

PhD Dissertation

RIGHTS OF WOMEN WORKERS IN GLOBAL MANUFACTURING

A STUDY OF THE GARMENT INDUSTRY IN BANGLADESH

by

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October 15, 2013

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RIGHTS OF WOMEN WORKERS IN GLOBAL MANUFACTURING

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(A DISSERTATION SUBMITTED TO THE DEPARTMENT OF SOCIAL AND POLITICAL SCIENCES IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY IN ECONOMIC SOCIOLOGY AND LABOUR STUDIES)

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October 15, 2013

Dedication

I dedicate this dissertation to the memory of garment workers who lost their lives in the fatal fire and building collapse at Dhaka (Bangladesh) on November 2012 and April 2013.

Acknowledgement

Many people have provided me extended support in various ways completing this thesis last few years. First and foremost, I am greatly indebted to my supervisor Professor Renata Semenza for her intellectual stimulation, guidance and constant support. Without her careful readings of many drafts and constructive feedback, I would not have been able to finish this dissertation. I also owe special gratitude to my co-supervisor Professor Golam M. Mathbor (School of Social Work, Monmouth University, USA) for his generous support and thoughtful guidance that helped to develop and sharpen my ideas about social justice and other conceptual issues concerning this study.

I am especially indebted to Professor Ida Regalia, Professor Lorenzo Bordogna, and Professor Gabriele Balarino for their extensive support to ease my stay in Milan, and all other faculties for thoughtful comments and remarks during research progress meetings throughout the study. I do appreciate the support of Kenan Ertunc and Lisa Dorigati over the years as PhD colleagues.

My enormous debt, of course, is to all my informants, for their warmth and hospitality, and for providing me with all required information patiently. The respect and affection that I feel for the workers, owners, union leaders, government officials, NGO representatives, relatives of the workers and other acquaintances who have shared their experiences and provided me useful information for this study. I would like to express special thanks to Mr. Md. Tauhidur Rahman, my sincere gratitude goes to my younger brother Md. Saiful Islam, Sonia, Opu, and Lopa who assisted me during the field work.

I am indebted to my wife, Mst. Sohely Tamanna for her continuous encouragement and enormous support for pursuing doctoral degree by accompanying me in abroad. My deep appreciation goes to my family members including my father, brothers and sisters for their psychological support. I sadly remember my mother late Sakina Khatun who always pushed me for higher studies in abroad.

I also remember my friends and colleagues, Dr. Md. Saidul Islam (Assistant professor of Sociology, Nanyang Technological University, Singapore) and Dr. Md. Nazrul Islam (Associate Professor of Statistics, Shahjalal University of Science and Technology) for their thoughtful comments on the drafts of the dissertation. I am also thankful to Dr. Abu Yusuf, Dr. Md. Rejaul Islam (Associate professor of Shahjalal University of Science & Technology), Muhammad Abdur Rob Dewan (Assistant Professor, American International University of Bangladesh) and Md. Shariful Islam (Associate professor of University of Dhaka) for their great inspirations and continuous supports.

Finally, I would like to express my deep appreciation to personnel of the University of Milan, (Milan, Italy), Monmouth University (West Long Branch, New Jersey, USA) and the Shahjalal University of Science & Technology (Sylhet, Bangladesh) for their unconditional administrative assistance.

Milan, Italy

Md. Ismail Hossain

October 15, 2013

Abstract

Rights of women workers in the globalized economy stimulate a great debate across the world. This is mainly for two opposing effects of women working: on one side, economic globalization offers a means of survival through an expansion of employment opportunities; on the other, globalization opens up price competition which in turn invokes producers to violate workers' rights. Having no control over the export market, raw materials or equipment, producers finally put pressures on the labour force. A major strategy dealing with labour is to move towards a flexible workforce which consists mostly of women. Feminization and labour flexibility increasingly pushes women out of the core workforce consisting of part-time, temporary, casual and subcontracted, and into a marginalized group of workers that gives rise to the violation of workers' rights. Simultaneously, the spread of cheap and rapid global communication and information systems increase the concerns of consumers, trade unions, buyers and the International Organisations (e.g.; IMF, ILO, World Bank) that extends resistance to sweatshops. As a result, a number of rules and regulations have been adopted both at the national and international levels to regulate workplace conditions. However, the violation of labour related issues is still widespread. Thus, employment of women in global manufacturing has triggered debate among scholars as to whether it brings more justice or more injustice. Considering the continued debate, this study seeks to explore how globalization shapes the dynamics of workers' rights and gender relations in the workplace, taking the garment industry of Bangladesh as an empirical site. Applying Amartya Sen's idea of social justice, this study demonstrates that labour rights in global manufacturing factories are not just but are at the same time essential for the survival of women workers. For ensuring just and fair labour practices, the role of industrial

relations actors is essential. This study finds that the traditional industrial relations system and its core task of collective bargaining are not in place properly due to unequal power relations of the actors. Employers' association holds the dominant power where workers associations remain at the bottom. Given the failure of traditional actors, the role of new global actors is crucial. Being pressurized by the consumers, citizens, NGOs and human rights activists, the role of multinational corporations is gradually increasing but has yet to reach expectations of the workers as they are driven by profit maximization. The consumers and citizens' pressure on MNCs needs to be stronger to oblige them taking the responsibility of labour justice in their manufacturing plants. At the same time, NGOs and other transnational organizations need to work to increase labour power. This study suggests a cosmopolitan industrial relations system involving both traditional and non-traditional actors for ensuring labour justice in the global manufacturing industry.

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Glossary of Terms and Acronyms

ADB	Asian Development Bank
ANZCERTA	Australia and New Zealand Closer Economic Agreement
ASA	Association for Social Advancement
BBS	Bangladesh Bureau of Statistics
BGMEA	Bangladesh Garments Manufacturers and Exporters Association
BEPB	Bangladesh Export Promotion Bureau
BRAC	Bangladesh Rural Advancement Committee
BSCI	Business Sourcing Compliance Initiative
CCC	Clean Clothes Campaign
ETI	Ethical Trading Initiative
EPZ	Export Processing Zone
FDI	Foreign Direct Investment
FLA	Fair Labour Association
GDP	Gross Domestic Product
HRM	Human Resource Management
ICESCR	International Covenant on Economic Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
LWO	Labour Welfare Officers
MNC	Multinational Corporations
NAFTA	North Atlantic Free Trade Agreement

SAI	Social Accountability International
TFN	Transnational Feminist Networks
WRC	Workers Rights Consortium

INTRODUCTION

Background of the Study

Workers' right is a hotly debated and challenging issue in the age of globalization. This dissertation uses the term globalization to refer to the greater integration within the world economy that results from the technological revolution and the global restructuring of capitalism through which countries across the world are coming under one umbrella and integrating into one network society. Transformation into one network society accelerates the growth of the capitalist market and sets of social relations, leads to greater flow of commodities, technologies, knowledge, ideas, forms of cultures and people and increases connections and dependence across national boundaries (Sassen, 1998; Apadurai, 2001; Stiglitz, 2002; Kellner, 2002). The most crucial and central feature is the economic forces of globalization.

Under the doctrine of 'free trade' policy, nation states promote the unobstructed flow of goods by eliminating export and import quotas and tariffs, and abandoning the restriction on free flow of capital and goods. But they seek to control the flow of labour (Jaggar, 2001). Since third world or developing countries have abundant supplies of labour but acute shortages of capital and technological resources, which constrain the expansion of domestic enterprises, they welcome 'Foreign Direct Investment' (FDI). As a result, 'Multinational Corporations' (MNCs) from the developed world, who are in a position to invest capital, relocate their factories to third world countries where labour is cheap. The small and medium sized firms that were almost shut down for financial

shortage are also reviving again with the financial support from developed countries¹. A global chain of production has been established through which goods are produced in third world countries, namely in the 'global south' and traded to developed countries, recognised as the 'global north' for consumption through large brand name companies or retailers. The major industries that come under global manufacturing process are garments, shoes, electronics, fruits, vegetables, flowers, and wines.

This global manufacturing system has two dominant features. The first feature relates to the violation of labour rights². Globalization of markets for manufactured goods has intensified competition among global buyers or MNCs. Many MNCs strive to simultaneously achieve lower cost, higher quality, faster production, greater flexibility and shorter delivery time (Daniels and Daniels, 1993). As a result, local producers need to create a proactive strategy that gives them a competitive advantage to the global buyers, and consequently move on feminized and flexible labour (Hayes, Wheelwright and Clark, 1988). The intersection of feminization and labour flexibility has been illustrated appropriately by many scholars who refer to it as 'global feminization through flexible labour' (Standing, 1989; Acker, 2004; Caraway, 2007). Indeed, women constitute the larger share of flexible workforce that account for 60 to 80 percent of total labour force in

¹ To attract foreign direct investment, many states have developed free trade zones, popularly known as 'export processing zone' (EPZ). These areas are mainly reserved for foreign enterprises or for joint partnership enterprises.

² Generally, workers' rights refer to some rights of workers at the workplace. However, there is widespread debate on what constitutes these rights. Immanuel Kant defines a right as a 'perfect obligation' where a particular agent is responsible for the actualization of that right (Kant, 1978). Sen uses this term from moral point of view and states that rights are not only the things that included in the laws; rather, rights is a matter of ethics that transcends legal recognition (Sen, 2000). From this view workers' rights are not only the realized rights but also unrealized rights which need to be implemented through undertaking new legal and policy measures. Here in this study, the term workers' rights is used to denote a level of working conditions and benefits that enables workers to work with safety, security and dignity, and lead their lives without any deprivation of basic necessities.

global manufacturing industries who hardly receive employment benefits (Barrientos, Kabeer and Hossain, 2004; Tallontire et al., 2005; Seguino, 2006; Standing, 2011). Thus it is argued that in the advent of global manufacturing system, the pressure from global capitalism for a flexible workforce has created a non-standard employment and has increased the social and economic insecurity of workers (Chang, 2009; Kalleberg, 2009; Vosko, 2011). As the labour force in global manufacturing industries is feminized and flexible, and the violations bring about the deplorable consequences for women, many scholars contend that women are the best resource for globalizing capital and subject of capitalist exploitation (Elson and Pearson, 1981; Jaggar, 2001; Barrientos, Kabeer and Hossain, 2004; Acker, 2004; Custers, 2012).

The other dominant feature of globalization is increasing awareness among workers, consumers and citizens. Due to the advancement of communication and information technology, evidence of unjust labour practices can easily be transferred throughout the world being fostered by trade unions, Non-governmental Organizations (NGOs) and Human Rights Organizations (HROs), Civil Society and different national and international bodies (Verma and Elman, 2007). The activists launch campaigns to increase awareness among consumers about workers' rights violations since 1990s. For example, the US-based Fair Labour Association (FLA) and Clean Clothes Campaign (CCC) in Europe are two organizations dedicated to protecting worker rights and improving working conditions worldwide by raising consumer awareness. The resultant consequence of consumers' awareness is the boycott of products that are made in sweatshop conditions which compel corporations to protect labour rights in their supplier plants.

The rival trajectory of global manufacturing—violation of labour rights and increasing pressure of protecting labour rights—has been the focus of research among academics and scholars from a variety of disciplinary backgrounds, including economics, sociology, gender studies, anthropology, political science, employment and industrial relations, and policy studies, and has produced a wealth of literature contributing empirically and theoretically. Recent studies offer crucial debates about the current state of labour rights: whether it is just and fair, and extend a wide variety of perspectives for bringing labour justice which will be discussed elaborately in chapter one. The optimistic view is that employment in global manufacturing industries has led women to become self-reliant. It has also led to a transformation of gender roles, a decrease in the social seclusion of women, an enhanced social status and bargaining capacity and a reduced fertility rate (Lim, 1997; Razavi, 2001; Unni, 2002; Kabeer, 2004a; Khosla, 2009; Feldman, 2009). On the other hand, critics warn that any economic benefit to women resulting from economic globalization is very marginal. It is argued that employment in global manufacturing pushes women into more vulnerable situations than they were in before (Boserup, 1970; Nash and Fernandez-Kelly, 1983; Elson and Pearson, 1997; Acker, 2004).

At the same time, researchers and policy analysts engage in finding solutions to confronting the harsh consequences of globalization on workers, and offer different perspectives to improve the situation of labour rights. Some scholars, namely supporters of the political economy approach, argue that the state should take the responsibility and has the capacity of playing an active role to ensure the well-being of all (Smart, 2003; Harvey, 2005; Steger and Roy, 2010), others argue that employers should take the responsibility because workplace relation is highly dependent on the management and workplace organization (e.g., Thomson and Heron, 2005; Locke et al, 2007). Departing

from national boundaries, feminist scholars (Elson and Pearson, 1999; Kabeer, 2000; Bergeron, 2001; Collins, 2003) urge for organizing workers and establishing transnational networks of unions, value chain analysts (Gereffi, 1994; Tallontire et al, 2005; Barrientos, Gereffi and Rossi, 2011) call for greater social responsibility of multinational corporations. The main criticism of MNCs and voluntary codes of conduct is that due to competition in the global market, corporations are more concerned about the quality and price of the products than labour rights (Esbenshade, 2004; Rodriguez-Garavito, 2005). Thus, it is argued that voluntary initiative of MNCs cannot bring the expected outcome until forced. Consumers, civil society, NGOs and HROs can launch movements against sweatshops and compel MNCs to take responsibility for ensuring better workplace conditions (Bellemare, 2000; Santoro, 2003).

The above briefs (details in chapter one) clearly indicate that the existing literature offers diverse and contested perspectives in understanding and policy issues concerning labour rights at global factories. The main limitation is that these approaches have failed to bring different dimensions of conceptualizing workers rights transcending the boundary of a particular approach. Each approach has a unique focus and undermines the themes held by other approaches. Multiple actors and conditions are involved in the global chain of production and, therefore, a more comprehensive approach is needed that integrates the collective and coordinated role of all actors. The existing literature is still lacking in this regard.

Research Objectives

This study conceives that the current global economy, a complex interplay between gender, capitalist forces of globalization and multiple actors in global production networks (GPNs) is shaping a new regime of labour regulation and industrial relations

which influences the rights of women workers in global manufacturing industries. Thus, the main aim of this thesis is to explore how the globalization of the economy shapes the dynamics of employment and rights of workers. To address the main research question, this study will seek to get answer of the following specific questions:

- What is the current state of rights of women workers at global factories? Is it just and fair? How do gender norms and capitalist forces of production shape the terrain of labour rights in the workplace?
- Is there any variation of worker rights between the factories? If yes, what are the contributing factors for differential labour regulation and practices?
- What are the roles played by the traditional and non-traditional (newly emerging) actors for ensuring labour rights of women workers?

Significance of the Study

This study has been conducted on the RMG industry of Bangladesh, the second largest garments exporting country in the world (details in chapter four) using the capability-based social justice framework. Based on the contextualization of the problem, it is believed that this study has both theoretical and empirical significance.

First, the existing studies have offered contested arguments about the impact of globalization of production on rights of women workers. The literature has shown positive and negative influences on women employment but none argues to what extent these dichotomous effects are just and fair (details in chapter one). Though labour justice had been the central focus of academic discussion and policy analysis, perhaps the social justice perspective based on the capability approach had not been used in assessing the rights of global workers. The use of the capability approach is still novel in understanding labour rights. The capability approach focusses on person's actual freedom of doing

things that s/he reasons to value. It stresses creating such a condition that enables a person to choose freely the option from alternatives to meet his/her needs. The capability approach evaluates justice and fairness, taking into consideration socio-economic and political contexts where the trajectories take place. It also proposes two aspects of evaluating justice: agency and well-being of the workers (details in chapter two). Since the capability approach stresses enabling the condition for exercising freedom and relates freedom to obligations, the exploration of labour right issues from the social justice perspective provides a scope of assessing the role of different actors in the global chain of production and distribution. At the same time, it provides a space of identifying strengths and weaknesses of the social justice approach as well as other policy practices concerning labour market regulations.

Second, many a study has been conducted on exploring the rights of women workers in global manufacturing. Most have focused primarily on African horticulture or Mexican maquiladoras but very little (Kabeer, 2000; Dennecker, 2002; Paul-Majumder and Begum, 2006) has been found on RMG manufacturing. A research contextualized in Bangladesh can offer a more congruent picture because Bangladesh is the second largest in the world in RMG manufacturing and many scholars predict that it is going to be the first due to the rising labour costs in China (Wassener, 2012). Though the emergence of RMG industry of Bangladesh has already past three decades, the improvement in terms of labour rights is depressing. It remains at the bottom, characterized by low wages, lack of workplace safety and security, denial of workers' unions, and the frequent torture and harassment of union organizers by employers and law enforcement agencies. Demonstrations demanding increased wages and benefits are very frequent and cause major property damage. They have been continuing for more than a decade. All these aspects have been a growing concern to global buyers, human rights organizations

(HROs), consumers and policy analysts. This concern has gained momentum after two recent tragic incidents; the factory fires at '*Tajrin Fashions*' (November 2012) and the factory building collapse at '*Rana Plaza*' (April, 2013), which caused the death 113 and 1128 workers respectively. Scholars warn that the gains the RMG sector so far has achieved will hardly be sustained if stresses and strains continue for a long time. In a recent report, *Odhikar* (2013) notes that the "lack of monitoring of the government and corruption, construction of defective buildings, hazardous working conditions in rented buildings, violation of labour laws and lack of effective prosecution have put the RMG sector under serious threat" (p. 12). Scholars have renewed focus on revealing the real reason of prolonging the restive situation and effective implementation of mitigation mechanisms for the sustainability of this industry (Ahmed, 2009; Hossain, 2012). Thus, this study will serve as a timely contribution towards this end.

Structure of the Dissertation

In this dissertation, based on qualitative interviews, focus group discussions and review of literature, I seek to explore how global manufacturing processes transform gender relations in the workplace and how global forces of capitalism and changing gender relations shape a new regime of labour regulation. Keeping in mind these questions, the dissertation is divided into five chapters followed by a conclusion.

The first chapter makes a comprehensive survey of existing literature centred on globalization, gender and employment. By reviewing the literature, this chapter draws the central debates concerning employment of women in global manufacturing enterprises. The literature investigated reviewed under this study is organized in three central themes: (1) First group of literatures explicates the relationship between feminization of workforce and global manufacturing; (2) The second investigates how feminization and

labour vulnerability intersects in global factories, and (3) The third group explores the policy debates of labour regulations. Drawing views from the literature, this chapter concludes that the impact of globalization on women is a paradox. While global manufacturing provides many women, mainly in the global south, a means of survival through an expansion of employment opportunities, and as the main resource for globalizing capital, they are subject to multiple types of oppression.

Chapter two presents a comparative discussion of existing approaches for understanding the intersection of labour rights and gender in the new regime of global production. This chapter reviews available approaches such as political economy, feminist, global value chain, and human rights. It shows that despite various strengths and strands, these approaches have a narrow focus as they provide only a partial view of understanding the critical nexus between labour rights and gender. This chapter then complements these conceptual threads with a social justice approach, particularly the capability approach, drawing largely from Amartya Sen. It shows that the social justice approach has a much wider focus covering many of the key themes of other approaches. Therefore, the ‘capability approach’ is chosen as a theoretical framework for this study.

Chapter three presents the steps and procedures followed throughout the course of the study. The study has followed the extended case method which combines multiples methods and procedures to generate data. A detailed examination of these methods and procedures for data collection, data analysis, ethical considerations, and limitations and challenges will be discussed.

Chapter four addresses the context of the research with particular focus on the trajectories of women employment and development of Bangladesh. The chapter shows how gendered beliefs and cultural practices shape the gender division of labour and

sketches how women's labour market participation is influenced by these beliefs. It portrays the shifting trends of women employment from traditional agriculture to modernize production and discusses the antecedents of transforming and accelerating this shift. This chapter also describes the development path of industrial relations system and labour regulation policies.

Chapter five mainly deals with the empirical findings of this study. This chapter is divided into four subsections. The first part discusses the practices, policies and strategies of labour regulation in the RMG industry and how these practices, strategies and policies contribute to maintain labour rights. It also examines to what extent existing labour market relations are just and fair. The fairness of labour practices are assessed from two aspects based on the capability approach: well-being and agency of the workers. The second part explores whether any difference of workers' rights exists among the factories. The differences are examined considering the size, ownership and location of the factories (small/large, domestic/foreign, inside/outside of Export Processing Zone). The third part describes the role of industrial relations actors (both traditional and new actors) in ensuring labour justice, and the final part elucidates the direction of change in the lives of women workers.

At the end, the dissertation provides concluding remarks corresponding to each research question raised at the beginning of the dissertation. This chapter also discusses the implications for capability approach in understanding labour rights and gender justice, and makes recommendations for further research.

CHAPTER 1

BACKGROUND LITERATURE

The issue of gender and labour rights in global manufacturing has gained increasing interest among academics, scholars, policy analysts and NGO practitioners. A number of debates (Marxist, feminist, neo-liberal) animate the discussion of how to understand labour rights and the ways of securing these rights. Reviewing the literature related to gender and employment in a neo-liberal global economy, mostly in an Asian context, I have classified them in three main streams (though all are interconnected and often infused by others): (1) the changing trend of the workforce in global manufacturing through feminization and labour flexibility (Barrientos, Kabeer and Hossain, 2004; Acker, 2004; Ngai, 2005; Caraway, 2007; Chang, 2009; Custers, 2012), (2) the issue of labour (in)justice in global industries with particular focus of gender and employment relations (Walby, 2002; Collins, 2003; Santoro, 2003; Raworth, 2004; Clean Clothes Campaign, 2005; Kalleberg, 2009; Kabeer, Mahmud and Tasneem, 2011); (3) the role of Actors in shaping and (de)regulating work and the labour markets (Moghadam, 2005; Tallontire et al, 2005; Hutter, 2006; Shen and Benson, 2008; Yu, 2008; Clean Clothes Campaign, 2009; So, 2010; Rossi, 2011; Barrientos, Gereffi and Rossi, 2011; Scherer and Palazzo, 2011; Anner, 2012).

1.1: Feminization and Labour Flexibility

The presence of women workers in global manufacturing factories is one of the dominant images of globalization. Generally, feminization of the workforce entails mass entry of women into the formal labour force (Momen, 2006). This concept became the centre of

academic discussion after the publication of Ester Boserup's book *'Women's Role in Economic Development'* (1970). The term 'feminization of labour' is mainly used to denote two different meanings. First, it is used to refer to the sharp increase of women's labour force participation, particularly in a shift from the agricultural to the industrial sector. Second, the term 'feminization of labour' is used to describe increased flexibility in men and women's labour. Labour flexibility refers to the temporary employment pattern constituted by part-time and casual workers where employers are able to increase workforces when they have higher production volumes and reduce the workforce when they have small volumes of production (Ofreneo, 2010). In practice, flexibilization denotes a very pervasive meaning, "gradual weakening of the conditions that characterize regular employment" (Arnold and Bongiovi, 2013, p. 296). Limited job opportunities for women combined with urgent family needs often force women to work in these global industries even though employment is temporary, without any formal contract, and with limited or no labour benefits.

Neo-liberalism opens fierce competition among the producers. Corporations adopt two main strategies to compete in global market: cutting labour costs by employing temporary workers in place of permanent workers, moving to subcontracting and transferring plants to other countries where labour is cheap, and bringing diversification to the production process by upgrading technology and improving labour capacity (Car and Chen, 2004). In fact, multinational corporations relocate their firms, mostly labour intensive assembly operation, to cheaper production sites overseas, namely in Third World countries where the supply of cheap labour is abundant. This relocation of labour intensive firms to Third World countries has provided an ample employment opportunity for women who were usually jobless (e.g.; Nash and Fernandez-Kelly 1983; Barrientos,

Kabeer and Hossain, 2004). As a result, the presence of women workers in global manufacturing industries is overwhelming, which characterizes the feature of feminization of the workforce. For example, the share of women workers in the garment industry constituted 85 percent in Bangladesh, 90 percent in Cambodia, 70 percent in Morocco and 60 percent in Honduras, and in the cut flower industry, 65 percent in Colombia, 75 percent in Kenya and 87 percent in Zimbabwe (Kidder and Raworth, 2005).

Producers or Multinational Corporations (MNCs) preferred women workers because they are comparatively cheap that results from the combination of patriarchy and capitalism (Elson and Pearson, 1981; Lim, 1997; Harvey, 2010). Explaining the reason for female preference by MNCs, Elson and Pearson (1981) note, “female labour must either be cheaper to employ than comparable male labour, or have higher productivity, or some combination of both; the net result being that unit costs of production are lower with female labour” (p. 92). The recent trend in most countries is to allow the employers to use temporary employment contracts and the consequent outcome is greater flexibility and heightened insecurity in the labour market. Increasing competition in the global market leads MNCs to move towards a mixed workforce constituted by both full-time and part-time workers because it legally frees them from providing labour benefits, helping to keep production costs down. This flexible labour force consists primarily of women workers (Standing, 1989; Beneria, 2001; Walby, 2002; CCC, 2005; Chang, 2009). In fact, feminization and labour flexibility are linked to each other and undifferentiated. The combination of “feminization” and “labour flexibility” form a two-fold process that involves the increased labour force participation of women and an increase in non-standard jobs. Women tend to work even though the employment contract is temporary because they desperately need the job. On the other side, employers can run the factory

depending on flexible labour because surplus labour constituted by women is abundant (Smithson and Stokoe, 2005). Moreover, in labour intensive industries, particularly garment manufacturing, workers do not need advanced skills. A worker can perform all tasks if s/he has basic skills in operating the sewing machine. Therefore, employers are not heavily dependent on particular workers. They are easily replaceable; employers can substitute the labour force anytime without hampering the production.

The literature has mentioned two main arguments in favour of feminization of labour in the global manufacturing industry. The first argument emphasizes economic forces of cheap labour. Scholars have argued that the increase in the feminized workforce occurs as a process of searching for cheap labour. The second argument places importance on feminist discourse that highlights gender discourses of work—ideas and practices about men and women that provide distinct forms of labour or gender divisions of labour. Scholars of this stream are also feminist economists but they slightly differ from the previous argument by highlighting the diversity of gendered labour practices in the global economy. They claim that gender discourses of work cause employers to prefer women workers and provide justification to the employers to maintain gendered division of work. Among many of these, some notable and widely used discourses are: women are careful, diligent, disciplined, patient, easier to manage or control, better suited for light and monotonous work, less likely to go on strike and protest, have less of a desire for higher wages and promotion, less occupational mobility and so on (Caraway, 2005, 2007; Hossain, Mathbor and Renata, 2013). Whether women workers may or may not possess these traits, the fact is that managers believe and practice it. As Leslie Salzinger (2003) noted, these images are important not because they reflect reality but because they produce it. Caraway (2007) argues that gendered discourses not only illuminate the

process of job allocation and reallocation at the firm level but also provide a means of connecting shop-floor gender divisions of labour with a broader gendered pattern of industrialization. These gendered discourses are as important as and very often more important than wages for feminization of manufacturing industries, and are crucial for understanding the sexual politics of globalization.

The debate of comparative influence of 'wage' and 'gendered discourses of work' may ask for further research and may lead to different conclusions, but scholars are unanimous at the point that a feminized and flexible workforce are the two important features of global manufacturing industries and it is used for exploiting labour. Many scholars (Stiglitz, 2002; Standing, 2008; Chang, 2009; Kalleberg, 2009) have argued that labour market flexibility increases the risk and makes shift the risk from employers to employees by reducing employment security and job benefits. Since global factories are dominated by women workers, violations mostly related to women and traditional gender norms restrict women from raising their collective voices, it is women who suffer more than man. Thus, it is argued that women workers are the resource for economic globalization and are subject to capitalist exploitation (Elson, 1999; Acker, 2004; Caraway, 2007). Based on empirical evidence from Asian countries (India, Bangladesh and Japan), Custers (2012) notes that traditional gender norms shape the sexual division of labour in such a way that preserve male power over women and greater economic exploitation of women in pursuit of capitalist interests. Women workers are the source of extraction of absolute and relative surplus value. Employers have chosen to increase their female labour force as a means of raising productivity because they are more willing to accept low wages, long working hours, unpleasant and often unhealthy or hazardous working conditions, typically do not engage in collective bargaining or any protest

movement to increase labour conditions which are shaped by dominant gender discourse found within the social community.

The above literature offers a number of questions, such as, how do gender stereotyped beliefs and ideas persist in the workplace? Is there any relationship between gendered beliefs and global forces of capitalism? If yes, what is the form of this relationship? How do these beliefs influence the work pattern and employment relations and how are these associated with labour rights?

1.2: Women Workers and Labour Justice

The effect of economic globalization on ensuring labour rights is contradictory and it has spurred endless debate among scholars. A number of studies have shown that economic globalization allows all countries to become wealthier and hence prosperous by stimulating economic growth, because it helps the state best utilise of resources in the production of goods and services, in turn increases income opportunities which enhance the living standards and a greater respect for human rights (e.g.; Apodaca, 2001; Richards, Gelleny and Sacko, 2001; Elliot and Freeman, 2003; Richards and Gelleny, 2007). On the other hand, critics of globalization state that neoliberal globalization is widening the gap between rich and poor instead of bringing universal prosperity. The economic restructuring, trade and financial liberalization increases the global competition, which makes states less capable of enforcing or willing to enforce human rights obligations. Neoliberal economists consider labour as an input of production like any other commodities that keep actors from improving the condition of workers (Eichengreen, 1997; Rodrik, 1998; Stiglitz, 2002). Indeed, entrepreneurs are reluctant to improve employment conditions because it makes them less competitive due to the increase of production costs (Dolumbia-Henry and Gravel, 2006).

In the same way, counterarguments have been found on the impacts of globalization on women workers. Some argue that globalization brings positive changes to the lives of women workers in various forms, such as expansion of employment opportunities leading to increased income, breaking the patriarchal bond, growth of self-awareness about rights, duties, and participation in collective bargaining association, shifts in gender roles and value structure, and reconfiguration of the public-private and production-reproduction dichotomies (Lim, 1997; Razavi, 2001; Gills, 2002; Unni, 2002; Kabeer, 2000). In a comparative study based on in-depth interviews with Bangladeshi workers in London and Dhaka, Kabeer (2000) shows that global restructuring widens the labour market opportunity for women and cash earnings help women to renegotiate the *Purdha* norms; husbands and the community in general legitimize women working outside of the family because they need the income. But the study highlights that the status of workers in developing countries is inferior to workers in industrialized countries. A similar argument is suggested by Shally Feldman (2001, 2009) who notes that there has been an overwhelming change in the lives of women workers. The presence of women in public spaces is a dramatic shift within a strict cultural norm that restricts women's movement outside the home, particularly for employment. In a review article, Khosla (2009) similarly shows that women workers gain greater economic independence, respect, social standing and voice than they had before, but she mentions that gender based harassment and exploitation still persists.

Other critics (Seguino, 2000; Collins, 2003; Raworth, 2004; Ngai, 2005) reject the claim of an overall economic benefit to women resulting from economic globalization; rather, they argue that employment in global factories pushes women into more vulnerable situations than they had been in prior to working in the factories. For them, the entry of women into the paid workforce does not make any change in hierarchal gender

relations, since a new sexual division of labour is created in the factories. Increasing competition in the global market pushes entrepreneurs to move for a flexible workforce constituted by women workers; that leads to the deterioration of working conditions. Women are employed in low-skilled and low-paying jobs compared to men. Working conditions in the factories are characterized by extremely long hours, little training, absence of seniority payments, unhygienic and even dangerous work conditions, a low standard of occupational safety and insecurity of employment. All of these in turn reduce the labour cost and multinational corporations find it profitable to employ this low cost female labour. Seguino's study (2000) observed that of the major export oriented industries of textile, clothing and electronics in South Korea, Taiwan, Hong Kong and Singapore, all are industrializing countries with EPZs, experienced rapid growth, and employed a high concentration of women coupled with high wage differentials between men and women. In a comparative study of two prominent U.S. apparel firms in Virginia and Mexico, Collins (2003) provides a history of the garment industry, and based on interviews with factory workers and management. In both the companies she concludes that globalization coupled with a free market economy is unlikely to improve the harsh working conditions that continue to exist. She shows how, although conditions in firms differed, workers are burdened with long working hours, frustrated with their stressful environment, which is increased by the imposition of stricter standards of management and control, endured complicated work assignments and become disillusioned, failing to voice grievances for weak unions. Collins, however, is more optimistic to change the situation as women have begun to challenge these conditions by organizing themselves at the workplace and in their communities through the help of various nongovernmental organizations. An Oxfam report prepared by Kate Raworth (2004) presents a dismal picture of how workers' rights are violated in the global supply chain based on research in

12 partner countries. This report explains that workers are contributing to rising global prosperity and to the profits of some of the world's most powerful companies but they are systematically denied their share of the benefits from their labour (p. 102). This report also noted that away from the factory floor, the hidden costs of precarious work is much higher, e.g., children are out of school and suffering from diseases due to unhygienic accommodations and mal-nutrition, workers are struggling with long term ill-health caused by unhealthy working conditions and long working hours. In absence of global institutions that are widely trusted and empowered to protect the rights of workers in the global economy, workers' rights are traded away by corporations. Based on ethnography in an electronics factory in *Shenzen* Special Economic Zones in Southern China, Ngai (2005) shows a passionate indictment of the social violence brought by global capitalism. She notes that the sufferings of rural migrant women to urban areas do not end with low wages, arduous working conditions and temporary employment, rather a number of social prejudices crumble their social dignity though their labour has been crucial to the expansion of Chinese manufacturing. A edited volume based on evidences from global garments producing countries, shows that global women workers bear the cost of capitalist derive for profit maximization and perception of gender play an important role in propelling precarious labour practices that cost beyond the workplace. However, workers are not aware of their rights and they are away from raising their collective voices for lack of workers' interest organizations (CCC, 2005).

The above literature provides two contrasting views of the impact of global manufacturing on labour rights. This paradox offers a number of questions that motivates me to engage in further research. What is the current state of labour rights? Is it just and fair? Why do women workers tend to work at global factories though the labour rights

situation is poor? Are there any benefits to these women? Is there any space for women workers to resist unfair treatment and inhuman working conditions?

1.3: Actors and Labour Market Regulation

The key challenge is how to improve the situation of workers at manufacturing industries in the global production network. Literature on labour market regulation and policy practices offer diverse and contested connotations and various policy frameworks. One focus of the literature is internal management and work organization. The literature in this domain shows that employers and workplace management can ensure labour justice through better management practices. Based on a comparative case study on two Nike's suppliers in Mexico, Lock et al. (2007) shows that employing modern production work, work organization and employee voice mechanism perform better on both production and employee-centred outcomes.

The second focus of the literature concentrates on increasing workers' power for organizing themselves and raising their collective voice. O'Brien (2004) notes that the fate of workers depend on the ability of the labour movement keeping pressure upon the state and corporate authorities. The labour organizing and collective voice of the workers translates into labour power. Based on the evidence of Maria Elena Cuadra (MEC) in Nicaragua, Jennifer Bickman Mendez's book (2005), *"From the Revolution to the Maquiladoras: Gender, Labour and Globalization in Nicaragua"* affirms that grassroots organizing can confront the challenges of global capitalism. In contrast, Valentine M. Moghadam's book (2005), *"Globalizing Women: Transnational Feminist Networks"* shows that structural adjustment and global trade policies have increased social inequality around the world, especially for women who are a source of cheap labour for economies

in developing regions. She contends that feminist activism has extended into the global arena by the expanding networks that transcend national boundaries which she refers to as 'Transnational Feminist Networks' (TFNs) and suggests a closer alignment of global feminism with the global labour movement to transform and reorient the globalization process from being market driven to becoming people driven.

The third trend in the literature concentrates on state regulation and protection. Scholars belonging to this trend (Chan and Wang, 2005; Yu, 2008; So, 2011) argue that historically, the state had been the main safeguard for its people, responsible for protecting their rights through law enforcement and deploying social protection systems and, even in the wake of globalization under neo-liberal trade regimes, the importance of the state has not diminished. Wang (2005) studied certain corporations' factories, comparing factories in Vietnam with those in China. The study found that labour conditions in Vietnam are better than in China. This study shows that host countries' rules and practices differentiate the labour practices and thus the particular state in which a factory is located still matters. Yu's study (2008) similarly depicts that Reebok labour related codes have resulted in a 'race to ethical and legal minimum' workplace standards because codes are driven by commercial incentives for long term profitability, not for the benefit of the workers. She concludes that a state's legislation and international laws have a particularly crucial role to play in regulating labour practices where codes only can supplement this initiative. Similarly, Alvin So (2010) shows that labour rights in China have been upgraded by state party, not by multinational corporations. However, the capacity of the state to regulate economic behaviour and to set restrictions on market exchange is in decline in the globalized world (Scherer and Palazzo, 2011). Globalization adversely affects welfare spending of developing countries and thus the state's protection

of citizens is gradually shrinking (Rudra, 2002). In the absence of state power, a number of private institutions and actors at the global, national and local levels are taking part in a regulation process through which a new form of transnational regulation is emerging above and beyond the state.

