

Draft policy for domestic workers

A significant milestone

NOOR MOHAMMAD SARKER and TANZIA TANISHA

ON December 21, 2015, a cabinet meeting chaired by Prime Minister Sheikh Hasina approved the draft Domestic Workers Protection and Welfare Policy 2015. This is a significant milestone in promoting the rights of domestic workers in Bangladesh. One might be curious to know why we need such a policy and how the draft policy has evolved over the years.

Domestic workers are an inevitable part of our daily life, but it is an irony that they are often exposed to various forms of abuses and lack of state recognition as workers. The International Labour Organisation (ILO) estimates that about 100 million people work in domestic households worldwide. About 83 percent of these are women or girls and many are migrant workers. In 2011, the ILO adopted Convention 189 titled "Decent Work for Domestic Workers" and Recommendation No. 201, both of which require countries to take steps to improve working conditions for domestic workers.

The ILO Domestic Workers Convention provides that people who work in domestic households must enjoy the same basic labour rights as other workers. These rights include: reasonable working hours, weekly rest of at least 24 consecutive hours, limits on in-kind payment, clear information on terms and conditions of employment, and respect for fundamental principles and rights at work, including freedom of association and the right to collective bargaining. The Convention also identifies general employment-related issues such as minimum wage, minimum age, protection against violence and harassment, health and safety, the terms and conditions of employment, access to dispute resolution mechanisms, and employment agencies and inspection.

Interestingly, Bangladesh has a very proactive movement demanding legal and policy reforms for the protection of domestic workers. Since 2007, the national trade unions and a group of rights-focused NGOs, under the umbrella of Domestic Workers Rights Network (DWRN), have been working with the Ministry of Labour and Employment, to press for a national policy on domestic workers.

One of the major outcomes of the proactive movement

is the Draft Domestic Workers Protection and Welfare Policy 2015, which has been widely debated among DWRN members, and received comments from concerned ministries and various actors at the Tripartite Consultative Committee meetings. The draft domestic workers policy also complies with an existing High Court judgment of 2010, which stresses the inclusion of clearly specified provisions restricting the employment of child domestic workers. The High Court judgement also calls for the

