

Labour Rights at Global Manufacturing: The Case of Women Garment Workers in Bangladesh

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Abstract

The issue of labour rights is a controversial issue in the age of globalisation, and fulfilling these rights is essential to workers' survival. While many scholars have argued that the expansion of global manufacturing is enhancing social justice through providing employment opportunities for women, others have claimed that economic globalisation is less likely to expand freedom and labour justice since global manufacturing enterprises are mostly characterized by violations of labour rights. Drawing on Amartya Sen's 'social justice' approach and based on an empirical evidence from the Bangladesh Readymade Garment (RMG) industry, this study found that labour practices at global factories are uneven and unfair, yet employment in this sector is necessary for survival, particularly for women workers. The labour rights can be improved if all concerned actors work as responsible agent.

Keywords: Globalization, Labour Rights, Women Workers, Social Justice, Readymade Garment Industry

Introduction

In the wake of 'flexible accumulation' under the conditions of neoliberal globalisation (Munck 2002; Smart 2003; Islam 2013) the issue of labour has become both significant and challenging. While only a minority of working people today hold jobs that are well paid, the majority of them are faced with inhuman working conditions and are living in poverty (Dahan et al. 2011). According to the International Labour Organization (ILO), thirty-nine per cent of the world's workforce is living in poverty (earning less than \$2 a day) and twenty-one per cent live in extreme poverty (less than \$ 1.25 a day) in 2008 (ILO 2010a). The gender wage gap is at the centre as women are engaged in segregated sectors that are

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generally characterized by low pay, long hours, and oftentimes informal working arrangements (Bulut and Lane 2011; ILO 2010b; Islam 2008; O'Brien 2004). Despite these dire conditions, women need their jobs at global factories to survive. The precarious conditions and vulnerabilities of women ironically appear as an 'advantage' for the capitalists' continued accumulation, generating a paradox known as 'comparative advantages of women's disadvantages' (Arizpe and Aranda 1981: 453). This juxtaposing situation of workers is not unique in a specific country, but rather a common feature of all developing countries that are connected to the global production system.

Supporters argue that globalisation brings positive changes in the lives of women workers in various forms, such as expansion of employment opportunities leading to higher incomes (Barrientos et al. 2004), subversion of the century-old exploitative patriarchal relationships (Lim 1997), an increase of self-awareness about rights and duties (Kabeer 2004), and a shift in affirmative gender roles and value structures, as well as a reconfiguration of the public-private and production-reproduction dichotomies (Unni 2002). Critics of neoliberal globalisation, however, reject the claim of economic benefit to women resulting from economic globalisation, stating instead that it is pushing women into even more vulnerable situations than they were in before (Elson and Pearson 1981, 1997; Nash and Fernandez-Kelly 1983; Acker 2004; Standing 2009). Working conditions in the factories are characterized by, for instance, extremely long hours, little training, absence of seniority payments, unhygienic work conditions, and little occupational and employment security. All of these in turn reduce the labour costs, leading to a 'profit heaven' for many multinational corporations (Jaggar 2001; Acker 2004; O'Brien 2004). The critics therefore argue that women workers are a vital resource for economic globalisation and are subject to capitalist exploitation. These dichotomous and polarizing trajectories in the existing literatures often obscure the extent to which labour practices at global manufacturing are just and fair which will be dealt in this paper.

Theoretical Framework: The Capability Approach

The 'Capability Approach' developed and popularized by Nobel Laureate Amartya Sen (1992, 1999, and 2009) perhaps the most appropriate approach in understanding the issue of justice. Departing from the Rawlsian view of justice as fairness, Sen (2009) argues that a theory of justice based on fairness should focus on to what extent people are

capable of taking control over resources rather than what goods and resources he or she holds. It is because the outcomes of initiatives are varied due to the differences in persons' capacities although they reside in same society. Sen proposes that people's well-being and standing in society should be assessed based on their 'capabilities to function'; that is, what the persons are actually capable of being and doing. He says, 'the core focus of the capability approach is thus not just on what a person actually ends up doing, but also on what he/she is in fact able to do, whether or not he/she chooses to make use of that opportunity' (Sen 2009: 235).

Sen's notion of capabilities takes note of both opportunity and process aspects of freedom. The opportunity aspect is concerned with the persons' ability to achieve that they reason to value, while the process aspect highlights that the chosen action or activities will not be forced because of constraints imposed by others. Sen puts much effort to explain the opportunity and process aspects of capability by presenting two important distinctions which are the keys to this approach. The first set of distinction is between freedom and achievement. Freedom is viewed as the prime means of achieving well-being and development. He used the concept of freedom in a wider sense. According to him, freedom is a process where persons are free to choose a set of activities that they reason to value, whereas achievement refers to the activities that a person actually performs from a possible set of alternatives. Thus, in first set of distinction, Sen prefers freedom to achievement. The second set of distinction is between wellbeing and agency. Well-being freedom concentrates on a person's capability to have various functioning vectors and to enjoy the corresponding well-being achievement. On the contrary, agency aspect shifts the focus from seeing the person just a passive beneficiaries of the resources and services ignoring the importance of the person's own judgment and priorities to social commitment. It allows people actively to participate in and have an impact on the various collective decision making process.