The fourth trend found in the literature focuses on the role of multinational corporations within the value chain. Scholars who subscribe to this trend (Gereffi, 1994, Dolan and Humphrey, 2000; Schrage, 2004; Mamic, 2004) hold the idea that under the globalized production system, states hold little power and regulatory agencies of developing countries are too corrupt and weak in enforcing local laws to improve working conditions. In contrast, corporations hold power and intend to improve working conditions because the consumers' movement against firms for violating labour rights jeopardize the 'name and fames' of the company that significantly reduce their market competitiveness. Therefore, multinational corporations have developed their own "codes of conduct" combining core conventions of ILO and local labour laws to regulate labour practices of their overseas suppliers (Kaufman et al., 2004; Mamic 2004). Rodriguez-Garavito (2005) explains that codes of conduct have potential to facilitate worker organization and sustainable gains in working conditions, but she highlights creating institutional designs and mechanisms to bolster the effects. For example, workers' unions need to be empowered, the individual capacity of the worker is to be strengthened through popular education and training, and legal measures must be implemented to enhance the protection of rights and the involvement of umbrella organizations in transnational organizing campaigns. Since global industries are dominated by women workers, feminist scholars urged gender sensitive codes of conduct to address the gender related issues including sexual harassment, maternity leave, and child care (Barrientos,

Dolan and Tallontire, 2003; Tallontire et. al., 2005). Expanding on this view, Rossi's study (2011), based on the Moroccan garment industry, shows that producers adopt two categories of employees: regular workers who are senior and experienced, thereby guaranteeing high skills and good quality, and irregular workers who are employed in unskilled segments of the production chain, such as packaging, checking, and quality control. These two types of workers face very different opportunities for social upgrading. Regular workers have enjoyed more security employment protection and benefits that reduce their fear of reprisals and thus enhance their enabling rights. In contrast, irregular workers are less able to avail employment protection and often face discrimination on account of both their social and their employment status. Following this study, Barrientos, Gereffi and Rossi (2011) suggest combining both economic and social upgrading to protect workers in GPNs.

However, critics identify a number of conflicts of interest in codes of conduct and actors involved in this process. Esbenshade's study (2004) notes that brand-name companies have avoided taking the responsibility for ensuring labour rights in subcontracting factories. The code of conduct still remains at the second priority level while price, product quality and customer satisfaction are at the first. Esbenshade argues that the voluntary character of codes of conduct does not put enough pressure on the producers and egregious violators escaped punishment. She concludes that independent monitoring cannot bring expected change until trade unions, democratic governments and labour laws come into real enforcement. Based on case study on Reebok's athletic footwear factory in China, Xiaomin Yu (2008) shows that the impact of Reebok's labour related codes are a "race to the ethical and legal minimum" in the workplace. She mentions that inhuman labour practices (being required to work long hours for pay that is

below the legal minimum wage, unsafe and unhealthy working conditions, corporal punishments to discipline workers, child labour) exist in all global factories, but workers' agency and voices are almost absent for lack of freedom to form association and collective bargaining. Being forced by authoritarian management, workers' unions functioned more like a 'company union' than representing workers' interests. Corporations' codes of conduct rarely put emphasis on workers' union rights. A similar argument has been suggested by Mark Anner (2012), who notes that corporate codes are designed to detect the violation of minimal standards in areas of wages, hours, and occupational safety and health because violations of these rights may provoke activists campaigns and increase mark risk. But, she points out, these voluntary codes rarely emphasize workers' democratic rights to form independent organizations, collective bargaining, and strike because these rights are perceived as a threat of managerial control.

The fifth trend expressed in the literature concentrates on global actors. Beyond enterprise level initiatives, a number of strategic alliances are formed to pursue a system of accountability. A wide range of actors are involved in private sector initiatives across the globe. For example, Transnational Trade and Financial Agreements [North Atlantic Free Trade Agreement (NAFTA)], NGOs [Fair Labour Association (FLA), Social Accountability International (SAI), Ethical Trading Initiative (ETI)] and hybrid coalitions between enterprise, workers, NGOs, investors and others [Workers Rights Consortium (WRC)] (Diller, 1999; Hutter, 2006; Wegner and Zwart, 2011; CCC, 2009). Polaski (2006) affirms that trade agreements are positively associated with higher labour standards. Based on a comparative analysis between two garment exporting countries, Bangladesh and Cambodia, she shows that the widespread problems in Bangladesh include incorrect payment of wages and excessive hours or forced overtime work along

with violations of health and safety, freedom of association, and collective bargaining. The situation is far better in Cambodia, which is due to the trade agreement between Cambodia and the United States, the largest garment exporters from Cambodia. Santoro (2003) explains that MNCs do not care about ethical business unless some pressure comes from students groups, labour rights activists, consumer groups, and NGOs. To create effective pressure on MNCs, NGOs organize global movements and campaign for fair labour standards. Both the co-operational and confrontational roles of NGOs, though sometimes tension is created between these two, have become the history of the labour movement. Some scholars (Bellemare, 2000; Elliot and Freeman, 2003) argue that consumers making demands for labour a standard gives power to the anti-sweatshop movement. If consumers demand improved working conditions, corporations cannot readily dismiss this demand. Different survey results (Marymount university, 1999; Prasad et al., 2004) also show that consumers are willing to buy the products and even willing to pay slightly more if goods are produced under improved working conditions.

The above diverse policy debates lead me to examine some of the questions, such as, what are the roles played by different actors for securing labour justice at global factories? What are the effective mechanisms of ensuring fair labour practices? Is a single actor able to bring labour justice at global chain of production or is there any necessity of coordinated role by multiple actors? Do non-state actors make free the state of taking roles or extend the array of state responsibility? Summarizing all of these questions placed in the above sections, I have framed three main research questions for this study that were mentioned in the introduction of this dissertation.

CHAPTER 2

THEORETICAL FRAMEWORK: CAPABILITY AND SOCIAL JUSTICE

The previous chapter describes that the impact of globalization on women workers is a paradox and varieties of remedies have been offered by scholars to deal with labour (in)justice. The understandings and policy initiatives do not come from any particular approach; rather scholars are very often motivated by various conceptual underpinnings which are different and distinct to each other. Through review of literatures, this study has identified and discussed five dominant approaches for understanding the issue of labour rights and policy practices, and provides logical ground in support of choosing “capability approach and social justice” as a theoretical approach for this study.

2.1 Political Economy Approach

The Political economy approach (PEA) is one of the dominant contributions in political economy literatures. The PEA, a study of society as an integrated system, departs from traditional economic approach which mainly deals with the demand and supply of goods and services in a free market economy. It identifies and analyses social relations as they relate to the economic system of production and treats economics as an extension of politics and relations of power as they influence the production, distribution and consumption of goods and services as well as management of these economic variables, relationships and functions (Inter Pares, 2004). The main focus of this approach is to shift the traditional institutional mechanism to newly structured economic power and institutions to serve people. The change of the global economy destabilizes the traditional methods that have been constructed to confront patriarchal economic power (e.g.; the

power of the state, the pervasive and unregulated power of capital and male privilege). Many of the strategies that have been developed to improve the living and working condition of the employees no longer have similar effects. In the failure of traditional institutions in regulating the labour market, various legitimate economic institutions are growing up at the international level to govern the global economy that posing serious debate whether state power is subsumed at the international economic power or it is reconfigured in the new globalized economy (Cohen, 2004). This issue has been well conceived by the political economy discourse. There are two distinct forms of arguments that have been placed in political economy discourses; e.g.; ‘global imperative approach’ and ‘national management approach’ (Bergeron, 2001).

The global imperative approach contends that the economic logic of capitalism has created a truly global economic, social and cultural system that can only be countered by a global resistance movement (Banuri and Schor, 1992; Dirlik, 1994). It conceives that once upon a time, nation states were capable of managing national economy and meeting citizen’s demands for economic stability, environmental regulations, labour regulations and social safety nets, and accordingly kept the economic interests and well-being of their citizens. However, the recent transformation of the global economy characterized by interdependence and competitiveness, external forces such as; structural adjustment policies imposed by the World Bank (WB) and the International Monetary Fund (IMF), and the increasing number of free trade agreements, whether global (GATS), regional (NAFTA) or bilateral (ANZCERTA) are shaping state policy. National states are forced to cut tariffs and taxes to attract ‘Foreign Direct Investment’ (FDI) from TNCs that are subject to shrinking budgetary allocation to social services that make constraint for nation state to form economic policy to promote national interests and to undertake extensive

security programs (Yeats, 2001; Rudra, 2002). Many governments around the world have followed a privatization policy for state institutions in order to shift resources from the public sector (Cohen, 2004). Thus, scholars contend that the global order of transnational production and finance calls for a new institutional system of economic regulation destabilizing the nation state (Banuri and Schor, 1992).

In contrast, the 'National Management Approach' conceives that state is not an idle, passive or powerless actor; rather a key creator and mediator of globalization (Weiss, 2003). National states reserve some power to manage the economy and bargain with global capital to secure the rights of citizens and to protect the vulnerable groups (e.g.; Kayatekin and Ruccio, 1998; Reich, 1991). Supporters hold the view that the institutions that are being established are not democratic, unable to replace the market controlling function of nations and shift power decidedly in the favour of multinational corporations (Cohen, 2001). They contend that a national government can best contribute to the welfare of its citizens by pursuing a competitiveness-enhancing strategy, such as enhancing education and training of the workforce, protecting national firms and workers by taking safety nets, restricting the movement of capital across national border and opposing World Trade Organization's (WTO) agreements in case of the failure of desired working conditions stated by national law. The changing economic and political spectrum do not jeopardize the role of the state but the state continues to have power to manage the affairs of the state in more progressive way (Taylor, 1995). Apparently, it is a denationalization process but it revitalizes the national capabilities toward the implementation of global projects (Esping-Anderson, 1990; Sassen, 2006).

The amid controversy on the role of state in political economy literatures create continued interest among scholars to research this issue and offer new insights in

managing the global capital. Bergeron (2001) notes that both the global imperative and the national management approaches invoke different ideas about the power of global capital, economic subjectivity and strategies for resistance but they do not maintain any specific boundary regarding the use of the one or another of these frameworks. Overcoming the drawbacks of these approaches, Hirst and Thompson (1996) suggest a hybrid approach combining both the national and international public policies to cope with global market forces.

2.2 Feminist Approach

Another important approach that challenges the reigning orthodox neo-liberal economic model whose primary goal is to growth and accumulation and focuses simply on the market economy is known as ‘Feminist Political Economy’ (FPE). The FPE approach departs from conventional economics on the ground that gendered assumptions and effects are generally invisible in mainstream theories. It employs gender³ as a defining category and focuses on the actual lived experience of women, men and their families and the elements of life, community and social relations and considers them not only as economic definers and qualifiers but also as human beings. A feminist political economic approach “reveals and clarifies how gender determines or influences the social and political relationships and structures of power and the differential economic effects that flow from these relationships and structures” (Inter Pares, 2004, p. 4). Explaining the feature of FPE, Lordes Beneria (2003) notes:

On the one hand, it addresses the social construction and economic bases of women’s subordination with important implications for our understanding of the

³ The term ‘Gender’ is not synonymous with ‘sex’. Sex is biologically based whereas gender is defined by social rules and practices which deploy differential roles and expectations for men and women in a given society. These gender differentiated norms are created by and embedded in social institutions.

factors generating the various forms of gender inequality and hierarchical power relations and for policy action. It also addresses the questions of women's interests and needs. On the other hand, it challenges some fundamental tenets and basic assumptions in the discipline of economics, either joining other critiques from different perspectives or representing unique feminist contributions. In this sense, feminist economics transcends the more explicit project by questioning the very nature for the profession as a whole (p. 47).

Since FPE seeks to explore gender relations embedded in socio-political institutions and gender inequality in outcomes, it does not merely consider production but both production and reproduction, and focuses on the provisioning of human needs and well-being (Riley, 2008). The underlying assumption of FPE is that "under the current reign of neo-liberalism, the accumulation of wealth within and among countries (for neo-liberal economists the sign of a healthy economy) is diminishing the possibility of social provisioning for a growing number of people in poverty and in the middle classes. The gap between poverty and wealth is increasing (Riley, 2008). Pointing to this poverty-wealth gap, feminist economists call into question the contribution of unfettered market economy in increasing productivity and resultant consequence of everyone's benefit in society irrespective of gender and role of the state. FPE approach does not consider the state as a universal safeguard; rather it sees the state as either the main enemy or savior (Armstrong and Connelly, 1999). Feminist political economists argue that there is no gender neutral perspective. The masculine value system based on dynamics of power and domination promotes historical, social, political and economic marginalization of women and gender division of labour. Without challenging discriminatory power relations and gender division of labour, it is difficult for women to take their fair share in the material and societal resources as Riley (2008) notes:

The unequal power dynamics between women and men intersects with, mirrors and reinforces other power dynamics embedded in institutions and relationships..... These power dynamics limit autonomy and agency—on the personal level for women and so-called minority groups, for people in poverty and for countries in the global south—creating systemic inequality across the social sectors, including the household. Because of the intersection of gender power dynamics with all other forms of power over, the struggle for women’s autonomy and agency cannot be separated from the larger context of class, race/ethnicity, sexual preference and geographic location (p. 3).

It implies that women must have the opportunity to engage in processes that permit them to challenge the diverse forms of subordination and develop the capacity to take power and control over their lives, their organizations, and their specific cultural economic, political and social context. To ensure full and effective participation of women in social, cultural, political and economic life, it focuses on women’s empowerment and capability enhancement. Women’s engagement in the struggles and resistance movement, dialogue and coalition building are effective ways of challenging women’s oppression and promoting women’s human rights (Brenner, 2003; Antrobus, 2004).

While many of the scholars have acknowledged the state as a primary site of women’s resistance, emphasizing the role that national policy can play by instituting national restrictions on international capital, social safety nets, fair pay laws and health and safety regulations (Cagatay, Elson and Grown, 1995; Collier, 1994), others hold the view that equality issues that take the form of transnational cannot be tackled only with national resistance but need a global collective decision of regulating labour markets. Feminist discourse of globalization contends that nation states and national subjectivities

are no longer meaningful in the changing contour of global economic and political space. The best resistance strategies for women are based on the new realities of global identity which lays the ground for a global women's movement (Moghadam, 1999). This global feminist politics call for a globalized women's movement, and transformation of institutional structure at global level. However, many feminists (Grewal and Kaplan, 1994; Spivak, 1996; Agarwal, 1996) argued that global resistance based on international solidarity cannot be meaningful interpreting the needs in local context. They ask for establishing 'strategic sisterhood' that recognizes the different articulations of economic process and areas of common concern and intervention in the transnational arena.

2.3 Global Value Chain Approach

The other important approach mostly used in global trade and labour rights issues is the Global Value Chains (GVCs) approach. This approach, originated in the work of Hopkins and Wallerstein (1986) who defined it as "a network of labour and production process whose end result is a finished commodity" (p. 159) and popularized by Gereffi and Korzeniewicz (1994), explores how the linkage between production distribution and consumption of products are globally interconnected along commodity or value chains. Gereffi (1994) pointed out two types of governance structures - producer driven and buyer driven chain. Producer-driven chains are typical of capital and technology intensive industries where transnational manufacturing firms drive the chain controlling the core technologies and production facilities, often through vertical integration. In contrast, in buyer driven chains, large retailers or brand name companies make the key decisions about the structure and activities of actors in the chain though they do not own any production facilities (see Gereffi, 1994). One of the key factors in buyer driven chains is the social and economic context in which the chain operates. Powerful lead firms not only

decide what is to be produced but also how and under what conditions it is to be produced. It is due to pressure of consumers. In the globalized world consumers are well aware about quality, safety, as well as the social and environmental conditions under which products are produced. As a result, lead firms have developed their own codes of conduct and inspection mechanisms to avoid the risk in competitive market and codes of conduct have been part of GVCs approach. However, GVC's approach has not taken much of a concern about gender.

Many scholars (Grown, Elson and Cagatay, 2000; Whitehead, 2001; Elson, 2005) note that labour market institutions are embedded within and constructed by a gendered economy. They reflect a social division of gender roles that are situated at the intersection between productive (paid) and reproductive (unpaid) work. Labour market regulations and norms have traditionally reinforced this gender division of labour. This gendered speculation is also reflected in trade unions practices as well as labour law. The codes of conduct that are drawn up and implemented within the value chains also reflect the gendered forms because these codes only cover the right of formal employees excluding temporary and flexible workers who are the majority and mostly constituted by women. Thus, scholars (Barrientos, Dolan and Tallontire, 2003; Rai, 2002) argue that if codes are to address the employment issues faced by the majority of informal workers, gender sensitivity needs to be enhanced to incorporate broader employment-related issues that are of concern to women workers in particular. This new approach is known as 'Gendered Value Chain Approach'. However, gender analysis in GVCs is still at an early stage and a matter of research how to incorporate gender sensitivity in the global chain of production where multinationals tend to move towards a flexible workforce to cut off labour benefits (Barrientoes, Dolan and Tallontire, 2003).

2.4 Human Rights Approach

The very appealing idea that invoked in contemporary political discussion is that every person anywhere in the world irrespective of citizenship, residence, race, class, caste or community has some basic rights which others should respect, that are regarded as human rights. The entitlement of these rights is reasoned on the ground of being human. The idea of human rights has strong ethical pronouncement which indicates that something needs to be done. These claims are not only those that are already realized by legal provisions but also those that invite to initiate fresh legislation (Sen, 2005). The issue of human rights is not a contemporary issue. Rather, there is a history of its use over long period, which includes particularly the invoking of ‘inalienable rights’ in the American declaration of independence and the French declaration of ‘the rights of man’ in the eighteenth century and the recent adoption of ‘Universal Declaration of Human Rights’ in 1948 by the United Nations (MacNaughton and Frey, 2011). The recurrent questions are: what kind of rights should be regarded as human rights and what are the grounds of having these rights? T H Marshall’s classic account in his 1949 Cambridge lectures on ‘Citizenship and Social Class’ is very worthwhile in this regard. He identifies three distinctive elements of citizenship entitlements: civil, political and social which corresponded to distinctive sets of rights (Marshall, 2009). Civil and political rights are regarded as fundamental, universal, individual, absolute and negative where state is not required to provide resources. The civil and political rights are seen as ‘first generation rights’ that derive from the eighteenth century enlightenment theories of natural rights, equally applicable to all and justifiable or enforceable in the courts. In contrast, social rights are seen as imposing different types of obligations, either positive obligations on the state to provide services or negative and positive obligations on private actors. Social rights are seen as ‘second generation rights’ that may require differential treatment and

lacked juridical status (Marshall, 2009). Most of the labour rights belong to the second category. Marshall conceives collective labour rights as a category of secondary rights based on industrial citizenship outside the core triad of civil, political and social rights (Fudge, 2007). Colin Crouch's definition of industrial citizenship provides a broad range of labour rights which states that industrial citizenship is:

The acquisition by employees of rights within the employment relationship, rights which go beyond, and are secured by forces external to, the position which employees are able to win purely through market forces..... these rights cover such matters as: individual rights to a safe and healthy working environment; to protection from arbitrary management action; to certain entitlements to free time; guarantees of some protection of standard living in the case of inability to work as a result of loss of employment, poor health or old age; collective rights to representation by autonomous organizations in relations between employees and employers (cited in Fudge, 2007, p. 207).

Industrial citizenship entails the collective use of civil rights in order to assert claims for social justice and it cannot be reduced to an individual civil right, although individual civil rights are crucial for the emergence of trade unions. Due to the interconnection and interdependency of different rights, a number of international agreements and declarations bring all of these issues in one unified system and give equal importance to all of these rights as human rights. The Universal Declaration of Human Rights (UDHR) is the onset towards this effort which states that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this declaration can be fully realized" (UN, 1948). It implies a holistic framework which recognizes the social, economic and political structures both at national and international level support to the realization of all categories of human rights. This holistic approach is also supported by

subsequently undertaken numerous declarations and covenants, including the Declaration on the right to Development of 1986, the Vienna Declaration and Programme of Action of 1993, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant of Economic, Social and Cultural Rights (ICESCR), all of which acknowledge the indivisibility and interdependency of all human rights and call for equal attention to the implementation of civil, political, economic, social and cultural rights (Marks, 2005). The holistic human rights approach rejects the traditional hierarchical distinction between civil and political rights on the one hand and economic social and cultural rights on the other (Nickel, 2008). This holistic framework is notably reaffirmed in the Vienna Declaration (UN, 1993):

All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of the states, regardless of their political, economic and cultural systems to promote and protect all human rights and fundamental freedoms.

The above declaration clearly presents three key features of holistic human rights approach that are briefly discussed below.

a. Universality and inalienability

The most important feature of ‘Holistic Human Rights Approach’ is the universality and inalienability of human rights. Universality means that all people are entitled to human rights at all times. Inalienability means that people cannot surrender their own human rights or the human rights of others voluntarily or involuntarily. The UDHR (UN, 1948) acknowledges the universality and inalienability of human rights which states that “all human beings are born free and equal in dignity and right.....in a spirit of brotherhood”

(article 1) and “everyone is entitled to all the rights and freedoms set forth in this declaration without distinction of any kind...of sovereignty” (article 2). This feature ensures that all persons are entitled to have certain rights of being a human. These rights are inevitable for survival and can never be surrendered whatever the social situation is demanding for (Donnelly, 2003).

b. Interrelatedness, interdependency and indivisibility

Human rights are also interrelated, interdependent and indivisible. These are interrelated in the sense that all are intricately connected to each other. The UDHR recognizes the interrelatedness of different human rights. For example, the ‘right to work’ (article 23) and the ‘right to rest and leisure’ (article 24) is related to the ‘right to a standard living’ and the ‘right to security in the event of unemployment sickness and disability’ (article 25). Similarly, the ‘right to freedom of peaceful assembly and association’ (article 20) is linked to the ‘right to form and to join trade unions for the protection of his interests (article 23) and ‘equal pay for equal work’(article 23) is connected to the ‘prohibition against discrimination (article 2) and the ‘equality between men and women’ (article 3). Human rights are interdependent in two senses. The first sense captures the interdependency of rights that is, realization of one human right requires the implementation of other human rights. For example, the right to health is dependent upon the rights to food, education, employment and so on as these are the determinants of health (ECOSOC, 2000). In the second sense, as Craig Scott explains, interdependency may be understood in terms of the relationships between people. As an example, the court’s decision to grant injunctive relief in the context of dismissal of a group of workers, a Judge might consider the rights of the workers’ children and other dependents (Scott, 1999). Along with interrelatedness and interdependency, human rights are also indivisible. Confirming this feature, Donnelly (2003) states that “the universal declaration

model treats internationally recognized human rights holistically as an indivisible structure in which the value of each right is significantly augmented by the presence of many others” (p. 31).

c. Equality of rights

All human rights are inherent to human dignity. The starting line of UDHR (UN, 1948) states that, “the recognition of the inherent dignity and of equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”. The same words are reiterated in the preambles to ICESCR and the ICCPR. The equal status was also reaffirmed in the Vienna Declaration of 1993 which states that the international community and national governments should treat all human rights ‘in a fair and equal manner’. This feature respects the inherent dignity of the individual and recognizes the right of the individual without making any distinction in terms of race, sex, location, beliefs and so on.

Though the human rights approach has made worthwhile contributions in reducing inequality, this approach has some limitations in analyzing and understanding labour rights. **First**, the conception of human rights is much contested. There are many different conceptions of rights which, simultaneously, provoke many of the questions, such as, what rights are human rights? What are the bases of these rights? Do they belong to individual or group? Are they correlated with duties? Are rights pre-political or artifacts of laws and institutions? Therefore, the use of right language may invite further questions. **Second**, the language of rights is historically associated with civil and political liberties and its association to social and economic entitlement is a very recent phenomenon. Many of the social and economic rights, particularly labour rights, are still under scrutiny as to whether they should be included as fundamental entitlements. **Third**, the human rights approach is mostly criticized by feminist scholars for being male-centred and for not

including fundamental entitlements, abilities and opportunities that are fundamental for women's struggle against sex inequality (Nussbaum, 2003). **Fourth**, the human rights approach establishes universal norms of rights for men and women by virtue of being a human which is defended both by feminist and cultural relativist. Feminists argue that universal norms ensure rights for men, not for women because gender inequality and freedom from discrimination of women is given low priority. Cultural relativists argue that there is no such thing as universal human rights—the source of human rights is culture and since cultures are diverse, universal norms cannot protect human rights.

2.5 Social Justice Approach

Though the 'Human Rights Approach', which establishes a universal norm, is a more comprehensive approach for understanding rights, it is not so effective due to the contestation in the right language as to whether labour rights are human rights. The most influential approach that surpasses this debate and has been discussed widely in the wake of global inequality is social justice. The term social justice denotes various meanings throughout the literature in the social sciences. Flynn (1995) defines social justice as the embodiment of fairness, equity and equality in the distribution of resources. Barker (2003) defines social justice as "an ideal condition in which all members of a society has the same basic rights, protection, opportunities, obligation and social benefits" (pp. 404-405). Beverly and McSweeney's (1987) definition of social justice emphasizes on distributive equality as well. According to them:

Justice....means fairness in the relationships between people as these related to the possession and/or acquisition of resources based on some kind of valid claim to share of those resources... the justice or injustice of a particular policy or situation is determined by looking at the fairness of the distribution of resources in relation to the claims or

demands made for those resources in relation to the claims or demands made for those resources (p. 5).

This definition of social justice emphasizes on the fair distribution of resources and opportunities. So, the crucial questions are: what is the way of bringing justice in the society? What should be the basis of entitlements of certain rights? And what should be the principles in distributing the scarce resources? There are different perspectives in distributive justice, such as utilitarian (e.g.; mill, 1963), egalitarian (Rawls, 1971) and libertarian (Nozick, 1974, Sen 2009). Among these various form of distributive justice two major theories, e.g.; ‘Justice as Fairness’ and ‘Capability Approach’ have been much discussed in social science literatures.

2.5.1 Justice as Fairness

‘Justice as fairness’ is developed by John Rawls in his book ‘A Theory of Justice’ (Rawls, 1971, 1999, 2001). The fairness implies avoidance of bias or maintaining objectivity in distributing societal resources. Rawls (1999) notes that justice of a social scheme is essentially dependent on how fundamental rights and duties are assigned and how economic opportunities and social conditions in the various sectors of the society are distributed. The intuitive idea of ‘justice as fairness’ is that since people’s wellbeing is largely dependent on the social system of cooperation without which worthy living is impossible, the distribution of advantages and opportunities should be made in such a way so that everyone taking part in it can be benefited. The system which offers greater prosperity for someone at the expense of others is not just. Rawls (1999) notes:

Institutions are just when no arbitrary distinctions are made between persons in the assigning of basic rights and duties and when the rules determine a proper balance between competing claims to the advantages of social life (p. 5).

Rawls places greater importance on the social institutions because distribution of fundamental rights and duties are determined by these institutions. He says:

The primary subject of social justice is the basic structure of the society, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation (p. 6).

Rawls' distributive justice has two essential requirements. **First**, Rawls considers society as a fair system of social cooperation between free and equal citizens. Thus, citizens and institutions must cooperate to fulfil the basic needs. This social cooperation entails three basic features, e.g.; publicly recognized rules and procedures that regulate individual conduct, beliefs in reciprocity or mutual benefits and rational advantages of each participant. **Second**, the government must regulate social, economic, and political institutions and determine these institutions' as well as citizens' duties and obligations based on his two principles of justice. When these conditions are met, the benefits and burdens of social cooperation are fairly distributed among all citizens and relegate distributive justice. In the context of labour, social cooperation means investment would be made by those who have the capital to produce goods and services and wage labour would be supplied by those who do not have the capital to invest. In this system, pay and other benefits would be predetermined through a contract between two parties considering the individual's ability, merit, effort and contribution as well as the market's willingness to pay for such labour based on demand and supply. The talented people have higher demand in the market and accordingly the return would be higher than others who show less potential and are less talented. If people are unhappy with their wages they should try to enhance their educational and occupational skills to earn more. Thus, this is a mutual negotiation between two groups that takes place in more or less free market

economy where state should regulate only to prevent the formation of monopolies (Rawls, 1971, 1999, 2001).

Since social negotiation takes place in a free market economy, persons are not indifferent about their own rights; they are intended to pursue greater benefits produced by their cooperation that lead to unfair distribution of the resources. Therefore, a set of principles are needed which are called the principles of justice. Rawls (1971, 1999, and 2001) formulated two principles of justice to ensure a fair distribution of resources so that everyone has the access. In a revised statement⁴ of two principles of justice, Rawls (2001) notes:

- (a) Each person has the same infeasible claim to a fully adequate scheme of equal basic liberties, which is compatible with the same scheme of liberties for all; and
- (b) social and economic inequalities are to satisfy two conditions: first they are to be attached to offices and positions open to all under conditions of fair quality of opportunity; and second, they are to be the greatest benefit of the least-advantaged members of society (pp. 42-43).

Two principles of justice stated above (e.g., equal basic liberties, and fair equal opportunity and difference) follows lexical order which means that the first principle is prior to the second and the first part (fair equal opportunity) is prior to the last part of second principle (difference). For greater understanding of social justice a brief explanation of these principles are given below.

i) Principle of equal basic liberty

The first principle of justice is known as equal liberty principle based on the idea of free and equal persons. Liberty is a certain pattern of social forms imposed by the institutions

⁴ Rawlsian principles of justice has been followed some changes in language and orderings from the first formulation in 1971 to latest development in 2001.

that apply to everyone equally and allow the most extensive liberty compatible with a like liberty for all, and equal liberty means that a person should have the equal right of basic liberties compatible with a similar scheme that holds by other person residing in the same society. The rights and basic liberties are referred to those which are defined by the public rules of the basic structure and guarantees equal basic political and civil rights such as freedom of speech, assembly, religion, property ownership, and political participation to all (Rawls, 2001). It is important to note here that justice as fairness is a political conception of justice for a democratic society where social cooperation is a basic requirement. Since citizens are regarded as equal and active participant in social cooperation, they should require two moral powers: the capacity for a sense of justice that is the capacity to understand, to apply and to act from the principles of political justice, and the capacity for a conception of good that is the capacity to have, to revise, and rationally to pursue a conception of the good. Rawls (2001) assumes that citizens have these requisite capacities to engage in mutually beneficial social cooperation and they are free to take part in the process for their own sake.

The meaning of free person in justice as fairness is drawn from the political culture but it has very little or no connection with the freedom of wills as discussed in philosophy of mind. In justice as fairness, Rawls (2001) explains that citizens are regarded as free persons in two respects; first, citizens are free in the sense that they conceive themselves and of others as having moral power to have a conception of good. They are capable of revising and changing the conception of good on reasonable and rational grounds and they do so if they wish to. Due to their moral power of revising and forming of the conception of good, public or legal identity as free persons is not affected by changes over time in their life if it is not reasonable and rational from their view. Second, citizens

are free in the sense that they consider themselves as self-authenticated sources of valid claims. It means that citizens hold the conception that they are entitled to make claims on their institutions. The moral doctrine as well as the duties and obligations they owed to society lay the ground for this self-authenticated claim.

ii) Principle of fair equality of opportunity and difference

The second principle of justice consists of two parts. The first part is known as the fair equality of opportunity that guarantees fair access for all citizens with equal ability and talent irrespective of their socio-economic background. To accomplish this aim, certain requirements must be imposed on the basic structure beyond the system of natural liberty. According to Rawls (2001), “a free market system is to be incorporated within a framework of political and legal institutions to prevent excessive concentration of wealth and opportunity to a particular group especially those likely to lead to political domination” (p. 44). The fair equality of opportunity is primarily concerned about education which might allow for higher income and wealth. It does not guarantee equal access for all but ensure fair access to education and work which means that all people with equal talents irrespective of their class background would have equal access to education. However, Rawls does not undermine the influence of class background and socio-economic condition on individuals’ ability and talents. Recognizing this influence, he recommended that government should spend extra amount for economically disadvantaged children’s education but not make it obligatory. The ground for valid claims of this need is dependent under three circumstances, (e.g.; if people cooperate with the economy and work but fail to make a living wage; people are unable to work because of ill health; and remain unemployed for seasonal or temporary nature of jobs) but they will receive an amount to ‘social minimum’. However, this approach did not address what should be the amount of social minimum but expected that social minimum should

always be lower than the market value in order to keep retain the incentive for work (Banerjee, 2011).

The second part of the second principle is known as the difference principle that accepts economic and social inequality to some extent if it fulfils the greatest interest of the least-advantaged. One of the key features of the difference principle is the principle of reciprocity that respects on mutual benefit. Rawls (2001) says, “reciprocity is a moral idea situated between impartiality....and mutual advantage” (p. 77). According to this principle, the person who holds more capital should invest so that poor people can get a job and earn a market wage. At the same time, the people who have less income and assets should not be annoyance with those who have more. The least advantaged people would be identified based on the access of five primary goods, such as, i) basic rights and liberties; freedom of movement and free choice of occupation from diverse opportunities; ii) powers and prerogatives of offices, and positions of authority and responsibility; iii) income and wealth; and iv) social bases of respect. Rawls notes that, “all these primary goods are to be distributed equally unless an unequal distribution of any, or all, of these values is to be everyone’s advantage” (1999, p. 54). However, he later changed his position and clarified that ‘least advantaged’ are those who have the lowest index of five primary goods (2001). It means that fair share of citizens would be determined based on the appropriate contributions made by the citizen. Thus, a citizen’s index of primary goods would be low, medium or high based on the market value of contribution.

Limitations of Rawls’ approach

Rawls’ contribution to social justice is regarded as a vanguard of social justice theory. However, Rawls’ conception of justice has various shortcomings. First, one of the major limitations of this approach is that it ignores the moral worth in distributive justice. He

states, “moral worth would be utterly impracticable as a criterion when applied to questions of distributive justice....only God could make those judgments” (2001, p. 73). This position contradicts the concept of rights since right is viewed as a moral principle defining and sanctioning a man’s freedom of action in a social context (Rand, 1961). Second, this approach is unable to deal with the rights issue of global workers as it emphasizes social contract. The contractual approach cannot ensure a balance between two unequal parties due to the differential power status. Rawls seems to imagine the bargain as taking place between the USA and the nations of Europe or Australia, which might at least be claimed for rough equal. But while it is the case between developed and third-world countries, the negotiation cannot be claimed as balanced and equal (Rasmussen, 1974). Third, Rawls second principle is also contradictory. While he acknowledges that primary goods should be distributed among the citizens so that they can enhance their moral power, he also says that distribution should be made based on their contribution. The distribution of primary goods based on contribution may further lead to a larger gap between rich and poor. Fourth, Rawls’ theory of justice ignores the needs of disabled people. In the theory of justice, Rawls classified nonworking people into two groups: able bodied poor who are unwilling to work (surfers) and people with health issues (hard cases). He did not support social assistance for people who are unwilling to work noting that surfers must somehow support themselves (2001, p. 179) but he did not discuss people who are unable to work as he viewed all people within a normal range. In the footnote, he mentioned that it is the duty of helping the people with disable issues but it cannot covered under the purview of a political conception of justice (Banerjee, 2011).

2.5.2 Capability Approach

Rawls' approach emphasizes fair distribution of primary goods based on a person's contribution that ignores the differences of individual potentials and power that further leads to inequality. This issue is well conceived by Nobel laureate economist and philosopher Amartya Sen, who has been preoccupied with questions of social justice throughout his career. Inequalities between women and men have been especially important in his thinking, and ensuring gender justice in society has been central in his theoretical enterprises (Nussbaum, 2005). The most extensive and thoughtful explanation was made towards social justice in his last book, *The Idea of Justice* (2009). However, to get an actual idea of justice what Sen conceives, we must focus on his other writings, such as social choice (Sen, 1998), rationality (Sen, 2002), human rights (Sen, 2004), justice (Sen, 1990, 1992, 1995), and women's agency (Sen, 1990).

Sen's idea of justice derives a good part of motivations and structure from the approach of 'justice as fairness' but his idea departs significantly from Rawls. He conceives that individual outcomes may vary from person to person due to the variation of a person's power of converting primary goods and resources into achievement even though they reside in the same bundle of primary goods. Therefore, he argues that a theory of justice based on fairness should focus on to what extent people are capable to make control over resources rather than what goods and resources he or she holds (Sen, 1985, 1990). He introduced the concept of 'capabilities' during 1980s in "Equality of What" as a way of thinking of human wellbeing departing from the utilitarian approach which dominates modern economics (Sen, 1980). The concept of capabilities is now widely known as 'the capability approach'; it accommodates social, economic and political analysis and holds that wellbeing of the person ought to be assessed in the space of capabilities, not on the distribution of the resources (Deneulin & McGregor, 2010).

The term capability originates from the concept of 'entitlement' from Sen's famous study of 'Poverty and Famines' where he argues that the growing trend of poverty and famines is not merely caused by the declining of food production and supply but because of people's 'entitlements failure' and 'loss of purchasing power' to acquire and access to food (Sen, 1981). He later refines the concept of entitlements into capabilities and put emphasis on capabilities in evaluating social justice. The term 'entitlements' refers to capacities or abilities to meet basic necessities that are essential for survival while the term 'capabilities' refers to a wide range of capacities and opportunities required for human-well-being as a whole (Alexander, 2008). Sen proposes that people's well-being and standing in society should be assessed based on their 'capabilities to function'; the effective opportunities to undertake the actions and activities that they reason to value. He, simultaneously, acknowledges that people's functioning or achievement can vary even residing in same sort of opportunities due to the influence of various conversion factors, such as, personal heterogeneities, (e.g.; physical condition, intelligence, skills, sex); diversities in the physical environment (climate, geographical location, and structural development); variation in social climate (social conditions and public policies) and differences in relation perspectives (social norms, discriminating practices, gender norms and roles, power relation and societal hierarchies). Thus, the focus of the capability approach is thus not just on what a person has followed, but also on what (s)he is in fact able to do. It does not matter whether (s)he has chosen or not to that opportunity (Sen, 2009). The transformation of entitlements into capabilities gives this approach a normative standard that can be used in wide areas of human well-being as Ingrid Robeyns (2005) notes, "the capability approach is a broad normative framework for the evaluation and assessment of individual well-being and social arrangements, the design of policies and proposals about social change in society" (p. 94).

The capability approach gives prime focus to person's freedom to promote or achieve valuable functioning. Sen defines freedom as "the real opportunity that we have to accomplish what we value" (Sen, 1992:31). It does not include the opportunities that a person might hold theoretically or legally but only those that are under their reach. Sen (1990) remarks:

In the capability-based assessment of justice, individual claims are not to be assessed in terms of the resources or primary goods the persons respectively hold, but in terms of the freedoms they actually enjoy to choose between different ways of living that they can have reason to value. It is this actual freedom that is represented by the person's "capability" to achieve various alternative combinations of functioning that is doings and beings (pp. 111-121).

