

SPOTLIGHT

Five years ago, over 1,100 garment workers lost their lives and hundreds became permanently disabled. The collapse of Rana Plaza, the deadliest disaster in the global garment industry, shook the world, revealing that low-price Bangladeshi garments came at a tremendous cost—workers' lives. At the time, many promises were made by all relevant stakeholders to ensure the rights and safety of the garment workers in Bangladesh and reform the RMG sector.

How much has really changed at an institutional level? On the fifth anniversary of the Rana Plaza collapse, we turn the spotlight on the state—how much of its professed commitments to protect our workers has it kept?

Justice delayed and denied

Not only has no real progress been made in convicting those responsible for the deaths of thousands of workers, but most of the accused who have been charged with homicide and building code violations cases, could not even be arrested.

The factory owners, owner of the building and three officials of the Labour Ministry, have been charged with two cases of homicide and building code violations. It took the investigation officer of the case on building code violations two years to simply submit the charge sheet—a total of 18 persons were charged—and the court one more year to frame the charges. Finally, the trial began on August 23, 2016. However, except for Sohel Rana, none of the accused of this case could be arrested by the law enforcement agencies.

The situation is more disappointing in the homicide case. According to a report published in *The Daily Star* on December 22, 2015, the labour ministry didn't give approval to try three of its officials who were accused of the deaths of over 1100 people. Finally, on December 21, 2015, the court had to use its inherent power to include the three labour ministry officials in the charge sheet of the case. The ministry's stance in trying to protect its officials has meant that the case has not made satisfactory progress. In this case, too, Sohel Rana, the owner of the building, remains the only accused who could be arrested (a total of 41 persons were named in the charge sheet).

He is also the only accused who has been convicted so far, but on a different charge—in a corruption case, unrelated to Rana Plaza, filed by the Anti-Corruption Commission.

On the other hand, the government filed 11 cases with the Dhaka Labour Court against the owner of the garment factories and the owner of the building for negligence in ensuring the safety of workers and for not informing the authorities of cracks developing in the building. However, all the 11 cases are waiting for charge frame hearing, even after five years. Md Borkat Ali, a lawyer of the Supreme Court and Deputy Director of Bangladesh Legal Aid Services and Trust (BLAST), has been assessing these cases from the beginning. He says, "We expected that these cases will be resolved on a priority basis. Unfortunately, the reality is quite the opposite. Only one out of the 11 cases have been scheduled for charge frame hearing in the next month. The other 10 cases are stuck in the investigation phase, which means the trial process has not even started."

Donation is not compensation

The survivors and families of victims received financial and medical support from different national and international organisations, and most significantly, from the Rana Plaza Arrangement, which was financed by contributions from buyers and other private donors. However, it would be misleading to conflate this voluntary, legally non-binding financial assistance with "compensation" under the state's legal framework.

As labour rights activist Taslima Akhter notes, "This assistance was entirely financed by the Rana Plaza Donor Trust Fund, which categorically stated that any donation to the fund from any contributor was 'voluntary' and did not 'imply legal responsibility or obligation for the accident'. As a result, it is clear that in the future, those affected in incidents similar to the Rana Plaza collapse will not be able to access the same benefits, but that they will be compensated according to the labour law. If the compensation amount, its criterion and the party or parties responsible for compensation were clearly defined, then workers of other factories could have benefitted in the future."

According to Bangladesh's Labour (Amendment) Act, 2013, the family members of a deceased worker are still only entitled to BDT 100,000 as compensation, and a permanently disabled worker BDT 125,000, regardless of the worker's basic salary.

Given that the amount was so insufficient, the High Court ordered that a compensation committee be formed to review the amount. The committee recommended a compensation package of BDT 15 lakh for the permanently disabled

and rehabilitation related to occupational injuries and diseases in line with ILO Convention 121. "The scheme may start with the RMG industry and eventually be extended to all other economic sectors," she adds. When asked when the scheme might be introduced, she says, "The timeframe for introducing the scheme will depend on the approval process of legal amendments."

Safety was never a priority

On May 15, 2013, European buyers, retailers and global and local unions signed a legally-binding agreement on the Accord on Fire and Building Safety in Bangladesh to ensure safety in Bangladeshi RMG industries. At the same time, the US-based brands signed another agreement, of a voluntary nature,

called the Alliance for Bangladesh Worker Safety.

Although significant improvements have been made under these initiatives as far as building safety is concerned, there are concerns as to what happens once these initiatives come to an end. The Accord—called the Transitional Accord—has been renewed for an additional three years, "until a set of rigorous readiness conditions are met by local regulatory bodies."

But is a national body ready to take on the task of inspecting and monitoring these factories and ensuring remediation? How much has the state's capacity to monitor and press for remediation developed since Rana Plaza?

The government launched a Remediation Coordination Cell (RCC) in May 2017



The pressing issue of compensation for the survivors and families of victims remains, five years on, unresolved.

