



Promising Practices

On the human rights-based approach in German development cooperation. Economic development: Improving labour rights in the garment industry in Bangladesh

Background

Bangladesh is one of the poorest countries in Asia with a population of approx. 160 million. The sturdy annual economic growth of 6.2% between 2009 and 2013 has mainly been due to the rapid development of the ready-made garment (RMG) sector of the textile industry, which accounts for 78% of the export income and is the largest formal employer in Bangladesh. In 2009 there were an estimated 4,500 factories (mostly locally owned) employing some 3 million workers, the majority of whom are poor and unskilled women.

The main reason for Bangladesh's competitiveness in the RMG sector has been its very low wage level. Yet the low productivity, low skill level as well as the notoriously poor working conditions are now bottlenecks for further growth in the industry. Responding to increased consumer pressure most international brands and buyers now have codes of conduct on social and environmental minimum standards and demand compliance from their Bangladeshi suppliers. This is posing a challenge to the industry.

Against this background, the governments of Bangladesh and Germany commissioned the Promotion of the Social and Environmental Standards Programme (PSES since 2011, formerly, i.e. since 2006, 'PROGRES'), which aims at improving social, environmental and production standards in the RMG industry.

The programme is implemented by GIZ (formerly GTZ) on behalf of BMZ and is co-funded by the European Commission until June 2014.

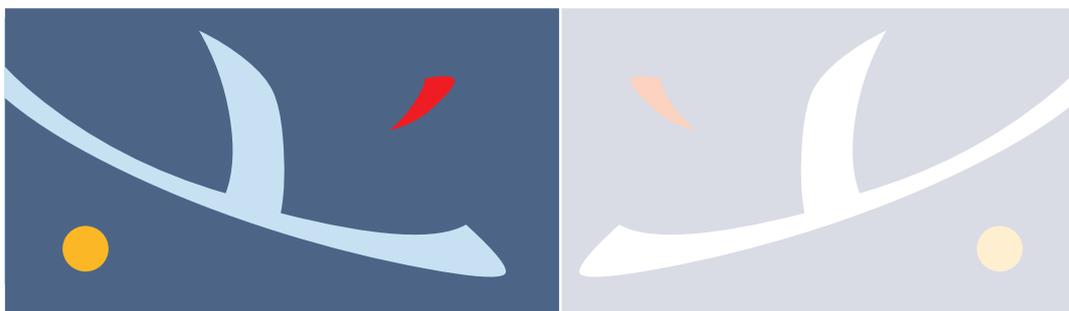
Human rights framework

Labour-related human rights include:

- The right to earn a living through work (article 6), to decent and fair conditions of work (article 7) and the right to form and join trade unions (article 8) of the International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Labour-related human rights of children, women, minorities, migrants, and persons with disabilities, which are codified in specific conventions;
- The eight core labour conventions of the International Labour Organization (ILO) on freedom of association, non-discrimination and the prohibition of forced labour and child labour among others.

General Comments such as General Comment No. 18 on the right to work (2005) by the Committee on Economic, Social and Cultural Rights provide details for a better understanding of these provisions.

Human rights standards are complemented with cross-cutting human rights principles: non-discrimination, participation, transparency and accountability. Cross-cutting principles of ILO conventions are tripartism and social dialogue.



Towards a human rights-based approach

Without explicitly adopting a human rights-based approach (HRBA), the programme has applied many of its elements by promoting the labour-related human rights enshrined in the International Covenant on Economic, Social and Cultural Rights and the core conventions of the International Labour Organization (ILO) ratified by Bangladesh (see boxes).

The RMG industry in Bangladesh contributes to the realisation of livelihood rights (right to earn a living, right to food) of predominantly poor and unskilled workers with little income alternatives. At the same time violations of minimum human rights standards are commonplace: Unhealthy and unsafe working conditions, extremely long working hours, unpaid overtime, a wage below subsistence level, discrimination and harassment at the workplace especially against women, intimidation of trade unionists and occasional child labour. The unionisation rate in the industry is very low, and mechanisms for factory-level let alone industry-wide social dialogue and collective bargaining are underdeveloped. Workers' participation committees in factories, though mandatory by law, are still rarely operational.

