with the healthcare and welfare facilities and 30% thinks that the overall environment of the workplace need to be improved. All of them are interested to have training on their legal labour rights and desire to work in a safe, risk-free and healthy environment.

Recommendations for Effective Implementation

Based on the findings and observations of this research, following recommendations are proposed for the effective implementation of the OSH provisions in the RMG sector:

- In order to develop an OSH culture, the mindset of the employers need to be changed first because they are the major violator of the law and of the legal rights of the workers. Most of the buyers possess a mentality to get their work done in a cheapest way. In most of the cases the duties they perform towards the workers are only to satisfy the buyers, to uphold their reputation, to expand their business and to gain monetary benefit.
- To ensure a safe and healthy working environment, the employers should follow the legal provisions regarding health & hygiene, building construction, electric and fire safety, using of machinery, compensation, medical care facilities and welfare measures. Factory owners who do not comply with the provisions, must be punished severely. At this labour-intensive industry, there may be a 'Special Approval Authority (SAA)'. All members of this team must be expert and factors like earthquake must also be considered. (Ferdous et al., 2014).
- The liability of the owner should be deduced after mishaps or injuries and violations of laws. Appropriate enforcement of the national laws and international standards should be made compulsory to halt and reduce the construction of death traps for workers (Taosif et al., 2020).
- Necessary amendments need to be made in the labour law so that criminal charges can be brought against factory owners who are responsible for any accident due to breaches of compliance.
- Those workers who become disabling should restore by alternative jobs or any other source of income.
- Compensation amounts need to be increased for workers injured and for the families of those who are killed by fatal accidents during duty hours and ensure implementation of disbursement of such compensation.

- Most of the workers are not aware of their legal rights. This is due to their education level and lack of knowledge on OSH. Very few of the CBA leaders are well aware of their rights and have clear concept on labour law. In many cases, employers also do not possess sound knowledge on OSH and the existing labour laws of Bangladesh. The employers show negative attitude towards it because they want to dominate the workers and trade union leaders and do not want them raise their voice for their legal rights. Thus, compulsory awareness building and training programmes need to be introduced so that the workers of the garment sector can cope with the changing situations of this sector. A coordinated effort involving government, Employers Association and buyers needs to be undertaken to train all workers, trade union leaders, officials and employers for the betterment of the workers as well as the industry.
- Given the prime importance of the garments sector as a major foreign currency earner, establishment of a textile ministry independent of the 'Jute, Textile and Industry Ministry' may be considered.
- The Department of Inspection for Factories and Establishment (DIFE) needs to be adequately funded and the number of Inspectors should be increased.
- The inspectors of the factory should be more responsible and accountable to the superior authority.
- The Inspectors should be properly trained to identify victims of violations.
- There may be sufficient number of 'mobile team of inspectors' to make the inspection process more effective.
- Efficiency, manpower and financial strength and capacity of all oversight agencies need to be increased.

Conclusion

A safe and healthy workplace domain is a foundational right of all workers (UDHR, 1948). It has become the reason of great concern in the present scenario of the modernized and industrialized era of the world. This is obviously because of its significant impacts in terms of human, social and economic sufferings both on national and international arena (Tasnim et al., 2016). Over the last century, industries have developed very rapidly to meet the demand of the increasing number of populations. Since then, safety and health hazards have also increased, resulting in significant loss of human, social and economic conditions on both national and international level. The repercussions were substantially worse in developing countries since there were insufficient efforts made to prevent, control, and reduce the hazards. Due to its rapidly developing economy and lack of preparation for the implications, Bangladesh was no exception to this. In most of the factories of Chattogram, workers are not getting proper and safe working environment with adequate healthcare facilities in accord of compliance to neither the BLA, 2006 nor the international labour standards. But time has come to consider the occupational safety and health in a holistic way. The monitoring of compliance to satisfy buyers cannot bring significant changes for the sustainability of the industry, rather employers' ethical compliance with the laws can make a huge difference. Though Bangladesh has done significant improvements after the Rana Plaza incident with regard to safety in the RMG sector but still there are many shortcomings that requires to be addressed felicitously to safeguard workers right relating to OSH, to minimize accidents and to ensure sustainability of the sector. All stakeholders involving employers, workers,

government, national and international bodies should come forward with the sense of togetherness to bring meaningful changes yielding name, fame and glory of the nation.

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