

MAY DAY

The right to a safe workplace

UPASHANA SALAM

SAFETY in workplace is a given for most of us. If you are reading this newspaper, there is a high likelihood that you don't have to worry about the walls crumbling around you or the floor collapsing right beneath your feet. In case of work-related accidents, our employers are obligated to compensate in a way that can help us tide over the traumatic period till recovery, or at least pay the hospital bills. It should be the same for workers and labourers in blue collar jobs, or at least that's

what the law says, but as is the norm in the country, laws are made to not be implemented. Which is probably why the fact that 294 workers were killed while 101 workers were grievously injured (Bangladesh Occupational Safety Health and Environment Foundation) in the first three months of this year does not shock us. This is commonplace in our country, as is the fact that last year, 1,240 people had to give up their lives in workplace accidents while 544 workers were injured. To compare, the number of deaths in workplace related accidents

was 951 in 2015 and 465 in 2014. You would think that after the Rana Plaza collapse, and formulation of the Labour (Amendment) Act 2013, which – at least in paper – introduced several provisions aimed at improving safety at workplaces, the situation would be better. But as the figures prove, in the recent past the only year which showed a sharp decline in workers' deaths and injuries was 2014 – the year following the Rana Plaza collapse. Does this indicate that we need another large scale industrial disaster for the authorities to 'work' toward improving the conditions of

workers? Because as can be witnessed from the number of worker deaths in 2014, the only way to attract the attention of concerned authorities seems to be attracting the attention of the world in general. An Action Aid survey revealed that of the 1,400 Rana Plaza survivors, nearly half were still jobless while around 31 percent were "too traumatised to work." Workers like Shilpi Begum, who lost an arm in the disaster, worry about the fate of her three daughters, as her husband has a chronic illness that prevents him from working. Shilpi, on the other hand,

can't get a job as she alleges that factories are reluctant to hire a physically disabled person. She already has had to stop the education of her three children and fears that if the situation remains unchanged, her kids may have to enter the workforce. "I want to return to work just so that my daughters don't have to work to sustain our family, and can continue with their studies," she says, "But how can I ensure that?"

According to the Bangladesh Labour (Amendment) Act 2013, Tk. 1 lakh will be allocated as compensation for the family of a deceased worker, while Tk. 1,25,000 was approved for a permanently disabled worker, regardless of the worker's basic wage. In case of prolonged workplace related illness, the law allocates half a month's salary for around two years. Primary wage earners, like Shilpi Begum, who lost their source of livelihood in workplace related accidents, ask how are they to sustain their household until they find a job when their medical costs is almost that of the compensation they receive?

We can argue that there is at least a framework that operates to ensure the safety of garment workers in their workplaces following the Tazreen fire and the Rana Plaza incident. Factories are under constant pressure from international organisations and buyers to improve their working conditions, and to make their buildings more worker-friendly. Perhaps because the garments industry is under the spotlight, there is at least some discussion going on which seeks to improve the life of workers employed in this sector. For workers in other sectors, however, the neglect is far more cavernous.

In 2016, a fire, allegedly from a boiler explosion, at the Tampaco Foils factory in Tongi, which used to package various items for international brands, killed at least 26 people. Lingering heavy smoke and the risk of the building collapsing further had hampered the search and rescue operations. According to Mikhail Shipar, Government Secretary to the Ministry of Labour and Employment, the four-storied building was supposed to be

one-storied and this was one of the reasons why it carried the risk of collapsing, further endangering the lives of the workers. In another boiler explosion in a Dinajpur rice mill recently, 17 workers were killed while at least 31 people were injured.

Reports on the latest boiler explosion revealed that there are 5,000 authorised boilers in use, with the remaining 20,000 boilers being unauthorised. With only six government inspectors to check if the boilers are safe, it is no wonder that so many of these apparatuses are operating unauthorised, increasing the risk of fatal accidents. Given the lack of manpower resources, something that our government so often cites as an excuse for their inability to get the work done, it is more or less impossible to ensure the safety of boilers in the country. Moreover, the workers operating the boilers are most often untrained and usually mishandle this equipment, which increases the risk of accident.

