## EU law offers hope, challenges for labour rights in Bangladesh



The proposed European Union law requiring

large companies to prevent and remedy

human rights and environmental abuses

in their global supply chains is a step in the

right direction. Now, depending on how it is

implemented, it can add great value especially

for a country like Bangladesh, which is mainly

a country of production factories. If the

proposed law contains cost continuity for

any improvement-meaning that any cost

improvement suggested in the legislation

will be borne by both the buyer and seller,

as the factory owners can't pay for all of it

themselves—then that might be of great value.

remedy. In case the brands or manufacturers

in our country are not following the directives,

if they fail to apply the directives or clauses,

then there should be room for remedy. If

the access to remedy is included along with

financing, for example, to hire a lawyer, then

The EU's law adaptation will, at least in

some parts, translate to changes of law in

Bangladesh as well. For example, we don't

have any laws regarding living wages and that

is something which could be adopted because

of the law. We will be able to understand the

gravity of changes that will be necessary once

the law passes in its full form and we receive

independently create a legal framework that

protects workers rights'? Why do we have to

rely on the EU or the West for this? This is

because our current laws and perspectives are

such that profit is prioritised over people. But,

ideally, it should always be people over profit.

A worker having to protest

wage after months is

to receive their hard-earned

shameful for an industry. A

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should get paid in due time.

But why is it that Bangladesh can't

that would be phenomenal.

the finalised document.

What we want besides this is access to

is a labour rights activist and president of Bangladesh Garment and Industrial

KALPONA AKTER

interests before anything else and not think of laws are not implemented properly. Firstly, as quickly. But then again, child labour is other people who have stakes in this business or industry, or about their interests or rights which should be upheld and protected.

Even in Europe, to be honest, and considering how old its industries are and how developed they are economically, a law like this should have been adopted a long time ago. They have done enough against the environment and against workers. The law

there is a scarcity of resources and knowledge available to those who are responsible for the laws' implementation. Secondly, even if we set aside questioning the sincerity of those who are responsible for implementation, the truth is that they will never be uninfluenced even if they wanted to realise the laws. They will either be bribed, threatened, or be managed in any way necessary, by the owners who hold

not impossible to end because it is directly connected with the living wage. Children go to work as labourers because their parents don't earn enough to sustain the family. So until we have a minimum living wage, child labour won't go away.

Carbon emissions, on the other hand, will always be a long-term issue due to the adaptation procedure, especially in terms of results. But implementing a just transition mechanism (JTM), which includes ensuring sustainable production and securing workers' rights, is doable right now provided that the funds necessary for adaptation are allocated. We must be conscious of this. It is not possible to adopt JTM without the funds being provided. So, only instructing to adopt the just transition is not enough. If the funds for this transition are provided, it can be adapted immediately worldwide as there are enough laws and directives on how to adopt it.

Then there is the important matter of access to remedy, though we don't know how long it will take for us to get that. For now, at least an avenue has been created to access remedy. And this was necessary.

A common situation we see among workers is them demanding payment of their arrears. Not paying workers in due time is not only a violation of labour laws, but it is a violation of human rights. If a factory has 1,000-5,000 workers, they should pay their workers within the first five days of every month. And if it has more than 5,000 workers, they should pay wages within the first eight days of each month. But as we know, this is not always followed. Some major factories and companies in our country do follow it, but most of the subcontractors and smaller factories never follow these rules. A worker having to protest to receive their hard-earned wage after months is shameful for an industry. A worker does their work and should get paid in due time. This should be a black-and-white matter with no ifs, ands, or buts.

Now, whether there will be any changes in this aspect due to the European Union's adaptation of the new law depends on some factors. Firstly, the big companies work with major factories. It is usually the subcontracting factories which commit violations such as not paying regular wages. In this regard, we may see the big companies trying to skirt responsibility by saying that they did not know that such subcontractors had been hired. Or that they had assigned the work to the main factory, and that the main factory had hired the subcontractor for additional assistance. This tells us that, if this sort of excuse for non-payment of workers' wages is seen in the future, then both the brand and factories must be held accountable.



There are two reasons as to why the existing labour laws are not implemented properly.

The betterment or security or the rights of people should never be second to the profits of business enterprises. The same goes for the environment, which is also never considered as being more important than profits.

Existing labour laws can be said to be laws to exploit labourers. The names of the laws themselves are indicative of who the law is for. We cannot hope to achieve a legal environment that is protective of the labourers when businessmen are running the country. Of course they are going to protect their own

we're talking about right now was introduced five years ago. It took five years for it to come to this state, and even now it is yet to be finalised and implemented.

Let's talk about the laws we already have. The state of implementation in terms of our existing laws is severely weak. If the current laws had been implemented properly and there was transparency and accountability, our workers would probably not be as exploited and oppressed as they are.

There are two reasons as to why the existing

power.

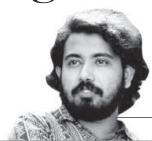
In Bangladesh, changes following the EU law can be both short-term and long-term, depending on the final elements of the law. The living wage element, for example, will not be possible to implement within a day. But the safety aspects outlined in the law can be implemented swiftly because these already exist in the public and private sectors. So it will not be unrealistic to create a safe working environment on a short-term basis. Forced labour, on the other hand, will not go away

FILE PHOTO: FARIYA RAHMAN BRISHTI

This should be a black-andwhite matter with no ifs, ands, or buts.