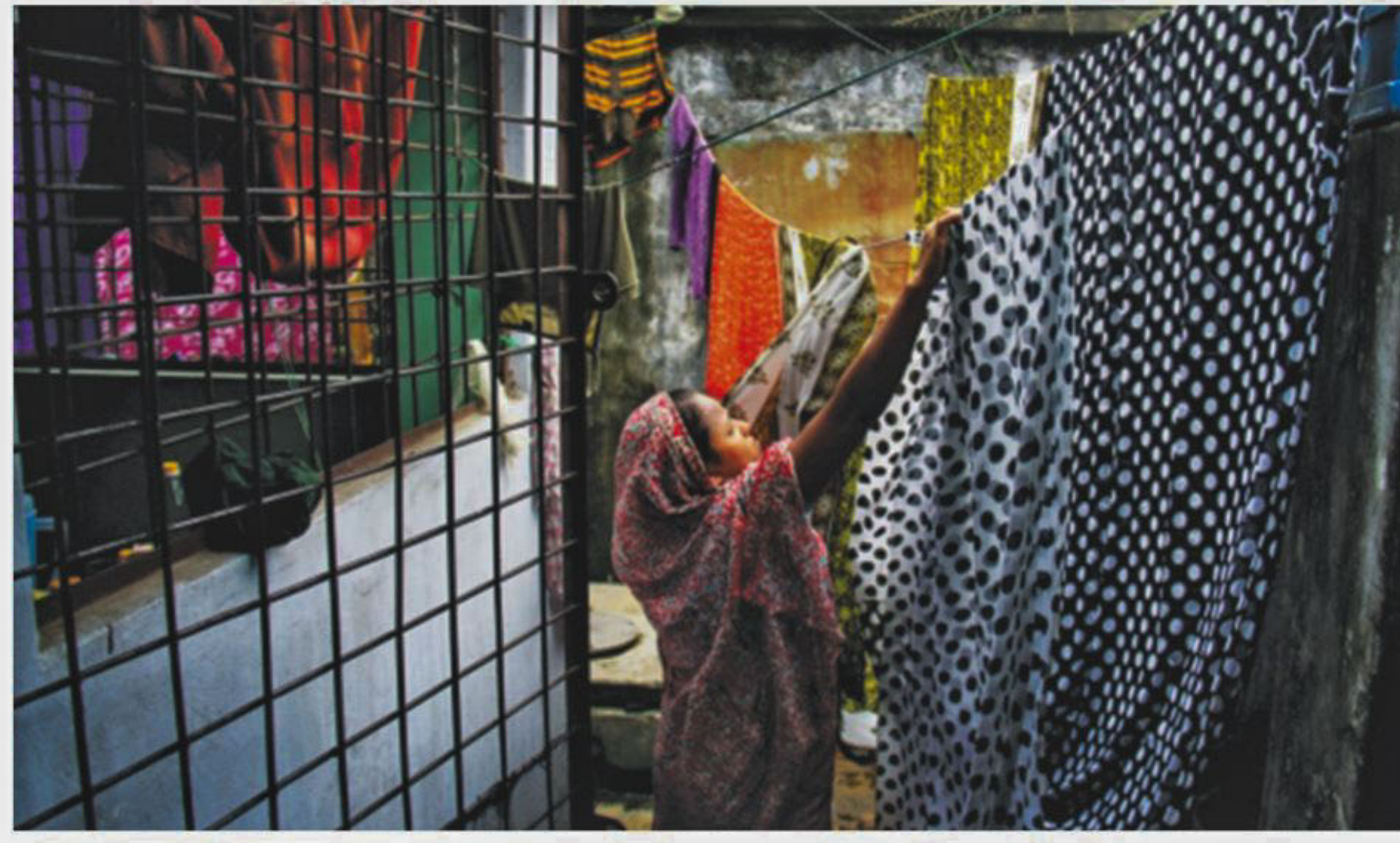


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registration of domestic workers, decent work conditions, and monitoring of domestic workers employment conditions.

The draft domestic workers policy consists of 16 provisions. These provisions include the rights and duties of domestic workers, their employers, and the government.

The introductory part refers to the ground reality on the plight of domestic workers in Bangladesh. It also talks about the existing legal vacuum. It then rationalises the need for a national policy on domestic workers in Bangladesh. Next, it specifies the scope of policy implementation, describes the objectives and goals of the policy, and defines the key terms and the stakeholders under the policy.

The key provisions in the draft policy focuses on some

freedom and other facilities for them. The draft also discusses taking legal recourses in dealing with human rights abuses and criminal offences either committed by domestic workers or their employers.

The draft policy also specifies the role of the Ministry of Labour and Employment. It calls for a competent government authority to monitor, evaluate, and enforce compliance with the domestic workers' policy. It also recommends more awareness campaigns by the government through the use of media advertisement, leaflet circulation etc.

The draft policy is fairly comprehensive in its coverage of legal and rights protection issues. But there are sceptics who fear its implementation will be difficult. This is certainly not the case. Take for example an NGO-run domestic workers project. For the past few years, the NGO, has been successfully running a pilot project, which demonstrates the feasibility of various provisions in the draft domestic workers policy. It has partnered with employers in securing appointment letters for domestic workers, provided healthcare support from the government's Urban Primary Healthcare project, and brought domestic workers under the lactating pension of the government. It has also managed police registration for domestic workers. All these pilot initiatives have proven beneficial for both the domestic workers and their employers to maintain the standard of working environment.

The pilot project of the NGO is just a representative case. There are many other cases in which employers tend to adopt a more egalitarian attitude to extend financial support to domestic workers and their families, especially during religious holidays. A formal state policy will build on this social capital and best practices.

The cabinet's approval of the domestic workers policy is an outstanding success of our rights groups and their coalition with national trade unions. Now the biggest challenges are implementing the provisions of the policy and bringing domestic workers under the coverage of the national labour law.