Despite assurances for maintaining building codes and safety measures after disasters of the scale of Tazreen and Rana Plaza, what's baffling is how such industrial disasters are still allowed to take place. These were completely preventable incidents where a little foresight, diligence from the authorities concerned, and continued attention could have saved many lives.

It's not just fires, collapses and accidents that consume the lives of workers, though. Let's consider the slow poisoning of our ship-breaking and tea workers, who have to work and live in structures that contain asbestos, a mineral that can cause cancer affecting the lungs and abdomen. An investigation by the Bangladesh Occupational Safety Health and Environment Foundation discovered that out of the 101 workers of a shipbuilding company, 33 were inflicted with acute asbestos poisoning while over 60 percent asbestos was found in the body of eight shipbuilding workers. According to a report published in *The Daily Star* ("Tea Workers at Cancer Risk", April 14, 2017), tea workers in the Sylhet region are constantly exposed to

asbestos, thanks to the use of the mineral in the roofs of these workers' house. Incidentally, these houses are built by tea garden owners who, whether deliberately or without knowledge, are responsible for the slow death of their workers.

The Bangladesh Institute of Labour Studies and the International Labour Organisation (ILO) have argued that even though the labour law has been amended to include the creation of safety committees in factories with more than 50 workers, and the inclusion of emergency exists and mandatory use of personal safety equipment, Bangladesh is yet to ratify occupational safety health related ILO conventions (particularly ILO Convention 155, Article 4). In a joint study (Occupational Safety and Health in Bangladesh, June 2015), they have asked for the government to bring all workers (formal and informal) within the purview of the Bangladesh regulatory framework, as they argue that safety for all workers cannot be ensured by keeping "large numbers of workers unprotected from the coverage of the labour law." Their recommendation that law enforcement should be "investigation driven" rather than one that "reacts to complaints" could actually help our government, industries and law enforcement agencies ensure occupational safety of our workers.

The foolhardiness of employers who fail to protect the safety and health of their workers, pushing them instead to the deep abyss of danger, is bewildering. We are not even appealing to the humanity of these people but are rather questioning their business sense. How is using cheap materials to build your workplace, herding your workers in tiny, confined rooms, not giving them days off to recover and return to work with a fresh mind, helping your business in the long run? Eventually, such corrupt, exploitative, slave-driving establishments are forced to shut down, one way or another. A happy workforce is a productive workforce; how can intelligent 'businessmen' fail to understand this?

The writer is a member of the editorial team, *The Daily Star*.



PHOTO: AFP

Work that doesn't exist on paper

NAHELA NOWSHIN

IT wasn't until 1972 that the term "informal sector" emerged in the development scene. Since then the phrase has continued to gain traction as a central theme in the development discourse. The Labour Welfare Foundation Act 2006 defines informal sector as "types of non-government sector where workers' work, condition of work, etc., are not recognised or controlled by existing labour laws and related policies and where there is very limited scope for employed workers to be organised".

In Bangladesh the sector has come to have a unique significance as a driver of economic growth in a country where job opportunities are severely lacking and human development lags behind. There are nearly not enough jobs available for all in the formal sector nor is the pool of skilled workers large enough so that they can even consider the formal sector as an option.

In South Asia, the informal economy stands at 80 to 90 percent of the labour force and in Bangladesh the figure is estimated to be a whopping 87 percent according to the 2010 Labour Force Survey. Constituting an overwhelming portion of the labour force in the country, the informal sector plays a dominant role in economic activities and contribution to GDP in Bangladesh. In terms of percentage of GDP some of the major sectors of informal economic activity in Bangladesh are agriculture, wholesale and retail trade, fishing, and construction.

The streets of Dhaka are abuzz with informal economic activity. The city is a microcosm of informal employment where hundreds of thousands migrate to from rural areas every year in search of jobs. From urban street vendors and domestic help to garbage collectors and rickshaw pullers people in the informal sector are a vital source of economic lifeline in our daily lives. These are autonomous, self-realised human beings generating economic output:

hawkers, tea stall owners, phone top-up businesses, fish and vegetable vendors, day labourers.