ILLUSTRATION: KAZI TAHSIN AGAZ APURBO

ALL TALK AND NO ACTION?

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workers and family members of the deceased and missing workers. According to Dr M M Akash, Professor, Department of Economics, University of Dhaka and one of the members of the committee, "The committee considered a wide range of issues while deciding the amount, such as average age of the deceased workers, their probable salary during their lost service life, gratuity, festival bonuses, number of family members, their living expenses, education of the children etc. Finally, we fixed the amount at BDT 15 lakh, and submitted the report to the High Court."

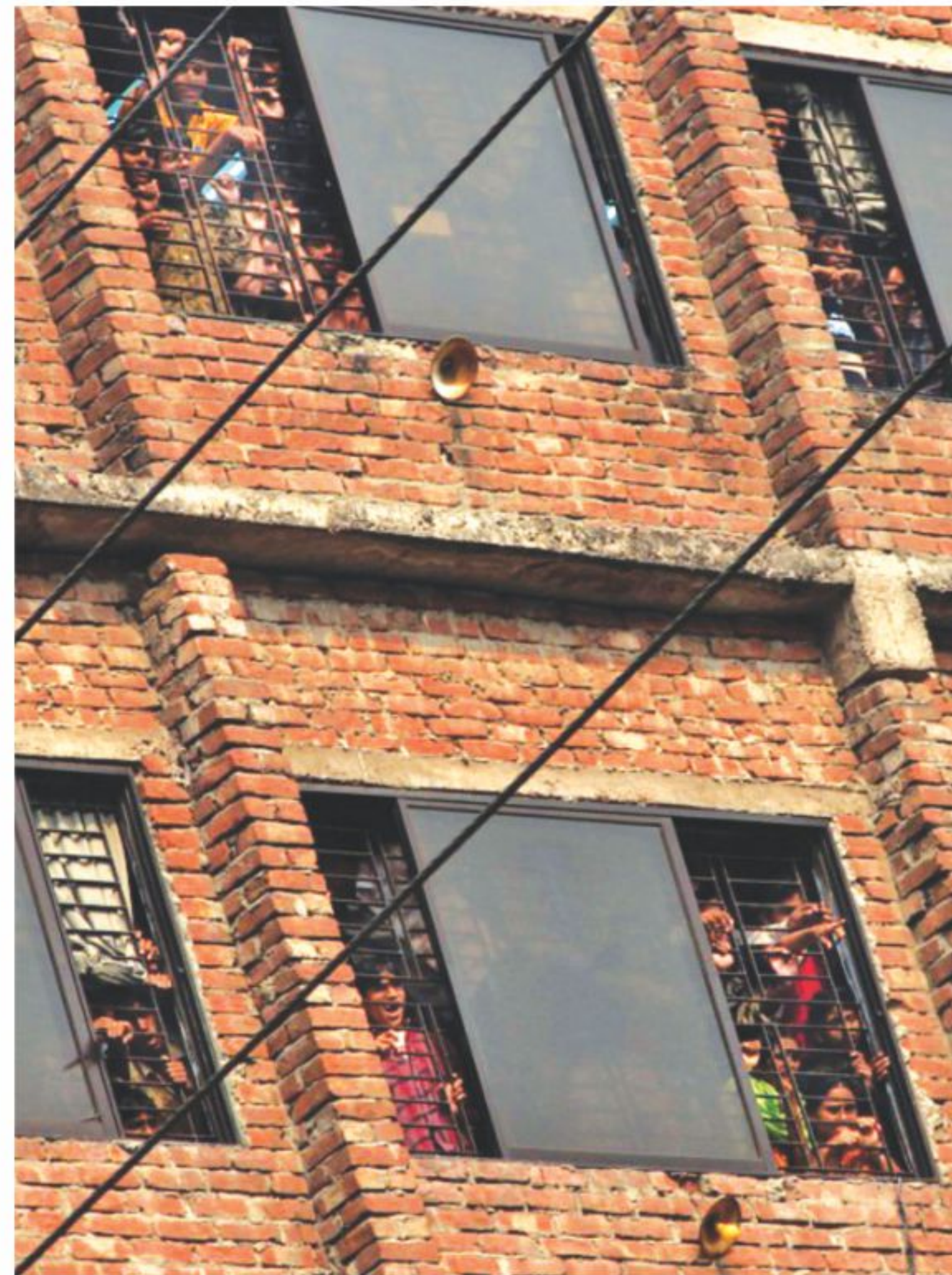
The case is still pending at the High Court, and the pressing issue of compensation remains, five years on, unresolved.

Anne-Laure Henry-Greard, Senior Operations and Programme Support Officer of the International Labour Organisation's (ILO) RMG Programme says, "As Bangladesh does not have a national employment injury insurance scheme, it is a challenge to ensure timely and adequate compensation to the family members of the deceased workers and provide long term medical care and rehabilitation for the workers suffering from work related injuries and diseases." She informs us that the ILO has proposed a compensation scheme based on loss of income, provision of healthcare



Low-price Bangladeshi garments came at a tremendous cost—workers' lives.

