

Corporate negligence killed a mother and son. Do we even care?



TAQBIR HUDA

ON the afternoon of March 3, 2021, three-year-old Ruhit was playing in front of his residential building located inside the Provita Fish Feed hatchery, when he fell into a large septic tank that had been left uncovered. As soon as his mother, Ruli, witnessed this horrific incident unfold from the second floor, she ran and leapt into the septic tank herself in an effort to save her beloved child. However, she too got stuck.

When Hriday, the 22-year-old security guard of the premises noticed that both the mother and child were struggling for their lives, he too leapt in, in an attempt to save them, but also got stuck. Locals then alerted the fire service, and after a two and a half hour rescue operation, the three lifeless bodies were retrieved, at around 8pm.

A source inside the hatchery told *Bangladesh Pratidin* that the lid of the septic tank was broken, and therefore a jute sack was used to cover it up—and the child fell in when he stepped onto the hollow portion clumsily covered by the sack. The fire service told *Jugantor* that the sheer size of the septic tank and the unbearable smell emanating from the production waste (such as spoiled eggs and eggshells) steeped inside the tank made the rescue operation all the more difficult. They also strongly suspected that Ruhit, Ruli and Hriday all died due to prolonged exposure to poisonous gases inside the tank.

Ruhit's father, Sajal, is an engineer at the hatchery, and lived in the residential quarters with his family. Little did he know that within the blink of an eye

in what must have felt like any other working day, his beloved son and wife would fall into a death trap in front of their own home—because his factory could not bother keeping something as dangerous as a septic tank covered, as it should be, and instead allowed for it to be used as a convenient dumping spot.

The factory administrator told *Bangladesh Pratidin* this was an “unfortunate incident” and that they will “stand beside the helpless family”—staying true to the corporate tendency of reducing wholly preventable deaths as random and unforeseeable accidents to gloss over their own negligence and legal liability to compensate for the harm caused.

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Representational image.

PHOTO: STAR

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I spent hours trying to find photos of these three victims of corporate negligence, but could not find it anywhere. Their faces are not worth humanising, not worth mourning. Keeping them faceless makes it easier to ignore the human cost of unregulated human greed.

Did the mother die from poisonous gas or the pain of having to see her beloved child die in her arms, and not being able to do anything to save him?

Under Chapter XII of the Bangladesh Labour Act 2006 (BLA), an employer would be liable to pay compensation if a worker is killed or injured in an “industrial accident”. While this may mean the employer could be liable to pay compensation to Hriday's dependents, no compensation would

be payable under BLA for the deaths of Ruhit or Ruli, as they would not fall under the definition of worker—even though their deaths arose from the same act of corporate negligence.

The employer may be sued under the Fatal Accidents Act 1855 to pay compensation for the deaths of Ruhit and Ruli, but unlike compensation claims under the BLA, those under other laws, such as the 1855 Act, would be subject to “ad valorem court fee”. Meaning, if Sajal sued his employer for the death of his wife and son, he would deposit a portion of the amount being claimed as compensation, to the court, as court fees, which may be up to Tk 50,000.

Unfortunately for Hriday's dependents, however, compensation under the BLA for death of a worker is limited to Tk 200,000, a shamefully minimal amount. There, if Hriday's dependents wish to bypass this limit they would, like Sajal, have to sue under the 1855 Act, and be met with the same

challenges.

The litigation period in compensation cases against corporations, be it under the 1855 Act or otherwise, is notoriously long and drawn out due to the underdevelopment of tort law in our country. Tort law is that branch of law that allows victims affected by the wrongdoing of another (even if the resulting harm is not intended, such as negligence) to account. For example, Rowshan Akhter, the wife of Mozammel Hossain Mintu, who was killed in a road crash caused by the delivery van of Bangladesh Beverage Industries Ltd in 1989, is yet to receive compensation. This is despite Rowshan Akhter having filed the case 31 years ago, and winning three decisions in her favour, first in the District Court in 2003, then in the High Court Division in 2010 and in the Appellate Division in 2016.

For Ruhit and Ruli's deaths, the theory of occupier's liability in tort law would have specific relevance. This theory holds that “occupiers”, meaning the premises owner (or someone exerting a sufficient degree of control over premises) must take reasonable care to ensure the safety of its visitors (which would include residents, such as Ruhit and Ruli). The standard of care is higher for children, as they cannot be expected to foresee risk or recognise potential hazards in the same way adults can.

