



Wages and safety: Two sides of the same coin

CHAUMTOLI HUQ

ON the upcoming second anniversary of the Tazreen Fashion fire that led to the death of 117 workers, there is now an increased awareness of workplace safety. At present, there are two international safety agreements, the Bangladesh Accord on Fire and Building Safety and the Alliance for Bangladesh Worker Safety, that are mandated to conduct inspections of factories around fire, electrical, and structural concerns.

The scope of these agreements along with Bangladesh's own National Action Plan, focus primarily on safety, especially given the fire in Tazreen and the structural problems that caused the Rana Plaza building to collapse. While it is pragmatic to have focused objectives in what is no doubt a massive undertaking to collectively inspect the close to 3,500 operational garment factories, there needs to be greater understanding on the nexus between wages and safety.

If this is not part of the analysis, such safety inspection programs will not yield maximum results.

When workers earn paltry wages, and each taka makes a difference in their ability to sustain their families, unfortunately, they are more likely to take risks with their lives to earn the little money they are making. Many workers saw the crack in the Rana Plaza building, but they still went to work in part due to pressure from the owner and because they feared they might lose the additional bonuses, which help to increase basic wages.

In a recent interview of Accord factory workers, workers noted existing safety concerns regarding placement of wires, space between workstations, and irregularity of fire drills. When asked why they continue to work in these unsafe conditions, the common answer was - what choice do we have? Another response was more sobering - we can die at any moment, but while I live, I have to support my family. Workers responses have often been misunderstood as either religious fatalism or a lack of respect for their own life, when in fact, they are making decisions based on exploitative working conditions. As long as the wage-safety equation tilts towards a need for wages, safety decisions will not be paramount for workers.

Studies consistently have found that the best safety program empowers workers at the factory level. With this in mind, the Accord has partnered with unions to raise safety concerns. Nevertheless, such efforts are insufficient without raising wages for workers.

Increased wages incentivises workers to make a different decision around safety. When workers understand that safety leads to a tangible

benefit in their day-to-day lives, then, they are more likely to value safety considerations. Sekender Ali Mina, Executive Director of Safety and Rights, said that "Safety issues will be raised by workers, when they feel secure in other aspects of their working lives such as wages." Failure to provide economic security may make workers think that costs to safety will mean they will be deprived from wages, he added.

So, instead, we will get responses from workers, as I have, that they have to work, and resultantly may be reluctant to raise safety issues in fear that their factory will close, and they will lose their jobs. Workers need to be made partners in any safety program. Any effective worker safety program must take into consideration wages and other benefits of workers.

The failure to address wages is a critical gap in both the Accord and the Alliance. Both programs have an historic opportunity to educate their stakeholders on how increased wages can help with their safety initiatives, and move towards policies with owners to incorporate some changes. Re-evaluating wages does not mean that the Accord and the Alliance have to broaden their day-to-day focus, but they do need to use the safety discussion as a way to educate their stakeholders on why increased wages are important to their safety work. Without a robust, parallel discussion on wages, we may be telling the story of workers who feared raising safety issues because they desperately needed every taka of their paltry wages.

THE WRITER IS A RESEARCH FELLOW IN THE AMERICAN INSTITUTE FOR BANGLADESH STUDIES (AIBS).

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YOUR ADVOCATE



This week Your Advocate is Barrister Omar Khan Joy, Advocate, Supreme Court of Bangladesh. He is the head of the chambers of a renowned law firm, namely, 'Legal Counsel', which has expertise mainly in commercial law, corporate law, family law, employment and labor law, land law, banking law, constitutional law, criminal law, IPR and in conducting litigations before courts of different hierarchies.