As a consequence, PSES focused on enhancing the awareness and capacities of the 'rights-holders' (the workers and other affected citizens) to claim their rights and of the 'duty-bearers' (the government and employers) to respect, protect and fulfil human rights.

Bangladesh's human rights obligations

Bangladesh has ratified most core international human rights treaties and all ILO core conventions except C138 (minimum age convention).

The government therefore has the legal obligation to respect, protect and fulfil ratified human rights and labour rights. Business enterprises have the responsibility to respect human rights and act with due diligence. Both have to provide effective remedy to victims of human rights violations (see UN framework for business and human rights and its accompanying Guiding Principles).

A baseline survey carried out by PSES revealed that the Bangladeshi Labour Law (BLL) basically covered all essential requirements of internationally recognised social and environmental standards but that the majority of employers, employees, government officials and other stakeholders knew very little about these standards. PSES therefore carried out a comprehensive awareness raising campaign on social and environmental standards. The exercise started with translating and condensing essential labour law requirements into 10 key messages which were then promoted on a large scale via banners, leaflets, booklets, street theatres, TV and radio commercials.

Right from the beginning PSES established a nucleus of 147 qualified social compliance master trainers who have been employed by about 50 private and public service providers to qualify factory personnel, auditors, inspectors, and students on standards and compliance monitoring. Likewise, PSES helped the Ministry of Labour and Employment (MoLE) in upgrading the knowledge and skills of its labour inspectors on how to conduct effective social compliance audits and in strengthening the institutional capacity of their in-house training unit. Moreover, the programme assisted the two leading RMG manufacturer associations, the 'Bangladesh Garment Manufacturers and Exporters Association' (BGMEA) and the 'Bangladesh Knitwear Manufacturers and Exporters Association' (BKMEA), to establish in-house social compliance advisory and training units from which more than 4,500 garment producers are potentially benefiting.

To empower workers to the extent that they are able to claim their rights requires intensive capacity development. The programme supported four local NGOs to establish and facilitate so-called workers' learning and action groups, which are primarily directed at women. Commonly one group consists of 10-20 women workers from different factories. Each group is led by one or two volunteer group leaders who are supported by an NGO facilitator. Generally group members meet once or twice per week after work or on their day off. They learn about their rights as enshrined in the labour and family law. They also learn about roles and responsibilities of responsible workers, parents, spouses and good citizens and are briefed on how and where to obtain legal advice including in cases of gender-based violence. Moreover, group leaders and interested group members receive leadership training covering subjects such as problem solving, decision making and negotiation. Since 2010 PSES has been instrumental in qualifying about 20,000 female group leaders which were able to empower 200,000 female workers employed in 150 factories.

In addition, PSES engaged in improving access to complaint mechanisms for workers whose rights had been violated. Not only did the programme support private and public service providers to train compliance officers in factories on how to handle complaints; it also promoted the creation of workers-management committees as an instrument to resolve labour disputes. The inputs from the workers' groups proved instrumental in assisting workers to articulate their concerns. During a period of four years more than 7,000 grievance cases were settled with the help of legal advisors from partner NGOs. For complaints that cannot be solved at factory level, the programme supported legal aid organisations in order for them to be able to bring cases to court.

Even though 80% of the workforce in the RMG industry is female, nearly all better paid and higher positions are held by men. Harassment by male managers is commonplace. In order to promote gender equality, PSES encouraged the promotion of women into better paid jobs. For this purpose PSES strengthened the capacities of six local training institutes to offer technical and managerial training for women workers with potential.

A total of 514 female machine operators were successfully trained and subsequently promoted to floor level managerial positions. Consequently their gross earnings increased at a range of 60% – 100%.

PSES also promotes the social inclusion of disadvantaged persons such as persons with disabilities and socially stigmatised women by assisting a local vocational training provider to develop special training methods and a syllabus for suitable jobs in the RMG-sector and by facilitating their placement in the formal job market. They also received rights awareness and livelihood training. Up to now about 2,500 disadvantaged persons including approximately 100 persons with disabilities were successfully trained and now earn a regular income.