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The bias against Madrasa students

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DHAKA University, the premier public university of Bangladesh, reportedly does not admit madrasa students in selected departments like English, Bengali, Mass Communication and Journalism, International Relations, Women and Gender Studies, and Linguistics, no matter what grades students obtain in their admission tests. However, this discrimination goes beyond the admission procedures in universities; it continues during job recruitments as well.

There are thousands of madrasas all over the country that run under the Madrasah Board of Education, a legal institution created under the Madrasa Education Ordinance in 1978. The board functions like any other education board in the country. Furthermore, the government spends crores of takas each year in salaries and infrastructure developments in these madrasas. In doing so, they seem to encourage students to study there. So legally, and in terms of the government's stance, we cannot, at any level, question an individual's choice of education in a madrasa.

At least three factors motivate parents to choose madrasas as the preferred institute of education for their children. Firstly, they consider madrasas as the seat for learning Islam, the idea being that students become aware of their duties and

responsibilities as Muslims. The second factor is a matter of convenience, especially funding. Most madrasas do not charge high fees as charged by regular schools and colleges. Often, everything, including food and accommodation is provided for free to students. Thus, families with modest or low incomes often send their children to madrasas. Finally, madrasa certificates are considered to be equivalent to those earned in other education boards and so parents can still decide the type of higher education their children should go for when they pass Dakhil and/or Alim. In short, madrasas provide an opportunity for parents who expect their children to grow up with an Islamic education at an affordable cost, while having the general higher education choice still open for them.

For many madrasa students, getting into a well reputed public university, which has very limited seats, is a difficult prospect just as it is for students from other institutions. The problem is further complicated by the fact that the types of questions set in the admission tests align more closely with the syllabus taught in mainstream schools and colleges. To ace these admission tests, madrasa students interested in higher education have an added pressure to deal with; they study their own syllabus as part of the madrasa curriculum and also take the pains to study the syllabus contents of

schools and colleges not covered in madrasas. The fact that they are able to do this is an indication of how serious they are about their education. It definitely requires some skills to simultaneously master both types of content. Students who qualify for admission in top public universities, despite the discriminatory admission tests, do deserve accolades from university administrators and education policy makers. Instead of this, they are denied admission in selected subjects.

Again, admission tests are designed, arguably, to test students' understanding of 12 years of education in different areas. Anyone qualifying in these tests can be said to have displayed their success in achieving those objectives or outcomes. It does not matter whether they received full marks in Bangla and English or any other subjects; it does not matter whether they studied a particular subject in their secondary or higher secondary schools. What matters is the outcome of their education, something that these admission tests are supposed to test. Denying admission to those who have proved their ability cannot be called anything but an anomaly. Reports of madrasa students topping the ranking lists in different units and facing the same fate is all the more unfair and worth looking into.

Furthermore, these qualifying students are just a few of the hundreds and thousands who either do not choose liberal higher education or do not have the ability and/or intention to go through the process. Students enrolling in such a university are those who have expressed their intention to be part of the liberal education programme provided by these universities. Denying them admission in departments like English and Bangla is denying them the right to study these subjects.

Blanket judgments that all madrasa students are radicalised do not make much sense. While madrasa students are denied admission in a few subjects, they still can choose other subjects and find a place in the university with their supposed 'radicalised' attitude and possibly attend classes in the same room and/or building where these departments are housed. Thus, the only objective this discrimination serves is leaving students from a madrasa background with a permanent sense of deprivation and prejudice.

It gives rise to the question: what sort of liberal education system is this that does not dare to reverse the 'radicalism' for some segments of students? Isn't denying liberal education to a segment of population a new form of radicalism practiced by the so-called liberal education advocates of universities? It makes one wonder about the sort of liberal education being provided in the

nation's highest seats of learning.