Little do we realise it but it is the informal economy that mainly thrives on the incredible resilience and innovation of the millions employed in this sector. These are people with little to no education who are self-taught in the art of repairing your phones and laptops, fixing your internet router and replacing your dead electrical outlet.

But despite the invaluable goods and services provided by the informal sector the value of their labour often goes unnoticed and their work unrecognised. The vulnerabilities associated with the informal sector stem from the lack of social protection of these workers and the abhorrent state of labour rights because their work is not recorded, protected or regulated by the state.

Take the construction industry for example. Although the industry is part of the "formal" sector temporary construction workers who do the informal task of arduous manual labour in often Dickensian working conditions are not covered by the Labour Act (Amendment) 2013. In 2016, there were 182 casualties on construction sites of which 85 resulted in death and 97 were injuries.

In mid-March this year, a 36-metre-long girder weighing 70 tonnes fell from the under-construction Moghbazar-Malibagh flyover killing a temporary hourly worker and seriously injuring two (an LGED engineer and a driver of a concrete mixer truck) both of whom lost a leg. Although the temporary worker was actually a carpenter by profession hired to allegedly control traffic during a girder installation the accident at the construction site was yet another manifestation of the dangerously precarious working conditions in construction sites. It is still not known whether the family of the deceased and the injured persons of the Moghbazar-Malibagh flyover accident have received any

amount of compensation.

In the first quarter of 2017 alone some 294 workers died while 101 were injured in workplace related accidents. Of them 68 dead and 45 injured belonged to the formal sector while the figures for the informal sector were 226 and 56 respectively.

Due to a lack of awareness it is a little known fact that the Labour Act does not actually require a worker to show papers related to proof of employment in order to claim compensation from his/her employer. All that has to be proved is that the injury was a result of an accident at the workplace.

Any discussion about the informal sector in Bangladesh would be incomplete without a mention of the tea industry which was started by the British in the mid-19th century. Workers in tea cultivation – spread throughout the hilly zones on the eastern part mainly in four districts (Sylhet, Moulvibazar, Habiganj and Chittagong) – are the epitome of bonded labour in modern day Bangladesh. These workers remain tied to forced labour generation after generation.

Brought to Bangladesh from India more than a century ago to work in tea gardens in slavery-like working conditions these workers have no legal claim over the land they work in because it belongs to the tea estates. Seventy-five percent of more than 300,000 plantation workers in Bangladesh are women. Tea garden workers who depend on tea cultivation for food, water, shelter and other basic needs are considered to be among the most deprived sections of organised labour.

Although the Labour Act provides some protections to tea workers its enforcement is extremely weak. Articles 95-97 of the Labour Act requires all tea estates to have medical facilities but they are either non-existent or are not well-equipped. It doesn't come as a shock when you take into account the fact that some of the basic needs of tea garden workers aren't even ensured since most of

them don't have contracts with their employers. Unlike workers in other sectors, tea plantation workers don't have the option to "choose" their profession since it is deemed hereditary, as a result of which they remain stuck in a vicious cycle of bonded labour, misery and poverty.

Given the enormity of the informal sector the immediate solution lies in rethinking the Labour Act.

According to Syed Sultan Uddin Ahmed, Executive Director, Bangladesh Institute of Labour

In addition, he says that setting up a standard for minimum wage is essential and so is the provision of employment ID cards across all sectors and registration of employment (e.g. Union Parishad). Most importantly, the exception clause, Article 1(4) of the Labour Act, needs to be repealed to include all those who remain left out of the purview of the Act. These major steps would help formalise around 80 percent of the entire labour sector.

Unless and until the bulk of the



SOURCE: PINTEREST

Studies (BILS), "The informal sector has not been defined properly. Workers without employment-related/contract documents or outside the realm of the Act, regardless of whether they are in the formal or informal sector, remain vulnerable which is why everyone needs to be brought under the purview of the Act. The law clearly says that no one can be employed without being provided such documents and this needs to be strictly implemented."

country's workforce gets due recognition for their economic output their rights will be further trampled upon and the cycle of poverty elongated. The high degree of informality of the labour sector is an opportunity to lift millions above the poverty line. For this, informal work needs to be valued for what it is and not just another form of cheap labour to be capitalised on by corporations.

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