Achievements and impact

Workers in the RMG sector reached by the programme testified that their human rights and labour rights situation had improved significantly – most markedly in occupational health and safety and employment conditions; to a lesser extent in freedom of association and the right to collective bargaining. A more effective enforcement of the Bangladeshi Labour Law as a result of programme-sponsored trainings of government officials who conduct official factory inspections was instrumental in achieving this.

There is evidence that also the social compliance status of about 522 RMG factories has improved as a result of the 'Factory Improvement Programm' of PSES. Both workers and managers report that the various activities aiming at raising rights awareness and fostering dialogue have contributed markedly to improved social compliance and the realisation of human rights at work.

The most remarkable and visible achievement has been the social and legal empowerment of women workers. A large number have been trained in their rights and enabled to better claim them. In about 150 factories workers trained with PSES support managed to create worker's participation committees (which are mandatory by law but still rare exceptions in reality) and use these to successfully address workplace issues.

The programme has also contributed to improve the income and career opportunities for women and disadvantaged groups. By proving that women are able to excel in management positions, initial scepticisms by factory managers subsided. Demand for female line and floor managers has increased and some factories have started to train women for management positions on their own account.

Due to the severe shortage in skilled labour, demand for trained workers with disabilities and from disadvantaged groups has been high. Not only have they proven to be at least as productive as other workers, they are extraordinarily motivated and leave less often for other factories and have therefore proved popular with employers.

Local factories' improved compliance with the labour code and the requirements of buyers' codes of conduct have helped to slightly improve the image and competitiveness of the Bangladeshi garment industry. Some factories reported that, as a result, they have received more orders and were able to negotiate better supplier contacts.

Challenges

The reach of PSES has been impressive by many standards, but the industry is huge. Still, there are about 2,000 factories which do not yet fully meet the minimum standards as required by the Bangladeshi Labour Law.

No change has been achieved in one of the most pressing human rights issues, which is adjusting the minimum wage, which still remains below subsistence level, to a living wage level. Other critical issues include freedom of association, the right to collective bargaining, and the establishment of meaningful participation committees. Here the government has an important role to play to guarantee and realise these rights. However, capacities are still weak. The number of labour inspectors remains grossly inadequate.



Training of female workers.



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Workers' cell leaders
 stage a protest.

Trade unions in Bangladesh lack representation, are fragmented, politicised and male-dominated. This is why PSES took the route to organise (women) workers outside trade unions and collaborate with NGOs rather than trade unions. Nevertheless, future work will need to involve trade unions more closely and strengthen their capacities in order to address structural challenges.

At the same time it will be important to strengthen tripartite social dialogue and improve industrial relations at the national and industry level. Efforts could start with less controversial issues such as vocational training or occupational safety and health to build trust and later expand to more delicate issues such as workers' participation or wage levels.

Another challenge is to support the establishment of an effective external monitoring scheme of labour conditions and create transparency over compliance. Since it is unrealistic to get enough well trained labour inspectors anytime soon an independent monitoring system is needed that involves all important stakeholders including buyers, trade unions, NGOs, and government authorities. In this respect it is vital to further commit international buyers. They can be major drivers of change if they persistently demand respect for human rights from their suppliers (including a living wage and decent working conditions), deal with suppliers fairly, pay more reasonable piece rates, and engage in independent monitoring.

The programme furthermore intends to continually identify good practices that can help make the vocational training of disadvantaged groups self-sustained in the future.

Lessons learned

A key to success has been to work closely with the local industry associations. Without gaining their trust and support little results would have been achieved. Equally important has been engaging with international buyers as key change agents. Involving them at national multi-stakeholder fora helped address more fundamental issues and engaging them in local public private partnerships helped demonstrate the added value and generate funds.

Much effort has been invested in demonstrating the business case for employing disadvantaged groups, promoting women into management position and improving workers' participation and labour standards. This has managed to gain the interest of factory managers and allowed for up-scaling.

Developing standard training content and using a cascading training approach – via capacitating local public and private service providers who train factory employees and NGOs, who, in turn, train workers' leaders who then train workers – has allowed for a large outreach scope in a comparatively short period of time.

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