While I am saying this, I am not blaming all universities. The vast majority of public and private universities do not promote such discrimination. It is only a few departments, and those mostly in Dhaka University, that make this distinction in a way that amounts to a serious act of discrimination. Madrasa students have done exceedingly well in medical colleges, in engineering universities like BUET, in top ranking universities in Europe and North America. What if they also succeed in a few chosen departments of universities like Dhaka University? The nation can only benefit from this.

One may argue that madrasa students develop a particular type of political orientation that the stakeholders of these few departments do not want to promote. We should keep in mind that political orientations are created and developed in a society as a whole. Madrasas have never been reported as a hotspot of political activity as opposed to the 'liberal' universities which segregate people in different political lines of Chhatra League, Chhatra Dal, Chhatra Shibir and Chhatra Union. People study in madrasas without being particularly aware of their political identities which, as my personal experience shows, are by no means a uniform monolithic practice. Madrasas are a miniature of the larger society and

closely reflect the national political cross-section.

Once, at a job interview in a technical university, I seemed to be doing quite well in terms of impressing the members of the interview board, until one member asked me, "Why did you study in a madrasa?" I could not be impressed with the query as it seemed to decide my fate, and a candidate with inferior academic credentials ended up being selected.

Luckily, the universities outside Bangladesh, especially those in the US do not care for which stream of education you choose or your parents chose for you. My brief experience here shows what they really care about is your knowledge and skills in your intended areas of specialisation. Diversity is aggressively promoted in US universities with no harmful impacts on the liberal atmosphere of the academia. I wish the few departments of our universities knew this and realise the significance of having people who may potentially have different opinions on the same liberal and pluralistic platform. What is the value of a university if it does not show universality in attitude and practice?

The writer was formerly an assistant professor of English at Northern University Bangladesh. He studied in a madrasah from class 1 to 12, and completed his BA (Hons) and MA in English from Rajshahi University. He is currently doing his PhD in English Studies at Illinois State University in the US. Email: mijanengru@gmail.com

CROSSWORD BY THOMAS JOSEPH

- ACROSS
- 1 Sound of Relief
- 5 Wilson's predecessor
- 9 Put a spell on
- 11 Un-important
- 12 Seething
- 13 Seething
- 14 Assn.
- 15 Prepares for the fair
- 17 Siamese youngsters
- 19 Auction unit
- 20 Jeweler's unit
- 21 Shop tool
- 22 Island ring
- 24 Make tempura
- 26 Approaches
- 29 Saloon supply
- 30 Hand warmers
- 32 Secures, as hatches
- 34 Dandy
- 35 Once more
- 36 One of Kirk's bridge crew
- 38 Tender areas
- 39 Piper of rhyme
- 40 Finishes
- 41 Clutter
- DOWN
- 1 Egg beater
- 2 Valiant
- 3 Track bet
- 4 Dripping
- 5 Color
- 6 Germany's Market
- 7 Temporarily
- 8 Secret meeting
- 10 Conquer
- 11 Dojo flooring
- 16 Justice Scalia
- 18 Waiter's aid
- 21 Louver piece
- 23 Stops, as rain
- 24 Tankard's cousin
- 25 Slow down
- 27 Prove false
- 28 Night sounds
- 29 Humiliate
- 30 Store department
- 31 Practices for a bout
- 33 Makes a bow
- 37 Skirt border

12-23

YESTERDAY'S ANSWER

C A M E A T G I F T
 O R A N G E A C R E
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 L E N T G E A R
 C O V E N U T M E G
 A G E S O N B E E
 D O N N E R B E S T
 S T O W F I R E
 R U L E R
 P L U M P U D D I N G
 I O T A G U I N E A
 N O E L S P E N D S

QUOTABLE Quote

"Illegal aliens have always been a problem in the United States. Ask any Indian."

ROBERT ORBEN
 renowned American comedy writer

Government of the People's Republic of Bangladesh
 Bangladesh Bureau of Statistics
Census of the Undocumented Myanmar Nationals Staying in Bangladesh 2015 Project
 Parishankhyan Bhaban (2nd Floor, Block-2)
 E-27/A Agargaon, Sher-e-Bangla Nagar, Dhaka-1207
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