

FIVE YEARS AFTER RANA PLAZA TRAGEDY

'We will mourn the dead and struggle for the survivors'

HAMEEDA HOSSAIN

THIS Garment Sramik Sanghati slogan is a response to Rana Plaza—a death trap for 1,135 workers, and many more injured and disabled. A tragedy caused by a corporate violation of rules, neglect of responsibility in a global chain that starts in the villages of Bangladesh and reaches the world's capitals.

But Rana Plaza has also set an example of humanitarian rescue by local volunteers, surgical and prosthetic interventions in local hospitals and international cooperation between governments, brands, local manufacturers and trade unions to protect workers' right to compensation and safe work.

In the post-disaster management, innovative initiatives were taken to support workers. The Rana Plaza Trust Fund set up in 2014 was coordinated by ILO and received voluntary financial contributions (amounting to about 30 million dollars) from global brands, BGMEA and the PM's relief fund. It set up an elaborate arrangement to assess each claimant's needs following ILO standards. Sadly, the delay in raising the funds deprived workers of immediate support and may have left them indebted. Several organisations such as CRP and BRAC accepted responsibility for long term medical care for about 2,015 badly injured workers. Two coalitions ACCORD and ALLIANCE were formed under pressure from national and international trade unions and NGOs for the inspection and remediation of factories where necessary. The workers were to be paid for any loss of wages due to remediation. These initiatives promised that Rana Plaza would not happen again.

Five years on, while some of this work is ongoing, workers' legal claims for compensation (both for the dead and injured) have yet to be established by the courts. While Sohel Rana, owner of Rana Plaza, was stopped from crossing the border



Fatema holds a picture of her son, Nurul Karim, one year after both he and her daughter Arifa died in the April 24, 2013 Rana Plaza collapse.

PHOTO: REUTERS

surreptitiously and has been detained in jail, legal procedures for establishing responsibility for violating building codes that led to the disaster or enforcing worker attendance by five factories have been slow in progress. These lapses in the workings of public institutions need to be overcome so that the Rana Plaza chapter is closed and the garment industry is made safe for workers.

Compensation claims

The process for determining fair compensation has dragged on. The High Court on April 30 2013 (in a *suo motu* rule) had directed the GOC of Ninth Division Savar to set up expert committees for assessing compensation claims and medical needs of workers. These directions were acted upon in September 2013. The GOC set up two committees, one to decide on modalities for compensation claims and the second

to assess rehabilitation needs of the injured. After studying various precedents in other countries, the Compensation Committee recommended Tk 1.5 million for families of the dead, missing and severely injured, and one million for the disabled. The committee also recommended that funds be contributed by the brands, BGMEA, factory owners, government in the proportion of 45:18:28:9.

The Expert Committee's estimates were considered modest by IndustriALL Bangladesh and SKOP, who proposed a higher compensation ceiling based on the life expectancy of young workers supporting a family of four to six persons, cost of medical care, rehabilitation as well as pain and suffering. Even before the Rana Plaza disaster, trade unions had demanded that the Bangladesh Labour Act 2006 be amended to raise the archaic amount of compensation of Tk 1 lakh

inherited from colonial legislation.

The committee submitted its recommendations by the end of the year, but five years on a High Court bench has yet to examine this report and establish legal claims to compensation. Unless the courts fulfil their responsibility and ensure payment by employers, workers are being denied their rights to compensation in case of accidents at work. The court's decision in the Rana Plaza case would be a precedent and establish a standard for compensation for a diversity of damages.

Corporate negligence

The systemic lapses responsible for the building collapse have yet to be determined by the courts, although several criminal charges have been filed against Sohel Rana for using the land for industrial purposes, for building nine floors when he had permission for a lower building, and for allowing the placing of heavy

machinery on at least five floors.

According to investigative fact-finding reports, heavy machinery used by the export garment factories was located on five upper floors. The court also issued instructions to the Bangladesh Bank to freeze the accounts of the five factories in commercial banks, except to pay workers.

Once again, the court hearings and verdicts are yet to come. There can be little doubt that political influence was used to violate building rules, including obtaining permission for impermissible construction. The factories too have been questioned by the trade unions for intimidating their workers into attendance on the morning of the collapse. These deaths could have been avoided by timely monitoring by regulatory mechanisms, but the labour inspectors and fire departments have generally evaded responsibilities and overlooked corporate lapses in fire safety rules or neglected labour department inspection.

Safety at work

Because these traditional audits had failed to ensure workplace safety, transnational governance had been taken on by ACCORD and

ALLIANCE, (two coalitions of brands) to undertake remediation processes where necessary. This initiative of transnational governance came about following Rana Plaza, as a result of concerted pressure from European trade unions, NGOs and local trade unions. Their reports may indicate if workers laid off during closure of factories were given compensatory wages.

Subsequent to this, a National Tripartite Plan of Action on Fire Safety and Structural Integrity was adopted as the main framework document for improving working conditions in Bangladesh's garments industry. Key activities identified in the integrated NTPA include assessment of the structural integrity and fire safety of RMG factory buildings, strengthening labour inspection, worker and management training and awareness of occupational safety and health and worker rights and rehabilitation of disabled workers.

Profits play a decisive role in the global chain of garment exports and are often made at the costs of workers' rights. But if the garment export industry is to remain a lifeline for Bangladesh, and workers are an essential part of a global chain, their safety and conditions of work must take precedence over other concerns.

We need to ensure that the garment industry grows not at the cost of workers' lives but as a model industry compliant with all health and safety regulations, as prescribed under national and international law.

Let us do more than pay homage to the graves of the Rana Plaza victims by ensuring that adequate compensation is fixed and amounts disbursed without delay to all workers.