The term freedom involves two distinct elements, opportunity and process. The opportunity aspect is concerned with the persons' ability to achieve that they reason to value irrespective of outcome of the process involved. The process aspect exemplifies that the chosen action or activities will not be forced because of constraints imposed by others. This relates to the concept of agency that relegates the moral obligations and responsibilities to others. For example, Sen (2009) refers to two different cases of hungry and under nourishment; one is voluntarily fasting for political or religious reasons, and another is a famine victim. Though the outcome of these two different cases (long term fasting and consequent undernourishment) is same, there is inherently a significant difference between them in terms of the opportunity and process aspects of freedom. In the first case, the person has the opportunity to choose to starve themselves or not, but in the second case the person starves and suffers for lack of alternative possibilities. The later involves the immediate violation of the process aspect of freedom since action of unavailability of food is being forced to him/her to be starved. The opportunity aspect of

freedom is also affected here because no alternative possibility exists that s/he can choose. It is very relevant to ask how capability links with the wellbeing of person. Sen gives much effort to explain this issue and for this purpose he presents two important distinctions which are the key features of the capability approach.

a. Freedom and achievement

One of the most important features of the capability approach is the broad informational perspective of freedom, which distinguishes capabilities from achieved functioning. Sen uses 'capability' as a freedom to choose from possible alternatives but not as the capability set that he has chosen. He says, "capability, as a kind of freedom, refers to the extent to which the person is able to choose particular combinations of functioning (including inter alia, such things as being well-nourished), no matter what the person actually decides to choose" (Sen, 2004:334). He claims that in assessing the wellbeing of person, the attention should legitimately be paid to the capability set of person and not just to the chosen functioning. In his analysis of capabilities, the perspective of capability and freedom is more meaningful and useful than achieved functioning in assessment of person's wellbeing for some reasons. *First*, the reliance on achieved functioning cannot tell us the exact feature of person's advantages or disadvantages because even the same achieved functioning of two persons can differ in terms of their ability to choose. For instance, in the previous case, the person who starves for religious or other political reasons has higher capability to function than the other. The freedom based capability can identify different substantial opportunities even though they reside exactly in the same set of means. *Second*, the capability to choose between different affiliations in cultural life can have both personal and political importance. For example, the freedom of immigrant of practicing ancestral cultural and religious traditions and life styles cannot be adequately assessed without distinguishing between doing something and being free to do

something. *Third*, policy related issues are better addressed in the capability perspective because freedom based capability, the agency aspect of freedom, is more concerned about responsibilities and obligations of the societies.

b. Well-being and agency

Sen's concept of functioning corresponds to two distinctive but interrelated goals—well-being and agency. Wellbeing refers to the individual's own advantage from a particular functioning. Well-being freedom is ensured through social provision in the form of providing material benefits. Agency, on the other hand, refers to all the goals that a person reasons to adopt not for pursuing his own interest but for others. In the case of agency, the individual interest is supplemented with commitments and obligations. The person is characterized here as 'rational agent of constructivism' following Rawls' 'Kantian constructivism'. The agency aspect makes a man socially responsible. In the absence of the agency aspect, a person's functioning is merely devoted to his own well-being. Person's agency objective may include, inter alia, his or her own well-being and thus agency and wellbeing may have something in common. However, it is important to note here that there has been a substantial interconnection between the two and most often the proven way to enhance people's wellbeing.

In assessing the person's wellbeing advantage, Sen combines these two different distinctions of 'between freedom and achievement' and 'between wellbeing and agency' and proposes four different space of human advantages, such as, 'wellbeing achievement', 'agency achievement', 'wellbeing freedom' and 'agency freedom'. The assessment of these four types of benefit involves an evaluative exercise and each of the exercise has different evaluative outcome. Wellbeing achievement should be measured based on the functioning of the person whereas wellbeing freedom is assessed based on

capability set. Sen calls wellbeing freedom as 'one's freedom to achieve those things that are constitutive of one's 'well-being' (1992:57). Well-being freedom concentrates on a person's capability to have various functioning and to enjoy the corresponding wellbeing achievement. Both well-being achievement and well-being freedom are based on the wellbeing aspect of the person and absence of agency aspect of person that free him from any moral bindings. Thus, these types of freedoms cannot reflect the person's overall freedom as an agent.

The agency aspect shifts the focus from seeing the person just a vehicle of wellbeing ignoring the importance of the person's own judgment and priorities to social commitment with which the capabilities are concerned. A person's 'agency freedom' refers to the freedom of doing the things that are more valuable for society than one's own well-being. A person's agency aspect cannot be understood without taking note of his or her aims, objectives, allegiances, obligations and – in broad sense — the person's conception of the good. Sen contends that a person's capability ought to be seen in the space of agency freedom (the freedom to advance whatever goals and values a person reason to advance) and well-being freedom (the freedom to advance one's own well-being). While the former may be of general interest to public policy, the later can be seen as being of primary interest to the persons involved. Sen also acknowledges that even though agency freedom does include well-being freedom, there is a real possibility of going down the later one while the former goes up (Sen, 1985). For example, the protest of a worker leader to protect the job of a worker who wishes to resume her job after maternity leave, but the employer dismisses her from the job. This sort of protest may result in universal benefit of maternity leave for all workers but it may affect negatively in his personal well-being either by being fired from the job or by being locked up by

police being accused for making unrest in the factory. At this point, it is very usual to struggle with what would be the matter of concern for a person either for pursuing his own well-being freedom or for agency freedom? If the person gives up pursuing his own well-being, then why should it matter whether the person had well-being freedom or not? Responding to this issue, Sen says that both agency freedom and well-being freedom are equally important but for quite different reasons. The well-being aspect may be particularly important in some specific contexts, e.g.; making public provision for social security or planning for the fulfilment of basic needs. Sometimes agency freedom can be seen as a more advantageous or inevitable for the greater interest of the society over his own well-being as in the case of Ghandhi's decision to fast for long periods for political reasons to free Indian people from British rule (Sen, 2009). Simultaneously he mentions that even though the agency freedom is broader than the well-being freedom, the former cannot subsume the latter (Sen, 1984).

Weaknesses of capability approach

One of the major criticisms of Sen's capability approach is the absence of listing capabilities. Capability theorist Martha Nussbaum is at the fore of this claim. She argues that Sen's capability approach does not have any significance as long as he does not endorse a particular list of capabilities. Nussbaum (2003) says:

The capability approach will supply definite and useful guidance, and prove an ally in the pursuit of sex equality, only if we formulate a definite list of the most central capabilities, even one that is tentative and revisable, using capabilities so defined to elaborate a partial account of justice, a set of basic entitlements without which no society can lay claim to justice (p. 36).

However, this criticism does not change Sen's position towards endorsing a list in capability approach, rather he refers that the problem is not with listing important

capabilities, but with insisting on one predetermined canonical list of capabilities. According to him, a final list of capabilities would never be justified without taking the context because lists are used for different purposes and each purpose might need its own list. Thus, the selection of the list should come out through public reasoning and any predetermined list may deny the fruitful public participation on what should be included and why (Sen, 2005).

The second major dispute concerning the capability approach that mainly takes place in public seminars and conferences relates to issues of individualism, groups and social structures. Following these disputes, Robeyns (2005) summarizes that the capability approach is too individualistic and it does not pay attention to groups and communities. Responding to this claim, Sen notes that the role of ‘thinking, choosing and doing’ by individuals is just the beginning of recognizing what actually happens, but the end of functioning cannot possible without recognizing the influence of society on person’s ‘thinking, choosing and doing’(Sen, 1981). Robeyns’ remarks support this clarification who notes that at the theoretical level capability approach does account for social relations and the constraints and opportunities of social structures and institutions as it focuses on the person’s actual ability to functioning, and recognizes the social and environmental factors that influence the conversion of commodities into functioning (Robeyns, 2005). In response to second part of the claim, Sen argues that individual belongs to many different groups (related to gender, class, profession, religion, community, race and so on) and thus taking into account one particular group would be a major denial of the freedom of each person to decide how exactly to see himself or herself. He further notes that capability approach does not take into account the groups in an obvious sense but valuation of profound interdependence of the individual with others certainly recognizes the groups. Similarly, Robeyns (2005) mentions that there are many

researches on capabilities that have considered the capabilities of the group (e.g; Kynch and Sen, 1983; Nussbaum, 2000; Alikire, 2005; Robeyns, 2003).

The third criticism of the capability approach is its under specification characteristic that leads to the well-being conflict among different contested groups. The capability approach recognizes the differences of individual ability and due to this individual diversity, well-being perception may be varied among different people. In this context, there is a very possibility of sacrificing the well-being strategies and aspirations of powerless group to accommodate or fit with the goals of other more powerful actors (Deneulin & McGregor, 2010).

Finally, it is argued that the capability approach cannot be seen as a comprehensive theory of social justice because it cannot possibly deal adequately with the process aspect of freedom. Seguino (2013) argues that a person's well-being is not only dependent on opportunity but also on equality of outcome. If it is not possible to ensure the equality of outcomes, inequality will persist between the people because some people will reap greater benefit than others, which is also unfair. Sen admits that any theory of social justice – or more generally an adequate theory of normative social choice – has to give attention to both fairness of the process involved and to the equity and efficiency of the substantive opportunities that people can enjoy. Therefore, capability is, in fact, no more than a perspective in terms of which the advantages and disadvantages of a person can be reasonably assessed (Sen, 2009: 295-298).

2.6 Use of capability approach in this study

In the previous section, a brief description is presented about the theoretical approaches relevant to the issue of global production and worker rights. From comparative analysis of these approaches, it is assumed that Sen's theory of social justice is more meaningful and conducive in assessment of rights of workers in general and women workers in particular because Sen's theory is much more able to cope with globalization. It is an incremental-adaptable approach which is widely used in the inequality analysis. He refers to a contextualized and historical concept of justice, related to the real society (opposite to the Rawls' approach, a transcendental idea of a perfectly fair society, decontextualized). The comparative advantages of using the capability approach are provided below:

Consideration of both individual ability and social context

The main strength of capability approach is that it takes not both individual capability as well as social context. The capability approach sees both individual and social forces as integrated and undifferentiated because enhancement of individual functioning is dependent on the conversion of societal resources and it is influenced by social institutions and cultural norms. Societal institutions create enabling conditions for the individual of converting resources into functioning. The capability approach can enhance the cultural and psychological capacity of the workers of understanding the level of their lifestyles and give them voice to uphold their statuses which Appadurai (2004) refers to 'capacity to aspire'. Cultural capacity gives voice to the marginalized people through which they can debate, contest and oppose vital direction for collective social life as they wish. This feature makes the 'capability approach' more advantageous for understanding workers' rights because these rights, particularly women workers' rights, are influenced significantly by 'gender discourses of work' (beliefs and practices related to women's

labour market participation). This approach is attractive to feminist scholars because it rejects the idea that women's well-being can be subsumed under wider entities such as the household or the community, while not denying the impact of care, social relations and mutual interdependence of members between family or community (Robeyns, 2003).

Integration of social and market features

The capability approach infuses social and labour rights into civil and political rights through focusing on market forces. Fudge (2007) points out that capability has emerged as an influential framework for understanding labour and social rights in the globalized economy because it unites both market and social rights. According to Sen's conception, capability not only denotes the endowments and motivations of the individuals, but also of the accesses that they have through the process of socialization, education and training that enables them to exploit resource endowments and in this context, social rights can be used to shape the institutional environments in such a way so as to enable all individuals to convert endowments in the form of human and physical assets into positive outcomes (Deakin, 2005). The social rights are basically divided in two categories and these can be realized either by legitimate claims to resources in the form of social security benefits (e.g., provision of sick pay, maternity benefits) or by a particular form of procedural or institutionalized interaction (collective bargaining or corporate governance). In the case of first form, social rights are simply regarded as equivalent to commodities that individuals can convert into potential or actual functioning. The second form of social rights is the social condition of converting resources that can be materialized through collective provisions and collective mechanisms. In the context of labour, the social and economic rights of safe working condition or fair wages, for example, may only be

achieved if workers' civil and political rights to form association are secured where the procedural aspect of freedom is a necessary requirement.

Universality and human diversity

The capability approach explicitly acknowledges universality of rights and human diversity. One of the main arguments of the capability approach is that personal outcomes may vary from person to person, in terms of race, age, ethnicity, gender, sexuality, geographical location as well as differences of individual endowment, even if they reside in the same sort of societal resources that are ignored by other inequality approaches. This characteristic of the capability approach is more important for understanding women worker rights because they are socially marginalized and disadvantaged. For example, the long and odd working hours have different consequences for men and women workers. Women workers are much more negatively affected than men as they are burdened with other familial responsibilities.

Social action and change

Capability is an action oriented approach because it shows a way of reducing injustice (expansion of freedom or the removal of various types of unfair restrictions). It provides a scope to assess the role of actors because capability enhancement is linked with the conversion of societal resources that necessitates the responsible role of the social agents or actors.

The capability approach focuses on equality of capabilities as a replacement for equality of resources and redistribution as the normative goal and metric of labour and social rights. Sen does not endorse any list of capabilities; rather he notes that lists will come out through public reasoning in a specific social context. Thus, the list of capabilities used in this study has been emerged from the study itself from the review of

institutional documents (ILO documents, National laws and buyers' codes of conduct) as well as interviews with the research participants. The International Labour Organization (ILO) is the core international body which works in the pursuit of social justice. The key event in the history of the ILO is the Declaration of Philadelphia that affirms that labour is not a commodity; freedom of expression and of association are essential to sustained progress; poverty anywhere constitutes a danger to prosperity everywhere; and a just share of the fruits of progress to all (ILO, 1944). Recognizing the current inequalities and imbalances of the global economy, the ILO expressed a firm belief in making globalization fair, which creates opportunities for all by stating that "We wish to make globalization a means to expand human well-being and freedom, and to bring democracy and development to local communities where people live" (ILO, 2004, p.2). With this aim, the ILO adopted the 'Declaration on Social Justice for a Fair Globalization' at the International Labour Conference in 2008. This declaration marks the most important renewal of the organization since the Declaration of Philadelphia and lays the foundation for efforts to promote and achieve social justice through the Decent Work Agenda. This declaration has set forth four equally important strategic objectives as a decent work agenda such as; i) promoting employment by creating a sustainable environment so that an individual can acquire necessary capacities and skills for their personal fulfilment and the common well-being; ii) extending social protection for all by paying basic income to meet the new needs and uncertainties, making healthy and safe working conditions developing and enhancing measures of social protection; iii) promoting social dialogue and tripartism by involving strong and independent workers' and employers' organization for the promotion of good industrial relations and the building of effective inspection systems; and iv) respecting, promoting and realizing the fundamental principles and rights at work particularly the freedom of association and the effective recognition of the right

to collective bargaining (ILO, 2008, p. 9-11). The tools for obtaining these strategic objectives are ILO conventions and recommendations that promote two streams of rights; fundamental principles and rights at work (Table-2.1), and working conditions and benefits (Table-2.2).

Table-2.1: ILO core conventions on fundamental rights at work

Areas	Name of the convention
Freedom of Association & Collective bargaining	C087: Freedom of Association and Protection of the Right to Organise Convention, 1948 C098 - Right to Organise and Collective Bargaining Convention, 1949
Non discrimination & Equal Remuneration	C100 - Equal Remuneration Convention, 1951 C111 - Discrimination (Employment and Occupation) Convention, 1958
Free from child labour	C138 - Minimum Age Convention, 1973 (No. 138) C182 - Worst Forms of Child Labour Convention, 1999
Freedom from Forced & compulsory Labour	C029 - Forced Labour Convention, 1930 C105 - Abolition of Forced Labour Convention, 1957

Table-2.2: ILO conventions on workers' rights

Issues	Key Documents/Conventions
Job security	Termination of Employment Convention 1982 (No. C158)
Minimum wage	Minimum Wage Fixing Convention 1970 (No. C131)
Regularity of payment	Protection of Wages Convention 1949 (No. C95)
Working hours	Hours of Work Convention 1919 (No. C1)
Leave and maternity benefits	Maternity Protection Convention 2000 (No. C183)
Social security (medical care, sickness, injury, old age)	Social Security (Minimum Standard) Convention 1952 (No. C102)
Healthy and safe working environment	Occupational Safety and Health Convention 1981 (No. C155)
Leisure and rest during work	Weekly Rest (Industry) Convention 1921 (No. C14)

ILO conventions and recommendations promote a normative framework of labour justice for member states. As a signatory, Bangladesh is committed to ensure this standard and accordingly adopted a comprehensive labour law, the ‘Bangladesh Labour Law 2006’, following the ILO standards which are being implemented (details in chapter 4). At the same time, multinational corporations have their own codes of conduct which have also been considered here. In addition, research participants have raised many of the important issues related to labour rights, which have also been considered here.

CHAPTER 3

RESEARCH DESIGN AND METHODOLOGY

The previous two chapters (chapter 1 and 2) have presented the review of background literature and theoretical framework. Based on this review, this study has developed three main hypotheses: (1) rights of women workers are systematically denied (many kinds of violations) in global factories; (2) Workers' rights are comparatively better in Export Processing Zone (EPZ) areas than non-EPZ areas and in larger factories than small; (3) Industrial relations actors, both traditional and non-traditional, are not playing responsible role for ensuring labour rights. Following the hypotheses, this chapter describes the research design and rationale for the methods adopted in this study. After outlining the field of research, it describes about the research approach which is followed throughout the study and gives justification of selecting this approach providing a comparative brief of qualitative approaches. After outlining the sample factories and research participants, it provides a brief about method of empirical research and methodological procedures of data processing and analysis, and explains how this study attains the trustworthiness (validity/reliability). At the end of this chapter, it mentions the ethical issues and limitation of the study.

3.1 Field of Research

The site selection for a study is probably one of the hardest parts for any kind of research, either quantitative or qualitative. Marshall and Rossman (1995) notes that the ideal site is where (1) entry is possible; (2) there is high probability that a mix of the process, people, programs, interactions, and structures of interest are present; (3) the researcher is likely to

be able to build trusting relations with the participants of the study; and (4) data quality and credibility of the study are reasonably assured (p. 51).

The RMG industry in Bangladesh, particularly in Dhaka, has been taken as empirical site for this study for two main reasons. *First*, Bangladesh RMG industry is increasingly becoming a promising place—albeit with certain challenges—to many multinational corporations after the rising labour costs in China and elsewhere (Wassener 2012). In terms of operational flexibility and reduction of labour costs—two major considerations for neoliberal flexible accumulation—Dhaka⁵ remains an ideal place for TNCs. It's a compelling example of global manufacturing which illuminates the global chain of production, feminization of labour and low standards of labour rights and benefits (e.g.; Paul-Majumder and Begum 2006; Hossain, 2011). *Second*, I am quite familiar with local culture as I born and brought up in this culture and I have considerable experiences of conducting research in this field. Therefore, it is more helpful and advantageous for me to conduct a research in a context of which I am familiar to.

The field work for this study was carried in two phases. The first phase was conducted from November 2011 to May 2012. Major tasks of the field work (sample and participant selection, site visit, and interviews) were performed during this time. The second part of the field work was carried out in January and February 2013. Emphasizing the task of researcher at the end of field work, Patton (2002) notes, “as field work draws to a close, the researcher is increasingly concerned with the verification of already

⁵the capital of Bangladesh and it is the fifth largest mega city, comprises Dhaka City Corporation (DCC) and five adjacent municipal areas i.e. Savar, Narayanganj, Gajipur, Kadamrasul and Tangi with an area of 1353 square kilometre (Akash and Singha, 2003; BBS, 2001). North part of DCC and adjacent metropolitan areas are the main hub of manufacturing industries including garments. The first and largest Export Processing Zone is also located in Dhaka. It is the main industrial hub for garments manufacturing in Bangladesh where 80% RMG factories are located.

collected data and less concerned with gathering new inquiry leads” (p. 323). However, I took the second visit as moving back and forth between the discovery mode and verification mode like a wave as described by Guba (1978). During this time I conducted ‘five focus group discussions’ and arranged some informal talks with management and union leaders to verify and check the data and to settle inconsistencies found in the data during analysis.

3.2 Research Approach

The methodological choice of a study, whether it is quantitative or qualitative, is determined by the nature of the research questions, as it is stated by Denzin and Lincoln (1994), “...the qualitative strategy used in the study is largely determined by the purpose of the study, the nature of the research questions, and the skills and resources available to the investigator” (p. 223). Based on the review of existing literatures and the objectives set forth in this study, qualitative design is deemed to be appropriate because qualitative research builds a complex and holistic picture studying the things in their natural settings. Denzin and Lincoln (1994) mentioned:

Qualitative research is multi-method in focus, involving an interpretive, naturalistic approach to its subject matter. This means that qualitative researchers study things in their natural settings, attempting to make sense of or interpret phenomena in terms of the meanings people bring to them. Qualitative research involves the studied use and collection of variety of empirical materials—case study, personal experience, introspective, life story, interview, observational, historical, interactional and visual texts—that describe routine and problematic moments and meaning in individuals’ lives (p. 2).

The labour practices at workplace are socially embedded and influenced by economic and political process and forces. Qualitative research is appropriate to explore this process.

Patton (1990) states that qualitative inquiry is highly appropriate in studying the process because depicting process requires detailed description; the experience of people typically varies for different people; process is fluid and dynamic; and participants' perception are a key process consideration. Thus, this study follows qualitative research design within a framework of extended case method.

The qualitative approach, *Extended Case Method*, used in this study was chosen through a comparative assessment with biography, phenomenology, case study, ethnography, and grounded theory because they are exploratory with a descriptive focus. A biographical study describes the turning moments of an individual's life based on collection of life documents (Creswell, 1998). While a biography reports the life of an individual, phenomenological study describes the lived experiences of participants to best understand about a concept or the phenomenon. An ethnographic approach is used to describe and interpret the culture, group or social system that offers the researcher an opportunity to learn the process of behaviour, customs and way of life (Creswell, 1998). Ethnographic approach is mainly based on participant observation that requires considerable time for observation. The major criticism against ethnographic method is that it is incapable of generalization and inherently micro and ahistorical. The grounded theory is more appropriate for a study where researcher has intension to propose, develop or modify a concept or theory and enter into field with no preconceptions about what they will find (Babbie, 2007). Case study constructs a picture of particular event or incidents with clear boundaries. Yin (1994) defines case study as, "an empirical enquiry that investigates a contemporary phenomena within its real life context especially when the boundaries between phenomenon and context are not clearly evident" (p. 13). It is useful in new and less developed areas where examination of the context and the dynamics of a situation are important. Darke et al. (1998) noted:

The use of case study research method is not useful, “where a phenomenon is well understood and mature, where constructs exist already and are well developed, where understandings of how and why the particular phenomenon occurs is not of interest and where understandings of the contexts of action and the experiences of individuals in a single setting is not relevant” (p. 280).

In contrast, the ‘Extended case method’ takes the social situation as an empirical site for examination and considers multiple concepts, process and forces about states’ economy and legal orders to understand how a micro situation is shaped by wider structures (Burawoy, 1991). The purpose of extended case method is to discover the contradictions that require the modification of those theories (Babbie, 2007) where the researcher enters the field with full knowledge of existing theories as Burawoy (1991) says, “We, on the other hand, move from anomaly to reconstruction. We begin by trying to lay out as coherently as possible what we expect to find in our site before entry” (p. 9).

The extended case method is attributed by the extension of some dimensions that surpasses the limitations and differentiated from other approaches already discussed above. This framework is developed and flourished by anthropologist Michael Burawoy as a methodological response of two traditional criticisms of participant observation, that are, incapability of generalization and inherently micro and ahistorical (Burawoy, 1991). The term ‘extended case method’ first coined by Max Gluckman and his students in the Manchester school of social anthropology and later it was elaborated by Jaap van Velsen in his studies of kinship relations among ‘Tonga’ in Malawi (Burawoy, 1991). Extended case method is a reflexive model of science that sets out from a dialogue between social scientists and the people that they study. This method seeks to locate everyday life experiences in its extra-local and historical context, that is, how a specific social situation

varies from place to place and how it has changed over time. It integrates broader economic and political forces in studying social situations. Burawoy (1998) says:

The extended case method applies reflexive science to ethnography in order to extract the general from the unique, to move from the “micro” to “macro” and to connect the present to the past in anticipation of the future, all by building on pre-existing theory (p. 7).

The reflexive model encompasses four dimensions: it calls for intervention of the observer in the life of participant; it demands an analysis of interaction within social situations; it uncovers local process in relation of mutual determination with external social forces; and it regards theory as an emerging not only in dialogue between participant and observer but also among observers now viewed as participants in a scientific community. Embracing the dimensions of reflexive model, extended case method offers four extensions that valorise this method as extended compared to other methods. *First*, extension of observer to the participant that refers ethnographer is not merely a passive observer, rather an active participant who intervenes at the process. It is a mutual reaction that transmits the hidden secrets of the participants. *Second*, extension of observations over space and time that implies ethnographers join as participants for extended period of time and in different places. Field work is a sequence of experiences that reflect the different positions and interactions of the actors in a social situation. Social action (re)produces its regime of power that shapes the domination and resistance. Researcher collects multiple readings of a single case and aggregates them into social processes. *Third*, extension from process to force that employs a particular social situation is shaped by and shaping an external field of forces. The social research is conducted in natural world where the event takes place. The extended case method accounts all external forces as the conditions of existence of the situation within which a research is

conducted. These social forces are the combined effect of other social processes most of which lie outside the world that the researcher investigates. Therefore, extended case method move beyond social process to delineate the social forces that is simultaneously shaped by and shaping an external field of forces (Burawoy, 1998). *Forth*, extension of theory that refers to the reconstruction of existing theories that span the range from the folk theory of participants to abstract law. Extended case method does not fully rely on data for generalization rather it consults with the existing theories and seeks to expand. Burawoy (1998) says, “instead of generality directly from data, we can move from one generality to another, to more inclusive generality. We begin with our favourite theory but seek not confirmations but refutations that inspire us to deepen that theory” (p. 16).

3.3 Case Selection and Sample

Selection of sample is an important task for a researcher. Usually, in qualitative research samples are selected purposively. For finding a rational ground of purposively selected cases, Miles and Huberman (1994) indentified 16 strategies for qualitative researchers⁶. Following these principle, upon arrival at Dhaka, I spent two weeks for collecting necessary information. During this period, I have visited different government, non-government, international, and local organizations’ offices related to RMG industry and labour, such as Bangladesh Garments Manufacturers and Exporters Association (BGMEA), Bangladesh Export Processing Zone Authority (BEPZA), Directorate of the Inspection of Factory and Establishment, Ministry of Labour, International Labour Organization (ILO), Bangladesh Institute of Labour Studies (BILS), *Karmajibi Nari* (Working Women), *Nari Uddog Kendra* (Centre for women initiative) and collected

⁶ The sixteenth strategies for sampling in qualitative research includes maximum variation, homogeneous, critical case, theory based, confirming or disconfirming cases, snowball or chain, extreme or deviance case, typical case, intensity, politically important cases, random purposeful, stratified purposeful, criterion, opportunistic, combination or mixed, and convenience.

information materials. Based on the list of BGMEA, I have identified 5 hubs of RMG industry (i.e. Mirpur, Tangi/Kona Bari (Gazipur), Fatullah (Narayanganj), Ashulia (Savar) and EPZ (Savar). I have selected one factory purposively from each hub and two from EPZ⁷ which constitute the total cases of six. The rationale for selecting six cases is mainly to show different perspectives on the problems, process or event which Creswell (1998) notes as the aim of a researcher. Generalization from the evidence of single case is quite difficult and hence, researcher needs to focus on cross-site analyses that identify major patterns (Herriott & Firestone, 1983). The composition of six enterprises is made considering the location, size, and ownerships of the factories (Table-3.1).

Table-3.1: Distribution of sample factories

Size/Area	Non-EPZ area	EPZ Area
	Local Ownership	Foreign/Joint Ownership
Large Factory	2	1
Small Factory	2	1

Table-3.2: Size, location and workforce at sample factories

Factories	Area, size and ownership	Number of employees		
		Male	Female	Total
Non EPZ				
A	KonaBari / Domestic	522	2377	2899
B	Tangi / Domestic	796	2629	3425
C	Mirpur / Domestic	120	390	510
D	Ashulia / Domestic	157	648	805
EPZ				
E	Ganakbari / Foreign	1337	4056	5393
F	Ganakbari / Foreign	435	1475	1910

⁷ Two factories, one large and another small, are selected from EPZs to find the differences between the factories.

3.4 Empirical Control of the Hypotheses

As a reflexive mode of science, the extended case method embraces engagement rather than detachment as the road to knowledge. Therefore, this approach tends to focus more on real life experiences than interview. Instead of collecting data from the informants, extended case method focuses more on documenting the real life experiences of the natives with accounts of real events, struggles and drama that took place over space and time. It also examines the historical pattern and macro structure of the society (Burawoy, 2009). As it is noted earlier, extended case method is usually used in the field where wider knowledge is existed and the aim is to extend this knowledge, the research that followed extended case method starts through review of literatures. Participant observation is the key to follow the dialogical approach to understand how the research subject understand and perceive the situation. At the same time, it has taken external factors into account such as race and ethnicity, markets, local politics and citizenship. Thus, this study uses multiple sources of method for acquiring real information.

- Review of published documents and archival resources by government and other national and international organizations.
- In-depth face to face qualitative interview
- Participant observation
- Focus Group Discussion

Review of documents

Reviewing documents is an important source of data both for qualitative and quantitative research. Document sources give researcher a primary guideline about the cases being studied. It is quite impossible for a researcher to accomplish the research work without consulting the document. The review of documents also enables the researcher to collate,

verify and examine the figures, statistics and statements made by the respondents during data collection through interviews and observations. Though this study followed qualitative research design, substantial part of this study was based on quantitative data that drawn from reviewing various documents. After arrival in Dhaka, I spent first three weeks to visit different offices (BEPZA, BGMEA, BILS, NUK, KN, and Ministry of Labour) and collected information through reviewing documentary sources (annual reports, brochures, periodicals, bulletins, study reports) and browsing archival resources.

In-depth qualitative interview

In-depth interview is a face to face interactive process between researcher and the participant and it is the hallmark of qualitative research. Deeper understanding can be made through the dialogue of long and in-depth interviews. Talk is essential for understanding how participants view their worlds. Among three categories of interviews identified by Patton (1990), (e.g.; informal conversational interview, standardized open-ended interviews and the interview-guide approach) this study followed the last category. The prime focus of guided interviews is to elicit participants' worldview (Rossman & Rallis, 1998). Since, workers' rights in the Garment factory is an interactive process of different industrial actors (i.e. employers association, workers' union, and the government) and other non-traditional actors (Consumers, MNCs, NGOs, Human Rights Organizations, International Financial Institutions and international organizations), and extended case method analyses situation considering all internal and external forces, inclusion of research participants from all of these segments is not only necessary but also inevitable. Accordingly, this study conducted a number of in-depth qualitative interviews with representatives of different stakeholders including workers (Table-3.3).

Table-3.3: Distribution of Interviewees

Types of Respondent	Number
Women Workers(4 from each factory) (4x6)	24
Employers and Management (3 from each factory) (3x6)	18
Trade union leaders (1 from each area) (1x6)	06
Government Representatives (03)	03
Representative from employers association (02)	02
NGO staffs (1 from each) (1x4)	04
Representatives from MNCs (1 from each) (1x4)	04
Labour Experts/researchers	03
Total Interviews	64

I used separate interview checklist for workers (appendix-1), employers and management (appendix-2), union leaders (appendix-3) and other participants (appendix-4) so that all required information could be acquired. The interviews were conducted in Bengali because this is the native language of the participants and the researcher as well. While asking the question to the interviewee, I used very easy and usual words and placed to them in very simple way so that the respondent could easily understand. The intention was to eliminate any ambiguities in the questions, and to make sure that questions provided to them have clear meanings and easily answerable. In case of any ambiguity, I explained them very lucidly and in details for their better understanding and getting appropriate answer. I prepared a sheet incorporating all important issues concerning research questions with open space so that important information can be recorded which Creswell (1998) mentioned as interview protocols. In some cases, I recorded the interview⁸ who allowed doing so.

⁸ I could not use the audio tape in few cases because they did not allow recording their voices. Particularly, workers are very sceptic apprehending that it will identify them as interviewee and cause to lose their jobs.

During field work, I spent whole working days inside the factory to become familiar with the management and the workers as well. I neither selected the workers for interview nor interviewed them while they were engaged in work with many others; rather, I observed the production process and tried to understand how works are organized inside the factory and how do workers accommodate them with labour practices. I interviewed only management staffs inside the factory. The selection of workers' participants and interviews were done outside the factory⁹ for few reasons. **First**, management did not allow me talk with workers inside the factory. Every factory has some preselected workers who used to talk with buyers or any other guests. They are well-trained by the authority to talk in favour of the management. They are bound to do so because any disclosure will lead them to be fired from their job since they are identified by management as interviewee. Researcher carried three interviews within the factory premises where participants were selected by the management to compare the different outcomes of interviews taken in inside and outside the factory but they were not included in the workers' participants. **Second**, workers were too frenzied to talk. Every worker had a target which she needed to comply before her leaving. They don't have any single moment to talk. At the same time, workers get nervous at the factory. They don't speak freely for fear of losing jobs. They were always under threat of losing jobs for harmful disclosures. Thus, without establishing a good relationship, true and accurate information cannot be found. Within a factory premise, effective rapport building is not possible. As a

⁹ For selecting the workers, I stood nearby the factory during the closing hour and picked two who have at least two years experience in each day while they were on the way to home, and visited their home during holiday or after their return to home following the addresses given by them. Conducting interviews at workers' home also provided me ample opportunity to observe their residential places and surrounding environments and to talk with their husbands and other family members.

result, the researcher conducted interview at the home of workers. Since management did not allow the researcher to talk with workers inside the factory and workers were also reluctant, their residences seemed to be better suited for conducting such interviews.

Among the interviewees, 30 were women workers. All of them are migrated from rural areas for searching jobs (60%) or as an accompanying member of male heads of the family (40%) who also came to the city for looking jobs being driven by rural poverty or natural catastrophe. The women workers were mostly constituted by young girls between the ages of 15 and 25 years (64%). Among the workers a large proportion are unmarried (40%), but divorced and separated women is not too little (20%). Among married, divorced or separated women, 67 percent workers (12 out of 18) have children of which 33% (4 out of 12) left children in their village. Working mothers on an average have two children. The education level of the workers is very low, mostly illiterate (23%) and/or up to primary level (53%) and have no knowledge about their rights (57%). Employment in RMG sectors is the first experience of wage earnings of 76 percent (25 out of 30) workers and average work experience in RMG sector is 4 to 5 years. Women's participation (membership) in union is also too low (13%) (Table-3.4).

Interviews with other participants (union leaders, NGO executives, government officials, buyers' representatives) were conducted in their respective offices with prior appointment.

Participant observation

Observation is a close look or view of situations with some definite purpose. Marshall & Rossman (1995) note:

Observation entails the systematic noting and recording of events, behaviours, and artefact in the social setting chosen for study...though observation, the researcher learns about behaviours and the meanings attached to those behaviours.

Observation can range, from highly structured, detailed notation of behaviour guided by checklists to more holistic description of events and behaviour” (p. 79).

Table-3.4: Socio-demographic characteristics of the interviewed workers

Attributes	Number	percentage
Age (years)		
16-20	12	40.0
21-25	07	23.5
26-30	03	10.0
31-35	07	23.5
36 +	01	03.0
Education		
None	07	23.3
Primary	09	30.0
Junior secondary	09	30.0
secondary	05	16.7
Marital status		
Unmarried	12	40.0
Married	12	40.0
divorced	06	20.0
Living Arrangement		
Single	18	60.0
With family members	12	40.0
Children		
Yes	12	40.0
No	18	60.0
Place of residence of Children		
Rural	08	67.0
Urban	04	33.0
Work experience (years)		
2-3	08	26.7
4-5	15	50.0
6-7	05	16.7
8+	02	06.6
Previous Training		
No	30	100
Yes	00	000
Membership in unions		
Yes	04	13.0
No	26	87.0

Source: Generated from the interviews

I have followed extensive site visit to observe the situation associated with the issue of worker rights. During fieldwork, every day I entered into the factory in the morning and stayed there until the end of their work. Observation was more crucial for this study

because many issues of workers' rights are related to the environment where the manufacturing work takes place. The direct observations provided the researcher an opportunity to see the real situation of work safety, health and hygiene, equipment, emergency exit, rest and dining room, child care facilities and other physical settings inside the factory, and to compare and verify the data acquired from the documents as well as interviews. Though observation was used to see the physical artefacts, more emphasis was placed on participant observation to see and understand the labour process, particularly how workers are treated by the management, how works are organized and discipline workers, how domination and resistance takes place.

Focus group discussion

Focus Group Discussion (FGD) is a form of interviewing that takes place within a group people who are unfamiliar to one another. In a definition of focus group Nigel Gilbert (2008) says, "a focus group consists of a small group of individuals, usually numbering between six and ten people, who meet together to express their views about a particular topic defined by the researcher" (p. 227). The main logic conducting FGD is that one-on-one interviews impoverished because the participant had not reflected on the topic and feels unprepared to respond. People often need to listen to others' opinions and understandings in order to form their own and FGD creates this permissive environment. This study conducted five FGD in workers' residential areas with the participation of workers' from different factories and local residents.

3.5 Methodological Procedures of Data Analysis

Data analysis is the process of bringing order, structure, and meaning to the mass of collected data. In qualitative research data analytic procedures are divided into five forms, such as organizing the data; generating categories, themes and patterns; testing the

emergent hypothesis against the data; searching for alternative explanations of the data; and writing the report (Marshall & Rossman, 1995).

Transcribing

Based on information noted in interview protocols, recorded interview and field notes, I prepared a complete transcription of each interview in Bengali just after returning home from research site. I read the transcription several times and compare it with notes, protocols and recordings so that any important information did not lose. In the following days, transcribed interviews were translated into English. Translations of interviews were compared several times with original transcriptions to keep original meaning intact. The transcription of interviews and its translation into English was too hard because the researcher need to work meticulously so that pertinent meanings of the interviews were not lost.