The capability approach is suitable in the field of work as this perspective provides adequate tool to analyse individual situations, trajectories and potentialities; and the efficiency and fairness of social structures and collective arrangements (Bonvin, 2012). The operationalisation of this analytical and normative framework relies on

two key concepts, namely capability for work and capability for voice. The issue of capability for work refers to ‘job quality’, the valuable work not only in terms of cash benefits but also conditions of work. The notion of capability for voice designates the extent to which people are allowed to express their wishes, expectations and concerns in collective decision making process.

Methodology

This paper, qualitative in nature, is primarily based on data collected through a robust study on RMG industry in Dhaka, the capital of Bangladesh, during the period of October 2011 to June 2012. For empirical investigation, the researcher purposively selected eight manufacturing enterprises, considering the size and location of the firms. For a credible representation, both large and small, Export Processing Zones (EPZs) and Non-EPZs areas were covered while drawing the samples. A methodological triangulation—an in-depth qualitative interview substantiated by ethnography, focus group discussions, and a document search—was adopted in this study to represent diverse stakeholders. The researcher conducted in-depth interviews with 71 respondents that include 32 factory workers, 16 employer/management staffs, 6 representatives from 6 workers’ unions (one from each union), 3 representatives from the government agencies (Ministry of Labour, Directorate of the Inspection of Factory and Establishment, and Bangladesh Export Promotion Zone Authority (BEPZA), 2 representatives from Bangladesh Garments Manufacturers and Exporters Association (BGMEA), 2 NGO staff members working on the labour issues, 6 representatives from Brand Companies and 3 labour experts. The women workers, selected through snowball sampling, for interviews were between 18 and 45 years old, and had experience working in the RMG industry for at least two years.

Although a significant primary data was generated through in-depth qualitative interviews providing a substantial basis for this paper, some ethnographic techniques (direct observation and conversation with local people) added a significant value to the research. The researchers stayed six months in the research areas and spent a larger amount of time engaging in informal talks with local people residing in workers’ residential areas including workers’ family members, and tried to get their opinions about women employment in RMG industry. The researchers also arranged four ‘Focus Group Discussions’ (FGD)

involving workers from different factories and local people. Finally, a robust document search was conducted to make a comparative gauge between our primary data and locally available secondary sources.

Situation of Labour Rights at RMG Industry: Just or Unjust?

Capability for Work

Drawing on the idea of the ‘capability approach’, labour practices at RMG industry are elucidated below. The capability for work is assessed based wages and working hours, occupational health and safety, access to maternity leave and childcare benefits, and other structural factors and barriers affecting this freedom.

Wages and working hours

The most important factor that determines the well-being of the workers is their wage. According to international standard, workers are entitled to have living wages. In explaining the purpose of living wages, Los Angeles Living Wage Ordinance, for instance, recommends, ‘to establish an hourly wage that, on a full time basis, would provide of worker with sufficient income to support a family of four above the federal poverty line’ (Fairiss 2007: 2). The RMG industry in Bangladesh is unfortunately the lowest wage paid sectors all over the world (Muhammad 2011). The study shows that minimum wage of the workers is ‘absolutely insufficient’ for subsistence. To quote one worker, ‘As a machine operator, I earn 4800 to 5000 taka [US\$60 to 65] per month. This is not sufficient to run our family. With my husband’s income, our monthly income does not go over 10,000 taka [US\$125). After paying our house rent, we’re unable to bear all other expenses.’ While wages in different factories may vary, our findings show almost similar trajectory where a worker is not paid enough to even support herself let alone her family of four and more.

Since workers’ wages are too insufficient to manage their daily costs, they are often forced to do over-time work, leading to long working hours. Most workers leave their homes early in the morning and get back home at mid-night. After returning home, they cannot avoid the usual household chores such as preparing food for their family with an intense pressure and anxiety of getting up early from sleep for next day work. Workers with young children are ‘deeply concerned’, ‘too worried’, ‘awfully frustrated’ and ‘extremely sorry’—to quote some of their

expressions—for not being able to give time to their children. With no proper child care facilities in their villages and slums, the younger children are usually left with relatively older ones. In spite of severe hardship, the compensation for overtime work is often below the minimum. Many workers, during interview, complained that their work hours are not even counted properly, leading to many hours of unpaid works.