Let us ensure that standards for compensation are legislated and implemented without delay.

And let us not calculate profits when deciding on making the industry safe for workers.

Hameeda Hossain is Convenor, Sramik Nirapotta Forum.

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How women labour leaders are changing the landscape in RMG

FARZANA NAWAZ

SHARIFUN is a soft-spoken woman with a big, generous smile. Dressed in a modest saree, the 35-year-old looks like a kindly grandmother, much older than she actually is. However, this shy, demure façade hides the fact that she is a fierce and successful labour leader who withstood months of intimidation and abuse in order to establish a union at her factory in Dhaka's Ashulia industrial hub. In 2017, as president of the union, she successfully negotiated a collective bargaining agreement (CBA) with the factory owners and management that has greatly improved the rights and benefits of the workers. These include: an eight percent annual increment in wages (factory owners are only legally obligated to provide five percent), doubling the amount of festival holidays (22 as opposed to the legally mandated 11), improved maternity benefits and day-care facilities, among others. In a country where ensuring the workers' minimum legal rights is still a challenge, what Sharifun has managed to achieve is truly extraordinary.

In Bangladesh, the rate of unionisation in the ready-made garment sector is very low—less than 10 percent of the factories are unionised. While success stories like Sharifun's are still rare, more and more women workers are stepping forward to take on leadership responsibilities in their factories. When women, who represent the majority of the workforce, are in a position to articulate their demands, it leads to a much more nuanced conversation on working conditions that goes beyond the narrow focus on building and fire safety. For example, at another factory in Dhaka, union leader Bilkis was able to negotiate a CBA that guarantees that the employer would pay for the cost of ultrasound check-up for pregnant workers. It was also agreed that pregnant workers would be given relief from physically demanding duties in the later months of their pregnancy. Such provisions represent a giant step forward in an industry where firing work-



Despite some progress made in the RMG sector in the last few years, the rate of unionisation remains very low—less than 10 percent of the factories are unionised.

COURTESY: LITCI.ORG

ers for becoming pregnant is still a widespread practice.

Both Sharifun and Bilkis were trained on labour rights by Awaj Foundation, a workers' rights NGO founded by former garment worker and trade union leader Nazma Akter. At Awaj, garment workers are taught about their rights and responsibilities under the Bangladesh Labour Law as well as international labour standards. They are also taught about negotiation, collective bargaining and how to develop harmonious industrial relations.

However, knowing about rights and implementing them in the factories are quite different matters. There are vast power imbalances between factory owners, management and the workers and deep distrust towards unions. Female workers are at a particular disadvantage because of the threat of gender-based violence and verbal abuse at the workplace that is often employed to keep workers in line. A crucial aspect of Awaj's work in leadership building is

to cultivate confidence among women workers so that they are able to speak up and raise their demands. As Sharifun said, "A few years ago, I couldn't even think of speaking in front of the factory managers, but now I speak with them regularly to solve issues raised by workers. Even the factory owner is in regular contact with me and treats me with a lot of respect."

In order to create a more conducive environment for dialogue between the different parties, Awaj also trains the management at factories to raise their awareness on workers' rights and educate them about their obligations. These exercises in collaboration and trust building is starting to bear fruit—in 2017, with the support of Awaj, collective bargaining agreements were negotiated and signed by women labour leaders in six factories, covering over 16,000 workers.

However, the picture is not always rosy. Yasmin, another labour leader, took an initiative to start a union at her

factory to address problems workers were facing, such as not receiving legally mandated maternity benefits, lack of sick leave and being subjected to arbitrary dismissals. When the management found out that an application for a union had been submitted, they fired over 50 workers involved in the initiative, including Yasmin. Moreover, they enlisted the help of local political operatives and thugs to intimidate and harass the union leaders. Yasmin has been unemployed for six months while she fights a court case against the factory owners, causing enormous financial and psychological strain on her and her family. Unfortunately, stories such as this are far too common as many garment owners continue to exploit the lack of enforcement of the freedom of association.

The fact is, unions are not only good for the workers in order to enable decent working conditions, they are also beneficial for factory owners and management. This has been demon-

strated in all the six factories where Awaj supported the development of CBAs last year. Morjina, the president of the union at one of these factories in Dhaka's Tongi industrial area, said that productivity at her factory has increased greatly since the formation of the union. Before unionisation, the factory would produce around 200,000 "pieces" a month and now they produce over 340,000 pieces. She pointed to greater employee satisfaction as one of the key reasons for increased productivity. Although Morjina had to fight hard to establish the union, the owners now acknowledge that it has made an enormous contribution towards increasing production. The presence of a union also helps to mediate conflict between workers and owners, which leads to fewer factory closures and shipments can be made on time. Morjina said, "We wanted to show everyone that a unionised factory can work and that it can be better than other factories. We are now the most productive factory in our area."

Five years after the brutal wake-up call of Rana Plaza, significant progress has been made in ensuring fire and building safety in the garment sector in Bangladesh. However, the industry falls far short in ensuring decent working conditions for garment workers. Wages in the sector are the lowest among major garment manufacturing countries and gender-based violence at the workplace is prevalent. At the same time, this sector remains an essential provider of livelihood for low-income women in the country and the main engine of our economic growth. Representative unions led by women workers offer the best way to ensure that this crucial sector works for both the workers and the economy. Women leaders such as Sharifun, Bilkis and Morjina are proving that what is good for the workers is also good for business. Sustainable development of the garment sector depends on empowering and supporting more women leaders like them.

Farzana Nawaz is a capacity building consultant with the C&A Foundation.

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