



Research Monograph

On

“A Study on Labour Rights for Women in Readymade Garment Industries of Bangladesh”

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of LL.B
Department of Law, Sonargaon University (SU)

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To

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Subject: Submission of Research on, “A Study on Labour Rights for Women in Readymade Garment Industries of Bangladesh”

Dear Sir,

I am a grateful to you for the submission of the Research on — A Study on Labour Rights for Women in Readymade Garment Industries of Bangladesh” that has been prepared as an integral part of LL.B.(hon's) requirement.

In this topic this is very important to find out the real prospect and problems of the Alternative Dispute Resolution. As a result; I got the opportunity to prepare research on the above topic. While preparing this research I read many journal, Article and research paper. It was a great learning experience for me.

I hope you would find this paper up to your expectation. I would be grateful to receive your suggestions and comments regarding this.

Yours Sincerely,

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I am indeed thanks to everyone who inspired me to write this Research paper.

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DECLARATION

Hereby I declared that the work presented in this research paper has been carried out by me and has not been previously submitted to any other institute. The work I have presented does not breach any copyright.

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CERTIFICATION

This is to certify that the Research Monograph entitled " **A Study on Labour Rights for Women in Readymade Garment Industries of Bangladesh** " is done by **Setu Akter Maria**, LL.B 2103024043 in partial fulfillment of the requirement for the degree of LL.B from the Department of Law, Sonargaon University (SU). The Research Monograph has been carried out under my guidance is a record of the bona fide work.

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Abstract

The readymade garment (RMG) industry is the backbone of Bangladesh's economy and one of the largest employers of women in the country. While the sector has created vast employment opportunities for women, it has also exposed them to widespread exploitation, inequality, and violations of fundamental labour rights. This study explores the legal, institutional, and social dimensions of labour rights for women in the RMG sector of Bangladesh, focusing on both the protection provided by national and international legal frameworks and the challenges of enforcement and awareness at the grassroots level.

Using a qualitative research approach supported by case studies, legal analysis, and secondary data, the study examines key issues such as wage disparity, unsafe working conditions, denial of maternity benefits, workplace harassment, and the underrepresentation of women in trade unions. It critically reviews the Bangladesh Labour Act, 2006 (amended in 2013 and 2018), constitutional provisions, ILO conventions, and the influence of international instruments like the Geneva Conventions and CEDAW.

The research reveals a significant gap between legal rights and real-world practices. It highlights that although the legal framework for protecting women workers is relatively comprehensive, enforcement remains weak due to institutional inefficiency, lack of awareness, fear of retaliation, and social stigma. The study concludes with actionable recommendations for strengthening legal enforcement, promoting gender-sensitive workplace policies, empowering women through union participation and legal literacy, and increasing accountability among factory owners and international buyers.

This monograph contributes to the broader discourse on gender, labour justice, and sustainable industrial development by emphasizing that economic growth must go hand in hand with human rights and gender equality.

Keywords:

Labour Rights, Women Workers, Readymade Garment Industry, Bangladesh Labour Law, Gender Discrimination, Workplace Safety, Maternity Benefits, Trade Unions, ILO Conventions, Legal Enforcement

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List of Abbreviations

Abbreviation	Full Form
RMG	Readymade Garment
ILO	International Labour Organization
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
UDHR	Universal Declaration of Human Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
MoLE	Ministry of Labour and Employment
DIFE	Department of Inspection for Factories and Establishments
BGMEA	Bangladesh Garment Manufacturers and Exporters Association
BKMEA	Bangladesh Knitwear Manufacturers and Exporters Association
BLAST	Bangladesh Legal Aid and Services Trust
ASK	Ain o Salish Kendra
OHS	Occupational Health and Safety
CSR	Corporate Social Responsibility
NGO	Non-Governmental Organization
EPZ	Export Processing Zone
GDP	Gross Domestic Product
BLA	Bangladesh Labour Act
SC	Supreme Court
HC	High Court
GOB	Government of Bangladesh
UN	United Nations
ICRC	International Committee of the Red Cross

CHAPTER- ONE

General Introduction

1.1 Introduction and Background of the Study

The readymade garment (RMG) industry in Bangladesh has emerged as one of the most significant contributors to the national economy, accounting for over 80% of the country's total export earnings. It provides employment to millions, with women comprising approximately 60-65% of the total workforce in this sector. This influx of female workers into the industrial labor force marks a significant shift in the socio-economic landscape of Bangladesh, offering women greater financial independence and mobility. However, despite their critical role, women workers often face numerous challenges, including low wages, long working hours, unsafe working conditions, and limited access to legal protection regarding their rights.

Historically, labour rights in Bangladesh have evolved in response to both domestic legislation and international pressure, especially after tragic incidents like the **Rana Plaza collapse** in 2013, which claimed over 1,100 lives—most of whom were female garment workers¹. These events drew global attention to the dire working conditions within the RMG sector and highlighted the urgent need for improved labour standards, particularly for women who are often more vulnerable to exploitation and abuse in the workplace.