Occupational Health and Safety

Working conditions of most factories, as observed and alluded by workers, are unfavourable and unhygienic which have long run adverse effect on the labour productivity. During factory visits, it was found that none of the factories have a place to stand upright due to overcrowding. All of the sampled factories, irrespective of size and location, were hot and dusty because a long array of activities including sewing, cutting, and ironing is done on the same floor. In addition to poor working condition, workers' poor living conditions also contribute to their ill health. Along with other studies (Paul-Majumder and Begum 2006; Muhammad 2011), the study found that workers are threatened by malnutrition (for hunger and lower food intake) and ill-health caused from over-work, suffocating shelter and clumsy work environment. They are inflicted by various kinds of health hazards, such as skin problems, head-aches, gastric ailments, backbone pain, and fatigue (see also, Khatun et al. 2008). According to the view of the workers, employers place 'little attention' on working conditions and health safety of the workers, but 'strong attention' on their work. According to a worker:

If you suddenly visit our factory, you will see how we work there. Although the work floor is equipped with lights and fans, it is always too hot and overcrowded. The emergency exit room is too narrow, just as a show case. During the visit of buyers, all floors are kept neat and clean; toilets are equipped with towels and soaps. Unfortunately all are taken away as soon as they leave the factory. If we ask them for soap or towels, our bosses will be furious to us and will say, 'have you ever seen these items at your home throughout your life?' What is important to them is our work, and not our life.

Due to poor working conditions, lack of safety measures, and ill-health of the workers, accidents and deaths are sometimes common. The fatal fires at 'Tajrin Fashions' and 'factory building collapse' at savar which caused

the death of workers 112 and 1127 respectively recount the hazardous and insecure work environment in Bangladesh RMG industry.

Access to Maternity and Childcare Benefits

Following ILO conventions and recommendations, Bangladesh Labour Law (2006) adopted 16 weeks of maternity leave with full employment benefits. Unfortunately, very few workers actually can enjoy these maternity benefits. Workers' testimony appears to support previous researches' claims that despite a legal provision in place, workers have little or no access to maternity leave in most factories in Bangladesh (Absar 2001; Paul-Majumder and Begum 2000). Although there is a legal provision for childcare, only two were found to have childcare rooms. Notwithstanding of the availability, the conditions of these rooms are not even suitable for child health. Working mothers are usually reluctant to bring their children here if they find any alternative. All workers interviewed expressed their dissatisfaction for childcare facilities. The childcare rooms—although poor and unhealthy—have however some strict regulations. A working mother, for instance, revealed: "Although there is a baby care centre, children below two years are not allowed. As a result, workers bring their close relatives for taking care of their children during infancy. If anyone does not find alternatives to care her children, she leaves her job." In many cases, working women resume their work leaving children in their slums and villages in care of their grandparents or other family members. The main cause for not keeping children with them is their low income for which they are unable to afford education for their children in urban areas.

Arbitrary Punishment and Workplace Harassment

Coercive and punishment oriented disciplinary techniques are employed inside factories to ensure labour productivity. All interviewees expressed their dissatisfaction being molested by senior staffs (supervisor, line chief, production manager) by abusive words or physical assault as punishment. The sexual harassment was echoed by a female worker in the following way:

Bosses (line chief, supervisor) very often come and stand beside us. Within a moment, they mildly touch our neck and shoulder and blow their hands on our back. Male bosses touch the body of female workers persuaded by sexual instinct. This harassment is more frequent for relatively beautiful and smart workers.

The most severe form of harassment in the workplace is rape. Although not common and open, women workers are sometimes raped by co-workers or senior bosses but very often it remains undisclosed due to a fear of possible economic (for example, loss of job) and social sanctions (humiliations) (see also, Siddiqi 2000).

Forced and Compulsory Labour

The capability for work implies that workers have the freedom not to work after the end of usual working hour. However, workers have not the freedom over overtime work. It is compulsory for all workers and decisions are made by the management. The main entrance of the factory is always kept locked and controlled by the security personnel (see also, Danneker 2002; Muhammad 2011). Workers' freedom to move for 'valuable work' is also constrained by the authority since wages are paid in second or third week of the month. This delayed payment, a tactic of the employers, hinders occupational movement of the workers that spurred from a focus group discussion where a woman worker disclosed:

If I switch over to another factory, I have to lose salary for seven to fifteen days, or even for a month. We can claim our dues provided that resignation letter is submitted at least 30 days in advance with the clearance from the line chief, supervisor and production manager and finally approved by the final authority. It is very difficult for us to get clearance from different persons by proving satisfactory explanation for resignation. Moreover, there is no certainty of getting a job after one month. Thus, we do not take the decision to leave unless an unusual event tremendously forces us to do so.