Query
I am a 31 year old Hindu woman and a citizen of Bangladesh. I have been married to my husband (who is also a Hindu) since the last 5 years. Our marriage has recently suffered a massive breakdown owing to several personal issues and family disputes. As a result of such recent events, I have decided to seek divorce from him. I now wish to know the steps that I can take to act upon this decision. I also wish to be informed about any rights that I might have following the divorce. We do not have any child.

option of divorce is unavailable to a Bangladeshi Hindu woman/man. This is because marriage from Hindu religious point of view is Sacrament. Divorce is not recognised in Hindu law unless it is proved as an established custom. It

cases it is done mutually. However, it must be remembered that such mechanism while is in practice, is not legally permissible.

Breakdown of your marriage may entitle you to certain alternative rights under the Hindu Married

without her consent or against her wish;

- The husband marries again;
- The husband ceases to be a Hindu by conversion to another religion;
- The husband keeps a concubine (i.e. a mistress) or habitually resides with a concubine; or
- If there is some other justifiable cause.

Maintenance under the 1946 Act is however, not an absolute entitlement. Moreover, you shall lose your entitlement to separate residence and maintenance from your husband if you are unchaste, convert to another religion etc. And even if such rights are granted, the 1946 Act provides that the Court shall determine the amount to be paid by the husband and in doing so, shall have regard to the social standing of the parties and the extent of the husband's means.

It can, therefore, be concluded that technically there is still no law in Bangladesh that grants a Hindu person a right to affect a divorce against their partner. Alternatively, a Hindu married woman may seek entitlement to separate residence and maintenance pursuant to the grounds laid down in the 1946 Act.

FOR DETAILED QUERY CONTACT: OMAR@LEGALCOUNSELBD.COM.



may be mentioned here that in India, for example, Hindu couple can divorce as the religious law has been modified by statutory intervention by the Indian Parliament.

In the absence of any legal way of divorce, it has been found in Bangladesh that the person desirous of affecting divorce execute an attested affidavit declaring their wish to be divorced from their respective partner. In most of the

Women's Right to Separate Residence and Maintenance Act - 1946 whereby a Hindu 'married woman' can seek separate residence on any of the following grounds:

- The husband is suffering from a loathsome disease not contracted from her;
- The husband treats her with such cruelty that it becomes unsafe or undesirable to live with him;
- The husband abandons her

LAW EVENT

Taking law to the community



GOLAM KIBRIA SOURAV

EMPOWERMENT through Law of the Common People (ELCOP) has organised the 15th session of Human Rights Summer School (HRSS) from 10-22 October, 2014 at PROSHIKA HRDC, koitta, Manikganj on 'Human Rights and Religion'. 48 law students of 12 universities from home and abroad attended this intensive, residential training workshop. HRSS is the brain child of Prof. Dr. Mizanur Rahman, honorable Chairman, National Human Rights Commission, who dreams to create a group of rebellious lawyers who will challenge the status quo and work together with the poor for ensuring equality, human dignity and social justice in the society. For that purpose, HRSS introduces unique clinical method of training which include community visit, presentation efficiency,

brain storming, capacity building to work in a team effectively, lecture sessions conducted by the experts.

The community visits have been an integral part and one of the main highlights of the HRSS for last fourteen years. The objectives of community visits are to discover the legal grievances of the minorities, indigenous or other marginalised communities; to suggest specific measures whereby deprivations and grievances may, as far as practicable, be remedied by effecting reforms of the existing customary and legal framework of each of the communities; to suggest specific recommendation and action plan to the Government, NGOs as well as other policy makers to improve socio-economic condition of target communities and to create a group of potential motivators and community leaders.

designed to know and examine various aspects of their community life; their lifestyle, culture, religion, custom, laws, traditional economy. The research reflects their legal as well as non-legal problems and with recommendations for their empowerment by highlighting the solution of their problems and by bringing them alongside the mainstream population.

In our country, the curriculum of mainstream law schools often lacks the vital component of legal education which is the "social purpose of legal rules". The HRSS has been successful in many ways in incorporating this method of learning. Different aspects of legal rules such as its relevance to the common people, their attitudes towards these and the legal system, the various problems access to the legal system are some of the issues

that can be investigated through community visits.

