

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



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**KALPONA AKTER**

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.

What we want besides this is access to 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 that would be phenomenal.

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 the finalised document.

But why is it that Bangladesh can't 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.

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

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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

laws are not implemented properly. Firstly, 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

as quickly. But then again, child labour is 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.

## WORLD INTELLECTUAL PROPERTY DAY

# A solid base of intellectual property rights will drive innovation



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**AZMIN AZRAN**

If you've ever explored the answer to the question of why—despite being 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 creative 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 only serves to discourage people from running after their passions, thereby creating what many of us call "dead" scenes.

Popular culture and entertainment products are possibly the most direct way in which we interact with intellectual

property (IP), and realise the effects 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 encourage innovation and 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

water, infrastructure, urban 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 fast-moving 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 among 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 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

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