Generating Categories

This is the most difficult, complex, ambiguous and creative phase of data analysis. The translated transcripts were read many times and the researcher tried to categorize the information following the main theoretical framework of this study (explained in chapter three). Data were first compiled according to each RMG site, following the main two categories of labour justice; agency freedom and well-being freedom, and different sub-categories under these two keeping data separate from each case. Then data of different cases were assembled following the above mentioned categories.

Searching for alternative explanation

Marshall & Rossman (1995) note that alternative explanation is always existed for acquired data. The researcher must search for, identify, and describe them and then demonstrate how the explanation offered is the most plausible for all (p. 116). The

researcher demonstrated the possible alternative explanation of the obtained data and made linkages to previous and future research.

3.6 Trustworthiness (Validity and Reliability)

Trustworthiness of a study is of crucial importance for a qualitative research. Methodological rigor is very significant in a study using a qualitative design, and it is particularly important for this study because interview place and sample selection processes followed were beyond the traditional ways, that can be new path for future researcher. Patton (1990) notes that the qualitative research has an obligation to be methodological in reporting sufficient details of data collection and the process of analysis to permit others to judge the quality of the resulting product (p. 462). In reaching the criteria of trustworthiness of a qualitative research, Lincoln and Guba (1985) framed few questions to which all research must respond: how credible are the particular findings of the study and how it can be judged? How transferable and applicable are these findings to another setting or group of people? Whether the findings of this study would be replicated if the study were conducted with the same participants in the same context? And, whether the findings are reflective of the subjects and the inquiry itself rather than a creation of the researcher's biases or prejudices? These four questions can be summarized as: truth-value (credibility), applicability (transferability), consistency (dependability) and neutrality (confirmability).

Credibility

Credibility exists when a study presents recognizable descriptions or interpretations of human experience for people with shared experiences (Sandelowski, 1986). Lincoln & Guba (1985) describe two ways for attaining credibility; carrying out the inquiry in such way that the probability that the findings will be found to be credible is enhanced and

allowing the respondents to look at and evaluate the findings of the study. To enhance the credibility, I have followed few techniques, such as, triangulation of data, prolong engagement, persistent observation and cross checks.

Triangulation: Triangulation is the act of bringing more than one means to achieve objectives of a specific study. Explaining the aim of triangulation, Patton (1990) notes, “triangulation is a process by which the researcher can guard against the accusation that a study’s findings are simply an artifact of a single method, a single source or a single investigator’s biases” (p. 470). Triangulation helps to complement the limitation of a particular method or sources of the data. Denzin (1978) developed four types of triangulation: data sources, methods, investigator and theory. This study adopted triangulation process in data sources and methods. Triangulation of data sources is achieved by involving workers, employers, state’s representatives, buyers’ representatives, NGO activists. This study has also attained triangulation of methods by using different data collection techniques such as, interviewing, documents review, observation and FGD.

Prolong engagement: Prolonged engagement means investment of sufficient time to achieve certain purposes, such as learning the culture, testing for misinformation introduced by distortion either of the self or of the respondents and building trust (Lincoln and Guba, 1985). I was born and brought in the same culture which was helpful for me to understand the cultural dynamics of women’s labour market participation. Being a native speaker of Bengali, I became able to explore the concealed meaning of the key terms that the participants used during interview. Moreover, I had past experience of carrying out research in the same field that made me capable and more efficient of uncovering the hidden facts that lead to marginalization and exploitation of women workers in the RMG industry.

Persistent observation: The purpose of persistent observation is to identify those characteristics and elements in the situation that are the most relevant to the problem or issue being pursued and focusing on them in detail (Lincoln & Guba, 1985, p. 304). I made extensive field visits for seven months. During the period of the field visit, I was in close contact with either to research participants or observing the factories. Moreover, I attended a number of demonstrations organized by different labour unions and participated in many symposiums and seminars on worker rights and Bangladesh Garment Industry.

Cross check: For cross checking the data, interview participants were selected from different groups involving the representative from employers, workers, buyers, NGOs, MNCs, civil society and state.

Transferability

Transferability refers to the applicability of one set of findings to another context. Lincoln and Guba (1985) note that transferability in qualitative is the usefulness of utilizing the study process and its results in the context of another time and place. The question is to what extent this study ensures transferability and in what ways. Apparently, the issue of transferability or generalizability in a qualitative study is problematic since qualitative research is conducted in a particular social context. However, Marshall and Rossman (1995) have identified two strategic ways for increasing transferability. The first strategic way is to follow a theoretical framework that guides the data collection and analysis of the research. The second is the triangulation where multiple sources of data collection are followed. Marshall and Rossman (1995) says, “designing a study in which multiple cases, multiple informants, or more than one data gathering method are used can greatly strengthen the study’s usefulness for other settings” (p. 144). Since, this study uses

multiple cases, informants and data collection methods that strengthens the reliability of the data, it is anticipated that finding of this study is also applicable to other settings.

Dependability

Dependability refers to the researcher's attempts to account for changing conditions in the phenomenon chosen for the study as well as changes in the design created by increasingly refined understanding of the setting (Marshall & Rossman, 1995, p. 145). It was enhanced through consultation with methodological experts and triangulation of approaches and methods to overcome the weaknesses of one by other. I presented the methodological outlines in seminar arranged by the department where many experts were present including but not limited to Professor Ida Regalia, Professor Lorenzo Bordogna, Professor Gabriele Ballarino, Professor Masimo Pallini and Professor Renata Semenza. Moreover, I visited the field in two phases. After the first phase of data collection, I came to my university and consulted to my supervisor and presented the findings in seminars to get the opinions of the experts. Then I moved to Monmouth University, USA where I spent one semester with an expert Professor Golam M. Mathbor who had long experiences in qualitative research and social justice with particular focus on Bangladesh. During this time, I presented my dissertation project in a faculty forum¹⁰. With the feedback that I received through these presentations, I made the second visit to compensate the limitations in the first trip.

Confirmability

Confirmability refers whether the findings of the study could be confirmed by other (Marshall & Rossman, 1995). The finding of this research is similar to many other

¹⁰ It is a central platform for Monmouth University's faculties and international scholars to share their knowledge and innovative ideas with other colleagues working within the university which holds twice a year.

researches in the area of globalization and worker rights. I have mentioned many of the previous researches in support of the findings of the study in the chapter five.

3.7 Ethical Consideration

Interviewing is a reflective process through which views and ideas are exchanged between interviewer and interviewee. Through building rapport and going through interactive process, the researcher may able to find some hidden information. Making this information into public may cause harm for the interviewee, and on the other, it may be a matter of legal bindings. To overcome this sort of dilemmas, it is important to anticipate and deal with the ethical dimensions in research. It is particularly more important in qualitative inquiry because qualitative methods are highly personal and interpersonal and because in-depth interview opens up what is inside people (Patton, 2002, p. 407). A number of ethical issues were considered in designing and conducting this study.

Informed consent

The researcher used informed consent protocols and opening statements explaining the purpose and use of this research, the confidentiality provisions and the issue of data access and ownership. Each of the participants signed this consent protocol. For illiterate women, the researcher orally briefed them and took their consent. When the participants were agreed to take part in the interview, then permission were sought for using tape recorder. Tape recorder was used only with the participants who allowed doing it.

Promise and Reciprocity

The issue of compensating interviewee is a crucial debate. It is very usual for a researcher to receive question from the interviewee how it would help her fate. In the informed consent protocol, the researcher stated that interviewee will not get any benefit from this interview but to help researcher. However, researcher explained that the outcomes of this

study may help for the government to adopt a workers' friendly policy for sustaining this industry.

Risk Assessment

It was anticipated that any disclosure of interviewee worker's identity may lead her to lose job. Keeping in mind this risk, all interviews with workers' participants were conducted in the workers residential areas so that they were unidentified by the factory management. At the same time, name of the factories have not been mentioned so that they remain unaffected by the buyers' based on the evidences of violation of labour rights presented in this study.

Confidentiality

All of the participants were informed that their identity would be kept secret. Accordingly, nowhere in this study name of the participant and/or employing agency were used. For handling the data, symbolic codes and synonyms were used throughout this study to secure confidentiality. During the research period, data have been stored in my personal computer with security code and hard documents are locked in the cabinet. Upon the completion of the study, all the documents will be preserved at least for five years at researcher's own residence for countering if the findings are challenged.

3.8 Limitations of the Study

This study was an explorative qualitative study which attempted to explore the interplay between women rights and employment in global manufacturing using social justice approach. Though there is a potential to add knowledge to the study of women in global production system, this study, like most other research, has some limitations. Most limitations are linked to the methodological hurdles. First, factory owners' usually don't allow any stranger inside the factory for fear of disclosing hidden facts which may negatively affect the market of the products. I sought permission to visit the factory and

waited for their reply keeping in mind delaying response and reluctance. Unfortunately, I didn't find any response from them even after one month. Then I looked for a "gatekeeper"¹¹ and became successful of finding two gatekeepers who used to serve as managerial staff of RMG industry. Using gatekeepers' network, I finally managed to get permission for visiting the sample factories. Second, the big difficulty was to conduct interviews with the workers as management did not allow the researcher to talk with the workers. To reach the workers, I stood nearby the factory during the closing hour and tried to talk with the workers taking help from a female graduate¹² on their way of home and took their address who wished to take part in the interview and visited their home. Workers are very sceptic and suspicious while talking. Workers have a tendency not to disclose any negative things as they are threatened by the management of losing from jobs from disclosing bad things. The triangulation of sources and methods helped me to get best and most reliable data. I was also unable to get the views of consumers and in some cases owners of the sample factories. Third, another limitation comes to comply with ethical guidelines of signing consent forms. In many of cases, owners of the factory live in abroad or otherwise busy. Alternatively, I had to talk with top management staffs who are also employed by the owners. Therefore, management staffs are always hesitant to sign the consent form. Workers' were also afraid to sign the form and repeatedly requested me not to disclose their name as interviewee. Therefore, I was unable to get signing of the forms by the workers. However, I explained the purpose of the form and got their oral consent.

¹¹ Gatekeeper is the initial contact for the researcher and leads the researcher for other contacts (Hammersley & Atkinson (1995). He is a member of or has insider status of a group, or somehow connected with that group and bridges a contact between the researcher and the respondent.

¹² Being a male researcher, it was necessary to take help of a female because it is very unusual for a female to talk with a male stranger standing in the street.

CHAPTER 4

TRAJECTORIES OF WOMEN EMPLOYMENT AND LABOUR REGULATION

Women's involvement in wage earning activities is viewed as a process of empowering women. This is particularly important in third world country where hierarchical relations exist between men and women. Women's earnings gear the status of women in family and increase their participation in decision making that transcends the patriarchal power relations which have been documented in a number of studies conducted in various context such as Mexico (Gates, 2002), South Africa (Sender, 2002), Kenya (Francis, 2002), Chile (Bee and Vogel, 1997) and Bangladesh (Kabeer, Mahmud and Tasneem, 2011). Moreover, employment is a fundamental right of women as being a human (UDHR, 1948). In spite of the importance of women's employment, women's labour force participation in Bangladesh is very low. It is determined by rigid gendered norms that restrict women's mobility in the workplaces, lack of skills and gender biases in recruiting process. However, women's involvement in economic activities is gradually increasing with the influence of globalization and transformation of traditional cultural beliefs and practices. National government has also taken various steps to increase labour force participation of women. This chapter briefly describes the entrance and growth of women participation in the labour market, emergence of Readymade Garments (RMG) industry in Bangladesh, shifting trend from house wives to factory workers, working conditions and gender relations, labour market regulation and industrial relation system and global connection of labour rights with capital and RMG trade.

4.1 Historical Background of Women Employment

Bangladesh is a South-Asian country which became independent in 1971 from the ruling of Pakistan. It is a over populated country consisting of 14, 97, 72, 364 people of which 7, 49, 80, 368 are women in the area of 1, 47,570 square kilometres and the annual growth rate is 1.37 percent in the year 2011 (BBS, 2011). The country was ravaged by acute food shortages and famines during the early years of its independence (Mahmud, 2008). Moreover, due to the discriminating state policy of then Pakistan government, the initial period of Bangladesh displayed a dismal picture in terms of various social development indicators. However, this scenario has gradually been changed from the last quarter of 1970s. Life expectancy has risen from 50 to 63 years, child mortality rate 240 per thousand births has been decreased by 70 percent, literacy rate has reached to 66 percent, total fertility rate (TFR) declined from 6.3 births per woman in the mid-1970s to about 3.0 in recent years (NIPORT, 2011; BBS, 2010). Most of these gains have taken place for accelerated growth in per capita GDP which is currently 6 percent (WB, 2013). Among many factors that contributed to the growth of annual GDP, most notable are increase of Foreign Direct Investment (FDI), remittances, foreign aid, and above all increase of employment and income-earning opportunities for women. However, women participation in labour force is still low in compared to male.

Women's labour force participation in Bangladesh is constrained by traditional normative family system, a system which restricts the women's mobility outside the home in the name of '*Purdah*' (Feldman, 2009). The dictionary meaning of '*Purdah*' is veil or curtail but it functions as a system of social control that secludes women from the world outside of home. This system draws a demarcation between private and public spheres and women's world is in private sphere, away from the outside (*baire*) world of

men. Women are confined within the home compound unless any emergency occurs (Hossain, Al-Amin and Alam, 2012). This seclusion of women is linked with the ideological apparatus of Bangladeshi people that conceives that women entrance outside the home undermines the status of family (Feldman, 2001). Social and cultural practices have given the shape of ‘male breadwinner model’ where maintenance of financial needs belong to men. Women are free from carrying the financial responsibility and hence economic role of women is considered as secondary, whereas reproductive and caring roles are considered as primary (Rahman, 2005). Women are employed only to supplement the male income. This gendered differential belief dictates the male priority in getting jobs (Cain, 1977; Westergaard, 1983). At the same time, traditional type of employment also influences women’s labour force participation. Since the main source of employment of Bangladeshi people is agriculture and its related activities¹³, mainly done outside the home where women’s access is restricted, their economic participation is very low. Statistics shows that there are 30.9 million labour force of which women constitutes 14.1 percent compared to 79.8 percent of men (BBS, 2011). It is in upward trend in the following years (Table-4.1).

Table-4.1: Labour force, employment and participation rate

Year/types	Labour Force (Millions)			Employment (Millions)			Participation Rate (%)		
	Female	Male	Both	Female	Male	Both	Female	Male	Both
1990-91	4.0	26.9	30.9	4.0	26.7	30.7	14.1	79.6	--
1999-00	8.5	32.2	40.7	7.9	31.1	39.0	22.8	84.0	--
2005-06	12.1	37.4	49.5	11.3	36.1	47.4	29.2	86.8	58.5
2010-11	17.2	39.5	56.7	16.2	37.9	54.1	36	82.5	59.3

Source: Labour Force Survey (various years), Bangladesh Bureau of Statistics.

¹³ About 80 percent people are directly or indirectly dependent on agricultural production.

It should be noted that gendered differential beliefs do not relieve women from performing economic activities. Crops processing (post harvesting) activities are mostly done in the home where maximum contribution comes from women but no cash benefit reach to them. To gain monetary benefit, women need control over the earning that come from selling the products. Generally, being the head of the family, men are the responsible to bring the agricultural products to the market and the earnings from selling the products goes to the hand of men. Through this process women's contribution remains unpaid and women are excluded from active participation in labour force.

This scenario is under gradual change. Women are no longer passive participant in the labour market. Due to the increase of women education and women's movement for securing the rights, women mobility and economic participation outside the home has been increased enormously. Many women are taking part in cultivation alongside by men and taking responsibility of maintaining the family breaking the rule of 'male bread winner and female care giver'. This shift was mostly happened through the intervention of some 'Non-Governmental Organizations (here after NGOs) who started their work just after the independence war in 1971, when many people fall into the trap of poverty having no source of income. Considering the deep shock of war devastation, many NGOs (e.g.; BRAC, Grameen Bank, ASA etc) came forward to help the poor people through relief and rehabilitation activities and later redirected their activities to make self-reliant of rural poor people particularly women (Feldman, 2009; Hossain, Al-Amin and Alam, 2012). During 1990s, NGOs activities have achieved greater success in creating self-employment through microfinance. Currently, the number of group-based microcredit

borrowers has reached to 25 millions¹⁴ who are running credit-based small enterprises (Khandker, Faruquee and Samad, 2013). In addition to micro-credit, other NGO-led activities such as, social awareness about health, education, nutrition, social forestry and legal rights, have made a transformation in women's lives by promoting social interaction and mobility for women in traditional society characterized by female seclusion. The most possible outcome from these changes is the sharp increase of women's labour force participation (Mahmud, 2008). Female participation rate rose faster during the period of 1983 to 2000 than male that was 8.2, 14.1, 22.8 and 29.2 percent in the year of 1983, 1991 and 2000 respectively (Rahman, 2005). In spite of the sharp increase of labour force participation of both men and women, higher growth of labour force and low employment potentials accelerates the size of total unemployment in upward trend (2.7 million in 2006 from 2.1 million in 2000). Though unemployment rate of women was declined from 7 percent to 5.8 percent in the year 2005 and 2010 respectively, 30.5 million women are not in the labour force compare to 8.4 million men in 2010 (BBS, 2010a). Accumulation of this figure into labour force will substantially increase the unemployment rate. This shows that Bangladesh is experienced a 'labour surplus economy' where many women are out of employment. Moreover, Agriculture, forestry and fisheries, the dominant sectors which offered employment for 2.8 million out of 47.4 (Table-4.2), are comprised by disguised labour force and severely affected by various natural disasters (river erosion, tornado, flood, draughts etc).

¹⁴ The actual number of credit recipients little lower than this figure because there are some instances of overlapping borrowing from multiple institutions.

Table-4.2: Sector-wise employment by sex

Major Sectors	Total employment (Millions)			Percentage (2010)		
	2002-03	2005-06	2009-10	Both	Male	Female
Agriculture Forestry and Fisheries	22.9	22.8	25.7	49.2	50.2	45.6
Mining and Quarrying	0.1	0.1	0.1	0.5	0.3	1.3
Manufacturing	4.3	5.2	6.7	9.5	7.4	17.7
Electricity Gas and Water	0.1	0.1	0.1	0.3	0.3	0.0
Construction	1.5	1.5	2.6	2.8	3.2	1.3
Trade Hotel and Restaurant	6.7	7.8	8.4	15.7	18.3	6.3
Transport, Storage and Communication	3.0	4.0	4.0	6.4	7.7	1.3
Finance Business and Real Estate	0.3	0.8	1.0	1.0	1.2	0.0
Health Education, Public administration and Defense	2.5	2.6	2.3	5.7	5.9	6.1
Community and personal services	2.7	2.6	3.4	7.4	3.9	18.8
Total	44.3	47.4	54.1	100	100	100

Source: Labour Force Survey (various year), Bangladesh Bureau of Statistics.

4.2 Emergence and Growth of the RMG Industry

Bangladesh was formerly part of British ruled undivided India for almost two hundred years (1757-1947) and it came under the rule of Pakistan through the partition of Indian-sub-continent in 1948. During of both of these regimes, the areas that are now under the sovereignty of Bangladesh faced severe economic discrimination. After the birth of Pakistan a number industries were set up under the direct protection of government but Bangladesh (then East-Pakistan) experienced a mild rate of industrialization due to the discriminated industrial policy of then Pakistan government. Only very few industries were established depending on domestically available raw materials, such as jute, paper, cement, fertilizer, textile, tea but majority of these were under the ownership of West Pakistani entrepreneurs. At the time of independence only 18 percent were owned by

Bangladeshi industrialists, 47 percent by Pakistani industrialist, 34 percent state owned and only 1 percent were owned by foreign investors (Rashid, 2006). The initial condition of Bangladesh during the first decade, just after independence, was not favourable for attaining a healthy industrial growth. At the middle of 1970s, government introduced new industrial policy and nationalized all industries that were banned during Pakistani rule. In spite of government incentives to promote industrial growth and export earnings, little changes have made in production of traditional industries. While most of the commodities were produced only to meet the domestic demands, jute and tea were continued to be the major export commodities. Until 1980, jute and tea were the two dominant export commodities which earned two-third export incomes but has fallen drastically in the face of declining world price. However, the country has experienced steady rise of export oriented garment manufacturing (RMG) since the first half of 1980s and end of the decades it became prime source for export earnings fostered by new industrial policy. Before giving emerging profile of RMG industry in Bangladesh, first it is needed to clarify what exactly mean by RMG. Readymade Garment sector in Bangladesh is a sub-sector of the textiles and clothing sector, comprised by two independent industries, e.g.; woven and knitwear industry. It consists of a range of manufacturing activities and processes integrated by backward and forward linkages, which includes textiles, handlooms, processing and printing, dyeing, woven and knitwear, embroidery and spinning and pressing of cotton etc. Thus, the workforce engaged in RMG industry are divided into different categories, such as, preparation of textile fibre, spinners and winders, weaving and knitting machine setters and pattern card prepares, weavers and related workers, knitting, sewers and embroiders etc.

The initial development of any industry is usually happened in response to domestic demand, and after obtaining skills and necessary expertise gradually it captures the

international market as it is happened in most Sub-Saharan Africa but Bangladesh RMG industry did not followed this pattern. It was almost a sudden boom during 1980s which was geared by both local-global factors which would be discussed later. Here it should be noted that Dhaka (capital of Bangladesh) had a long reputation for producing finest cloths ‘*Maslin Sarees*’ during *Mughal* regimes but was a break off in the following centuries (Rashid, 2006). The RMG production in Bangladesh were evidenced during 1960s when *Karachi* (Pakistan) based firm ‘The Mercury Shirts’ sourced a few consignment of shirts during 1965-68 by some tailoring outfits operated in Dhaka and then exported this to some European markets. At that time, there were few tailoring groups in Dhaka who used to made a very few amount of export quality shirts and children’s wear on specific orders received from Karachi-based firms (Rashid, 2006).

After the independence, the country observed rapid expansion of RMG industry during second half of 1970s from the direct impact of Multi-Fibre Agreement (MFA) on textile and RMG trade (Siddiqi, 2009). Under this agreement, the imposition of quotas led the former industrializing country to search for quota-free location to set up garment manufacturing plants and accordingly Bangladesh became the promising place to some East-Asian countries who were pioneer in garment manufacturing (Korea, Hong Kong, Malaysia, china) and they relocated their factories. For instance, Korean company *Daewoo* signed a contract with *Desh Garments* in 1976. Following the agreement *Daewoo* gave free training in production and marketing of 130 supervisors and managers from *Desh Garments* but then left production itself to *Desh*. After leaving Korean company within one year 115 of 130 people who were trained in Korea left *Desh Garments* to set up their own plants or moved to other newly established factory being offered by ten or more times higher salary (Kabeer and Mahmud, 2004b). Moreover, tariff and import quota free access in EU market under the Generalized System of

Preference (GSP), trade liberalization policy of Bangladesh government which attracts the foreign investment, and above all availability of cheap labour contributed to the rapid enlargement of RMG sectors and women employment (Ahmed, 2009). According to BGMEA, RMG industry provides jobs for 4 million people of whom 3.20 million are women which constitute the share of women is 80 percent (Table-4.3).

Table-4.3: Total number of RMG factories and employed women workforce

Year	Number of Garments	Employment (million)	Women (million)	Percentage of women
1983-84	134	0.040	0.034	85
1985-86	594	0.198	0.16	85
1990-91	834	0.402	0.34	90
1995-96	2353	1.290	1.08	85
2000-01	3480	1.800	1.44	85
2005-06	4220	2.200	1.87	80
2009-10	5063	3.600	2.88	80
2010-11	5150	3.600	2.88	80
2011-12	5400	4.000	3.20	80
2012-13	5600	4.000	3.20	80

Source: Bangladesh Garment Manufacturer and Exporters Association (BGMEA)

With the expansion of factories, export values and share in total export-earning have also been increased proportionately. While the total export earnings from RMG were US\$ 13.57 million in 1984, it has reached to US\$ 21515.73 million in 2013 and the total share were increased to 79.63 percent from 3.89 percent in the respective year (BGMEA, 2013; BEPB, 2013).

Table-4.4: Export income and contribution of RMG

Year	Export of RMG (Million US\$)	Total Export (Million US\$)	% of RMG's to Total Export
1983-84	31.57	811.00	3.89
1985-86	131.48	819.21	16.05
1990-91	866.82	1717.55	50.47
1995-96	2547.13	3882.42	65.61
2000-01	4859.83	6467.30	75.14
2005-06	7900.80	10526.16	75.06
2009-10	12496.72	16204.65	77.12
2011-12	19089.69	24287.66	78.60
2012-13	21515.73	27018.26	79.63

Source: Bangladesh Export Promotion Bureau, Government of Bangladesh

It is evident that RMG export in various years is in upward turn and it is becoming the main source of export earnings for Bangladesh. The other exporting products have very marginal role in foreign currency earning (Table-4.5).

Table-4.5: Product-wise share of export earnings (in percentage)

Products	2007-08	2008-09	2009-10
RMG	75.83	79.33	77.12
Frozen Food	3.78	2.92	2.73
Jute Goods	2.26	1.73	4.86
Leather	2.02	1.13	1.40
Raw Jute/agricultural products*	1.17	0.95	1.50
Chemical Products/ engineering products*	1.53	1.80	1.92
Tea	0.11	0.08	
Footwear*	--	--	1.26
other	13.30	12.04	9.21

Source: Bangladesh Garment Manufacturer and Exporters Association (BGMEA) 2013

*Indicates the products exported in only in 2009-10 and new items are included in the broader category.

4.3 Shifts from Housewife to Factory Workers: Challenges to Tradition

The rapid growth of RMG industry in labour market causes the sharp rise of women employment. The dramatic shift of women employment from traditional agro-based subsistence farming and self-employment and individual entrepreneurship to trade and commodity production was facilitated both by supply and demand side factors, namely abundant supply of women workers and employers preference to women workers. Abundant supply of women workers is fostered by a number of reasons. *First*, there has been a transformation in the countryside including the erosion of subsistence agriculture, declines in land-holdings and land security and the advent of mechanized rice milling which reduced the scope of women employment¹⁵. Due to the unavailability of jobs, women workers are tremendously pressurized to have work in RMG industry. In a poverty stricken society where large number of women; particularly uneducated, divorced or separated, fight against hungry, any employment opportunity is considered to them as a way of survival. Accordingly, major part of women workforce in RMG industry is comprised by the over representation of widow, divorced, separated or unmarried young girls whose presence in the city were persuaded mostly by poverty-stricken condition in their village (Absar, 2000; Kabeer, 2004b). *Second*, the traditional avenues where uneducated and unskilled women can easily be employed are mainly agriculture, construction, domestic sectors. The tasks performed in these sectors are more laborious and hazardous, and usually done in public places, in contrast to RMG sectors where task are main carried out inside the factory. Thus, RMG employment is seen as a respectable

¹⁵ As for example, *Dheki* husking was one of main source of women employment in rural economy. After introducing rice milling, many women lost the traditional way of employment which led many women to explore strategies of income diversification.

form of employment for women of middle¹⁶ and landless poor class families who are somehow forced to work outside home (Ahmed, 2004). *Third*, Bangladesh is one of the most vulnerable area in the world that frequently hit by natural catastrophes that make hundreds and thousands of people homeless and left out them from all means of survival (Mathbor, 2007, 2008). Being affected by the high incidence of severe natural calamities, rural poor people move to the urban areas for subsistence. This migration trend is higher among women than men who are drawn from landless households (Feldman, 1993; Afsar, 2001). According to an estimate, everyday 1000 girls migrate from rural to urban areas to find work (Ward et al., 2004). The female labour force migration to urban areas is happened through a two way process; as a self migrant for own subsistence or as an accompanying member with male households' head. For lack of education and necessary skills, having no suitable options, many of these migrated women are forced to enter into labour market and get involved in low paid informal work, particularly in RMG industry to contribute in family income (Kibria, 1995; Kabeer, 2004b; Paul-Majumder and Begum, 2006).

Though women are forced to work at RMG industry, employers' preference of female workers is dominant for feminizing the labour force in RMG industry. Women workers are the economic and strategic choice to the employers for a number of reasons. First, women's labour is comparatively cheap because employers can get unpaid labour through extending overtime work (Ahmed, 2004; Muhammad, 2011). Second, women's natural dexterity gives them extra advantage to be employed in garment factory. It is believed that the task that has to be performed in the garment factory is aligned with their

¹⁶ These families may live in *Pukka* (brick) houses and have land but they are cash poor. They never become aristocrats but wish to maintain social distance from poor peasants.

traditional work of sewing¹⁷ which ensure higher productivity (Paul-Majumder and Begum, 2006). Third, women's natural docility influence employers to prefer women workers. Employers always set higher target and operate coercive rule to get maximum production. However, women modestly carry the order given by the management without making any argument. They do not take part in union activities and less likely to raise their voices against injustices. It is believed that arguing with male bosses is indecent for women and organizing activities are not suited for women (Dannecker, 2002; Khan, 2004). Fourth, persuaded by sexual instinct, employers are more inclined to recruit young and smart girl (Siddiqi, 2009; Hossain, Mathbor and Semenza, 2013).

The above description indicates that higher participation of women workers in RMG industry is fostered by both employers' preference of compliance and cheap labour and urgent need of income generation among women for survival. However, the preference for hiring women is, in fact, an employers' choice (Ahmed, 2004). The justification in favour of this claim is that limited opportunity of employment is not only the case for women but it is similarly true for men. Still many men are unemployed and they wish to work in this sector in spite of low remuneration and few/no job benefits. Since employers are tended to secure compliant and low cost workforce, women workers are the strategic choice to reach this goal.

Whatever the reason, the fact is that RMG industry has accelerated the shift from house wives to factory workers. Most of these workers are migrated from the rural areas and for many of them this is the first experiences of paid employment outside the household works (Kabeer and Mahmud, 2004a). Garment manufacturing industry has

¹⁷ Bangladeshi women are traditionally expert in sewing work. Almost every woman takes the learning of sewing from early life and get involved in sewing work for other members of the family.

given the opportunity of rural poor women, who are mostly less educated and unskilled, to be included in the national labour force whom previous unpaid home work were uncounted. It is one of the few options that provide the women to be employed. It is argued that women's employment in RMG industry is giving them a collective voice to challenge social traditions that restrict women participation in economic activities (Hossain, 2012). The RMG industry has brought many women to the city to work denying their male members. Many of them are now self-dependent, and, in many cases, they are contributing in family maintenance by sending remittances to their home in the village (Naved et. al., 2001; Rahman 2005; Kabeer, 2008). Research data shows that women workers are providing 46% of family income and 30% of women are maintaining their family breaking the norm of 'male bread-winner model' (Amin et al., 1998; Absar, 2001; Ward et al., 2004). What is more, garment workers are challenging social norms and traditions by delaying marriage, marrying someone by their own choice, and working with male outside the home that was unimaginable even few years ago and it is reducing social exclusion of women (Feldman, 2008; Khosla, 2009; Hossain, 2012).

4.4 Working Conditions and Gender Relations

Literatures show a paradox about the influence of women employment in global RMG industry of Bangladesh. The above section lucidly explains that women employment in RMG industry has wider social consequences to the empowerment of women. It is the nascent side of globalization but the other side is much deplorable because many of labour rights are being violated in terms of wage, overtime payment, leave, labour benefits, workplace safety, and job security (Alam and Blanch, 2011). Manufacturer pays little attention to secure the rights of the workers. Workers' payments are extremely low comparing to other countries in the world (Table-4.6) and they are unable to survive in

the city area with their poverty level wages. These low earning is supplemented by doing overtime work to incur their deficit familial cost, though it does not happen spontaneously by the workers, rather they are supposed to provide extra hours to ensure the supply of the products in due time (Muhammad, 2011). This overtime work is done after the usual work hours and it causes serious difficulties for women. After walking two or three kilometers to home from the factory having no transport facilities provided by the factory, they have to start their third shift¹⁸ to prepare food for her or for family after returning home even it is a midnight having a pressure of starting new shift early in the morning of the next. Working condition in the factory is also detrimental to their health. Cutting and sewing produces dust but management does not provide any mask to protect them from healing; and ironing produces heat but, in many cases, all are done in the same floor.

Table-4.6: Comparative hourly wages of garments workers in the World

Name of the country	Hourly Wage (US\$)
United States	8.25-14
United Kingdom	7.58-9.11
Venezuela	2.73
Costa Rica	2.19
Colombia	1.29
Honduras	1.02
Philippine	0.94-1.0
China	0.93
India	0.55-0.68
Vietnam	0.52
Pakistan	0.37
Cambodia	0.24
Bangladesh	0.20

Source: Institute for Global Labour and Human Rights (2010).

¹⁸ Scholars have argued that first shift starts with regular work hour in the morning, overtime work is the second shift and third shift starts after returning home from workplace for household responsibility..

Poor lighting and ventilation, unhygienic surroundings and inadequate toilet facilities also have been reported (Kabeer, 2004b; Paul-Majumder and Begum, 2000). Most of the workers face different kinds of health difficulties resulting from this unhygienic working condition, such as, weight loss, fatigue, head-ache, less hearing and eye problems (Rashid, 2006; Kabeer, 2004b, Amin et. al., 1998). However, garment authorities do not provide any medical facilities denying the factory rules. Most pervasive but less visible form of exploitation is sexual harassment that poses serious problem for women workers. Verbal abuse, sexual coercion and intimidation are widely accepted modes of harassment. The highly sexualized vocabulary and body language used by line chiefs, supervisor, production manager and others to discipline women workers creates a hostile intimidating and sexually charged environment (Siddiqi, 2004, 2009). Due to the shame and social humiliation¹⁹, victims never share their personal traumatic experiences to other; rather many of them leave the job or move to another factory if they find any alternative. Thus, the true incidences of sexual harassment are much higher than the reported cases. In spite of the non-existence of workers basic rights and securities in the factory, they can't raise their voices for absence of any formal associations. Workers cannot join any trade union organization for fear of losing jobs (Dannecker, 2002; Khan, 2004). The most alarming is that many of the factories are located in old apartments which are unsafe and high risk prone for industrial accident for fire or factory building collapses. The recent two deadly incidents, fire at '*Tajrin Fashions*' and factory building collapse at '*Rana Plaza*', that caused around 1300 workers to death illuminate the grim picture about the workplace safety.

¹⁹ Rape undermines the social position of women. A raped victim is usually scolded by other though she was not the guilty, rather victim of the situation. if she is unmarried, she has a problem to find a husband and married women may have trouble from her husband, often leading to divorce

A gender division of labour and hierarchal gender relations exist inside the factory. Tasks are allocated on the basis of gender which determines many of the working conditions of women workers. Women workers are absorbed in a variety of activities from sewing, packing, inserting buttons, making holes for buttons, checking, cleaning threads while men workers are involved in cutting, ironing and finishing (Paul-Majumder and Begum 1997). Usually, the tasks performed by women are low paid than the men workers do. The sexual division of labour is very often justified by some gender biased believes, such as, women are traditionally suited in sewing for their nimble fingers, sincere and active, patient, subversive and non-militant than men (Paul-Majumder and Begum, 2006; Hossain, Mathbor and Semenza, 2013). It is also believed that women are easier to manage and less likely to be engaged in trade union activities and production disruptions (Jamaly and Wickramanayake, 1996; Paul-Majumder and Bagum, 2000; Khan, 2004). Though Bangladesh Garment industry is dominated by women workers, they remain at the lower tier in the job hierarchy. In a survey report prepared by Wan on Want shows that 83 percent workers are employed as sewing operators and nearly 10 percent as helper (Alam and Blanch, 2011). Women are less frequent for mid level positions (supervisors, floor in-charge, quality controllers, cutting master) that are comparatively high remunerative. Women are hardly found in administrative and management level position of the factory (Kabeer, 1991). It is male who are able and responsible to control and discipline women.

4.5 Legal Framework and Industrial Relations

Workers' right is not a matter of a particular factory or state, rather it is a matter of global concern. Producers, buyers, human rights organizations, consumers are integrated in current globalized production system. Various national, international and multinational

economic institutions have also been allied in the regulation of labour. Many transnational institutions (WTO, NAFTA, ASEAN, SAPTA, and ILO) have adopted different regulatory systems and every member states of the concerned global forums are principally and legally bounded to implement the respective labour standards. Member states also have own legal and regulatory system to follow the international standard and equally important to ensure and promote the rights of workers. As a part of different global forums, Bangladesh is supposed to implement the provisions under taken of the respective regulatory systems. The main regulatory framework of worker rights in Bangladesh comes through the ratification of ILO conventions and recommendations. Bangladesh has ratified all the conventions except convention 138²⁰. By ratifying these conventions, Bangladesh had given consent to ensure all the formal rights such as, right to get appointment letter, sufficient and regular pay without any discrimination, reasonable working hours, job security, involvement in trade unions and collective bargaining.

Since Bangladesh was the part of British India until 1947 and of Pakistan until independence, the history of industrial relations in Bangladesh is traced back to the Trade Union Act, 1926 introduced by the British rulers. This law provided the right of registering of trade unions but it was restrictive to any provision of strikes. Later in 1947, Industrial Disputes Act kept the provision of conciliation and adjudication for settlement of industrial disputes. The major development in the legal framework of industrial relation took place during Pakistan period particularly through the enactment of the 'East Pakistan Trade Union Act 1965' and 'Labour Dispute Act 1965'. Combining these two laws, a new regulatory policy namely 'Industrial Relations Ordinance 1969' was

²⁰ Bangladesh did not sign the convention No. 138 on the minimum age to enter in employment. The reason for not signing this convention is that it may force many of the children into more vulnerable situation. Many children are surviving with their own employment.

formulated by then Pakistan government which was the landmark in the evolution of collective bargaining in Bangladesh. The decades following the independence in 1971, Bangladesh experienced various forms of rulings from autocratic marshal to democratic government until 1990. During this period a number of impositions had been made on the democratic rights of forming association and collective bargaining which inhibited the growth of sound industrial relations system in Bangladesh.