**WORLD INTELLECTUAL PROPERTY DAY** 

## A solid base of intellectual property rights will drive innovation



**Azmin Azran** is digital features

**AZMIN AZRAN** 

If you've ever explored the answer property (IP), and realise the effects to the question of why-despite promising sectors in entertainment a decade or two ago—the movies and music scene in Bangladesh never quite took off, someone might scream "piracy" back at you. Piracy has plagued content production in Bangladesh for a long time, but with the proliferation of the internet, it has taken on new dimensions. All reputed broadband internet service providers offer some sort of FTP (file transfer protocol) server, where movies, music, TV shows, video games, e-books, and software from home and abroad are available free of cost (besides what you pay monthly to your internet providers). Torrent sites are easily available in Bangladesh as well, allowing users to access an even wider range of copyrighted content that they would otherwise not be able to consume. This means that local producers are always at the risk of having their content leaked on the internet via channels that make it impossible to make any money off of them. Taking away the monetary incentive from creative pursuits

call "dead" scenes. Popular culture and products are entertainment possibly the most direct way in which we interact with intellectual

only serves to discourage people

from running after their passions,

thereby creating what many of us

of poor protection of IP rights. But IP is a broad concept, essentially referring to any creation that is a result of human originality. From artistic endeavours like movies, music, literature, and video games to business creations like brands, trademarks, and industrial designs; everything falls under IP, which means that if a country suffers from a weak IP regime, it can throttle growth and innovation on multiple fronts. The theme for IP day 2024, "IP and the SDGs: Building Our Common Future with Innovation and Creativity," drives home this point with a more positive spin.

IP rights protection can innovation and encourage entrepreneurial enthusiasm on a large scale, creating the right environment for humanity as a whole to pursue these sustainable development goals. IP rights ensure that an innovator's fuel for driving change is not only limited to their passion and ingenuity, but also includes the promise that their innovation will lead to acknowledgment in the form of royalties or public recognition.

Considering the theme for this year's IP day with more specificity, it's clear that innovation will be the key to achieving the sweeping goals that are encompassed by the SDGs, such as the goals related to hunger, education, healthcare, employment, clean

planning, and the climate. For example, the Covid pandemic threw the process of developing greater access to education into overdrive, and massive strides were made in cultivating innovative online education platforms. Similar developments took place in healthcare, in creating platforms to enable remote employment, and in urban planning measures that prioritised human interaction within neighbourhoods over mobility. But relying on stupefying global catastrophes to drive innovation is not a sustainable strategy. In times of relative peace and calm, individuals and organisations need to be incentivised to innovate, to take risks, to build solutions that don't take us forward by only a step, but by leaps and bounds. A strong framework of IP rights protections is the basis for creating these incentives, to ensure innovators that their hard work won't go unrewarded.

Bangladesh's own legal framework around intellectual property can be described as a work in progress. Key steps have been taken through the recent passage of key legislations related to IP, namely the Bangladesh Industry-Design Bill, 2023, the Copyright Act, 2023, and Bangladesh Patents Bill, 2023. While it's encouraging to see forward movement by the government to build upon the previously existing IP rights regime, it remains to be seen how effective they will be in curbing the problems of the past.

What is clear is that, moving forward, IP rights awareness needs to be heightened, the existing legal framework must be implemented, and it should be made easy for businesses to access IP rights protection if violations take place. Local innovators, as well as foreign

investors, need to feel confident that their intellectual property will not be stolen or exploited in Bangladesh. And even if that happens, they need to feel assured that they have a legal recourse to pursue damages.

The United States Trade Representative's (USTR) 2024 National Trade Estimate Report on Foreign Trade Barriers (NTE). published last month, includes a chapter on Bangladesh which points to IP violations as a major problem, among other issues. The report mentions counterfeit and pirated goods. IP violations in fastmoving consumer goods, apparel, pharmaceuticals, and software. The lack of expertise among law enforcement agencies to pursue IP rights violations and reluctance to investigate them is also mentioned. The report suggests better coordination stakeholders and enforcement authorities to strengthen Bangladesh's IP regime.

The path forward for Bangladesh as a country is forked many times over, but it is for certain that the paths that lead to a healthy economy post our LDC graduation, the paths where we succeed or at least get close to achieving the SDGs, the paths where we make the the most of our demographic dividend, are all paths where the importance of IP rights has been recognised on a national level. The development of local manufacturing and industries, and the likelihood of significant foreign investment in our economy in the future both depend on a strong IP regime. The protection of IP rights is how we can ensure that Bangladeshi innovators do not have to constantly look over their shoulders wondering if their hard work is in vain, but can look forward to changing the world one

innovation at a time.

## **CROSSWORD** BY THOMAS JOSEPH

38 Ruler length

41 Gown part

39 Suspect's story

Across 1 Highway 6 Like fresh brownies 11 Artist's stand

12 Mumbai's nation 13 Aspiration 13 Secluded valleys

15 Retained 17 Caribou's kin 18 Pie producers

22 Give off 23 Acropolis setting 27 Scout shelters 29 Bright parrot

reel 32 Face feature

33 Priodic table items

45 Misplaces 46 Pizzeria buy 47 Comb parts 48 Oman neighbor

30 One with a rod and

35 Shop tool

**Down** 1 Warning color 2 Lifeboat need 3 Take advantage of

4 Kitchen whistler 5 Fudd of cartoons 6 College exam 7 Count start

8 Not busy 9 Window part 10 Chore

20 "I have a dream" 21 Marine jellyfish 24 Bus. sch. course 26 Play group 26 Ram's mates 28 Out for number one 31 Old auto 34 Like forest rocks 35 Shaker stuff 36 Lotion additive 37 Prudent 40 Track act 42 Crater part

43 Casino card

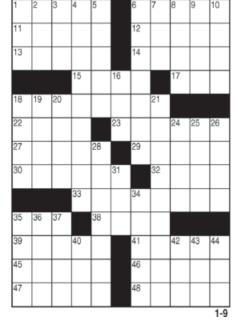
44 Signing need

16 Sty resident

18 Second letter

19 Prayer ender

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