While monetary compensation, no matter how high, can never subdue the debilitating pain of losing a loved one, imposing liability on corporations (and other premises owners) will set a much needed legal precedent, which will force them to ensure basic safety measures are in place so that tragic deaths and injuries that are wholly preventable are in fact prevented.

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Online skills training for women: more caveats than what meets the eye

SAADMAN FAISAL and TASMIAH T RAHMAN

PRIME Minister Sheikh Hasina has been nominated as one of the top three women leaders who tackled the Covid-19 crisis well. While her efforts to bring Bangladesh into the limelight has been highly appreciated, addressing gender gaps remains a challenge that needs attention, not only through policy adjustments but also by getting down to the nitty-gritty where real challenges lie for ordinary women.

When the Bangladesh Government decided to shut down all its educational and training institutions back in March 2020, many students wanted to venture into the online space for education, which seemed like a plausible way forward. Due to the economic recession during Covid-19, it became evident that many parents could also not buy devices or afford connectivity, given the uncertainty of household incomes. As such, 69.5 percent

of her own from a small bakery she started during the pandemic. However, she also had to solely manage her family and take care of her child, even though she lives in a joint family with her husband and in-laws. While they supported her intention, none of them were ready to share the daily care work with Mohima. Ultimately, she did not have enough time and decided to drop out from the course despite having interest, family support and financial means.

Cases like this are common in our society. The responsibility of taking care of the family and children takes precedence over everything else for women; they are unable to think about anything else, let alone avail a training opportunity. However, men from a similar age group did not face this issue, which implies that time constraints due to the unequal burden of care work may be a significant deterrent for women accessing training opportunities.

perception towards women availing skills training is a crucial factor, along with other traditional constraints, in preventing the empowerment and economic independence of women in our country.

Ayesha has interest and vigour but no access to connectivity

A qualitative study done by the Brac Institute of Governance and Development mentions that about 49 percent of households have no access to a computer and 54 percent do not have access to the internet. Other studies also highlight that while women have access to internet devices to some degree, this accessibility is not enough to pursue education or training (GSMA Intelligence, 2019). This phenomenon was also reflected in our work, as eight out of 23 females in our IDI did not have access to personal devices. This insight indicates that while the female respondents in our sample showed interest in pursuing skills training, independent digital access is still a problem.

One such example is Ayesha. Ayesha, 18, has one computer in her home; but her parents do not want her to use it for receiving training. The computer is mostly used by her brother, who studies in university. Upon further probing, we realised that her parents think that she might use it for entertainment purposes, and it might not be wise for someone of her age to use an internet device. Her brother, however, is allowed to use the computer all day, for both education and entertainment purposes.

Ayesha's case contradicts the general notion that families would be much more welcoming to online training for women, as this modality's safety and security would outnumber the offline trainings. Clearly, there are insecurities around women accessing online spaces as well.

While women like Ayesha have internet devices in their home, they did not have regular access to those devices to pursue learning, which shows that women still have problems accessing essential resources within their households.

Israt did not know online skills training exists

Israt, aged 21, did not know anything about skills training prior to the start of this programme. Only after she was approached and consulted by a representative of the programme did she learn about this new opportunity. She is still a bit sceptical about skills training and the opportunities it provides.

We found that 12 out of 23 female interviewees did not know about the prevalence of online skills training, despite online being a prevalent educational pathway in the

country. For men, only six out of 18 interviewees were unaware of skills training. This evidence suggests that there might be gender asymmetries when it comes to information regarding educational and training opportunities. Limited access to information plays a crucial part in halting the marginalised population's progress, which is especially true for women and girls.

These multiple obstacles are playing roles in excluding women from accessing economic opportunities. While there are many advantages in online training and

education for women such as safety, security and convenience, many traditional barriers may be amplified in the online paradigm, as seen from our research. In such cases, specific batches targeted for only women and girls with relaxed timings and free device support according to women's need, can be part of the solutions. Thus, customised services catered towards women's need can be a way forward for online training and education.

In the long run, increased awareness for this alternative learning method, creating a better

environment for women and girls from learning to work transition, gender-sensitive support from private organisations to hire more women and to be able to reach them, can be a few long term targets that the government and civil society can advocate while working towards an equitable workplace.