Immediately after independence, Bangladesh declared a labour policy in 1972 recommending the reduction of trade union activities in welfare organizations. Accordingly right to strike and collective bargaining was prohibited in welfare organizations for six months by a presidential order in May 1972, and fully withdrawn in 1973. Meanwhile the “Emergency Power Ordinance 1974” was enforced which completely suspended all the democratic rights of workers by restricting trade union activities such as strikes, lockouts, collective bargaining. This restriction was continued by military regime through Industrial Relations (Regulation) Ordinance 1975. Through the adoption of Industrial Relations (Amendment) Ordinance, 1977, the right to freedom of association restored to some extent and further improvement took place through adoption of the Labour Policy of 1980. Unfortunately, this situation further worsened with the imposition of Industrial Relations (Regulation) Ordinance 1982 by which military government suspended trade union activities, strikes, and freedom of association. During military regime, Bangladesh Export Processing Zone (BEPZ) started operation under the Bangladesh Export Processing Zone Authority (BEPZA) Act 1980. Through an amendment of the Export Processing Zone Act 1980, EPZs were exempted from operation of certain laws. In 1986, military government suspended Industrial Relations Ordinance 1969 which was the basis of collective bargaining in EPZs factories. The logic of suspending trade union in EPZs was that introducing trade union in such areas would

jeopardize the working environment. As a result, the EPZ workers lost their right to form association and collective bargaining.

After the fall of military regime at the end of 1980s, a right wing political party ‘*Bangladesh Nationalist Party*’ (BNP) was in power with the support of an Islamic party, Bangladesh *Jamat-e-Islami*, in 1991 through a democratic election under caretaker government. During this democratic regime, union activities were restored again. During this period, workers and union leaders demanded effective implementation of trade union rights and modification of labour laws to remove all uncertainties and vagueness in existing laws. As a response, government formed “National Labour Law Commission” in 1992 consisting of 38 members headed by Justice Abdul Kuddus Chowdhury. The commission held consultation with the workers’ representatives, CBA leaders, employers’ representatives, civil society members and NGOs to get their views and submitted the report to government after two years of its constitution. Unfortunately next few years, particularly the regime led by *Bangladesh Awami League* from 1996 to 2001, this report did not come into force. As a consequence, discontent workers, mainly in RMG sector²¹ started to raise their voices outside the factory premises in the form of vandalism, strike, road blockings and demonstrations causing a serious threat to the sustainability of Readymade garment industry. At the end of 1990s and the beginning of 2000s, the workers’ aggressions became out of control. Perceiving the horrendous effect of labour unrest on export earnings, Bangladesh government was compelled to open the door for social dialogue through tripartite and multi-stakeholder involvement. Finally, a tripartite committee was formed to settle the industrial disputes and minimization of workers’ discontent. This committee sat in three consecutive meetings for social dialogue.

²¹ RMG is the largest and fast growing manufacturing industry in Bangladesh which employs about 4 million workers.

A landmark outcome of social dialogue was the signing of ‘Memorandum of Understanding’ (MOU) on June 2006 among the government, the BGMEA and leaders of the workers. According to the condition of MOU government took initiative to reform the labour laws which led the emergence of Labour law 2006. At the same time, many labour NGOs as well as United States, main importing country of Bangladeshi Garments, exerted strong pressure to ensure collective bargaining rights in EPZs. As a response Bangladesh issued a gazette notification in 2001 withdrawing the prohibition on freedom of association in EPZs and promised to adopt a new law by the end of 2004. Accordingly, Industrial Relations Act of 2004 was passed giving the rights of the formation of Workers’ Associations in three stages between 2005 and 2008 (Faruque, 2009) and it was modified later in 2010. Therefore, ‘Labour law 2006’ and ‘EPZ Workers Welfare Association and Industrial Relation Act 2010’ are the two main legal documents to the development of industrial relations system in Bangladesh. A brief of these two laws are provided below.

Bangladesh Labour Law 2006

‘Bangladesh Labour Law of 2006’ is the most comprehensive law after the independence which came into force on the 11th October, 2006 as a demand of stakeholders for improving regulatory framework of trade unions and partly by demand for modification of existing labour laws to avoid overlapping and inconsistency. This law recognized many of the labour rights dictated by ILO, such as, right to get appointment letter, sufficient wages, weekly and occasional leave/ holiday, maternity and child care benefit, health care facilities, work safety and congenial working atmosphere, transport allowance, food or lunch allowance, bonus, fringe benefits, pension, group insurance. This is the law which recognizes for the first time the right to association. Section 176 of the act provides that every worker has the right to form a trade union and to join an

association according to their choice. It also allows trade unions to establish and form federations and to affiliate with international organizations and confederations or workers' organizations. Similarly, the section 195 states that employer, employers' association or a person appointed by employers is not designate to discharge of workers for their involvement in unions or motivate them either by offering gift or by showing threat not to participate or organize workers.

Table-4.7: Key features of Bangladesh Labour Law 2006

	Key provisions	Limitations
Working conditions and labour benefits	Provision for appointment letter and identity card.	Absence of rationing facilities
	Right to minimum wage.	No maternity benefits for the workers who have already two children
	Maternity leave for 16 weeks with full payment	Overtime work up to 10 pm
	One day weekly holiday and one day annual leave for every eighteens days of work	No provision for accommodation and transport facilities
	Working hours 8 hours a day, 48 hours a week, in exceptional case 60 hours.	Provisions for punishment of employers in case of violating labour rights is very weak, (e.g.; 3 months imprisonment or with fine of one thousand taka (US\$ 15)
	Payment date is within seven days after the end of the last day of the wage period	No job protection and social security benefits
Fundamental labour rights	Right to form association and collective bargaining	Minimum membership requirement of 30 percent workers of the total permanently employed workers for approval of unions
	No discrimination at work in terms of wage and employment conditions	Restriction on temporary workers for joining in union.
	Minimum age of employment is 18 years	Provision of joining in only one trade union for each worker
	Freedom from forced and compulsory labour	Only one union in each factory

Source: Bangladesh Labour Law, 2006 (Act No. 42 of 2006)

It also has kept the provision of arbitration council and labour court to settle industrial disputes. However, there are some limitations in the 'Labour Law of 2006'²². The main weakness of this law is the failure with regard to the application of the ILO convention on Freedom of Association and Protection of the Right to Organize, 1947 (No. 87). However, in a recent amendment the right to collective and workers share in company's profit have been included²³.

The EPZ Workers Association and Industrial Relation Act 2004/ 2010

The EPZ Workers Association and Industrial Relation Act, 2004 (Act No. 36 of 2004) passed by the parliament in 2004 granting a limited right of trade unionism which provided that the workers in industrial units within the territory shall have the right to form association from November 1 of 2006. The objective of this act is to recognize the right of workers to form association, regulation of relations and settlement of disputes arising between employers and workers to the Export Processing Zones and for matters connected therewith and ancillary thereto²⁴. According to this act only one trade union is allowed in a factory but it is required to express desire of 30 percent workers to form association and over 50 percent of the workers have support of establishing of the association. Actually the act was implemented only in March 2008 when 69 industrial

²² It is claimed that this law is not fair and just towards workers rights because it has given more power to the employers and some articles directly violate the human rights of workers in terms of work hour, accident compensation, strike in new establishments, preserving service book, pay of fired workers, punishment for molestation and non implementation of maternity benefit by the authority and so on.

²³ The cabinet approved the proposed amendment to the Bangladesh Labour Law 2006. In place of profit sharing, a new provision for creating a welfare fund with 5 percent profit for the workers has been incorporated. Some other new provisions are including allowing trade unions at the RMG unit, workers' safety and their welfare ('Cabinet Approves Labour Law Management' in Financial Express, 23rd April, 2013).

²⁴ It is worth to note here that EPZ workers Association and Industrial relations act 2004/10 has not contain any provisions for workers welfare issues. These issues are explained in BEPZA instruction I and II.

units in Dhaka and Chittagong EPZs introduced workers' associations on the basis of referendums by workers (Faruque, 2009). This law was adopted as a test case which was ended on 2008 and it was extended until October 31, 2010 by caretaker government (Daily Star, May 4, 2010). After the formation of new government in 2009, trade union leaders, activists and NGO workers placed continuous pressure and finally EPZ Workers Welfare Association and Industrial Relations Act 2010 adopted amending the previous one though both of these acts have similar provisions except some terminological change.

The major provisions covered by this law are process of gaining registration of workers welfare association, approval of constitution and formation of executive body, types of unlawful behaviour of unions and employers and its penalty, process of collective bargaining and dispute resolution, formation of labour and appeal tribunal, functions and power, conditions for strike and lockout, dismissal of unions and so on. However, this law has many limitations that hampers the sound industrial relation system and restrict the core rights of workers for forming association and collective bargaining (Table-4.8). The main limitation is for forming an association, workers need prior approval and for acquiring this approval, they need written consent of 30 percent workers and consent of 50 percent through popular vote. It also restricts unions from communication with NGOs or other political parties.

Both 'Labour Law 2006' and 'EPZ Workers Welfare Association and Industrial Relations Act 2010' have included many of the rights and almost have similar provisions. The main problem is, whatever the safeguards are made in these laws, there is a big gap between the ideal provisions and its real practices. Cathy Feingold, international director of the A.F.L-C.I.O., expressed that real change can be happened in the fate of workers if the country improves and enforces its own laws (Urbina, 2013). Corruption in

administration and illegal interfere of ruling parties and dodgy pillars have thwarted the promising hope of these provisions.

Table-4.8: Key provisions of EPZ workers welfare association Act 2010

Key Issues/ Provisions	Limitations
Right to form ‘Workers welfare Association’	Needed to get prior approval from BEPZA chairman by submitting application with the signature of 30% workers
Right to participate in collective bargaining	Needed support of 50% workers of forming an association through a popular vote arranged by BEPZA
Right to strike and lockout	Does not allow more than one association in one industrial unit
Right to claim in EPZ labour tribunal for resolving industrial disputes	Restricts communication with NGOs, other unions and political parties Prevents workers’ associations from obtaining or receiving any fund from outside source without prior approval Confers excessive powers of approval to the executive chairman of BEPZA

Source: EPZ Workers Welfare Association Act 2010

4.6 Global Trade, RMG Production and Labour Rights

Labour rights of RMG workers in Bangladesh are directly influenced by the globalization. This is mainly due to the dependence on developed world for export market of the products and for importing raw materials and other machineries. Globalization has increased a tough competition among the producers and neo-liberal trade policy provided the opportunity to relocate their firms to low labour cost countries for cheaper cost of production. Along with cheap labour ‘Foreign Direct Investment’ (FDI) friendly domestic trade policy and ‘Multi-fibre Agreement’ (MFA) have attracted

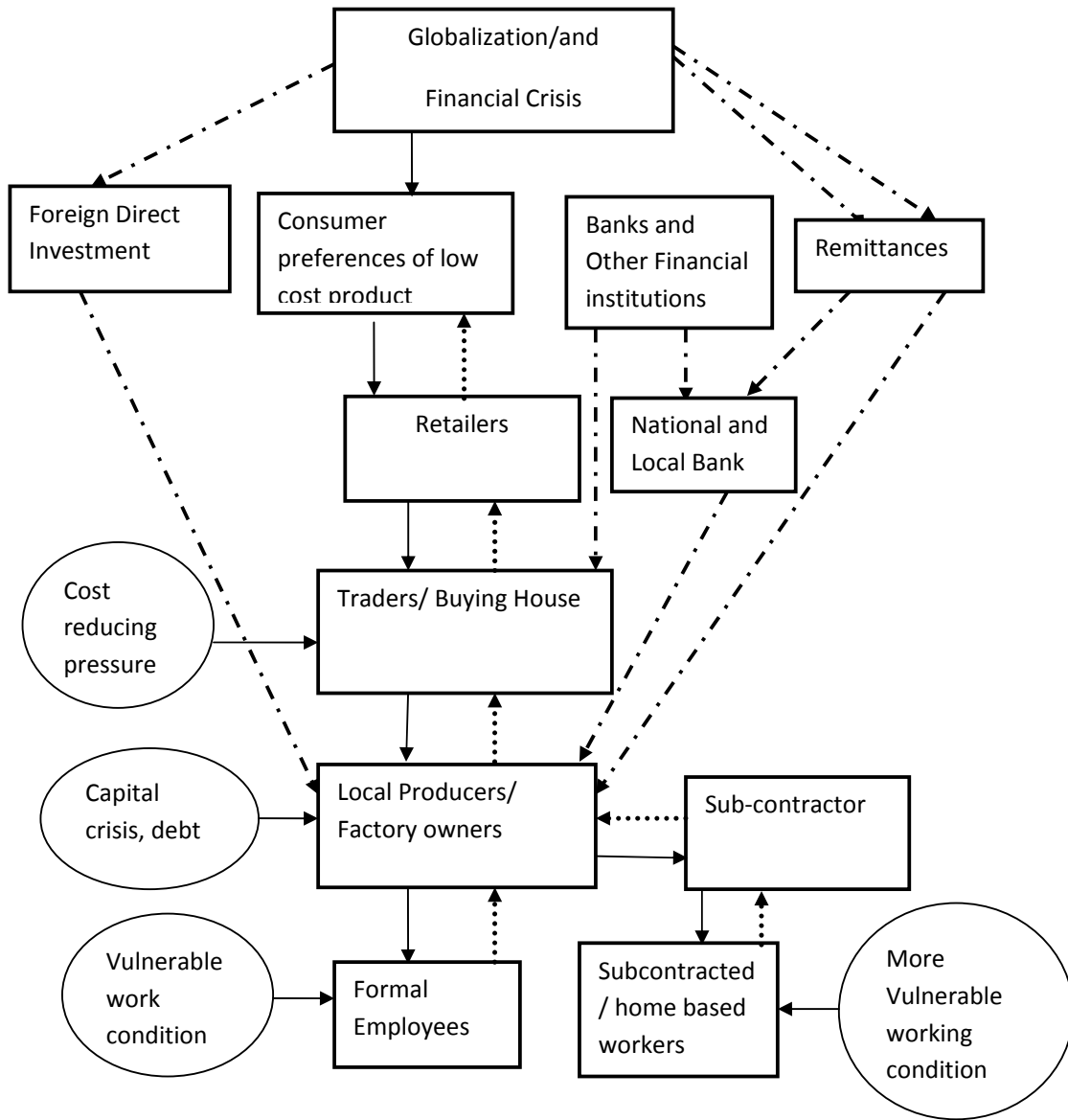
many foreign investors to set up their firms in Bangladesh leading to the rapid expansion of RMG industry in Bangladesh. Thus, Garments manufacturing in Bangladesh is completely integrated with global chain of production. In order to gain access to the markets in developed world, Bangladeshi producers and exporters are dependent on lead firms, such as NIKE, Wal-Mart, K-mart, Li & Fung and GAP who play important role in organizing activities within the chain of production. Consumer preference of buying products with lower prices has increased global competition among multinational retailers and brand companies to extend high level pressure to producers and exporters to adapt new technologies for high quality products, conform to high labour standards and maintain extremely strict timelines but provide little guarantee for buying products. Demand fluctuations and price competition in the global market leads Bangladesh apparel producers to reduce production cost and having no control except labour, final pressure goes to the labour either by reducing employees or curtailing wages or downgrading the labour rights and work condition. This process encourages the informalization of work and make workers more flexible in the form of part-time or home based workers (Ahmed, 2006). Since consumers have no direct contact with RMG producers and products are reached to their hands through different intermediate actors, the consumers' demand of maintaining labour standards at workplace is of little significance. Thus, Global chain of production and price competition in global market adversely affect the workers' rights in Bangladesh.

Moreover, recent global economic crisis is a great challenge for RMG entrepreneurs. Scholars have expressed their deep concern about current economic slowdown in most developed countries but it is not yet the worst, and people from developing country, particularly the poor and working class will generally suffer from the

worst consequences (e.g.; Velde, 2008). The immediate result of recessions is on employment and labour market. According to ILO, total unemployment will reach 18 million to 30 million even it can be 50 million. In South-Asia the unemployment would increase by up to 2 million where major share would come from Bangladesh (Rahman, Moazzem and Hossain, 2009). Bangladesh economy is largely dependent on Foreign Direct Investment and remittances and these two channels will adversely affect on capital flow if the world recession prolongs and job cuts persist. Moreover, high dominance of RMG export earnings and entire reliance for RMG exports on USA and EU markets will significantly increase the economic vulnerability of Bangladesh in near future from this crisis (BB, 2008b). Though many scholars forecasted that after the phase out of MFA, workers rights would be seriously hampered, fortunately, Bangladesh has successfully adjusted in post-MFA period without reducing workers rights. However, if the global economic crisis persist long time, the demand of garment products from consumer market will fall drastically. Due to the decrease in FDI and capital shortage, import of high productive instrument, improvement of productivity of workers, reduction of wastages will not be effective. As a consequence, many factories will shut down and producers may search for new ways for reducing cost for their own sustainability (Rahman, Moazzem and Hossain, 2009). The ultimate pressure will go on to the workers which can be illustrated in the following way (Figure-4.1).

The above description postulates that Bangladesh is a labour surplus economy, mostly constituted by women workers. Traditional socio-cultural beliefs and practices refrain women from labour force participation and provide fuel to maintain the myth of 'reserve labour force'. However, the rise of RMG factory is a breakthrough in the history of women's involvement in paid work. It has provided an opportunity for millions of

women to be employed challenging the patriarchal norms. At present many women have found a way to survive slacking down the familial burden. On top of that the economy of Bangladesh is highly dependent on RMG industry. Thus sustainability of this industry is of great importance for survival need of women workers and economic stability of the country. Conversely, women workers have experienced the violation of workers' rights, but this is not happen always for indigenous reasons, some extraneous factors resulted from global changing economy also accelerate to the violation of worker rights. In addition to global crisis, positional vulnerability of women workers in the labour market provides little space to raise their voice against injustices. In spite of having some legal protection, women workers hardly reap benefits from these laws for weak enforcement. At the same time, the increased concerns of consumers, NGOs, labour unions and other human rights activists have geared movement against sweatshop condition at global factories around the world which force global retailers and MNCs to ensure labour justice at the factory. In this context it is very crucial challenge for Bangladesh to compete in the world global market by maintaining labour standards.



.....▶ Supply line - . - . ▶ Capital Flow —▶ Demand and Price Pressure

Source: Frynas J. G. (2000), Ahmed, N (2006) and author's own

Figure-4.1: Global chain of capital flow, garment supply and price pressure

CHAPTER 5

EMPIRICAL RESULTS

The previous chapter has discussed elaborately how the emergence and growth of the Bangladesh RMG industry is directly influenced by global economic and trade policies. This chapter deals with the way in which work discipline and organization of manual workers is carried out and maintenance of labour practices in the context where alternatives for women employment are very few or non-existent. The assessment is based on drawing the notion of the capability approach, which mainly focuses on the creation of an enabling environment in which to exercise true freedom (more explanation in chapter 2) and the data collected using an extended case method that considers the market transformations toward a global scenario; the workplace context where the trajectories take place; and the role of actors, and space-temporal dimension of change. Along with the review of the literature and participant observation, I have conducted a number of in-depth qualitative interviews with different stakeholders, including women workers, employers, government representatives, union leaders, labour scholars, NGO workers, buyers' representatives, and focus group discussions (details in chapter 3).

The subsequent parts of this chapter have been organized in the following way: the first part (section 5.1) discusses the regulation of labour and the current state of workers' rights in the RMG industry with a particular focus on women workers; the second part (section 5.2) is devoted to marking the similarities and difference of workers' rights among the factories; the third part (section 5.3) illustrates the role of industrial relations actors (both traditional and non-traditional actors) and the last part (section 5.4) elucidates the socio-economic implications of women's factory work in their daily lives.

5.1: Labour Regulation and Practices

5.1.1: Well-being freedom of the workers

Well-being freedom of the workers refers to the freedoms that are necessary for pursuing their own interests. It enables the individual to command and to achieve some things for creative endeavour and fulfilment. Well-being freedom reflects what kind of a life a worker is leading to and how she is succeeding in pursuing her needs. Through social reasoning and dialogical process, a number of issues have been identified as well-being freedom, such as wage, working hours, working conditions, health and safety, maternity and child care benefits, job security, and social safety, all of which have been discussed in the following section.

Wage

For worthy living of the workers, the payment should be sufficient to enable them to maintain a basic standard of living for them and their family members (Flanagan, 2006). A living wages refers to the amount of income needed to cover the costs of the workers, considering their family size. In the purpose of living wages, the Los Angeles Living Wage Ordinance notes, “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, p. 2). The Minimum Wage Fixing Convention 1970 (No. 131) states that every member states who ratifies this convention would establish a system of minimum wages and determination of minimum wages would be in consideration of workers’ needs and their families (ILO, 1970). Bangladesh Labour Law (2006) guarantees minimum wages²⁵ which are far below living wages²⁶. According to

²⁵ The labour law of 2006 states that the wage of a worker should not sink below the minimum, but it does not specify the exact amount. The amount is determined by the wage board constituted by the representatives of workers, employers and the state. Wage board reviews the wages in every five year determined by the government considering the living expense, production cost and productivity, inflation,

global report on wage trend, the wages of four top apparel exporters to the United States, China, Vietnam, Indonesia and Bangladesh are far below the living wage in each country, providing only 36, 22, 29 and 14 percent of the living wage respectively (CAP, 2011).

The field evidence of this study shows that the wages leave workers below the poverty level. All of the interviewed workers reported that they are unable to meet the basic requirements for their family members with their income (Table-5.1).

Table-5.1: Average monthly income of the workers (including overtime wages)

Income range (BDT/US\$)	Non EPZ's factory (N=20)	EPZs Factory (N=12)
4000-4500 (US\$ 50-56)	2	1
4501-5000 (US\$ 57-62)	3	2
5001-5500 (US\$ 63-68)	7	2
5501-6000 (US\$ 69-75)	5	5
6001 + (US\$ 76+)	3	2
Average (BDT/US\$)	5300/66	5569/70

Source: Based on interviews

Akhi, a woman worker from factory D, said:

I get salary according to the position that I hold. As a machine operator, I get 3862 Tk. per month. I get TK. 200 as an incentive if I don't arrive late or miss a single day throughout the month. In addition, I do overtime work and receive Tk. 27.50 per hour. In total I earn Tk. 4800 to 5000 per month (US\$ 60 to 65). This amount is not sufficient to run my family. The total amount of our household income reaches Tk. 10, 000 (US\$ 130) including my husband's

types of work and risk, socioeconomic situation, economic condition and global market price (section 141).

²⁶ There is no specific data about what amount would be considered a living wage. However, it has come out from the interview with labour experts that in the current market, a worker needs at least Tk. 15000 (US\$130) to run a family of four.

income. After paying the rent of Tk. 3000 (US\$ 40), we are unable to bear all other expenses with the remaining amount.

Another worker remarked:

I have rented a small room with a corridor for Tk. 5000 (US\$ 40). Along with my mother and two younger sisters, I sleep in the small room, and my two brothers (elder and youngest) in the corridor. It is necessary to rent little bit larger house but it is not affordable with the income that we earn. If we spend more money on accommodation, I would not be able to manage other costs. Thus we are living in such an uncomfortable way.

The amount of wage is determined based on the market prices of necessary commodities for daily living. Every five years, the wage structure is reviewed to adjust for inflation but it is not proportionate to the increase of price. Inflation is increased two or three times higher than wage. Therefore, workers' misery is increasing day by day. One woman worker said:

We are unable to meet our basic requirements with the income that we earn. The government has no control over the market. Prices of the commodities are sky-rocketing. My salary has been increased but is not proportionate to monetary inflation. Though our salaries have been increased, we have benefitted very little from it due to high inflation. If our salary increases one fold, prices of commodities have increased at least two or three fold. Three/four years ago we could buy meat or fish at least once in a week but now we can't afford that even once in a month (Selina, a worker of factory C).

Referring to the decrease of real income of workers, a former worker who is now working in an NGO, said:

Once workers were able to take food at least with *Dal* (beans) and egg but now they are not able to do so. They take rice (staple food) with vegetables or potatoes' but never able to get any proteins (fish or meat). Owners do not donate us money rather they give us what we earn by our labour. We want work, we want dignity and just wage but not sweatshop.

In a study, Khatun et al. (2007) showed that workers can afford fish or meat fewer than three days per week, and about 65 percent of workers believed that their income was not sufficient for decent living.



Picture-1: Women working as sewing operator

Working hours

It is reported in the previous section that workers' wages are very insufficient for managing their daily living costs. To incur deficit budget women workers are bound to do overtime work that leads to long working hours. The study finds that the duration of one shift on average is 12 to 15 hours in a day. They leave their homes early in the morning and get back at mid-night. After returning home, they engage in preparing food with the

pressure of getting up early again for the next day's work. These long working hours have severe detrimental effects on women workers.

One worker reported:

Every day I wake up early in the morning to finish my household work, particularly cooking before leaving for work. After walking a distance almost for an hour I reach my factory at 8 am and start to work, which continues till 8 or 10 pm. In the middle, I get only one hour break for lunch. After returning home I have another shift for cooking. I have no time to take rest. They don't even allow us to take sufficient water because drinking much water increases the frequency to go to the toilet. I am almost exhausted and I am suspecting that I will have to quit the job very soon (Rabeya from factory D).

The most surprising and ironic fact is that the compensation for overtime work does not follow the legal minimum. In spite of having the provision of double payment for overtime work, workers usually get equal to normal wages and very often work hours are not counted properly. One worker said:

Overtime work is mandatory for all workers. Employers are more interested in overtime work because they can produce more by paying us minimum. We receive less than the legal minimum. Sometimes, we get a banana and biscuit as refreshment but very often a rotten [banana]. The greatest pity is that our overtime work is not counted properly (Sumi, a worker of factory A).

Similar to other research (Siddiqi, 2000; Absar, 2001), this study finds that workers often do not know how many hours they have worked overtime and the wages they receive in return because management does not provide them with any description of work hours or a payslip. Workers apprehend that they are being exploited in receiving

payment for overtime work but they do not try to sort these issues out, fearing further consequences. This is reflected in Baby's statement, a worker of factory C:

If I make any claim it would not be respected; rather there is a possibility of getting charged with misbehaviour from the management. Thus, I have never counted my salary. I receive the amount whatever they pay me. If they give me less, I accept it without confronting them.



Picture -2: Women working as helper

Maternity and childcare benefits

Maternity leave and childcare rights have been recognized both by the international and local laws²⁷. According to Labour Law 2006, workers are entitled to 16 weeks of maternity leave with full employment benefits. Unfortunately, workers testimony appears to support previous studies that identify a gross violation of maternity leave rights and

²⁷ Maternity Protection Convention 2000 (No. 183) states that on production of medical certificate stating the presumed date of childbirth a woman shall be entitled to a period of maternity leave of not less than 14 weeks (ILO, 2000). According to Maternity Protection Recommendation 2000 (No. 191), employers will also take measures to reduce the risk by changing her task, providing treatment and medical facilities, granting leave with full employment benefits and protecting jobs. Bangladesh Labour Law (2006) is also in compliance with this provision.

benefits (Absar, 2001; Paul-Majumder and Begum, 2000; Khatun, et al, 2007). A working mother replied;

We know that there is a provision for maternity leave but we never enjoyed this benefit. Employers do not follow any formal procedure of granting this leave, and hence there are no guarantees of resuming work after the birth of a child, unless employers have any good wish (Aklima, a worker of factory C).

Many workers reported that pregnant workers face various forms of mistreatment by the management. They are severely hurt by the management as they use very ugly words to rebuke pregnant workers. For fear of humiliation and job insecurity, workers usually do not wish to become mothers as long as they want to continue their work. If anyone experiences unexpected pregnancy, she simply takes a break from the job and after giving birth, she looks for a job either in the same or in another factory. During focus group discussion, Rima²⁸, a twenty two year old working mother (Factory D) reported:

We always feel discomfort to ask for maternity leave. If a worker asks them for maternity leave, employers insult her by using very unspeakable words. As for example, when I asked for maternity leave, my floor manager replied me with very ugly language, 'nijer e khaon ni, abar biyanor sad jagey kamney?' (You don't have food for yourself, how do you desire to birth a child?). Then I left the factory without having maternity leave. Now my child is only five months old. A few months from now, I will try to resume my work either in my old factory or another place.

The more persistent problem reported by workers is to find care for their children during working hours. In spite of having legal provisions, very few factories have the provision for child care. During the factory visit for this study, the researcher did find a childcare

²⁸ This worker was an employee almost for three years in one of my sample factories. She became pregnant unexpectedly and took a break six months ago.

room in all the factories except two. Unfortunately, the conditions of these rooms were not suitable for children's health²⁹. Workers expressed their reluctance to bring their children here. They bring their children only if they fail to make alternative arrangements. All of the interviewed workers expressed their dissatisfaction for childcare facilities. A working mother expressed her view in the following way:

Though there is a baby care centre, children below 2 years are not allowed to be here. As a result, workers bring their close relatives for taking care of their children during infancy. If a worker does not find any alternative to care her children, usually she quits the job (Jhorna, factory D).

Interviewed workers reported that employers do not prefer to employ a pregnant woman or mother with infant. The reason is that she may need to leave due to sickness for her or for her baby, and productivity capacity also declines during pregnancy. There is also little security that a mother will be able to return to the job after the birth. Therefore, many young married girls struggle with the conflict of keeping job or birthing a child, which causes them psychological stress³⁰. During an interview, a married girl of 22 years old expressed her anxiety as follows:

After three years of marriage I still have no child. I desire to have a child but I am afraid of losing my job. There is a greater possibility to get fired during pregnancy. No one likes to employ pregnant women because it may hamper the production. Moreover, I will not be able to keep my baby in a day-care centre

²⁹ The room that is used for childcare is either on the top floor of the building, which is too hot or on the ground floor nearby the passage for the car park, which is too noisy.

³⁰ Bangladeshi women tend to bear children at young ages. According to the Bangladesh Demographic and Health Survey 2011, the total fertility rate was 2.5 in urban areas and 2.3 in rural areas. Women will have 25 percent of their births before reaching age 20, 57 percent in their twenties and 17 percent in their thirties (BDHS, 2011, p. 6).

because it is too costly. So, who will take care of the baby if I continue factory work? (Shirin, factory D).

Another worker, Rubina from factory C, replied that she would wish to have a child but right now unable due to job. She said:

If I get pregnant, I will not be able to continue my work. I must quit. Thus, I am not thinking to have a child very soon. I wish to continue my job still a few more months to save some amount. My husband also works in the factory. We try to cover our expenses with half of our income (both husband and wife) and he (my husband) sends some amount to his parents. The rest we save. My husband says to me that we will go back to our village very soon but we need some savings for our child that will come in future. As soon as we go back to our village, I will take the decision to have a baby.

In many cases, working women resume their work leaving children in the village in the care of their grandparents or other family members. The main cause for not keeping children with them is their low income. They are unable to afford education for their children in urban areas. Working mothers have expressed their deep sorrows for not being able to give time to their children.

Working environment and health care

Working conditions of the factories have very long term effects on labour productivity. A good working environment reduces absences of the workers and thus increases the productivity. The factories included in this study are far away from this principle. All of the sample factories, irrespective of size and location, were hot and dusty because the sewing, cutting and ironing are all done on the same floor. During the factory visits, it was found that there was nowhere to sit because of overcrowding. The workers' rights are always a low priority to employers. Ripa, a worker of factory D, said:

If you suddenly visit our factory you will see how we work there. The work floors are too hot and filled with dust; toilets are dirty, equipped with light and a fan but very often the fans are switched off. It is always too hot from overcrowding. The emergency exit room is too narrow, just as a show case. If we ask them for soap or towels, our bosses become furious to us and say, have you ever seen these items at your home throughout your life?

Workers' testimony appears to be less concerned about working conditions than wages.

One worker remarked:

Before joining here I used to work at *Chaity group* for four years. I left my previous factory for little bit higher salary (US\$4 per month) though the working environment is much better there. I decided to move because additional Tk. 300 (US\$4) is more advantageous to me than environment.

Workers are frequently affected by severe back pain, weaknesses, eye pain or many other respiratory diseases, possibly caused by hot and dusty environments and long working hours. In addition, due to limited income workers live in low-cost houses, often located in slums³¹; these environments also contribute to ill health. Various studies show that workers are intimidated with malnutrition for going hungry or no food intake, ill-health caused from over work, suffocating shelter and clumsy work environment (Paul-Majumder and Begum, 2006; Muhammad, 2011). However, they have little access to health care facilities. According to the factory rules, in a place where 500 workers are employed, there must be a doctor on duty for workers' healthcare. During a factory

³¹ It is low cost housing areas which lack durable walls or roofs, adequate living space, safe drinking water, toilets and drainage facilities. The roofs and walls of these houses are generally made of straw leaves, polythene paper, gunny bag, bamboo etc. these areas are developed temporarily by illegally occupying government lands. Usually poor migrants from rural areas and ultra poor people from urban areas live in these areas.

visit, a fulltime doctor is nowhere to be found, but some paramedics are there. This seems to show a lack of interest in preventing illness to reduce cost³².



Picture-3: Workers' residence in the slum



Picture-4: Workers' residence in the suburb area

Though BGMEA runs 12 health centres for the garment workers with own resources (BGMEA, 2011), none were found around sample factories and workers have no knowledge of it. All interviewed workers acknowledged the weekly visit of the doctors, but none of the workers were satisfied with the services. Though there is a hospital in side EPZ, workers rarely get services from there. Workers usually do not visit there due to over pressure of work unless any emergency occurs. The dismal conditions were echoed by a worker who said:

I work like a machine. I have no time to take rest. Due to over workload and ceaseless work from dawn to mid-night I am almost exhausted. Sometimes, I feel too sick to stand, but do not ask for leave. If I ask them for a break or leave to go to hospital, the lineman throws me a number of words: why have you

³² Paramedics can be hired with low salaries than professional doctors.

come to work today? If you cannot work, you should leave the job. Your face does not show any symptom of illness. They do not believe it until we (workers) fall down on the floor.

Another worker reported:

We do not even get a 'nix' (ointment for reducing pain). We work with machines in a rushed way that is accompanied by high incidence of cutting fingers. If it really happens and we seek treatment, we do not get their sympathy; only a scolding, 'Oh you have cut your finger, throw it away (Husneara, worker of factory F).

Workplace safety

The most glaring feature reported by this study is the poor workplace and occupational safety. Many of the factories outside the EPZ areas are situated in poorly structured dilapidated houses. These buildings are very prone to industrial accidents, particularly to fire and collapse due to being poorly built. According to a sample investigation report by the "Department of Fire Service and Civil Defence", 243 factories out of 797 are at high risk of industrial accidents³³. Most of the factories have no emergency exit. Though some factories have emergency exits, the space is too narrow to exit and very often the door is kept locked in the name of preventing theft. The management staff acknowledged the claim of locking the entrance gate, but they justify it by arguing that:

Workers are very dishonest. We have many instances of losing the products. On the other, many outsiders enter into the factory and instigate workers to become aggressive and destructive to materialize their demands. It hampers production and destroys the peaceful environment for production at the factory. For this reason, we always keep the door locked.

³³ For more information see '243 factories are at high risk from 797' (daily *Kalerkantha*, 25th April 2013), six thousands buildings are at high risk (Daily *Ittefaq*, 27th April 2013),



Picture-5: Unusable emergency exit in the factory



Picture-6: Locked gate during working hour



Picture-7: Outside view of a factory and workers' residence nearby the factory

Above all, workers have no knowledge of how to get out during an emergency, particularly in the case of fire. This causes a number of avoidable deaths. One worker said:

I have been working for the last four years on the fourth floor of a six story building. Due to the buyers' pressure, one extra stair has been built as an emergency exit, but I never saw it open. Moreover, we do not know how to quit the building in the case of an emergency. The factory authority never gives us training for such an event (Husneara, factory F).

Deaths from fatal fires and collapse of factory buildings occur on a regular basis. In a report, the Bangladesh Institute of Labour Studies (BILS) shows that from 1990 to 2012, 431 workers died in 14 major fire incidents in several RMG factories in Bangladesh. The most devastating incident was the collapse of a factory building that happened at Dhaka in April 2013 and took away the lives of 1128 workers.

Table-5.2: Number of deaths in major industrial accidents in the RMG

Major incidents	Place & date of incidents	Number of deaths
1. Factory building Collapse	Savar, Dhaka. April 24, 2013	1128*
2. Fire at Tajrin Fashions	Savar, November 24, 2012	112
3. Fire at Garib and Garib	25 th February 2010	21
4. Fire at Hamim Group	14 th December 2010	30

Source: Compiled from different reports

Referring to fire brigade information, Begum (2004) notes that 90 percent of the garment workers who died in fire accidents over the past five years were female workers, and about half of them died either in a stampede in the narrow staircase or in the absence of a fire exit, jumping from the roof or veranda and/or through the window escaping from a locked room. Frequent industrial accidents (e.g., fire, building collapse) have created

* This figure is only for the dead bodies recovered by rescuers but many were not found. Many more were injured and are still struggling with their lives in hospitals. Over one thousands of workers were wounded and permanently disabled.

panic among the workers and have caused psychological pressures to them. Very often workers are injured and fall to their death in a stampede triggered by a rumour of fire³⁴.

Khadija Akter, a worker from factory C, reported:

We are always afraid of fire. We come to the factory taking our lives in our hand that can be fused anytime by a sudden fire. Workers' lives have no value to the employers. They never consider us as human, but as subhuman.



Picture-8: Collapsed factory building (Rana Plaza at Savar)



Picture-9: Family members holding photos of the trapped workers

³⁴ Around 130 workers were injured by a stampede of workers who were scrambled to get down from the building following the rumor of fire at Ashulia, a great RMG manufacturing hub in Dhaka (the Daily Sun, November 30, 2012).