Community visits help law students to gain insight into different human rights issues particularly to differentiate between law in books and law in reality and inform the students about the social context of the legal rules beyond the classroom. Through interactions with the marginalised people, sharing their concerns and thoughts, understanding the pains and sufferings of those people during community visit; the participants get inspired and prepared to become the sentinels of human rights who will uphold the motto of the school 'Lawyering with the poor is lawyering for justice'.

THE WRITER IS STUDENT OF LAW, UNIVERSITY OF DHAKA & PARTICIPANT OF 15TH HRSS



A healthy diet is a human right



THE scourge of malnutrition affects the most vulnerable in society, and it hurts most in the earliest stages of life. At present, more than 800 million people are chronically hungry, it is about 11 percent of the global population. Under nutrition is the underlying cause of almost half of all child deaths, and a quarter of living children are stunted due to inadequate nutrition. Micronutrient deficiencies - due to diets lacking in vitamins and minerals, also known as "hidden hunger" - affects two billion people.

Another worrying form of malnutrition is the obesity which is on the rise. More than 500 million adults are obese as a result of diets containing excess fat, sugars and salt. This exposes people to a greater risk of noncommunicable diseases like heart disease, stroke, diabetes and cancer, now the top causes of death in the world.

Many developing countries now face multiple burdens of malnutrition. People living in the same communities, sometimes even the same households suffering from undernutrition, hidden hunger and obesity. These numbers are shocking and must serve as a global call to action.

Creating healthy and sustainable food systems is key to overcoming malnutrition in all its forms, from hunger to obesity. Our food systems are simply not sustainable or healthy today, let alone in 2050, when we will have to feed more than nine billion people. We need to produce more food but also nutritious food and to do so in ways that safeguard the capacity of future generations to feed themselves.

In preparation for the Second International Conference on Nutrition (ICN2) to be held from 19 to 21 November, countries have agreed to a Political Declaration and a Framework for Action on nutrition containing concrete recommendations to develop coherent public policies in agriculture, trade, social protection, education and health that promote healthy diets and better nutrition at all stages of life.

The Framework for Action gives governments a plan for developing and implementing national policies and investments throughout the food chain to ensure healthy, diverse and balanced diets for all.

- COMPILED BY LAW DESK.



Abusive police remand to extract confessional statement

NONE of Bangladeshi laws admits involuntary confession in judicial proceedings. Yet law enforcement agencies have been arbitrarily arresting thousands of innocent citizens for decades, in most cases either for political end or for getting bribes. The magistrates have been ordering remands indiscriminately for extracting confessions, where violence and torture are endemic.

In such a situation both the police and the lower judiciary are on the verge of their doom by losing public confidence. The higher judiciary is more cautiously restrained than proactive as a custodian of the citizen's constitutional guarantees. The law regarding confessions makes it clear that while recording of confessional statements, the Magistrate must follow the format what may be admissible as a confession. Our Constitution makes it clear that no one must be subject to cruel, degrading and inhuman treatment.

The Constitution of Bangladesh also guarantees fundamental rights to life and personal liberty, equality before law, protection of law, safeguards against arrest and detention, and freedom of movement. What is now necessary is the proper and effective implementation of these laws, and if necessary, their amendment, in order to ensure that a person on trial is innocent until it can be proven that he is guilty.

The Executive must understand the spirit of good governance propelled by the constitutional rule of law. It must learn to live and operate within the bounds of law. It is incumbent upon the Executive to act together with Parliament and the judiciary in working out legal safeguards against the self-serving and sectarian use of police powers. It would be rewarding for those innocent victims who despair in police remand, if the government reviews the human rights record of police officials. The citizens of Bangladesh will not achieve dignified human existence unless the ongoing barbarous acts of torture under police remand in the name of extracting confessional statements are dealt with proper law, and their perpetrators are brought to justice.

Humayun Kabir
Student of Law & Justice, Jahangirnagar University.