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PHOTO: TASLIMA AKHTER



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with support from the ILO in order to address this very issue. Several government organisations including Department of Inspections for Factories and Establishments (DIFE), RAJUK, Chittagong Development Authority (CDA), Public Works Department and Chief Electrical Inspector are supposed to collaborate with each other to run the monitoring and remediation process.

Nevertheless, even after one year of its formation, RCC is yet to start its operations. The ILO is supposed to recruit 47 engineers to start the operations of the RCC; however, none of these engineers have been recruited yet. According to Anne-Laure Henry-Greard, "The tender process for recruiting 47 engineers in the three disciplines (structural, fire and electrical) has been initiated by the ILO and is awaiting finalisation."

Currently, 26 DIFE engineers, eight factory inspectors and eight fire inspectors are monitoring and following up the remediation process, she states. She adds that, at present, the ILO is providing capacity building training for the officials of the regulatory bodies to follow up and manage the implementation of Corrective Action Plans (CAPs) of the 1549 RMG

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factories which are not covered by the Accord or Alliance. The remediation process in these factories are supposed to be managed by the Bangladesh government's National Action Plan.

However, the DIFE officials admits that monitoring of 1549 factories with such limited manpower has significantly slowed down the remediation coordination process. According to Md Shamsuzzaman Bhuiyan, Inspector General, DIFE, "531 factories have been asked to conduct the detailed engineering assessment, 236 factories have been asked to conduct the core test. Our manpower and resources are very limited. Our overall progress managing remediation process of the factories under National Action Plan is 27 percent." To compare, Accord factories show 84 percent remediation progress in safety issues identified during initial inspections and 767 factories have completed more than 90 percent of remediation.

He also adds that 466 factories are operating in rented buildings whose owners don't want to conduct these tests and that, in many factories, there are not enough open spaces in and around the buildings to conduct detailed engineering assessments (DEAs). These have also slowed down the remediation process, according to DIFE Inspector General Bhuiyan.

With such limited progress in the NAP factories, how the RCC can take on the remediation task of more than 3,000 factories covered by the Accord and Alliance remains unclear.

Still fighting for bargaining rights

Post-Rana Plaza, many promises were made to uphold worker rights, not only in ensuring workers' safety but also their right to organise. Although BGMEA officials and factory owners claim that RMG factories are encouraging and supporting trade unions, labour leaders state otherwise—that little has changed as far as arbitrary rejection of trade union applications, harassment and abuse of trade union leaders and activists, and silencing of dissent, is concerned.

As Moshrefa Mishu, President of the Garment Worker Unity Forum says, "In most factories, whenever workers start organising, they are sacked or harassed by management and local gangsters; it is also very common for the management to file false cases against union leaders as a means to scare and silence them. The existing trade unions in garment factories have little bargaining power. In many factories, owners themselves organise trade unions by picking their chosen people who work for the interest of the management instead of workers."

Kalpona Akter, founder and executive director of the Bangladesh Centre for Worker Solidarity (BCWS), argues that the number of registrations has increased in the last five years but that the country has failed to create a healthy environment for unions. "While the government says that there are 500 new factory level unions, the truth is that less than 50 factories have collective bargaining agreements. In many cases, even those agreements are not being enforced."

Following the Rana Plaza tragedy, the RMG workers' long struggle to increase their minimum salary came into light again. In 2013, a RMG worker's starting salary was only BDT 3,000 per month. Although the workers had been protesting to increase their starting salary to BDT 8,114, after the disaster, the government finally set a wage board and fixed the minimum salary of a RMG worker at BDT 5,300 per month. Even with the increase, this minimum wage remains the lowest among those of major garment exporting countries.

With the inflation rate at 5.75 percent and price hikes of every single commodity, the RMG workers are demanding BDT 16,000 as the minimum wage. As one worker, Mahbuba, notes, "The price of every commodity has almost doubled in the last four years. We have to spend 65 taka for one kg of rice now. House rent has also increased exponentially. However, in the last four years our salary didn't increase."

In January 2018, the government formed a minimum wage board to reassess the minimum salary of a garment worker, but concerns remain about how likely it is to come up with a fair number. "We are anxious about whether the board will be able to represent our interests because there is no labour representative from the RMG sector on the wage board. The labour representative who has been appointed in the board is Shamsunnahar Bhuiyan who is the general secretary of Mohila Samik League," says Moshrefa.

Much remains to be improved in terms of compensation, justice, safety and worker rights until we can proudly claim that we have learnt lessons from Rana Plaza. The reluctance and procrastination in develop the country's largest sector, employing over four million people, cannot, in the long run, bring benefits to its workers or to Bangladesh at large.

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