Arbitrary punishment and sexual harassment

The study has found the evidence of sexual harassment of women at work. All interviewees expressed their deep concern about this issue. Women workers are sexually harassed both by co-workers and senior bosses. The widely used mode of sexual harassment in the assembly line is verbal abuse and coercion. The supervisors, line chiefs, production managers and other mid level staffs randomly used highly sexualized and offensive words in the name of disciplining women. All of the workers mentioned their harassment by senior staff either by using vulgar words as punishment or by touching their bodies for sexual enjoyment. The sexual harassment was echoed by a female worker in the following way:

If any worker makes a mistake or become unable to fulfil quota, bosses become screamed to us and uttered very objectionable words which we have never heard throughout our life. Even they use very disgracing words mentioning our parents. We are speechless of seeing their ugliness. We can't imagine how do they behave in such a rubbish way.

Another worker, Sumi of factory B, reported the nuisance behaviour of the management in the following way:

Management always sets higher production targets to increase the production. We work like a machine, never stopping for a single second. We have no time to take a breath. If any of us fails to reach the production target, they become infuriated and say: Oh whore, where was your mind? To whom you are dreaming? Did your vagina get wet? Where was your husband last night, did he not satisfy you?

This harassment does not always happen due to the failure of achieving a target, but also from their bad intentions. A woman worker said:

Bosses (line chief, supervisor) very often come and stand besides us. Within a moment, they mildly touch our neck and shoulder and blow their hands on our back, persuaded by sexual instinct (Amina, factory A).

Another worker explained her experience of sexism:

Their (male bosses) eyes are so bad. If a beautiful woman comes in front of them, they look at her as if they have never seen a woman. Very often they ask workers into their rooms and touch the body and breast. However, innocent workers find no way to protest but to cry silently.

A number of respondents reported that some woman workers are also responsible for their harassment. According to them, many woman workers try to make good relationships with bosses to get privileges such as increase of salary, extra bonus, early promotion, leave etc. A woman worker reported:

Everyone is attracted to a beautiful woman. If male bosses express their interests for romantic relations consistently, the woman becomes soft and gives her consent, hoping to get benefits. If a worker has good relations with bosses she gets many advantages. I know many of my female colleagues who have illicit relationships with floor managers, line chiefs and supervisors. This is not regarded as harassment as it is happened by mutual understanding; but the fact is that the girl losses all of what she has³⁵. Many of us know about it but say nothing because both have consented.

The middle management staff did not directly refuse the claims made against them, but answered in a very strategic way. While some staff members tried to justify their act

³⁵ In Islamic culture, the chastity of girl is viewed as the most precious resource. A sexual relationship outside of marriage is regarded as a moral offense and is highly rebuked.

mentioning workers' negligence, others label it as an expression of love and affection. A line chief said:

Workers are not committed to their work. They do not feel any ethical or moral bindings for performing their assigned tasks. Workers have a tendency of spending their time in idle. If I do not put pressure, I will not be able to fulfil production target. Therefore, I am bound to be strict upon them.

Another line chief from '*Chaity Group*' explained it very positively. He noted:

We have a very good working relationship with our colleagues. We see the workers as our sisters or daughters. We put our hands on their backs just to encourage them and to show our love and care towards them.

Women activists vehemently oppose management's claim. They argued that touching a female's body is not simply a matter of love and care; rather male bosses fulfil their bad intentions and feel enjoyment. Anjuman-Ara, a female NGO activist of Karmajobi Nari, said:

Male bosses touch the body of female workers persuaded by sexual instinct. Though they want to justify it as a reflection of love and care towards fellow workers, they fulfil their bad intentions and feel enjoyment. This is very sexist attitude of a male.

Having no availability of dormitories or residences, workers live away from the factory but they do not receive any transport facilities. They usually come to their workplace by walking more than an hour. During the way to factory and returning home, women workers become the target of miscreants. To avoid unexpected harassment in the street, they walk in a group.



Picture-10: Workers on the way to home



Picture-11: Interview with a female supervisor

Job security and social safety

Termination of Employment Convention, 1982 (No. 158) sets forth the principle that employment of workers should not be terminated without a valid reason that excludes union membership or participation in union memberships, filing of a complaint against employer, pregnancy, political opinion, temporary absence due to illness or absence from work for maternity related issues. The Domestic Law of Bangladesh (2006) also included all of these issues but its enforcement is very weak. All interviewed workers expressed that they are always scared of losing their jobs. Employers dismiss workers very frequently without any valid reason but workers cannot take these matters to court since they have no appointment letter³⁶. During the interviews, all of the workers mentioned that they did not receive any appointment letter except an identity card to enter into the factory. As like many other workers, a young factory worker noted:

³⁶ An appointment letter is needed to prove permanent employment because temporary workers have no legal rights.

We are always scared of losing our jobs because we are not employed here permanently. Our job simply depends on the will of our bosses. They can fire us anytime without noticing us. Since we do not receive any formal appointment letter, we can't take any legal action against our unlawful discharge (Nazma, factory B).

Another worker remarked:

There is no guarantee in our job. If employers don't wish to keep me here, uttering a single sentence, "don't come here to work tomorrow" is enough to terminate me. I will not be able to enter into the factory next day. Though the termination is illegal, I have nothing to say but to leave the factory. No action can save me from being fired against my will.

Labour law includes provisions to compensate workers for injuries, permanent disability or death, but nothing for gratuity or provident funds. Union organizers reported that workers do not get proper compensation from the employers. Employers always try to escape providing compensation³⁷. There is also some evidence of mismanagement of workers' compensation. Sometimes, compensation does not go directly to the beneficiaries. Someone takes the benefit by providing fake identity³⁸.

Education and training

The most effective way to enhance the capability of an individual worker is to provide education and training. Among the sample factories, none were found to take on this role.

Workers reported that management neither arrange any training program, nor do they

³⁷ For example, union organizers claim that employers always try to hide the actual number of deaths so that they have to pay less. The same thing happened during the fire at Tajrin Fashions and Factory building collapse at Rana plaza, which was reported in daily newspapers.

³⁸ As many of the workers come from rural areas, many of them have no legal guardian in urban areas. In some cases, workers use fake addresses. As result, after the incident it is very difficult to find their relatives and some take advantage and fraudulently claim to be relatives, as was observed after the factory building collapse at Dhaka.

provide support (leave or financial) to improve their skills. A worker who is active in union activities reported:

We frequently hear that our bosses go abroad for training. However, it is unfortunate that we do not get any support, even leave to participate in such program. We don't want to go abroad but if we wish and ask only for leave to participate in a program arranged by other organizations, will it be unfairly demanded?

Supporting the workers' view, an NGO activist reported:

We want to train workers to increase their efficiency but the major problem that we face is unwillingness of the employers. They do not allow the workers to take part such event because it may hamper their work. It is not possible for a worker to attend such program because it means stopping their work.

The surprising reality is that the educational status of the workforce in the RMG industry remains unchanged even after three decades. In many of the cases, new generation workers, the offspring of first generation workers, are the prospective future workforce, but they remain uneducated having had no opportunity for education. It demonstrates the employers' and states' unwillingness to enhance workers' capability. For lack of education and training, workers' labour power is not improving. It is reflected in a worker's response:

I don't want to have a good life for me but I dream to educate my kids to weave their better future. This is a common desire for every parent to educate their children, to make them independent and capable of maintaining peaceful living out of poverty. I don't wish to make them engineers or doctors, but I expect to have a good job at least better than me. Can it be possible with the little amount that we earn in a month? (Aklima, factory A).

Another worker reported:

I kept my daughter with my mother in the village for her education, being unable to keep her with me. The cost for education in urban areas is high; not affordable to us. Very recently I brought her in Dhaka for employment, stopping her education. I need to save some money to solemnize her marriage, which is not possible with my income. Moreover, keeping an adolescent girl alone in the village is not safe. I was always fearful for her if any unexpected situation should happen to her life³⁹ (Jhorna, factory D).

5.1.2: Agency freedom of the workers

Agency freedom means an individual's (or a group's) ability to make effective choices and to transform those choices into desired outcomes. It is understood as a process through which workers are free to choose their employment and use their organized efforts and collective voice to take advantage of economic opportunities, towards achieving their desired outcomes. This sort of freedom does not focus on any substantive benefits by social provisions; rather it is used to shape the environment.

Freedom of association and collective bargaining

All workers and employers deserve the right to form and join associations for the support and enhancement of their interests. This gives the basic right of human freedom of expression and allows both workers and employers to set up, join and run their own organizations without any interference from the state or one another⁴⁰. The main aim of

³⁹ Due to strong patriarchal culture, women are socially vulnerable. Eve teasing, rape and sexual molestation by gangs are very frequent. Differential treatment of male and female make women more susceptible to sexual violence. Keeping chastity is essential for a woman but not for a man. Accordingly, parents are always anxious about the safety and security of their girl.

⁴⁰ Declaration on Fundamental Principles and Rights at Work 1998 acknowledged freedom of association and the effective recognition of the right to collective bargaining as the most important fundamental

this organization is to flourish the interests of the respective parties through collective bargaining process. Collective bargaining is a process through which employers and trade unions or their representatives discuss and negotiate their relations according to the terms and conditions of work. Such bargaining in good faith leads to mutually acceptable collective agreements. Therefore, collective bargaining is regarded as one of the main instrument of establishing workplace justice.

Effective collective bargaining can take place at the factory only with the presence of collective bargaining associations or trade unions. During fieldwork, I have not found any trade unions or workers' organizations at the factories, and as a result collective bargaining or interest negotiation between workers and employers does not occur. The study finds a number of reasons for the non existence of labour unions as well as for the low participation of workers that resulted in weak bargaining power. For that, employers, workers and states are responsible.

First, RMG workers are mostly made up of rural poor and uneducated women. For many of them, it is their first time entering public spaces. Thus these women are not aware of their rights and obligations. Workers show little interest in forming associations and joining in organizing activities due to a complete lack of knowledge of these concepts⁴¹. Since the RMG factories are dominated by women workers, low density of labour participation in unions is influenced by gender biased views. Unions are controlled and directed by men; male leaders do not think that unions need women as much as women need unions. Similarly, women workers also responsible for male dominance in

rights which come from the 'Freedom of Association and Protection of the Right to Organize Convention 1948' and 'Right to Organize and Collective Bargaining Convention 1949'.

⁴¹ Most of the workers have come from rural areas and for many of them it is their first experience of coming to the city areas. The majority of them have no formal education. So they are not aware of the role of association and collective bargaining.

trade unions because still many of the women feel that organizing activities and leadership are best suited to men. A woman worker said:

It is not convenient for a woman to take part in union activities because they need to give time for the organizations; time which usually they don't have. Unions sometimes lodge protests and as member of the union everyone should be involved there, which is unusual for a woman (Shopna, a worker of factory A).

Traditional gender division of labour also constrains female participation in unions. Due to the responsibility of domestic work in the family women workers are always hurry to get back home. One worker reported:

I know nothing about trade unions or collective bargaining associations. Moreover, I have no time to participate in such activities. I leave home early in the morning, leaving my children with my mother-in-law. As soon as I finish work, I must go home (Rakhi from Factory D).

Thus, similar to other studies (Dannecker, 2002; Khan, 2006; Nirmalathan and Taher, 2012), this study concludes that traditional gendered norms and workers' unawareness work as a significant impediment to the low unionization rate of women workers.

Second, the major barriers to the path of organizing workers come from the employers. Employers hold a strong stand against unions and take an oppressive role to foil workers' unionizing activities. During a focus group discussion, similar to many other workers, one woman responded in the following way;

We never try to form association 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, employers will take immediate action to discharge him/her from the job.

Workers cannot participate in any associations or organization due to the fear of losing their jobs. If employers find an involvement of workers in the unions, either inside or outside of the workplace, they immediately take action against the workers alleged to be involved (More explanation can be found in section 5.3).

Third, local labour laws do not provide full freedom of association in the workplace. Union activities are not allowed prior to the registration of a union from labour registrar which is very cumbersome and a part of a complex bureaucratic process. The union registration process requires a list of workers who pay union fees to be filed with the application (Section 178 of Labour Law 2006). Workers are hesitant to identify themselves through giving full details because very often this list is handed over to employers, who then retaliate against the workers through discipline or dismissal. Labour market vulnerability strengthens the fear of losing jobs and inhibits women from joining trade unions. A twenty five year old working mother of two children said:

If I take part in the unions' activities, management will never take it as usual. As soon as they get any evidence of my involvement in labour unions, they will keep me under scrutiny. If they find any mistake, suddenly they will fire me though it is not sufficient and justified reason for dismissing from the job. If I lose my job, I have no way to feed my children. Thus I never welcome a risk of losing my job by being involved in labour unions activities (Rekha from factory C).

Very often the applications are rejected by the registrar even though all requirements are fulfilled⁴² and once it is rejected they cannot apply again for one year after the date of rejection. Experts and policy analysts have expressed their deep concern about union

⁴² There are some instances where the registration is rejected on the ground that provided information is unofficial. For example, the Crossline Factory Ltd. Workers and Employees Union, organized by the Bangladesh Federation of Workers Solidarity, formed a union on 14 September with the signature of more than 50 percent of the workers (326 out of 650) but the registrar of trade Unions rejected the application for unofficial information (ITUC, 2012).

rights at the RMG factories. They said that workers' rights would not be ensured until the union right of the workers is effectively implemented⁴³.

Freedom from forced and compulsory labour

Forced or compulsory labour occurs when employers compel the workers to work through the use of threats, such as withholding food, land or wages, physical violence or sexual abuse, restricting workers' movement or locking them up (ILO, 1998). Following international standards⁴⁴, the Labour Law of 2006 decides the total working hours is 48 hours per week but not more than 10 hours in a day. For an emergency case, it can be 60 hours per week but it would not be mandatory. According to Labour Law, 2006, if anyone doesn't want to do overtime work, s/he has the right to leave the factory after finishing the normal work shift.

The fieldwork of this study clearly demonstrates the extreme violation of this rule in two ways: enforcing compulsory overtime work and imposing restriction on workers' movement to other factories. The researcher has found many instances where workers, particularly married women workers, are unwilling to do overtime work as many of them are responsible for preparing food after returning home from the factory⁴⁵. Realistically, they do not have the option of working overtime. Employers impose obligatory overtime

⁴³ Scholars and civil society members are continuously expressing their views in favour of union rights. However, it is still not recognized effectively. For more explanation please see: RMG workers must have union rights (The daily Star, 14th July 2013), New Bangladesh law fails again to protect workers' rights (ITUC, 20th July 2013), Bangladesh: stop harassment and intimidation of apparel workers leaders (Human Rights Watch, 10th August 2010).

⁴⁴ Declaration on fundamental principles and rights at work ensures that employment must be free from forced or compulsory labour that comes from two core conventions: the Forced Labour Convention, 1930 and the Abolition of Forced Labour Convention, 1957.

⁴⁵ Bangladesh is dominated by patriarchal culture with a gendered division of labour. According to the practice, women are responsible for preparing food for family members, as well as to raise and care for children, as they usually reside in home particularly in middle and lower class families. Jobs or employment outside the home do not necessarily reduce their burden of domestic responsibilities.

on workers. How many hours of work would be done in a particular day is decided by the management and it is mandatory for all workers to comply with this decision. The entrance door of the factory opens only three times in a day, opening hour, lunch time and closing hour with some exceptions as dictated by the higher authority. Therefore, all workers are locked within the factory until it closes for the day. During 'Focus Group Discussion' following view was received from participants:

They have given us jobs. So we are bound to follow their orders. We don't have any option to work according to our will. If we don't want to do overtime work, they will tell us to leave the job.

The study reveals that management unitarily decides the work hour and forces workers to work overtime. At the same time it explores that workers are bound to accept overtime work not only for complying with the rule but also for their survival. Workers' leaders mentioned that paying lower wages is the strategy of the employers to compel workers for doing overtime work. According to workers' views, they are unable to maintain their costs with their usual monthly wages. To supplement their deficit budget, they are bound to do overtime work. One worker (Amina, Factory E) said:

The monthly income that I receive through my regular salary is Tk. 4200 (US\$ 50). It is quite impossible to run a family for a month with this amount, if I do not get any overtime. Though it is very hard for me to manage all household activities, I am bound to do overtime work. Usually, like many other workers, I eagerly expect overtime work to survive.

The other way of violating the right of freedom from forced and compulsory labour is the delayed payment. Workers have the chance to increase their salary through switching to another factory but they usually can't. Employers strategically make delay in paying workers dues to restrict their movement. They pay their salaries in second or third week

of the month⁴⁶. So, if a worker wants to move to another factory, s/he must move without salary. According to the workers, this delayed payment hinders occupational movement and getting higher benefits that spurred from focus group discussion:

If we switch from one factory to another, we will get at least Tk. 200 more.

However, usually I can't do this. If I switch to another factory I have to lose salary for seven to fifteen days, or even for a month.

Employers refused the workers' claim of delayed payment and restriction on the movement of the workers. Employers described that workers have the right to move whenever they wish and they are usually doing this every day. If workers have any working experience in garment factories, they don't need to wait for a single day to get a job. Every day, many workers come to the factory and employers recruit them. Refuting the claim of unpaid wages by workers, employers said that workers can claim their dues provided that they leave the factory with prior approval of the management. Workers refer to it as very cumbersome by saying that:

For getting this approval, we need to submit our resignation to the authority 30 days in advance with the clearance from the line chief, supervisor and production manager. It seems a very cumbersome and difficult process to the workers as they need to go to different persons with satisfactory explanation for their resignation. Moreover, there is no certainty of getting a job after one month. Therefore, it is very hard to take a decision of leaving a job, particularly for women who are the

⁴⁶ There are many instances of delaying the payment for two, three, or even six months. Very often workers come to the street and block the roads demanding their due salary. For more explanation see also "Recent unrest in the RMG sector of Bangladesh: is this an outcome of poor labour practices?" (Hasan, sarker and Afroze, *International Journal of Business and Management*, 2012, vol. 7, No. 3, pp. 206-218); Ashulia RMG workers go berserk again (*Daily star*, June 13, 2012); Unrest erupts in Bangladesh's troubled garment hub (*IndustryWeek*, May 5, 2013); Recent unrest in garment sector in Bangladesh (*Media Watch*, July 10, 2010).

sole breadwinner for their family. Thus, we do not take the decision to leave until an unusual event forces us (Shilpy from factory A).

The reality is that employers arbitrarily set this rule to control the movement of workers. A union organizer reported that employers strategically control the movement of the workers, delaying the payment of salary. Workers are unable to leave the job in the middle of the month and employers take this advantage. A mid level management staff's response confirms this claim who said:

Workers are very mobile and less committed to the factory. If we don't put any barrier, we will not be able to maintain due time supply. As an example, if twenty workers suddenly leave tomorrow without informing us and we have a supply date the next day, how do we manage the task assigned to absent workers? (Polash, a production manager of factory A).

Freedom from child labour

The Declaration on Fundamental Principles and Rights at Work are committed to the effective abolition of child labour. The major initiatives taken by the ILO to stop child labour were the Minimum Age Convention of 1973 (No. 138). The Minimum Age Convention states that each member will specify a minimum age under which no one will be allowed to work at any occupation (ILO, 2003). It ensures the right to develop physical and mental potential for every boy and girl by preventing them from getting involved in hazardous work. As a signatory of this declaration, Bangladesh is committed to stop all forms of work that impede the development of children. Moreover, after the adoption of 'The Child Labour Deterrence Act 1993 (popularly known as Harkin's Bill) the Bangladeshi government received strong pressure to stop child labour as this law proposes a ban on imports to United States from the country that uses children in any stage of the production. Accordingly, the government of Bangladesh included the

provision of restricting the entrance of children in hard work in the Bangladesh Labour Law of 2006.

This study has found some evidence of child labour. Employers are unwilling to recruit girls but workers' repeated requests make them soften regarding the minimum age. It is necessary to mention here that the recruitment process in the RMG industries does not follow any formal processes of advertising. In most of the cases, new applicants come through their own networks who already work in that factory. Existing workers make requests to management for relatives or acquaintances though they are below the minimum age for employment. During field work one interviewed workers shared the following feelings:

Many children work with us who are below 18 years old. Management does not want to recruit them but we request them. Many of the girls pass their days in severe hardship due to extreme poverty. Any opportunity to earn some amount can give them a way to survive. Therefore, we request that our bosses employ them. Sometimes they accept our requests but job seekers need to place a birth certificate from local chairman or commissioner indicating their age of at least 18 years (Shikha, factory C).

Generally the workers' requests come on behalf of the girls whose income would be a matter of the family's survival. To comply with legal provision for minimum age, girls use birth certificate instead of national identity card for seeking job. As this certificate is issued by the chairman or commissioner of local government, the claim of using the false date of birth is not purely refutable⁴⁷. A worker of 18 years old responded in the following way:

⁴⁷ The birth registration process in Bangladesh does not follow any standard procedure. People go to the local union offices just to have a certificate if they feel pressure to produce birth certificate for any official purpose such as admission of children to school, jobs etc.

My father left us after his second marriage. My mother became completely helpless about what to do with her three little children. She started to work as a domestic servant which was the only means of our survival but she was hardly able to arrange food thrice a day. A few months later, we met with one of our acquaintances who used to work in a factory and my mother requested that he find a job for me. Getting his assurance I came to Dhaka with him and found a job, though I was 15 years old at that time. If I hadn't gotten his help to get this job, Allah knows what our fate would be (Lima, a worker of factory A).

It is important to note here that the ban of child labour in developing countries spurred strong controversy among scholars. From their argument, the abolition of child labour forces a country to violate the rights of workers as many of the children are fired from the jobs without which they would not be able to survive. Many studies (e.g., Paul-Majumder, 2004; Neilsen, 2005) have indicated the worst consequence of abolishing child labour from RMG industry in Bangladesh. According to these studies, many of the girls became involved in prostitution or domestic work that causes them more detrimental effects on their lives just after being fired from the RMG industry. For instance, after the adoption of Herkin's Bill, owners were forced to free their factories of child labour and around 50,000 children were dismissed in December 1992, many of whom needed to continue to help their family with their earnings. This meant that they are forced into the completely unregulated informal sector, in low paying and much less secure occupations such as brick-breaking, helpers as automobile repair shops, domestic service, and rickshaw pulling (Rahman, Khanam and Absar, 1999). Considering the vulnerable situation of the girl children, many employers compromise with the international standards.

Freedom from discrimination

The Declaration of Philadelphia affirms that “all human beings irrespective of race, creed or sex have the right to pursue both their material wellbeing and spiritual development in conditions of freedom and dignity, of economic security and equal opportunity” which frees all humans from discrimination⁴⁸ whether direct or indirect. Direct discrimination can happen when the laws, rules or practices explicitly cite a particular ground such as sex, race etc. to deny equal opportunities, and indirect discrimination occurs when rules or practices appear on the surface to be neutral but in practice lead to exclusion. The Bangladesh labour law has also protected the right of freedom from discrimination. Nevertheless, the interviewees’ accounts assert that RMG industries are not free from discrimination. Though there is no direct discrimination in equal pay for equal work, women workers are discriminated against in an indirect way. They are segregated in the low paying sections, particularly in the sewing section, which lies at the bottom of the job hierarchy from where possibility for upward mobility is limited. However, women workers have accepted this gender division of labour and differential wage payment. The justification of this differential wages to the workers is influenced by gender norms explained by the following opinion:

A boy can do a hard job that a female can't. So definitely the payment of a boy will be higher than mine. I get the amount according to my contribution. Those who get more surely their contribution is greater than mine. So I have no reason to feel jealous of them (Akhlima, factory C).

⁴⁸ The ILO adopted Discrimination convention, 1958 (No. 111) and Recommendation (No. 111) provides a ground and moral binding for maintaining non discrimination at work. For defining discrimination, the article 1, paragraph 1(a) of the Discrimination Convention states that “any distinction, exclusion or preference (made on certain grounds) which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation”.

Employers rationalize the income differential by mentioning the higher skills and hard labour invested by the male workers. They also state that there is no discrimination in wage payment. The monthly higher income of male does not result from wage discrimination but for higher volume of total overtime work than female workers. Workers have challenged this view arguing that wage discrimination at RMG industry is practiced in strategic way. They claim that employers unfairly set the gender division of labour, which comes into effect through the first recruitment process. Women workers are employed in the sewing section which is not well paid. Women are employed here in the logic that they are skilled in sewing. From their view, new female entrants are recruited as helpers in the sewing section and they achieve their skills in sewing. Female workers start their career in the sewing section and remain in this section throughout their working life. Another reason for differential income of the workers is that women are congregated in the lower tier of the job hierarchy (Figure-5.1). Very few women were found in the upper level of the factory. While this issue was brought to the concern of employers, they vehemently opposed the claims of gender discrimination in the recruitment process. One employer (factory D) responded:

We always prefer women in the higher position but we did not find efficient and skilled women for these posts. To perform the role in these higher or managerial positions, workers need higher education and skills. Unfortunately, I have found higher flow of unskilled and uneducated women. Moreover, women are unwilling to take the responsibility of a higher post on their shoulder. I myself encourage women to come forward but find no response.



Picture-12: Working men in ironing section



Picture-13: Working women in sewing section

Another staff member explained gender segregation in RMG factories in a different way, which contradicts with the previous one. He said:

Employment of workers in RMG sector is not dependent on the will of the management; rather it depends on the nature of the task performed in this sector. In RMG factories we need more workers in the sewing section since most of the work is assembly oriented and related to sewing. In contrast, we need very few people as cutting master, floor chief or production supervisor. Thus, we will not be able to recruit all women workers in the cutting or ironing sections.

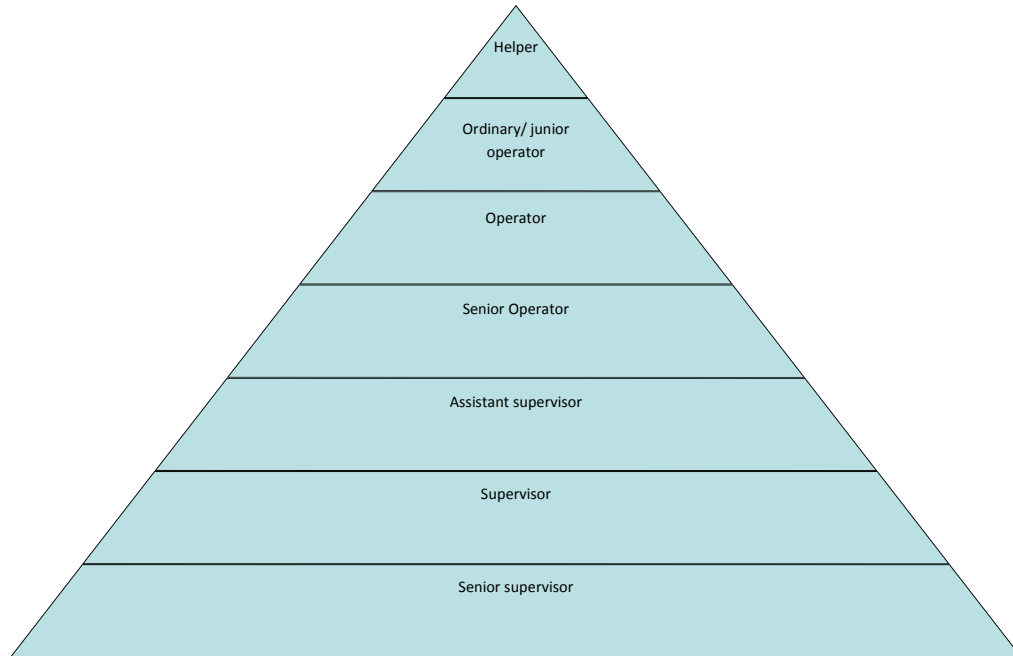


Figure-5.1: Job hierarchy (high to low) in the RMG industry (Mid-level management to helper)

Rima Akter, a human resource manger from factory B, made social customs responsible for fewer women in higher posts in the following way:

Employment in RMG factories was looked down upon and accordingly no one was willing to choose this sector for their professional career. As a result, no educated women were found in this sector until few years ago. Nevertheless, there have been gradual changes in recent years. Many higher educated and skilled young people, including women, are coming to build their professional career in this sector.

5.2: Differences in Workers' Rights among the Factories

The previous part of this chapter explicitly indicates that existing labour practices in the RMG industry are not just and fair according to local and international norms. The wellbeing and agency of the workers are violated. Since all of the factories located in the same country, they operate in the same political and economic environment and subject to the same labour regulations, manufacture almost same sort of products, items are purchased by almost same groups of buyers, it is assumed that working conditions should remain same. However, various studies shows that working conditions and labour practices are not similar in all factories and it is more likely the case of EPZ factories where labour conditions are often better than non EPZ areas (Kabeer and Mahmud, 2004; ILO 2008). These differential findings lay the ground to think about what accounts for variation in working conditions in the RMG factories. In other words, why are factories that manufacture more or less the same products for the same brand companies treating workers differently? This study seeks to explore whether any difference exists in labour practices between the factories, and the reasons for differential practices. It is already mentioned in the methodology section that sample factories are drawn both from EPZ and Non EPZ areas. Thus, the following sections compare the working conditions and labour rights in and between EPZs and non EPZ factories.

5.2.1: Differences between EPZ and non-EPZ factories

It was mentioned in the previous chapter that there are some protective zones in Bangladesh, popularly known as Export Processing Zone (EPZ). According to world Bank, an export processing zone (EPZ) is defined as a territorial or economic enclave in which goods may be imported, manufactured, and reshipped with a reduction in duties and/or minimal intervention by custom officials (World Bank 1999). The EPZ factories

are administered and regulated by the Bangladesh Export Processing Zones Authority (BEPZA), an organ of the government to promote, attract and facilitate foreign investment in the Export Processing Zones. The primary objective of an EPZ is to provide special areas where potential investors would find a congenial investment climate, free from cumbersome procedures (BEPZA, 2013). They welcome investors for all kinds of products. Out of 102 factories in Dhaka EPZ, 37 factories manufacture RMG products. All of the RMG factories in Dhaka EPZs are owned either by foreign investors or joint ventures (local and foreign). It was already mentioned earlier (Chapter 4) that the laws and regulations of the EPZ and non-EPZ factories are different.⁴⁹

In terms of fundamental rights to ‘freedom of association and collective bargaining’, EPZ factories are in a better position than non-EPZ factories. In the EPZ factories, there are workers welfare association, but nothing of the kind in non-EPZ factories. In the non-EPZ factories, there is an existence of ‘Workers Participation Committee’ which has no organizational structure and cannot function independently. Workers’ representatives for this committee are selected by the management. According to law, the provision for overtime work is similar both in the EPZ and outside EPZ factories but excessive overtime work is evident in non EPZ factories. While average working hours in the EPZ factories are 10 hours a day, 12-14 hours in non-EPZ factories. Health and safety measures are also comparatively better in the EPZ factories. There is a hospital in Dhaka EPZ run by BEPZA from which workers can avail free medical treatment, though the

⁴⁹ The factories in EPZs are controlled by BEPZA instructions (I & II) and EPZ Workers Welfare and Industrial Relations Act 2010 and the factories situated outside EPZs are directed by Labour Law 2006. Both of these laws have endorsed almost similar provisions for workers welfare but wage structure is slightly higher in EPZs factory (more details in chapter 4).

service quality is very poor⁵⁰. Wages of workers in both the EPZ and non-EPZ factories are insufficient for their survival but the wage structure is slightly better in EPZ factories (Table-5.3).

Table-5.3: Wage structure for EPZ and non-EPZ workers

Grade	Position	Non-EPZ workers	EPZ workers
Grade-1	Quality controller/ cutting master	9300 (US\$132)	9800 (US\$ 140)
Grade-2	Skilled (mechanic/ cutting master)	7200 (US\$ 102)	7600 (US\$ 109)
Grade-3	Senior operator	4218 (US\$ 60)	4720 (US\$ 67)
Grade-4	Operator	3861 (US\$ 55)	4263 (US\$ 61)
Grade-5	Junior operator	3553 (US\$ 50)	3855 (US\$ 55)
Grade-6	Helper	3322 (US\$ 47)	3350 (US\$ 48)
Grade-7	Apprentice/ trainee	3000 (US\$ 42)	2700 (US\$ 39)

Source: Wage circular of ministry of Labour and BEPZA, 2010

Better practices have been found in EPZ factories in terms of maternity leave and child care benefits, transport allowance (Table-5.4). Working environment and workplace safety is also comparatively better in EPZ factories. Housing arrangements of EPZ workers is comparatively better. The Dhaka EPZ is located outside the main city and adjacent to villages. Accordingly, workers live in rented houses in these neighbouring villages where rent is comparatively cheap, relative to the city areas. In contrast, workers employed in factories located in city areas usually live in slums which are more unhygienic and more prone to health risks.

⁵⁰ BGMEA reports that there five medical centers but none were found around the sample factories. Above all, five medical centers are very insufficient for 4 million workers.

Table-5.4: Workplace differences between EPZ and non-EPZ factories

Issues/location	EPZ	non-EPZ
Average monthly wages	US \$70	US \$60
Work place environment*	Good	Average/worse
Overtime	Mandatory and within limit	Mandatory and over limit
Workers' union	Yes	No
Selection of representative in WPC	Elected by worker	Selected by employers
Transport allowance	Yes	No
Maternity benefits	Strictly followed	Moderately followed
Weakly holiday	Strictly followed	Moderately followed

Source: Generated from the interviews

5.2.2: Differences within EPZ and non-EPZ factories

The study also seeks to follow a comparative assessment of labour rights situation among the factories within the same areas (EPZ or non-EPZs). The considering factor of comparing the factories within same area is the size and location of the factories.⁵¹ The findings of this study reveal that working conditions and labour rights vary significantly among the factories in non-EPZ areas but they are almost similar in EPZ areas. In terms of forming association and collective bargaining, there are no major variations. Nowhere, neither in big nor small factories, did this study find any existence of a workers' association. However, in terms of the working environment, workplace safety, worker-management relationship, job incentives, and duration of working hours, big factories put

* No standard instrument has been used to assess work environment. It is merely based on researcher own perception.

⁵¹ There is no classification of RMG factories in terms of size. However, based on BGMEA directory 2011, the average numbers of workers is 700. Thus, the factories which have less than 1000 workers are considered as small enterprises and larger enterprises are those which have more than 1000 workers. Usually large enterprises have more than one manufacturing units. In the samples, all the large enterprises have more than 3000 workers.

workers in a better position than small factories. Smaller factories are less likely to follow the legal provisions of maternity benefits and wage payment. Harassment of workers is also higher in the small firms. No child care centres were found in small firms. Hossain (2012) noted similar results, “Bigger factories are credited with better working conditions, which include more rule-bound behaviour by managers” (p. 24). The differences in labour rights situations are summarized below (Table-5.5).

Table 5.5: Workplace differences between large and small factories

Issues/size	Large (above 2000 workers)	Small (less than 2000 workers)
Behaviour of management [†]	Good	bad
Work place environment	Average	bad
Payment of overtime	Properly calculated	Not calculated properly
WPC	Yes	No
Selection of WPC member	Elected by worker	Selected by employers
Maternity leave and benefits	Only leave	No leave, no benefits
Weakly holiday	Moderately followed	Not followed
Productivity incentives	Yes	No

Source: Generated from the interviews

The above description indicates that there are substantial differences in the working conditions and labour rights within and between EPZ and non-EPZ factories. The large factories have better conditions than small factories, and similarly, EPZ factories are better than non-EPZ factories. The union leaders, buyers’ representatives and labour scholars all have confirmed that EPZ factories have maintained higher labour standards than the rest of the factories. One merchandiser from TESCO, a US based outsourcing company, stated that EPZ workers are better off than Non-EPZ workers in terms of wages and labour benefits. However, differences between large and small factories and between

[†] It is based on the opinions of the interviewed workers.

EPZ and non-EPZ factories are not at the same level. The differences are higher in the first case than the later and small factories in non-EPZ areas tend to have the most dangerous conditions but working conditions in large factories outside the EPZs are very close to EPZ factories (Figure- 5.2). This finding leads to conclude that EPZ model is not extremely effective for improving labour standards.

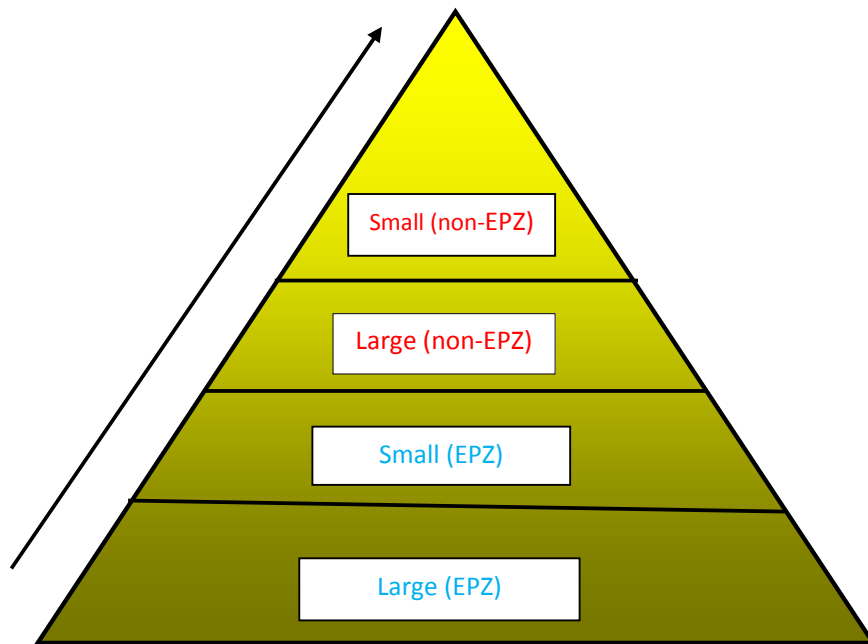


Figure-5.2: Degree of labour rights (From better to low→)

This study has identified various reasons for differential working conditions within and between EPZ and non-EPZ factories.