Persisting Workplace Discrimination

Although there is no direct discrimination in wage, gender and other indirect discrimination persists. Women workers are segregated in some sections, particularly in sewing, which are comparatively low-paid than other sections such as cutting and ironing. Usually, female entrants are recruited as helpers in the sewing section and they achieve their skills in sewing and remain in the section throughout their working life. This phenomenon, known as the 'feminization of workforce' (Islam 2008; Standing 1999), is justified by some gender biased beliefs (for example, nimble fingers, calm and patient) and myth of experience.

The Capability for Voice

In the case of workers in global production enterprises, the capability for voice implies that to what extent workers are able to participate in

collective decision making process. The capability for voice adequately equips the worker to achieve processual freedom of exit or voice, among the three alternatives of workers' responses against injustices (Hirschmann, 1970). It is the key component of job quality. Capability of voice provides a space to the workers to transform the resources that expand the opportunities for valuable work. The four main conditions of capability for voice (Bonvin, 2012) have been discussed in the following:

i. *The Availability of Political Resources*

The issue of political resources encompasses the workers' ability to constitute a collective body or built strategic alliances. It is also a process of recognition of workers' associations or trade unions' legitimacy. The field data shows that there is no viable existence of workers' unions at the factory level. Workers cannot form or participate in any associations or organizations due to the fear of losing jobs (see also, Danneker 2002). During our focus group discussions, a woman worker reported that: 'We never try to form associations inside the factory because our employers do not like it. They don't allow us to form any association. If anyone takes initiative to organize workers inside the factory, employers will take immediate action to discharge him or her from the job.'

ii. *Availability of Cognitive Resources*

The ability of workers and their representatives to produce their own information and descriptions is a key tool of capability for voice (Bonvin, 2012). If workers at firm level are not competent enough to press their demands and to express their views about 'valuable work' efficiently, then they should resort to representatives. Unfortunately, workers have not found any leadership for their representation in the negotiation table. Due to the absence of trade unions inside the factory, efficient leadership has not been developed. In many of the cases, the so called workers' leaders do not belong to a particular group; rather represent the workers as an outsider and very often motivated for their own interest. Corrupt practices and unethical role of the leaders are well reported by the workers. At the same time, employers are not inclined to arrange any training programs to increase labor power.

iii. *The Available Entitlements*

Legislative provisions and collective agreements allow the workers to claim their legitimate benefits and entitlements what they see as 'valuable

job'. Legal guarantee and enforcement of mechanisms such as the right to strike may significantly contribute to a more balanced power relationship within a firm. For lack of collective bargaining and efficient leadership, the labour benefits and entitlements are at the minimum level. The workers cannot force the employer to comply with the legitimate entitlements and their enforcement.

iv. *The Readiness of Interlocutors*

Any process concerning the definition of 'valuable work' involves a collective decision of different stakeholders such as employers, shareholders or other corporation engaged in the global chain of production. The workers' wellbeing is dependent on the good will and the legal framework and duties (voluntary or compelled) imposed on employers. It is evident that employer's reluctance to listen to the concerns expressed by the workers is a great barrier to the path of transforming into 'valuable work'. Employers and shareholders do not want to sit together with the workers and the decisions are taken unilaterally by the employers. Employers strategically keep workers from joining any trade union, since organized workforce may potentially induce more pressure on the owners to execute their demands. In case of a potential association or union, punishments and panics are common methods used by employers, as echoed by a union organizer:

In the absence of workers' unions or associations, owners can easily ignore the rights of individual workers. Thus owners always follow ways so as to make sure that workers are not organized. By firing the organizers, employers often create panic among the workers, thus refraining general workers from joining any association.

Conclusion

The study shows that the Bangladesh RMG industry apparently displays unjust labour conditions. Both 'capability for work' and 'capability for voice' are denied at the workplace. The study demonstrates the employers' and states' unwillingness to enhance workers' capability. Workers—women in particular—accept the exploitative labour conditions due to the lack of other opportunities and an abundance of cheap labours. These local dynamics certainly provide the local capitalist, state and the global buyers a 'comparative advantage' but at the cost of 'women's disadvantage.' Despite hyper-exploitation, most workers consider the RMG industry as an 'exit point' to enter the public spaces

from their confined space at home, providing a possibility to become self-reliant. Despite bizarre labour conditions in Bangladesh, the labour rights situation is gradually improving by the role of different stakeholders. The study concludes that the fate of unfortunate workers will be written in different way, if all stakeholders (e.g.; employees, employers, state, multinational corporations, human rights organizations and consumers) work together to end unjust labour practices even staying in a capitalistic world in the 21st century.

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