Saadman Faisal is officer, Programme Coordination and Tasmiah T Rahman is in-charge at the BRAC Skills Development Programme. The qualitative research study for BRAC Skills Development Programme's online training initiative mentioned here was conducted by Saadman Faisal and Navid Chowdhury for their graduate-level study at North South University, Bangladesh.



PHOTO: COLLECTED

of students did not participate in distance learning as per the Education Watch Survey released in January 2021. While all youth suffered due to this shift, the challenges were higher for women and girls. A few immediate challenges became clear during a qualitative research study for the BRAC Skills Development Programme's online training initiative called Strong (strongproject.brac.net), which aims to reduce the current digital divide and guide the nation's disadvantaged youth to employment opportunities during the pandemic by offering courses at discounted prices.

Mohima, the main caregiver of the family, has no time for training
Mohima (pseudonym), 34, a housewife and part-time baker, was interested in pursuing online training on business communications as she wanted to have additional income

Akila's husband is unhappy that she wants to work

Akila, 22, wanted to pursue skills training as she wanted to be a freelancer. She has been married for a year but spends a lot of free time at home as her husband works away from the city. After enrolment, her husband came to know of this and told her to drop the course, as he thought that earning should not be a priority for her. Akila was sad but did not want to start a fight with her husband, so she dropped out of the programme.

Cases like Akila are rampant, whereby four out of 10 female respondents in the in-depth interviews (IDI) conducted by our online training programmes' colleagues told us that they were discouraged by family members, despite availing the training from the safety and comfort of their homes. This insight tells us that the negative

Government of the People's Republic of Bangladesh
Local Government Engineering Department
Office of the Executive Engineer
District: Thakurgaon
www.lged.gov.bd

Date: 01/03/2021

Specific Procurement Notice

Country: Bangladesh
Name of Project: "Rangpur Division Agriculture and Rural Development Project" in Bangladesh
Procurement of Works

Sector: Agriculture and Rural Development
Mode of Financing: Istisna'a Loan
Financing No. 2BD-0186
Contract Title: "W-15(Lot-2): Construction of Bridges (Thakurgaon District)"
NCB Reference No. 02/2020-2021

- The People's Republic of Bangladesh has received financing from the Islamic Development Bank (IsDB) towards the cost of **Rangpur Division Agriculture and Rural Development Project** and intends to apply part of the proceeds toward payments under the contract as mentioned in table below.
- The Executive Engineer, Local Government Engineering Department (LGED), District: Thakurgaon, Bangladesh now invites sealed bids from eligible bidders for the following works under the above project.

Sl. No.	Contract No.	Description of works	Price of bid documents (in BDT)	Amount of bid security in BDT	Contract completion time (days)
1	LGED/RADARDP/Thakurgaon/W-15(Lot-2)	Construction of 60m RCC Girder Bridge on Jadurani GC - Amgaon UP office via Nilgaon Road at ch. 5000m (ID No. 194513006) under Horipur Upazila, District: Thakurgaon.	1,000.00	8,50,000.00	540 days

- Bidding will be conducted through the National Competitive Bidding (NCB) procedures as specified in the IsDB's Guidelines for Procurement of Goods and Works under Islamic Development Bank Financing (Current Edition), and is open to all eligible bidders as defined in the Guidelines. In addition, please refer to paragraphs 1.18-21 setting forth IsDB's policy on conflict of interest.
- Interested eligible bidders may obtain further information and inspect the bidding documents during the office hours 09:00 to 15:30 hours on all working days up to 18 April 2021 at address given below.
- A complete set of bidding documents (in English) may be purchased by interested bidders on the submission of a written application to the Office of the Executive Engineer, LGED, District: Thakurgaon, Bangladesh, Telephone: 0561-52042, Email: xen.thakurgaon@lged.gov.bd and upon payment of a non-refundable fee as mentioned in table above only during office hours on all working days until 11:00 hours on 18 April 2021. The method of payment will be in the form of Cash, Pay Order/Bank Draft from any scheduled bank in Bangladesh, drawn in favor of Executive Engineer, LGED, District: Thakurgaon.
- Bid must be delivered to the address below on or before 11:30 hours on 19 April 2021. Electronic bidding will not be permitted. Late bids will be rejected. Bids will be publicly opened at 11:30 hours on 19 April 2021 in the presence of the bidders' designated representatives and anyone who choose to attend at the address below.
- All bids must be accompanied by a security of amount as mentioned in the table above.
- Address referred to the above is:

Md. Shaharul Alam Mondol
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