First, one possible reason that comes out from the interviews for better working conditions in some factories is the structural development in the EPZ factories and large firms in non-EPZ areas. The EPZs are newly developed areas by the state. Similar to EPZs, some large enterprises have also built their own industrial complex moving outside from the main city. These buildings have been built in accordance to the rules of factory

establishment. Thus, the structural designs of these buildings are supportive to take measures for better work environment and health safety. On the contrary, non-EPZ factories, mostly small factories, are mainly located in old dilapidated buildings operated in private houses in congested areas which are not built for factory purposes. It is quite impossible to restructure these buildings for the use of factory purposes. For example, many of the factories have built extra stairs for emergency exit being pressurized by buyers but it is not possible to widen the stairs more than two or three feet for lack of sufficient space nearby the buildings. These narrow stairs of four or five story buildings very often remain unused. Moreover, these buildings are prone to industrial accidents (e.g.; fire, building collapse). The two very recent tragic incidents in RMG sectors (fire and factory building collapse that have mentioned in the introduction and chapter 4) confirm the poor occupational safety of non-EPZ factories. Lack of sufficient buildings, cheap rental spaces, and availability of cheap labour⁵² constituted by slum dwellers motivate employers to select these buildings for running a factory.

Second, factories in the EPZ and large enterprises (outside EPZ) have comparatively educated management staff. During the visit of the factory, it is evident that EPZ factories and large enterprises (outside EPZ) have recruited many university graduates as Human Resource Management (HRM) staff or Labour Welfare Officers (LWO) who are particularly responsible for solving uneasy relationships between management and workers, and monitoring labour rights issues. Large enterprises encourage and provide support to management personnel for acquiring higher skills on HRM, business and firm management issues. During the field work of this study, the

⁵² Women who migrate to urban areas to accompany their male family members mostly live in slums inside the main city. These slum dwellers look for employment and it is essential to supplement their family income, whatever the amount.

researcher has had an opportunity to interview two HRM officers who were taking part in such training at that time arranged by the Business Sourcing Compliance Initiative (BSCI). A director of the HRM division reported:

We have strong moral commitment and business ethics. We believe in sound relationships between workers and employees that can provide a win-win situation. Therefore, we give more emphasis to management training of our officers as well as representatives of workers.

On the contrary, small factories lack efficient management staff. The researcher has not found any HRM or LWO officer in any small factories. In each small factory, only three or four persons are running the whole factory; these individuals have no knowledge of industrial management systems. It is important to note here that one of the factories has appointed a foreigner as manager by offering a high salary, though it has no management staff except two accountants and two merchandisers. The work relation is also influenced by education and level of awareness of the workers. During interviews, the researcher found that level of education of workers in EPZ factories is higher than the non-EPZ factories. For example, the educational requirement for getting employment at Young One (a Hong Kong based factory) is at least 10 years of education. A higher level of education increases the level of awareness of the workers and reduces the chances of industrial disputes.

Third, the most influential factor for higher labour standard in EPZs and large factories compared to small factories is the direct connection with global buyers. Global corporations impose local producers to follow their codes of conduct and inspect the codes of conduct that are not sufficient yet. In contrast, small factories have no direct connection with global buyers. These enterprises operate mainly based on subcontracting

either through large factories or other intermediate agencies, such as buying houses. A union organizer said:

If you walk into Dhaka city opening your eyes, you will find a lot of dilapidated houses which are occupied for garment manufacturing. These factories are too small, consisting of 300 to 500 workers where working conditions are very poor. Many of these factories have no connection to foreign buyers and even they are not members of BGMEA. They run the factories based on subcontracting from other large companies or local buying houses. If you visit these factories, you will not find the name of the factory.

Fourth, corporate social responsibility of the employer is directly linked to the better labour standard. If employers hold higher moral responsibility, it will have a positive influence on labour standards. For example, a manager of BEPZA reported that representatives from employers' associations do not strongly oppose the increase in worker wages. Strong motivation for social responsibility can improve internal labour practices at the factory. A manager from factory B (non-EPZ factory) said that:

Our managing director holds a very positive view towards workers. He always cares about the best benefits of the workers and tends to do good things for them. If any workers places any demand for help regarding the education or marriage of their children, we accept their appeal. He announces that the company will bear all the cost for higher education (college and university level) of workers' children.

The reasons explained above are directly linked to the size and financial stability of the factories. Larger factories have superior financial strengths than smaller ones. Generally smaller factories have financial constraints and many of these factories are dependent on subcontracting with the larger factories or local buying houses. They are often fly by night operations working with the least margin of profits and under the greatest time

pressures. The slim margin of time and profit corresponds to greater vulnerability of the workforce. Usually, sub-contracting is given in a situation when contracting factories are unable to respect the time limit with their own capacity and are highly threatened by the buyers. Smaller factories tend to use informal networks of surveillance and operate in a much less accountable and pervasive culture of non-modern hyper exploitation, including widespread physical coercion. Similar results have been shown in others studies (Siddiqi, 2000; Kabeer and Mahmud, 2004a).

5.3: Role of Actors

The capability approach focuses on expanding freedom in respect to both opportunity and process aspect. The opportunity aspect ensures that a person is free to choose the action that s/he is considering valuable and the process aspect guarantees that person's chosen action will not be forced, constrained or influenced by others. The process aspect of freedom relegates moral obligations and responsibilities to someone for realizing another person's freedom. Since violation or non realization of freedoms is associated with the roles of others, it is the obligation or duty of all of the actors who are causing the violations and others who are not causing them but able to reduce or correct the situation. Sen (2009), in this regard, offers two sets of obligation; perfect and imperfect. Perfect obligation relates to those persons who are somehow contributing or bringing those situations and imperfect obligation relates to those persons who are capable of doing something to rescue others from deprivations or violations. The following sections have described to what the actors, both traditional and non-traditional, are playing their role in bringing or creating labour (in) justice.

5.3.1 Traditional industrial relations actors: employers, workers and the state

The paradigm developed by John Dunlop (1958/93) which has been used by many studies throughout the century is regarded as the traditional approach. It includes three actors: (1) a hierarchy of managers and their representatives in supervision; (2) a hierarchy of workers and any of their representatives; and (3) specialized government agencies concerned with workers, enterprises and their relationships. A closer examination of the roles of these actors is presented below.

Employers' association

Employer's associations are the main driver for sound industrial relations in the workplace. Better treatment of the workers is dependent upon the will of the Employers association. This association can enforce fundamental labour rights and undertake many welfare schemes for the workers, including wages and other labour benefits.

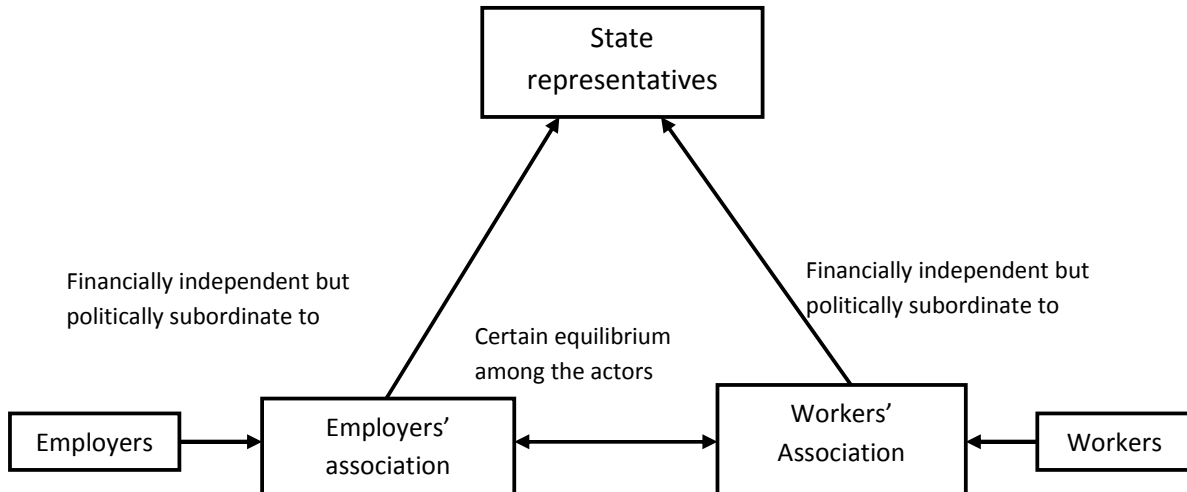


Figure-5.3: Ideal relations among the industrial relations actors

It is important both from moral and economic perspectives. From the moral point of view, it is the responsibility of the employers to ensure rights because they draw profit based on labour that the workers invest. Thus, workers should share the company's profit. From the economic perspective, sharing a portion of the profit with workers is beneficial to the employers, as it stimulates higher productivity and economic growth. Various studies (Kucera, 2002; Elliot and Freeman, 2003) show that compliance with fundamental labour rights standards generates long term benefits and encourages economic growth. Similarly, a study conducted by Aidt and Tzannatos (2002) explores that respecting the freedom of

association or collective bargaining appears to be an increase in investment and economic growth. However, employers are reluctant to uphold the workers' rights at the factory apprehending that they can stay in business only by selling goods at, or below, the prices of worldwide competitors, and they can do this if they were to pay minimum wages and grant other labour benefits (see Yan and Weiqing, 2006; So, 2010).

The finding of this study shows that employers association do not play their role as a responsible agent. They are more concerned for profit maximizing than addressing labour rights. Workers' testimonies affirm that employers hold strong power and uncompromising attitudes towards workers' union. Due to the authoritarian role of management, tripartite collective negotiation never takes place at the factory; rather decisions are unilaterally taken by the employers without workers' unions. During the interviews, it was reported that employers take an oppressive stand against workers' unions. Workers and union organizers are fired from their jobs and very often harassed by law enforcement agencies. Many interviewed workers' leaders reported that they were harassed several times by employers for organizing workers demanding higher wages and protesting workplace injustices. Employers lodge false cases against union organizers and organizers are persecuted, tortured and even murdered by law enforcement agencies. One worker reported, "employers keep us from raising our voice by filing or threatening to file false cases". The recent killing of labour activist Aminul Islam, who was arrested and tortured by a law enforcement agency two years ago for organizing workers' protest demanding higher wages for RMG workers, demonstrates the grim picture of workers' oppression in Bangladesh (Manik & Bajaj, 2012). Opposing the workers claim of putting barriers to joining trade unions, Employers have given a strategic answer. A representative from BGMEA said that:

Workers are not interested in forming and joining trade unions. In the last ten years I didn't receive a single demand from the workers for getting approval of workers' associations. If I get any requisition from them I will definitely allow them to form an association. Actually workers do not need any association or union. All of their needs and demands are settled and negotiated through the 'workers participation committee' (WPC) which is constituted by an equal number of participants from both sides; workers and employers.

While some of the employers have denied the claim that workers have retaliated, and expressed that there is no significance of forming workers' unions, other employers justify their opposition to unions by expressing that allowing workers' associations in the RMG sector will be suicidal for this industry. They argue that if workers can form any organizations, they will force employers to accept unreasonable demands. Consequently, employers will have no alternative except to close the factory as like other state owned factory. One employer said:

Allowing workers' associations in the RMG sector will be suicidal for this industry. They argue that if workers can form any organizations, they will force employers to accept their undue demands. Consequently, employers will have no alternative except to lay off factory workers and shut down their business.

Another employer strongly criticizes unions' leaders denying the positive role of the unions. According to him:

In our country workers' leaders want to draw their salary without performing any job. Workers' leaders are not concerned about the welfare of the workers; rather they reap their own benefits using their positions. Very often they ask bribes from the employers instead of playing a constructive role. Leaders do not know decent behaviour; they exhibit rude behaviour with the management. They do not follow any bargaining procedure to materialize their demand. If we allow them to form

trade unions in the factory, they will directly come to the general manager and will force us to implement their demand without following any legal procedure (Factory B).

Workers' leaders do not completely oppose the accusations of the owners. They argue that there may be some instances of taking privileges by some perverted leaders but these are exceptional cases. According to them, many of the leaders have devoted their whole life to struggle for securing rights of workers. They rather claim that owners exploit workers by limiting access to workers' associations. From their view, owners strategically keep workers away from joining trade unions because an organized workforce can create more pressure to execute their demands. The following passage is expressed by Nazma Akter, President of the United Garments Workers Federation;

Owners never welcome a unionized workforce in the factory. In absence of unions or associations, workers cannot put any pressure on the employers; they cannot even share their deprivation with others. Owners can easily deny the rights of the workers. Thus owners always find a way to prevent workers from uniting. By firing the organizers, owners create a panic among the workers and this keeps workers from joining an association.

Another union leader said that creating an intimidating situation inside the factory is the tactic of the employers to weaken the capacity of the unions. According to him, employers' hostile stand against unions has far reaching effects on worker rights. He said:

Employers' antagonistic position against unions and oppressive actions against union organizers have two long term effects. In one side, workers are losing interest to be involved unions and as a result unions face membership crisis. On the other, unions are losing financial independence for lack of sufficient membership which in turn making them dependent on employers. Financial dependency of unions on employers weakens their power to challenge employers' atrocities.

Another union organizer strongly held the view that the labour rights situation can be improved if employers pay attention to spending only a very little portion of their profit for the benefit of the workers. Dr Wajjullah Khan, President of '*Sramic Kormachari Oikko Parishad*' (National federations of trade unions) noted:

We all want to get instant benefit. Every year we are losing billions of dollars to workers' unrest or to fires at the factories due to poor safety measures. If employers spent only one percent of the total amount of losses [on improving conditions of workers], the labour rights could be improved by three times and could save both many lives and billions of dollars. Unfortunately, employers still don't realize that.

In spite of employers' limitation fostered by price competition in the global market, research participants including management personnel reported that still there is a scope to take action for the benefit of the workers. However, a single employer cannot initiate to such measures until a collective decision is made by the employers or their association because it may create dissatisfaction among workers at particular factories and thus jeopardize the production system.

Workers' union

Workers' unions are regarded as the most important industrial actor. A number of words are used interchangeably to denote workers' unions, such as workers' association, workers' council, labour unions, and trade unions. Workers' union is an organized platform of workers through which individual voices and energies come together and put collective pressure to rectify workplace injustices. It works as a safeguard of working class people to protect their rights and privileges as well as to defend them against injustices and exploitation by their employers. In explaining the responsibility of actors against structural injustices, Young (2006) mentioned the 'political responsibility' both of the beneficent and sufferers. She noted that the specific position of the workers carries

unique responsibilities. The condition of the workers can be improved only if they are able to place organized demands and monitor the improvements made. Responsible trade unions play an important role in maintaining cordial and sound industrial relations between workers and management in the workplace. Cook et al (1992) identified two major functions for trade unions: collective bargaining and union education. Collective bargaining means both its product in agreement between unions and employers and its procedures for enforcing the agreement. The main function of unions is to represent their members for bargaining with the management. Unions can negotiate with the management to lay down workers' rights in the contract and also take part in conflict resolution through arbitration. The IGM recruitment brochure reports that "to be active in the trade union movement means that one is constantly learning something new" (cited in Cook et. al, 1992, p. 107).

The finding of this study reveals that the above mentioned role does not take place at the factory because there is no existence of workers' unions at the factory level as it is discussed in the first section. A special committee is formed namely as a workers participation committee (WPC) as a substitute for a workers' union. The role of this committee is not effective for a number of reasons. *First*, the WPC has no organizational structure. It cannot function independently and cannot take any decision against the employers for the interest of the workers. *Second*, the representatives of workers are selected by the employers instead of following any democratic process. The representatives do not hold sufficient power for lack of organizational structure and representation of the workers. For the lack of democratic process of representative selection, it is very often the case that representatives are loyal to management and do not raise their voices. Employers select those persons who never go beyond their control. It is affirmed by a manager who said: "every one look for his own profit. It is very usual that

employers will never select a person as a representative of workers who creates complexities inside the factory and hamper production”. Therefore, representative cannot play any effective role in collective bargaining. It is claimed by many workers that representatives rarely talk in favour of workers. A worker from the Square Group said:

The WPC members serve the interest of the employers because they are selected by the employers, not by us. If they favour us today, the next day s/he will not be on the committee. Moreover, no one wants to be disloyal to the employers; rather workers try to continue a good relation with employers.

It signifies that the WPC sufficiently lacks the negotiating power for upholding the rights of workers. Union organizers consider WPC as a new strategy of suppressing workers’ voices. Touhidur Rahman, President of Bangladesh Apparel Workers Federation, said:

The workers participation committee is nothing but a strategy of employers to exploit workers. By forming a WPC, employers want to show that they have given workers the right of forming association and collective bargaining. If WPC and workers union refer to a similar entity, why do employers take strong stand against union?

During research visits, a number of trade unions and federations working in the RMG sectors were documented.⁵³ However, role of these federations in protecting labour justice remains far below the level of expectation. Corrupt practices of the workers’ leaders have contributed to a loss of credibility and in the decline of the strengths of the unions. Shilpy, a worker from Devine Group, said: “they have become leaders for their own interest, not for us. They make alliances with employers capitalising our voice. They favour management instead of workers by receiving undue privilege”.

⁵³ For example, Bangladesh Apparel Workers Federation, United Garments Worker Federation, Bangladesh Garments Sramic League, Bangladesh Jatiotabadi Sramic Dal, Garments Tailors Workers League.

Table-5.6: Number of trade union federations in the RMG sector

Total Number of Federations	15
Total number of Unions/ associations	80
Total Women Garments Workers	2880000
Total registered members in Unions	50149
Participation rate of workers in unions	1.74

Source: Faruque, A. (2009).

Workers' leaders have not completely denied the claim made against them. They blamed each other for misusing the labour organizations for their own interest. Similar findings have been revealed in many studies (Dannecker, 2002; Khan, 2004; Clarke and Pringle 2009). Moreover, workers' unions in Bangladesh are highly politicized. Unions work as a catalyst of a political party ignoring the rights of the workers. One worker said:

Workers unions are associated with political parties. Leaders of the unions carry out the instructions of the respective political parties. They use workers for their political campaign and demonstrations but do nothing for the interest of the workers. Very often union leaders are used to foil and control agitated workers (Shabana, factory B).

Though political affiliation of the unions has been identified as an impediment to secure workers' rights which have also been confirmed by other studies (Taher, 1999; Absar, 2012), union organizers consider it positively. A woman union organizer said, 'unions must have relationships with political parties for the interest of the workers because political parties bring the labour rights issue to the policy making body'.

It is explored that the right to form association and collective bargaining which enable workers to make their demands in board and provides a path for negotiation, is absent at workplace. In the absence of unions, the way of negotiation for workers'

demand is restricted and it generates discontent among the workers. Therefore, the crucial question is: how workers respond to injustice in the absence of unions? According to Hirschman (1970), there are two possible ways of expressing workers' discontent without a union. The first possible way is to quit silently and leave the organization. The exit option is dependent on the availability of an alternative job. Opposite to the exit option, the second possible way workers can respond is to voice their concerns. Lack of opportunity to quit increases the chance of voicing. Hirschman conceived of using voice in the following way:

Any attempt at all change rather than to escape from an objectionable state of affairs, whether through individual or collective petition to the management directly in charge, through appeal to a higher authority with the intension of forcing a change in management or through various types of actions and protests including those that are meant to mobilize public opinion (Hirschman, 1970, p. 30).

Between these two extreme responses, Hirschman offers for an alternative response which is loyalty (1970). He notes that once the exit is followed, the possibility to use voice is lost but not vice versa. Making an exit will therefore be a reaction of last resort after voicing concerns has failed. Thus, it is conceived that voicing concerns is likely to be an active mechanism, primarily with respect to the organizations in which members are involved. According to Hirschman, the principal way of the individual member to register his dissatisfaction with the way things are going in these organizations is normally to make his voice heard in some fashion. However, preference of choosing the voice option by a member is dependent on two conditions; the extent to which the trade off of certainty of exit against uncertainties of an improvement in the deteriorated production and their ability to influence the organization (p. 77). The first condition

necessarily involves the emotional attachment of the workers to the firms where they belong. They find a possibility or hope to get the organization “back on track” using their power. It certainly limits the tendency of the conscious workers to be the first to exit. As a result, loyalty takes place with the expectation that improvement or reform can be achieved from within.

Interviews with the workers and union organizers affirm that exiting allows for the least number of choices for the workers. Some women have the option of leaving but many of them have no choice but to continue. The reason is that other employment opportunities are limited and very often more precarious than they face here. For lack of alternative employment opportunities, women cannot quit this job. Remaining unemployed for them is more cruel than working under unjust labour conditions. As like many other workers, a working mother of two children said:

Being employed in factory work, I am able to arrange the food for me and my children with my income, though the amount is not sufficient. If I lose the opportunity to work here, I have no way for survival but to beg. I myself pay the price for exploitative work relations at work but I never dare to quit my job, thinking of the future of my two children. I tolerate all sufferings in order to give them a chance to build a better future.

Using one’s voice is also difficult work at RMG factory for fear of losing jobs. In order to make the voice effective, workers need sufficient power and the presence of a workers’ union is the fundamental precondition that generates labour power for constructive collective bargaining. The finding of this study shows that the non existence of unions and workers’ low participation in the unions are the main barriers to workers expressing their concerns in loud voices. One worker replied:

Is there any way to raise our voice? If I protest, they will include my name in their blacklist and a shine a search light on me to find my fault. As soon as they find something wrong, they will kick me out of here; no one here can protect me. Thus, we try to keep silent digesting all their misbehaviour and exploitations (Shahinoor, factory E).

Selina, another worker from factory C, reported:

I do not see any benefit in protesting; rather it will take away my job. Therefore, I never think to raise my voice but to continue work, accepting all sufferings and deprivations.

Though the workers' response in Bangladesh is between exit and voice (see Dannecker, 2002), it does not necessarily follow the Hirschman's notion of loyalty. It is significantly departed from the loyalty that is explained by Hirschman because loyalty is the responses of conscious workers who hold sufficient power to bring back into just situation from an unjust situation. Sometimes, RMG workers want to resist the inhuman working condition but fail due to lack of sufficient power or not having any alternative sources of income. Without a workers' union, workers' protests usually start in a very sporadic way, with a demonstration in the street by a few workers. They often suddenly turn violent, followed by a mass participation of the workers. This mass protest goes beyond the control of the leaders. Scholars and unions' leaders' have mentioned that in absence of unions at work places protests of agitated workers become out of control and contributes to mass destruction at the factory during protests and agitations.

It has been mentioned earlier that workers' voices are not significant enough to challenge exploitative labour practices. Workers' sporadic voices could not bring any drastic changes to the labour policy. However, it is worth mentioning that the labour rights situation in the RMG industry is gradually improving and the role of workers'

responses in this regard cannot be denied. Though it is limited in scale, workers' voices are represented in wage negotiation and settling other disputes. Workers' representatives take part in "Wage Board Meeting" for fixing minimum wages of the workers'. The minimum wage ordinance of 2006 and 2010 are two major initiatives resulted from the continuous pressures of the workers. A massive and chronic protest by thousands of RMG workers was found in Dhaka in May 2006. This mass uprising of workers' turned completely militant and enraged, and all of Dhaka city and its adjacent areas became a battlefield. On 23 May approximately 16 factories were burnt, 50 factories were vandalized, 200 vehicles were ransacked and one worker was killed (Faruque, 2009). To control this rampant movement of the workers, employers and the state were compelled to call for tripartite negotiating meetings. After three tripartite meetings, a historic memorandum was signed on 12 June 2006 which was the benchmark of accepting the union demands, including an increase in wages, appointment letter for all workers, weekly holiday, maternity benefits, withdraw of all cases filed against workers, and the right of trade unions to represent RMG workers (Rahman and Longford, 2012). Later, all of these provisions were incorporated in the Labour Law of 2006, the first complete labour law in Bangladesh after independence (Faruque, 2009). In addition, BGMEA runs an arbitration board for settling disputes between workers and employers, which is comprised by employers and union leaders. The formation of this arbitration is the direct consequence of the mass protest of the workers and their continuous pressure. Workers' claims are being settled and implemented according to the decision of the arbitration board.



Picture-13: Workers' protest in the street led by 'Garments Unity Forum'.

State and government offices

Scholars (Young, 2006; So, 2010) have argued that the sole actor that can enact and enforce local labour laws, and ensure that these abide by global standards, is the state. There are some state led institutions to monitor and regulate the labour market aimed at protecting worker's rights. The following sections will discuss to what extent these institutions are performing their roles, and the consequent effects of their efforts.

First, one of the prime responsibilities of the state is to formulate new labour laws and policies. The interviews with union organizers, labour scholars, and NGOs' representatives confirm that the state do not act independently and cannot take decisions unilaterally. Any policy making initiatives of the state is influenced and affected by employers' groups because a number of industrialists are part of the legislative body. Syed Sultan Uddin Ahmed, assistant director of Bangladesh Institute of Labour Studies (BILS) said:

Most of the industrialists have direct affiliation with political parties. It is our misfortune that industrialists became the part in every government after the emergence of Bangladesh. Political parties welcome industrialists because they

financially depend on the industrialist to run the organization. Industrialists take this advantage and influence the government when a new initiative is launched to formulate or modify labour policy.

Second, the benefits of a good policy never reach to the hand of the target group until successful implementation of policy can be ensured. The study finds that enforcement mechanisms of labour laws and regulations are very weak. A union organizer (Firoza Begum, Vice President of Bangladesh National Labour Forum) said:

In spite of some limitations, our labour laws have included many rights, such as the right to get an appointment letter, minimum and overtime wages, weekly holiday, maternity leave, childcare benefits, etc. but very few of these rights are respected. Employers pay little respect to the implementation of these rights but law enforcement agencies cannot bring them to trial due to their strong affiliation with the government and political parties.

There are some institutions which monitor and inspect the state of labour rights in factories. These institutions are also crippled and ineffective due to the influences of industrialists and corrupt practices of the personnel in the concerned departments. Moin Uddin Ahmed, a union organizer and President of Bangladesh United Garments Federations, said:

Owners of the factories have good linkages with the ruling political parties who influence the concerned persons to release “No Objection Certificate” (NOC) though they do not comply with the rules and regulations for running a factory. Taking bribes from the factory owners, inspectors provide them with good compliance certificates without following proper investigations.

The collapse of a factory building exposes the gross anomalies and irresponsibility of the concerned departments. It is reported that owners of the building have not followed the

'building code'⁵⁴ during construction and the factory inspectors never visited to the factories located in that building, despite the fact that all factories have been given the compliance certificate issued by the department of factory inspection (Gafur, 2013). In addition, there is a special branch of law enforcement agency, the industrial police, whose main task is to settle conflict between employers and employees and to keep order of the law so that no one can incite violence or create anarchy in the industrial sector (the Daily Star, 2010b). However, all of the workers and union organizers reported that industrial police is the new force of the employers to retaliate against workers. They always work in favour of the employers. One worker reported:

The creation of industrial police is the new instrument of suppressing our rights. We are unable to raise our voice against injustices. Since we have no workers' union and we are not allowed to organize inside the factory, we come to the street for peaceful demonstration to express our demands. Unfortunately, if we move towards a place to demonstrate, police suddenly come to the spot, attack us, and use hot water, tear shells, and rubber bullets to foil our demonstration. Very often they pick up our organizers, torture them and file false cases against them.

Third, the Bangladesh labour law of 2006 has kept the provision of labour court to settle the disputes between employers and employees. Workers hardly get the benefits of the labour court. Due to lengthy trial process, workers usually do not go to labour court. Instead, they search for alternative ways of negotiation even though it is less beneficial to them⁵⁵. A 35 years old working mother reported:

⁵⁴ It ensures that no construction can be done without permission from the concerned authority. Before giving the permission of construction, the authority is supposed to do a feasibility study according to the design of the building that is filed with the application.

⁵⁵ Due to lack of knowledge and financial hardship, they go to federations' office that brought the case to the arbitration committee. If federations fail to settle the dispute through the arbitration committee, they bring it to the labour court. Federations take their fair share of the benefits from the workers for their

I lost my job two years ago on the ground that I was absent three days from work. It didn't happen intentionally; rather I was absent due to a family crisis. Unfortunately, I lost my job, even though I submitted written explanation for my unavoidable absence. I remained unemployed and finally, I managed to get one two months later, but in the meantime, I had to take out a loan to fulfil my daily needs. It is quite impossible for me to leave my job now to go labour court. That is why I authorized this federation to bring my case to the labour court and they have been continuing this case for the last two years (Rekha Begum, factory D).

The above descriptions show that traditional industrial relations actors are not playing their responsible roles. There are differential power relations among the actors that weaken the industrial relations system (Figure-5.4).

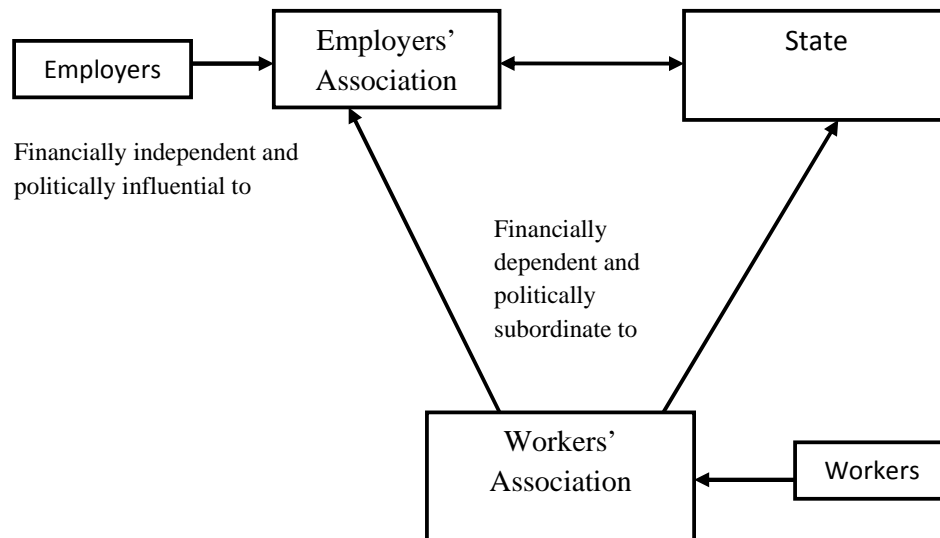


Figure-5.4: Existing relationship among the industrial relations actors

legal or other support if they win the case. Therefore, federations usually deal with the wage related issues.

5.3.2 Non-Traditional Actors: MNCs, NGOs, HROs, Consumers and Citizens

The emergence of the neo-liberal economic system and the declining of tripartite industrial systems in the last quarter of the twentieth century provoked academic scholars to redefine the actors in the industrial relations system. There had been a growth in campaigning, advocacy, advisory and service providing institutions and these were found necessary for the betterment of the workers. Thus industrial relations scholars (Diller, 1999; Bellemare, 2000; Santoro, 2003) have identified a number of new global actors. The role of these actors is gradually increasing and becoming an inevitable part of a sound industrial relations system.

Multinational corporations and codes of conduct

Many large brand companies or international suppliers have developed their own 'codes of conduct' identifying some key issues of labour rights, workplace safety and environmental protection. Codes of conduct specify norms and rules to evaluate labour practices in the workplace (O'Rourke, 2003). In a definition of codes of conduct, Driller (1999, p. 102) says, "Codes of conduct are written statements of principle or policy intended to serve as the expression of commitment to particular enterprise conduct". This study investigated to what extent buyers' codes of conduct is respected at the factory setting and how these codes of conduct contribute to improving labour rights situation.

The study reveals that engagement of global corporations for ensuring labour justice is increasing gradually. Leading multinational corporations that were under this study Wal-Mart, Li & Fung, Haines & Martinez (H&M), and Tesco have own codes of conduct. A Human Resource Management (HRM) officer of H&M reported:

We are committed to promoting human rights and ethical business is our priority. When we make a new contract with producers or local producers, we first give them our codes of conduct. If they agree to follow these codes then we proceed to next step to a contract. We have offices, or full-time compliance officers, to investigate the abidance to the code of conduct at their factories.

A marketing executive of Tesco similarly reported, “we regularly inspect abidance to the code of conduct at the factory. If the producers do not follow the codes of conduct, we refuse their products and do not make any further contact with them”. Union leaders and management staff have also acknowledged the positive outcome of buyers’ code of conduct. A Labour Welfare Officer of *Chaity Group* remarked:

The so far changes that have been made in the situation of workers’ rights are credited to buyers. We are bound to follow compliance issues. There is no guarantee of exporting the products without complying with codes of conduct. Buyers’ representatives frequently visit the factory and talk with workers. If they find any violation, they instantly cancel the order.

Although there are examples of MNCs playing a positive role in improving labour rights, this study has explored some limitations. There is a big difference in ideal codes of conduct and its real practice. Labour scholars and union leaders question the true interest of MNCs to uphold workplace standards. *First*, the frequency of unannounced inspections is quite low. Employers often receive a warning of the buyers’ visit well in advance and get prepared before the arrivals of buyers to the factory. A woman worker said:

Management gets information about the buyer’s visit in advance and circulates the message among us to be cleaned, use aprons, masks, gloves, caps, and remind us not to tell any bad things to them. On that particular day, everything is kept neat and clean, toilets are equipped with soap and towels. Unfortunately, all are taken away as soon as buyers leave the factory (Rasheda, factory B).

Interviewed workers and union leaders reported that codes of conduct have included many issues related to working conditions, benefits and safety. They hold the view that labour rights situation could be improved through implementing codes of conduct. If buyers intend to improve the labour conditions, they need to be honest for execution of codes of conduct. Sudden as well as free and fair inspection need to be increased. Mr. Tauhidur Rahman, president of 'Bangladesh Apparels Workers Federation' said:

If you see the list of codes of conduct of MNCs, you will find many things that span from getting appointment letter to benefits after retirement. But you have to consider to what extent these codes of conduct are implemented. In fact, codes of conduct are documentary phenomenon. The real picture is far away from this standard.

Second, workers voices never reach to the compliance monitoring officer. Employers' devise some strategies so that buyers cannot get in touch with the workers. Confirming the employers' strategic role, one worker shared the following view during a focus group discussion:

We hear the presence of buyers but never get a chance to meet them. When buyers wish to talk with workers, they directly come to the office and management call their preferred workers. If we are fortunate enough to get the chance to talk to the buyer, we can't tell them the truth due to the risk of losing our job. If we tell them about the real working conditions, certainly we will not be here a few days later (Jesmin, factory D).

Employers strongly oppose the claims of the workers. They argue that it is not possible to survive in the competitive market without complying with buyers' codes of conduct. According to them, buyers regularly visit the factories and monitor the compliance standard and any failure of complying code of conduct may cancel the order.

Representatives from Brand companies and local buying houses also support employers' views. They argue that any anomalies in audit process can degrade the name of the company and destroy business and no company will take the risk by making favour to a local producer.

Third, a weak monitoring system is at the fore for ineffectiveness of buyers' codes of conduct. Workers reported that taking undue privileges from the factory owners, auditors/inspectors do not give proper attention to the workers' rights. One worker mentioned:

Employers, brand companies, and merchandisers are all against us. No one is concerned about our rights. They all go in same direction and exploit us. We have no place to express our sorrows and we see no possibility of change. We have granted all things written own our fate which we must embrace (Shilpy from factory A).

In most of the cases monitoring and auditing of codes of conduct are done by internal management. A related debate over codes of conduct and self monitoring system focuses on whether the compliance audits are trusted and transparent. Critics identify a number of conflicts of interest that exist among actors involved in this process (Esbenshade, 2004; Pruett, 2005; Rodriguez-Garavito, 2005). Some (e.g. Worker Rights Consortium) argue that monitoring must be completely dependent on brands and factories in order to be truly effective. In recent years, a number of independent certification agencies have been established to monitor and audit the "codes of conduct" in global factories. These external auditors ranging from for-profit social auditing companies to local NGOs are certified by MSIs like the Fair Labour Association (FLA) and the Fair Wear Foundation. For example, Social Accountability International (SAI) published 'Social Accountability (SA) 8000 standard. The SA 8000 is designed to enforce existing international agreements

including ILO conventions, UDHR, and UN convention on the Rights of the Child. Companies that wish to obtain SA 8000 certification must satisfy the code of practice (Yan and Weiqing, 2006, p. 58). Representatives from International buyers (e.g., Wall Mart, H&M, Li & Fung, Tesco) mentioned about the audit performed by different external auditors. From the interviews with management staff it is revealed that firms have external auditing system. One general manager reported:

Every year we do audit by certified firms. Without having a good mark from certification firms it is quite impossible to get order from internationally reputed brands. You are seeing a lot of certificates hanging in the wall. It is quite impossible to acquire these certificates without maintaining labour rights in the factory.

Fourth, some interviewees, particularly management staff, noted that corporations' compliance monitoring is a paradox in ensuring labour rights. They claim that compliance monitoring serves the economic benefit of the corporations instead of improving labour conditions. Finding any fault in the product may put pressure on the producers to sale the product at half the price of the contract, thus corporations reap benefit if codes of conduct are not respected. Touhidul Islam, manager of factory A, said:

Buyers never take the responsibility of improving labour rights on their shoulders. They always force the employers to improve labour conditions in one hand, and reduce the price of the products on the other. If MNCs do not take share how do we manage the increasing labour cost? They should take some obligations by making their contribution of upholding labour standards.

Nazma Akter, a former RMG worker currently involved in organizing workers, expressed that MNCs do not take the responsibility of ensuring labour justice. She holds the view that they tend to exploit labour. She said:

If you visit a retail shop of MNCs in developed countries where RMG products exported, you will find many lucrative offers, such as, 'buy one, get two'. Of course they don't sale the products with losses. So, my question is how are they able to give such offers? Definitely, it is at the expense of labour. A shirt is sold there with US\$ 50, but a worker gets 20 to 30 cents. So, how do you say multinational companies are taking the responsibility for ensuring worker rights?

The study finds that buyers put pressure to local producers for improving labour standards. Unfortunately, buyers' pressure without sharing the cost for improving labour standards indirectly forces workers to more vulnerable situations. Being pressurized by buyers, producers put pressure on workers to increase production to adjust with increased labour costs because it is a great threat for their survival to increase the production cost by paying higher wages and other labour benefits. A union organizer reported that after the last adjustment of wages, employers exerted huge pressure to increase the production by setting higher production target⁵⁶. Employers supported this view by expressing their helplessness. The managing director of factory A said:

The owners and managers are incapable of increasing the margin of labour benefits and hold relatively little power in the global market. Labour standards are highly influenced by the will of international buyers. If the unit price of the product goes higher, employers can spend higher amount for the welfare of the workers. Unfortunately, the market price is gradually decreasing while the price of raw materials and labour cost are increasing. So, we are unable to take more welfare schemes, unless MNCs co-operate with us.

⁵⁶ Though workers receive their wages on a monthly basis, employers set hourly production targets for each worker so that workers cannot even take breaks; every hour comes with pressure to fulfil specific targets.

Similar claims came from HRM of factory D who said:

Multinational buyers always search for cheap rate suppliers for their outsourcing. To get order from large brand name companies, we always offer our products at the lowest prices. We have no way to reduce production costs except providing minimum benefits or by increasing production rate by each worker. Buyers' should take more responsibility to ensure labour rights instead of forcing us.

NGOs and human rights organizations

Labour rights issues in global manufacturing industries are no longer confined by national boundaries. Along with workers, management and state, multiple public and private actors such as Non-governmental Organizations (NGOs), and human rights organizations are active not only at the national level but beyond national borders for securing labour rights (Trubek, Mosher and Rothstein, 2000; Santoro, 2003). In the demise of national system in the face of global economic and political forces, the network of national and international organizations has brought a new vision of regulating labour rights in the “transnational arena” as a third way between the national and the global (Turner, 1996; Frundt, 1996). It is defined by Keck and Sikkink (1998) as a “transnational advocacy network”. The key of transnational vision is the belief that through the continued operation of networks linking various actors across borders, “a number of overlapping normative arenas can be mobilized to create an effective regulatory system” (Trubek, Mosher and Rothstein, 2000, p. 1194). International NGOs and organizations are playing an important role for transnational labour regulation by cooperating and confronting with MNCs. The NGOs which embracing cooperation wholeheartedly with MNCs in the hope of achieving improvement in the protection of global labour and human rights are mainly

Social Accountability International (SAI), Fair Labour Association (FLA) and Ethical Trading Initiative (ETI). In contrast, many organizations and NGOs, including students groups, and labour unions such as United Students Against Sweatshop (USAS), Global Exchange and United Niddletrades Industrial and Textile Employees (UNITE) are taking confrontational roles. They are launching an anti-sweatshop campaign by targeting prominent brand name companies to generate public outcry. It is worthwhile to note that while some NGOs are exclusively cooperative and others are exclusively confrontational, these two tactics are highly complementary (Santoro, 2003).

The study finds that NGOs, human rights organizations are playing an important role in improving the labour rights situation in Bangladesh. Both national and international NGOs and Human rights organizations offer various services to the workers, such as *Change Associate* (health awareness), *Ain O Salish Kendra (ASK)* (legal aid) and *Bangladesh Legal Aid and Services Trust (BLAST)* (legal aid), *Odhikar* (documentation, fact finding, training and advocacy on human rights issues), *Nari Uddog Kendra (NUK)* (low cost accommodation), *Karmajibi Nari (KN)* and *American Centre for Workers Solidarity* (organizing workers). A former woman worker who is currently working in an NGO, *Karmajibi Nari* (working women) reported:

RMG workers are mostly constituted by rural poor women who are mostly illiterate and unaware of their rights. There is no alternative way but organizing the workers to execute labour rights at the factory. Local level NGOs are trying to create awareness among the workers, employers, and civil society through individual contact, organizing workers' convention, seminars, mass procession.

We also arrange workshops for leadership development among the workers.

Organizing workers at the local level is of urgent necessity to give them a collective voice against exploitative labour practices. At the same time, it is equally important to establish

a network with international NGOs and labour federations to induce global pressure. The NGOs and union federations, particularly '*Karmajibi Nari*' and 'American Centre for Workers Solidarity', organize workers at the local level and build networks with international organizations, such Clean Cloths Campaign, IFTU, AFL to bring workers' rights issues to the international level. The evidence shows that union leaders contact foreign buyers company if authorities do not put proper attention or if it is found the gross violation of labour rights at the factory. One union organizer said:

We try to negotiate with the employers to solve the crisis. Sometimes, employers' rigidity led us to contact with buyers because they do not want to sit together, but instead take an iron hand to tackle workers unrest by denying our demands. If all of the efforts go in vain, we finally communicate with buyers, International NGOs and HROs to put pressure on local suppliers.

The role of human rights organizations is also notable who bring the issue of labour rights violations in the international arena as well as provide legal support. The '*Odhikar*', a human rights organization, is engaged to explore the violation of labour rights, arranges training and workshops on labour rights issues, and provides advocacy services. It also brings the issue of labour rights violation in international forum through publishing reports and connecting with international human rights bodies. The NGOs which provide low cost accommodation facilities to the workers, such as Nari Uddog Kendra (NUK), are at the front of the list. Explaining the aim of providing low cost dormitory facilities, a program officer of NUK said:

Women workers mostly come from rural areas and live alone in city areas. These women feel insecurity to rent a home in an unknown place. In addition, landlords hold a negative attitude towards women workers and are usually reluctant to keep young women in their houses. The rents of the houses are high and workers also

need to pay some amount in advance equivalent to one/two months' rent. Thus, it is difficult for a woman to arrange an accommodation when first arriving in the city. The most important is that these hostels enable NUK to forge a good relationship with workers and provides a venue for training on gender, rights, health, hygiene and nutrition when factory owners hold antagonistic ideas about NGO workers working with their employees.

Along with accommodation, the workers are exposed to different health risks due to their unawareness and little knowledge about health and hygiene. Considering the severity of detrimental effect of health unawareness, a local NGO, *Change Associates*, runs a health project on "Health Equitable Returns" (HER) to train women workers about health and hygiene in the factory and their daily lives. This organization follows the peer learning process in which some workers are trained about basic health and hygiene issues with an aim that trained workers will teach other workers about the benefit and process of maintaining health and hygiene at the factories. Nazneen Begum, Director of HER project, said:

We are working to enhance workers' capability. We are following a peer educating process in which some workers are trained in such a way that they can teach other fellow workers. We are just making an enabling environment so that a sustainable system of health and hygiene remains inside the factory and can continue without end.

Consumers and citizens

The most influential actor is the consumer groups. Consumers' denial of buying the products from the bad companies or demonstrations against the companies compels them to respect labour rights. All of the union leaders, labour experts and labour welfare officers in the factory said that consumers' pressure upon MNCs has led significant

contribution for improving the labour rights at the factory. For example, after the factory building collapse in Dhaka, citizens and consumers' groups demonstrated throughout the world to demand safe working conditions and compensation to the families of dead workers, and as a response all brand companies forced the local suppliers to secure labour conditions at factories and signed a memorandum (Huffington post, 2013). However, they further stressed that consumers need to be strict and higher preference for buying the products that comply with the code of conduct; otherwise good companies will suffer a competitive disadvantage because raising labour standards will increase the production cost. Santoro (2003) reports that "If consumers accord no marketplace value to the SA8000 mark, it will be a significant impediment to the global labour rights movement" (p. 308). It is reported that a local global network of different organizations and stakeholders are inevitable to be effective the consumers' pressure for fair regulation of labour.

5.4 Positive Aspect of Women Employment in the RMG Industry

The above description clearly indicates that labour practices at the RMG industry of Bangladesh are not fair and the actors within it do not abide by their rules. In spite of the exploitative labour practices at factories, this study finds that there have been many positive changes in the lives of women workers.

A way of subsistence

In a poverty trapped society where a large number of women particularly uneducated, divorced or separated fight against hunger, any employment opportunity is considered to them a way of survival. RMG workers expressed the same feelings while they were asked about the reason of their involvement in employment. Like many other workers, Rashida's description is enough to have an understanding about the impact of employment in RMG industry. She said:

My husband married another woman leaving me with two children three years ago. After having no way to survive, I came to Dhaka for a job in the RMG factories and found it with the help of acquaintance. I am unable to give them an adequate standard of living but at least I can fulfill their urgent needs and it has only been possible due to my job in the factory (Rashida, factory E).

Labour scholars have argued that if women no longer have jobs in the RMG industry, they would be forced into immoral activities such as prostitution for survival. Even though working at the RMG is suboptimal, women are able to secure daily meals for their own and /or their family members.

Shopna, a twenty five year old woman worker of factory F, said:

I am not dependent on my husband for my personal needs. I can buy the necessary items, whatever I wish to get. In addition, I can give some money to my near and dear ones including my parents.

It is also reported that women employment in factory work reduces the financial constraints of the family. Most of the families had to struggle to run the family depending on agriculture based employment and it was difficult for them to maintain their family. Being employed, many workers are able to send a part of their income to their family members living in villages. A worker said:

It is not possible to save too much money from our salary after maintaining the cost of living. I had to struggle a lot to save a little amount for my parents. Every month I send money to my parents and it is a big support for them though the amount is very little. They are able to maintain the costs for books and other materials for my two younger sisters who are secondary school students (Mukta from factory E).

Transition from dependency to self-reliance

Women's employment in the RMG sector has made them self-reliant. It is not the history of too long past when women were dependent on their male family members for their daily needs. Still in the first decades of the 21st century, large numbers of women, both middle, upper or lower class family, are dependent on their male guardians. With the expansion of RMG factories, a major transformation has taken place in the lives of women workers. They are no longer dependent on family members for their daily needs. They have gained financial freedom from their spouses and parents.

A union organizer said:

Women have gained economic freedom through employment. They are taking the responsibility of maintaining familial costs. Female workers go to the market and buy their daily needs which are the reflection of enhancing their purchasing and bargaining capacities.

In a patriarchal society where dowry is a prevalent customary practice, every family faces a significant hardship to manage the amount needed for dowries. This study has found that women employment have eased the dowry burden in family in two ways: (1) unmarried young girls are able to save some money for their prospective husband required to give during or after marriage, and (2) many grooms do not ask for dowry since brides have the job and find possibility of getting financial contribution in the family from her. Moreover, workers find a possibility to choose their life partner from co-workers which reduces the chances of needing a dowry. Brishty, an 18 year old worker from factory B, said:

My father died four years ago while I was a student of grade ten. My mother was undecided about what to do with her two sons and three daughters who are all school going. I had to stop my education for not having any financial support. Later I moved to Dhaka with all my family members and found a job. Now I am working in the factory along with my brother and sister and trying to save some money for the marriage of myself and my younger two sisters.

Women's mobility into public spaces

Scholars suggest that women's employment in the RMG factory is a stepping stone onto public spaces. Before a movement of women working in the RMG in Bangladesh, women were often confined into their homes. It was impossible for women to move to another

city alone. Usually, women used to take a males to accompany them while going outside the home even though he is little boy. The traditional belief of private-public dichotomy used to come into practice through traditional *Purdah* norms (explained in chapter 4). The study finds that there has been a gradual transformation in the beliefs of community people⁵⁷. Now women are not confined within the home, but rather are visible in all public places including employment, offices, supermarkets, and political campaigns. A large number of garment workers live alone in city areas and for many of them it is the first experience of living alone away from home. They are independently maintaining all of their needs in urban areas. A young worker said:

When I used to live in my village, I never allowed going outside, either in the market or relatives' houses. My parents always feel fear to allow me to go outside alone. My father always escorted me while I was going and returning from school. Now I live in Dhaka, going into shopping in market and every public places where I need (Sabana, factory B).

Reconfiguration of gender roles

The RMG employment also appears to have been part of the reconfiguration of gender roles. This has helped to transform the Bangladeshi society into more egalitarian society in terms of gender roles. The traditional belief of men as the bread winners and 'women as the care givers' has been reconfigured. The study finds many women workers who are not only work for their own needs but also they fulfil the financial needs of the family members.

⁵⁷ It is true that changing in the traditional attitudes and beliefs do not happen for a single reason, rather many of other factors, such as education, technological advancement. However, the dramatic shift observed in the rural poor class people is largely influenced by their employment.

A woman worker said:

My father has been too sick for the last four years, and he had been the sole breadwinner of our family. After his sudden sickness, we fell in to a great crisis. My two younger brothers and sister had to stop going school. Finding no other way, I decided to join in factory work and I have run my family the last four years with my little income.

Another woman worker reported:

We came to Dhaka five years ago being homeless by river erosion. My husband used to feed us by pulling rickshaw. Unfortunately, he suddenly got sick and became paralyzed. After his sickness, I started to work in the factory and my income is the only source of survival for five members' family including my three children.

Men's attitude towards women employment is also gradually changing. Traditionally, it is believed that women don't need to be involved in paid employment. It is the home where they should stay and take the responsibility of caring services into the family. During factory visits, many men were found standing in front of the factory for their wives. Social attitude towards garment workers have also changed. During the 1990s women garments workers were treated as 'bad girls'⁵⁸ but there has been a gradual change and women workers are now treated as 'golden girls'⁵⁹.

⁵⁸ In the factory, males and females work together, which is contradictory to the traditional beliefs. The underlying assumption was that if women are working together with males, they are unable to keep their sexual purity.

⁵⁹ During the first half of the 1990s, garment work was looked down upon and it was believed that a good woman never works in a garment factory. As a result, no educated woman came to this sector. Now women workers are treated as golden girls due to their contribution to export earnings. During factory visits, many educated women were found to work here, which was unimaginable few years ago.

Roksana shared her experience in the following way:

When I first decided to join in factory work, my parents and neighbours opposed me. After my departure, my parents never shared to our neighbours about my employment in the RMG factory. My parents kept secret the news of my employment in RMG factory assuming that it would degrade their social status and negatively affect the possibilities for marriage for their daughters, including me. Last year, I first visited my village home, six years after my departure. Now I am happy to see that my parents do not feel shy anymore to share with people that their daughter is doing a job (Worker, Factory D).

Access in family decision making and renegotiating relations within marriage

The most important implication of women's employment in the RMG industry is the impact this had on women's participation in family decision making, and the power that this financial freedom has given women to take decision for their own life choices. This study reveals that employment in RMG industry has provided an opportunity for women to interact with many people, and the changes that these interactions have brought about can easily be perceived in the Bangladeshi society.

In addition to changing attitudes about women working in factories, awareness about reproductive health has increased. Women have found an opportunity to interact with many health professionals as some of the NGOs provide health education and reproduction health services. Women have been able to use their earning power to renegotiate relations within marriage. It was the customary practice in rural society that parents decide the marriage of their daughters. Both bride and groom are usually dependent on their parents' decision for their marriage with very few exceptions (Naved,

Newby and Amin, 2001). This situation has been changing gradually (Feldman, 1993, 2009). Many women workers have pursued romantic relationships and have chosen their life partner from their workplace. A worker said:

My parents decided to solemnize my marriage with a boy of their own choice though I loved someone else. I was completely unable to convince them the last few years. Finally, I left my house with the help of my friend and found a job at an RMG factory. After two years, I myself unilaterally took the decision to marry the boy of my choice. My parents could not stop me from doing this because I was no longer dependent on them for my subsistence (Ayesha, factory E).

It is evident that earning power has freed many women from marital violence. Women have gained the power and courage of dissolving their marriage to get relief from marital torture and abusive relationships. It is also evident that women have been able to postpone their age of marriage and have gained freedom for a longer time from the responsibility that comes with marriage (Zahir and Paul-Majumder, 1996). The fertility rate of workers has been declining since they are becoming aware about the benefits of having a small family. Recognizing the positive changes of employment on reconfiguring marital relations, one labour scholar said:

Women have been able to establish their rights in a patriarchal society. A few years ago, it was males who used to take the lead for dissolution of marriage but women are now seen in that role. Working women are taking the decision whether to have a child or not. This has been made possible only through their financial independence (Syed Sultan Uddin Ahmed, Assistant Executive Director, BILS).

Expansion of basic education of girls

One of the positive effects of women employment is the expansion of education for girls. A number of documents (Amin et al, 1999; DFID, 2005; UNICEF, 2013) show that education of girl children has multifarious effects, such as reduction of poverty, later marriage and less child bearing, improved health care and education of future children. In consistent with other studies (Afsar, 1999; Schuler, 2007; Hossain, 2010; Mahmud and Mahmud, 2009), this work finds that employment in the RMG industry has wider environmental effects in shaping the attitude of valuing the investment in girls' education.

Since women workers have the experiences that education provides greater chances of getting promotion and better wages, they wish to invest in education of their children at least for basic schooling. One interviewee worker said:

I am concerned no more for my life but I wish to have a good life for my children. I know it is very difficult for me to provide them better education for good job but at least I hope that they will do something better than me. Is there anything possible to get without education? If you want good job and salary, you must need education. For this reason, I am trying to send them to school though I face big financial hardships.

Another worker responded:

Due to unawareness as well as family hardship my parents did not send me to school. Now I am paying the price for their mistake. I do not want to repeat my parents' mistake. I wish to educate my children at least at the level so that they don't have to suffer like me (Rozina, factory E).

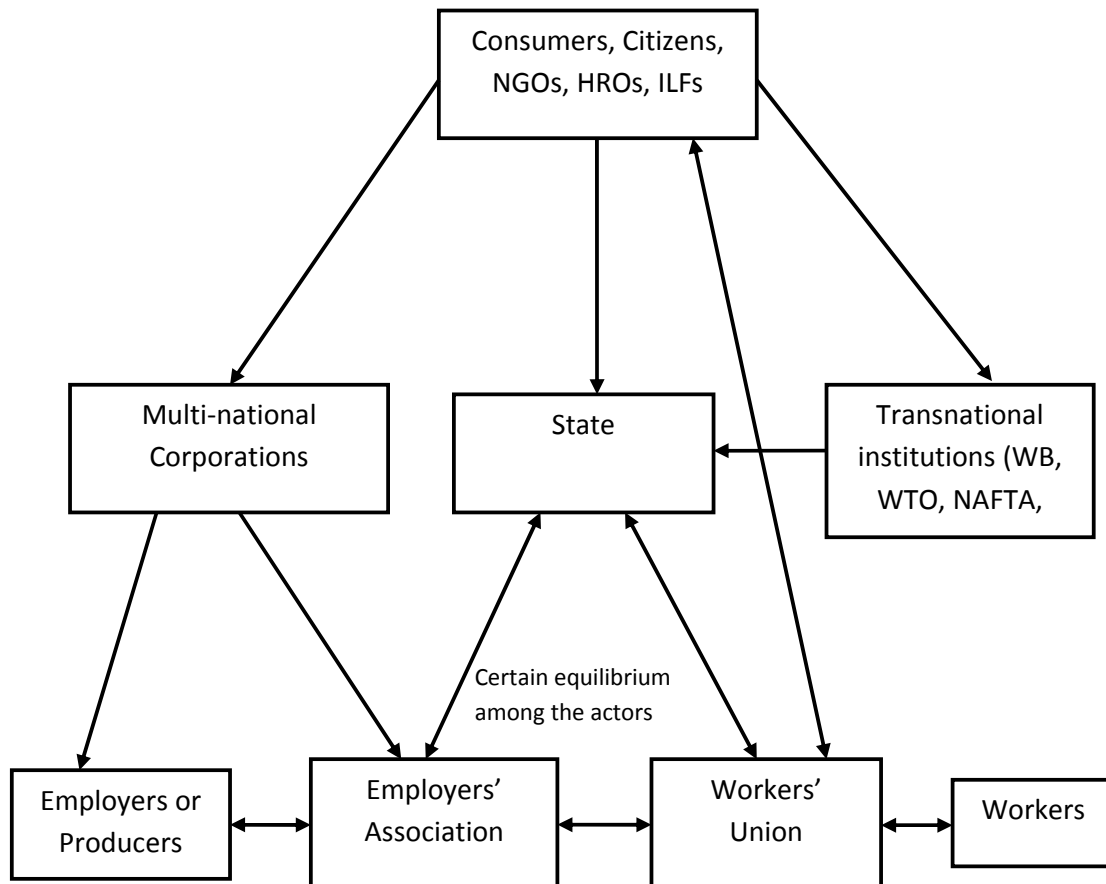


Figure-5.5: Typology of future workplace relations and labour justice

CONCLUSION

The objective of this study was to explore the interplay among globalization, gender and labour rights applying Sen's capability approach. This approach has focused on expanding freedom with respect to wellbeing and agency, and on the role of actors for creating such an enabling condition. In the following, I summarize four main results related to the hypotheses of the study mentioned in chapter 3. The first two results concern workers rights (hypotheses 1 and 2), and the later two are related to the role of industrial relations actors in the regulation of labour (hypothesis 3).

The study demonstrates that the regulation of labour in the Ready-made Garment (RMG) industry of Bangladesh has undergone various transformations in recent years for price competition in the global market. To survive in the global competitive market, producers tend to follow the deregulation process of labour which leads them to constitute the feminised and flexible labour force. The study shows that the employment of women in the RMG industry is a paradox. While it has provided ample opportunities to millions of women for labour market participation and enhancement of social status, the female workforce has been and continues to be severely exploited. The socio-cultural beliefs transcend gender norms, and the few and unsuitable alternatives for employment limits women's collective voice and resistance. They are expected to accept whatever condition persists in the workplace. However, there is a gradual change in labour regulation. Along with the traditional actors involved in industrial relations system (employers, workers and the state), new global actors have emerged, and are actively taking part in labour regulation and contributing to improve labour rights in the workplace. The role of these actors persuades to transform a new industrial relations system that involves all local-global actors. The key findings are summarized as follows.

1. Women workers' rights: Systematic denial of local and global standards

The first research outcome concerning the current state of labour practices and the contributing factors that shapes the terrain of gender and employment relations. The key participants of this study have expressed contested views. The study demonstrates the gross violation of labour rights in the RMG industry of Bangladesh in terms of well-being and agency freedom of the workers set by the local and international bodies. A set of violations of local and international laws is observed: i) absence of job contract and appointment letter, ii) insufficient wages for subsistence, iii) long working hours with minimum compensation, iv) lack of occupational safety and unhealthy working conditions, v) little access to maternity and childcare benefits, vi) arbitrary punishment (job loss, salary cuts) and workplace harassment (physical, verbal and sexual), vii) presence of forced and compulsory labour, viii) persisting workplace discrimination and ix) absence of unions and collective bargaining. The gender norms and capitalists' pursuit of maximizing profit together exploit women workers. It is the women who suffer more than men—not in the sense that women constitute a larger share of the workforce, but because the issues that are mostly neglected in the workplace relate to women. The gendered norms are arbitrarily set and practiced (women are sincere and docile, require low wages, are less likely to join a trade union and challenge the management) to justify unfair labour practices and exploitation. Women workers urgently need jobs in this sector because it is a way of survival for many of them and employers take advantage of this by giving them low wages and benefits. Therefore, the study findings strongly support the first hypothesis that workers' rights, in terms of both well-being and freedom, are violated in the global manufacturing industry.

2. Differences of labour rights among factories: economic zone is less effective

The second research result concerns the differences of labour rights among the factories. This study finds the differences in two contexts: differences between EPZ (Export Processing Zone, a special area developed by the state to attract foreign investment) and non-EPZ factories, and differences between large and small factories within the same zone (either EPZ or non-EPZ).

The study finds that the EPZ factories and larger factories of Non-EPZ areas are under close and more frequent surveillance of buyers' monitoring and inspection of 'codes of conduct' because they are directly connected with the foreign buyers. The small factories in non-EPZ areas are mostly run by subcontracting with larger factories or mid-level buying houses, and have little connection with the buyers. Thus, buyers' monitoring and inspection are almost absent. High skilled management and financial stability of the factories are positively associated with better labour practices and larger factories are credited with having this characteristic. Corporate social responsibility (CSR) of owners of the EPZ's and large factories (Non-EPZ) is also notable in this respect. Since smaller factories are financially weak and run depending on subcontracting, they are under great time pressure and small profit margins, which adversely affect workers' rights. The old and dilapidated houses in congested areas that desperately need renovation where most of small factories are mostly located are more susceptible to poor working conditions and industrial accidents.

The study reveals that the EPZ factories have better labour practices than the non-EPZ factories, but the difference is minimal. The larger factories are in a better position than the small factories only in non-EPZ areas, but there is no significant difference among the EPZ factories. The most important result is that the situation of labour rights in

large factories outside the EPZ is very close to EPZs' factories. Thus, the findings of the study weakly support the second hypothesis that the creation of special economic zone and larger size of the firms are positively associated with better labour practices.

3. Traditional industrial relations actors: Unequal power relations

The third research result concerns the role of collective and industrial relations actors for improving labour rights. The scope of collective negotiation through sound industrial relations among the actors is the most effective way that offers a win-win situation for all the parties involved. However, the traditional tripartite industrial relations system is not working effectively due to unequal power relations among the actors.

Employers' association and management: hold dominant power

Management ideologies, as well as power and behaviour are the key factors for the weak industrial relations system in the RMG factories. Employers (or associations) hold dominant power. They unilaterally set the rules of regulating labour; facilitate hostile and intimidating relationships with workers and never welcome workers' participation in decision making. Employers and management hardly consider workers as their colleagues and are rarely willing to sit together for collective negotiation. A social stratification is maintained around inside and outside the factory; workers belong to a different social class, namely working class that holds lower social status and power.

Workers union: stay in the bottom rung

The main barrier of confronting labour injustice is the lack of women's agency (socially responsible collective voices to achieve desired outcomes). In the absence of collective bargaining association, women workers are unable to shape an environment that would favour the workers. Women workers do not hold sufficient power that can force the employers to sit for negotiation. Due to the absence of workers' unions at the factory and

the staunch anti-union role of employers, workers are not able to raise their voice against workplace injustice and exploitation. However, it is not the case that workers are absolutely loyal to the authority. Actually, aggrieved workers try to raise their concerns outside the factory premises, either through blocking the roads or protest rally at the street. Sometimes, these protests suddenly turn into violent mobs and become beyond the control of union leaders as well as law enforcement agencies which causes huge losses of properties as agitated workers ransack vehicles or the factories.

State: limited control

The state's role is usually to negotiate between the two competing groups—workers and employers—but the state is very ineffectual. The study reveals that the government's labour regulatory institutions do not act independently. It finds that inspection department of factories and establishments, a state's owned institution responsible for monitoring and inspections, never carries the expected role being influenced by employers or their own vested interest. Industrialists, who are directly involved with garment manufacturing and part of the government as member of the parliament, influence the government to protect their interests while formulating a new labour regulating policy and execution. It is reported that inspectors are forced to issue a compliance certificate without visiting the factory, as employers have good connection with the ruling political parties. Due to poor economic bases, welfare measures are also insufficient to protect workers during recession, or other socioeconomic changes.

The above findings strongly support the first part of the third hypothesis that traditional actors are not taking proactive roles for establishing sound industrial relationships and protecting labour rights.

4. Non-traditional industrial relations actors: Growing and promising

The fourth result concerns the role of non-traditional actors for ensuring labour rights. The study, despite bizarre labour conditions in Bangladesh in the absence of a sound industrial relations system, shows that labour rights in Bangladesh are increasingly influenced by the role of local and transnational actors.

Multinational corporations: ambiguous and paradoxical

In the demise of tripartite industrial relations system due to unequal power relations, buyers' pressure on producers' complying with codes of conduct has been granted as the best alternative for ensuring labour justice. Interview data confirms that the labour standards in RMG factories are gradually improving and the MNCs are credited with the changes that have taken place so far. The labour standards are comparatively better in those factories where the MNCs have direct contact with the producers and monitoring and inspection systems are strengthened. This study also reports that the MNCs' role is still far away from the expectation. It is due to the lack of a strong commitment to corporate social responsibility: corporations make profit their top priority and pay almost no attention whatsoever to labour rights. They do not want to take share of the cost for improving labour standards. Only monitoring and inspection will not produce any effective results unless the MNCs take their share of the costs. Buyers' pressure without sharing the cost adversely affects labour rights protection in the factory. Being pressurized by buyers, employers or producers exert extreme pressure on workers to increase production by setting higher production target and/or relying on more flexible workers.

NGOs, and Human Rights Organization: insufficient but growing

International and local NGOs can play an important role in improving the labour rights situation in Bangladesh through organizing workers and networking with corporate buyers and human rights organizations. For instance, the Bangladesh Independent Garments Workers Federation (BIGUF) supported by American Centre for Workers Solidarity and *Karmajibi Nari* (KN) (organizing workers), Change Associate (health awareness), *Ain O Salish Kendra* (legal aid) and Bangladesh Legal Aid and Services Trust (legal aid), *Odhikar* (documentation, fact finding, training and advocacy), *Nari Uddog Kendra* (low cost accommodation) are all working to improve labour justice. One structural barrier in enhancing labour justice is the labourers themselves: RMG workers are mostly comprised of rural poor women who are mostly illiterate and unaware of their rights. ‘Capabilities to function’ (Sen, 2009) is therefore a vital element in ensuring broader labour justice that includes, for example, creating awareness among the workers, employers, and civil society through individual contact, organizing workers’ conventions, seminars, and even mass procession. Deployment of the ‘code of conduct’ may not work well unless there is awareness and structural arrangements at the grassroots levels.

Consumers and citizens movement: hope for unfortunate workers

Consumers, on the other hand, can also play a pivotal in enhancing labour justice. All union leaders, labour experts and labour welfare officers in the factory interviewed for this study think that consumer pressure upon MNCs through boycott and movements against unjust labour practices can have a significant contribution to the improvement of labour rights in the local supply chains; although it may also exacerbate the labour conditions in case the global buyers stop buying commodities. After the factory building collapse in Bangladesh, agitated consumers chanted slogans in front of retail shops

carrying a placard, 'No clothes with blood.' As a result, the US retailers such as GAP, JC Penny, Sears, Target, and Wal-Mart announced a 'new plan' for safety in their outsourcing garment factories (Wohl, 2013).

The above results weakly support the second part of the third hypothesis that non-traditional actors are not playing a responsible role; however, this is gradually increasing and proves promising.

Policy implication and notes for further research

The findings of this study clearly indicate that improvement of the labour rights situation in the RMG sector is urgent need for workers, employers and the state. First, it is important for the workers because the poor working conditions and benefits have detrimental effects on the lives of the workers and their families. Due to insufficient wages, workers are struggling with poverty and malnutrition, little access to health care facilities, are unable to send their children to school, and live in suffocating shelter that reduces the employers' chance of getting a healthy and prospective workforce. The study finds that workers continue their job only for a few years. The average duration of employment is about 5 years. Among many other reasons (e.g., marriage, child birth, and finding alternative ways of survival), deterioration of physical strengths is assumed to be a major reason for their early retirement. Many workers reported that they are unable to continue their job after few years because of losing stamina due to long working hours and high physical pressure. Workers' suffering increases many fold after quitting their jobs due to sickness because they can't buy foods, medicines or other basic needs. On the top of that, frequent industrial accidents (e.g., factory fire, building collapse) cause many people to death and expose the most tragic consequences to the survivors who lose parts of their body and well-being of their family members. All of these issues threaten their

rights to life, liberty and pursuit of happiness and show a clear violation of rights as human beings stated in Universal Declaration of Human Rights.

Second, improvement in labour conditions also benefits the employers. A sick and unhealthy workforce is a possible threat to the sustainability of the RMG industry because workers' productivity decreases. Moreover, poor safety measures and violations of labour rights create dissatisfaction among the workers that sweeps to workers unrest, which have dual threats on the RMG industry. At one side, workers' violent protests cause huge losses of properties during unrest. On the other, the RMG products lose on the global market. For instance, after the deadly incident of factory building collapse, at least dozens of factories had been vandalized by the aggrieved workers during the unrest which costs US\$ 150 million in losses (IndustryWeek, May 13, 2013) and at the same time, many global buyers decided not to buy products from Bangladesh. The grimmest message to employers is the cancellation of GSP by the United States, the largest of importing countries of Bangladeshi garments, due to the failure of maintaining labour standards in the factory.

Third, the sustainability of the economy of Bangladesh is also largely depends on the RMG industry. This sector contributes about 78 percent of total export earnings. Losing the demand from global market will force the employer to shut down the factories and drastically reduce the export earnings. At the same time, 4 million people, the majority of which are women, will lose their jobs. As a result, unemployment will reach at the peak. It would be difficult for Bangladesh to confront the challenges that will emerge from the losses of the global RMG market.

The pressing question is how to improve the labour rights situation in an interdependent world where employers and the state have little control on the market

prices. The study suggests that tripartite industrial relations should be strengthened where all of the actors (workers, employers and state) would play responsible roles. However, in a trajectory where employers hold strong power and state institutions are corrupted and undemocratic, workers' agency will not be established. In the demise of the tripartite industrial relations system due to unequal power relations, the buyers' pressure on producers' complying with codes of conduct has been granted as the best way for ensuring labour justice. The multinational corporations have the power and are equally responsible too because the maximum share of profit from global business goes to their hand. Unfortunately, economic rationality of maximizing profits very often forces them not to address workers' rights properly. Consumers and citizens' movements supported by NGOs and human rights organizations (both local and international) are essential to oblige the MNCs taking the responsibility of labour justice. The study suggests that the industrial relations system needs to be revived through the involvement of all actors including workers, employers, state, corporations, NGOs, consumers' and citizens' groups so that diverse needs and points of view can be taken into account and incorporated to ensure justice for workers in general and women workers in particular. The study concludes that the capability approach will be better integrated in establishing social partnership of different actors that requires further investigation.

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APPENDICES

Appendix-1

Interview Check list for worker

Name of the Firms:

Address:

Socio-biographic Information of the Respondent

1. Name, age, education, family members, bread winner, places of origin
2. Types of work—manager/ supervisor/ quality controller/ machine operators/ cutting helper/ sewing helper and finishing helper
3. Employment status—regular, casual/temporary, contract/apprenticeship, employment letter

Feminization of Workforce

1. Why do you start to work in garment industry and who motivate you? (Self/family members/relatives/neighbors/acquaintance)
2. Why do the owners prefer women workers?

Situation of Core Worker Rights

1. Do you know about your rights as a worker? (according to international and local law)
2. Do you have a membership in any Association? (If yes) do you participate in any trade union activities? (If not) why you don't have membership and participation in trade union activities?
3. Are you free from forced and compulsory labour? If not, how it is violated?
4. Do you face any discrimination at work place (e.g., job status, wage payment, promotion)?
If yes, how does it happen?

5. Have you found any evidence of child labour? (If yes) why do children work here though it is prohibited by law?

Situation of Comprehensive Labour Rights

1. What is your view regarding wage payment (e.g., sufficiency, regularity and payment for overtime)?
2. What do you think about working hour and duration of work (e.g., Tiffin and rest, and overtime work)? How do you make work-life balance?
3. What kind of maternity and childcare benefits (leave, day care centre, job security) are available in the factory?
4. Do you think working condition and health safety measures are sufficient? (e.g., sufficient light and fan, safety from fire/emergency exit, washing, lunch room, pure drinking water, latrines and urinals, canteen, first aid, rest room and ambulance etc)
5. What kind of health care supports are being provided by the factory management?
6. Have you got accommodation facility from the factory? If not, where do you live? How much distant your residence from the factory? How do you reach to the factory? What type of problems have you encountered staying at long distance?
7. Do you face any kind of harassment during work hour (sexual harassment, target/quota fulfill, misbehavior by the management)?
8. Do you know about code of conduct imposed by buyer firms? Do they monitor labour rights situation in the factory? (If yes) have you ever shared your experience to them? If not, why?
9. Do you think that your rights are being violated in the factory? Do you lodge any protest for your deprivation? (If yes) what kind of protest? (If not) why?

Workers' Response to Policy Measures

1. Do you see any change in your life through employment in the RMG? (income control, participation in decision making, life choices and living patterns etc)
2. Do you think Workers Association can do anything for securing worker rights?
3. What do you suggest for improving worker rights?

Appendix-2

Interview Check list for Factory Owner/Representative of BGMEA

Name of the Owners:

Name of the Firms & Address:

1. Why women are considered as more prospective for the firms?
2. What do you think about the gender division of labour in different nodes of production? (Fewer women in higher tier but very high in lower tier)
3. What do you think about the current situation of worker rights at RMG industry?
4. Do you think women workers are more vulnerable than male workers?
5. Do you maintain the 'Code of Conduct' in your factory? Do you have any binding from buyer firms?
6. What do you think about workers association in the RMG sector?
7. What roles can be played by different industrial actors (employers association, trade unions and government) for the betterment of RMG workers in Bangladesh?

Appendix-3

Interview Check list for Workers Representative/Labour Specialist

Name:

Designation and Address:

1. Why women are preferred workers to the employers?
2. What are the implications of garment work in worker's life?
3. What is the situation of worker rights in the RMG industry? Is there any violation? If yes, how?
4. What are the reasons for violation of worker rights? (low workers resistance for absence of worker association, international price competition)
5. What labour unions can do for ensuring labour rights?
6. Why labour unions are evidenced with lower participation of workers, particularly of women workers?
7. Have you found any difference of labour standards between EPZ and Non-EPZ areas? (If yes), what is the reason of this variation?
8. How does compliance monitoring enhance labour rights?
9. What do you suggest to ensure the rights of forming workers association?

Appendix-4

Interview Check List for Government / Buyers' Representative

Name and Position:

Name of the Company:

1. How do you consider about feminization of workforce in the RMG industry?
2. Do you think feminization of labour force is linked to the violation of worker rights? (If yes), how?
3. What is your view about labour rights in Bangladesh RMG industry?
4. Do you have any measures for protecting labour rights at the factory? What are they?
5. Do you have any enforcing mechanism for implementing code of conducts/ labour standards?
6. Is there any variation of labour rights in EPZ and non-EPZ factories? (If yes) what factors lie behind this?
7. What do you think about the right of workers of forming association? How we can ensure the presence of bargaining association in the RMG industry?
8. What do you suggest for ensuring worker rights in the RMG industry?