The Constitution of Bangladesh guarantees equal rights and opportunities for all citizens, including women². Furthermore, the country is a signatory to several International Labour Organization (ILO) conventions that uphold the rights of workers, including the right to a safe workplace, freedom of association, and equal pay for equal work. Despite these legal frameworks, enforcement remains weak, and many female workers continue to suffer from discrimination, harassment, and denial of basic rights.

¹ International Labour Organization (ILO), *"Rana Plaza Collapse – A Wake-up Call for Bangladesh,"* ILO Report, 2014.

² The Constitution of the People's Republic of Bangladesh, Article 27 and 28 ensure equality before law and prohibit discrimination on the basis of sex.

This study, therefore, aims to explore the current status of labour rights for women in the RMG sector of Bangladesh, identify the gaps in legal enforcement, and propose actionable recommendations to ensure their protection and empowerment.

1.2 Statement of the Problem

Despite the rapid expansion of the readymade garment (RMG) industry in Bangladesh and the significant contribution of female workers, the protection of their labour rights remains highly inadequate. Women in this sector continue to experience systemic challenges such as wage discrimination, unsafe working environments, lack of maternity benefits, verbal and physical harassment, and limited access to trade union representation. These problems are further exacerbated by poor enforcement of existing labour laws, limited awareness among female workers about their rights, and the widespread culture of silence due to fear of losing jobs.

The contradiction between the legal framework—which promises equal rights and protections—and the ground reality is stark. Although the Labour Act of 2006 (amended in 2018) and various international instruments have been adopted to safeguard workers' rights, the practical implementation, especially for women, falls short. Many factories do not comply with mandatory health and safety standards, and inspection mechanisms are often ineffective due to corruption, political influence, or resource constraints¹.

Moreover, social and cultural barriers also play a role in suppressing women's voices in the workplace. The patriarchal mindset prevalent in many management structures discourages women from reporting abuse or demanding fair treatment. As a result, female workers are trapped in a cycle of exploitation and silence, which not only affects their well-being but also undermines their human dignity and economic contribution.

Therefore, the core problem this study addresses is the persistent gap between legal rights and actual practices regarding the labour rights of women in Bangladesh's RMG industry. The research seeks to investigate why, despite the existence of national and international legal protections, women continue to be deprived of fundamental rights in the workplace.

1.3 Significance of the Study

The significance of this study lies in its potential to shed light on the real-world conditions faced by women working in the readymade garment (RMG) industry in Bangladesh, a sector that not only drives the national economy but also empowers millions of women through employment. While the industry has helped reduce poverty and increase female labor force participation, it has also been marked by frequent violations of labour rights, especially those of women, who are disproportionately affected by exploitation, discrimination, and unsafe working conditions.

This study is essential in highlighting the **disconnect between legal guarantees and practical realities**. Although several national laws and international conventions exist to safeguard labour rights, the persistent challenges faced by female workers indicate the presence of serious gaps in enforcement, monitoring, and policy implementation. By identifying these gaps, the study will contribute to both academic research and policy reform initiatives.

Furthermore, this research will be beneficial for a range of stakeholders including:

- **Policymakers**, who can use the findings to design better regulatory frameworks and enforcement mechanisms;
- **Factory owners and managers**, who can improve workplace conditions by recognizing the value of protecting women's rights;
- **Non-governmental organizations (NGOs) and labour rights groups**, who advocate for gender-sensitive labour practices;
- And **academics and students**, who are interested in gender, labour law, and industrial sociology.

In a broader context, ensuring the labour rights of women in the RMG sector is not only a matter of justice and compliance but also a step toward sustainable development and gender equality in Bangladesh. This study aspires to contribute to that broader vision by offering data-driven insights and practical recommendations for change.

1.4 Research Questions

To explore and understand the scope and challenges of labour rights for women in the readymade garment (RMG) industry of Bangladesh, this study is guided by the following key research questions:

- 1. What are the existing labour rights provided to female workers under Bangladeshi labour law and international conventions?**
- 2. To what extent are these rights being implemented and protected within the RMG sector?**
- 3. What types of violations or challenges do women workers face in relation to their labour rights?**
- 4. What role do government institutions, factory management, and NGOs play in promoting or hindering women's labour rights?**
- 5. What are the main barriers preventing female garment workers from accessing justice or reporting abuse and exploitation?**
- 6. How can the enforcement of labour rights for women be improved in the RMG sector of Bangladesh?**

1.5 Objectives of the Study

The primary objective of this study is to examine the current state of labour rights for women working in the readymade garment (RMG) industry in Bangladesh and to identify the key challenges, gaps, and potential solutions related to their protection and enforcement.

Specific objectives include:

- 1. To identify the national and international legal frameworks** that safeguard the rights of female workers in the RMG sector.
- 2. To assess the level of awareness among women workers** regarding their legal rights and entitlements.
- 3. To investigate the extent of violations and abuses** faced by female workers in relation to wages, working conditions, safety, and harassment.

4. **To evaluate the role of government agencies, trade unions, NGOs, and factory management** in the protection and promotion of women's labour rights.
5. **To explore socio-cultural and institutional barriers** that prevent women from accessing justice and fair treatment in the workplace.
6. **To provide recommendations and policy suggestions** for improving the implementation and enforcement of labour rights for women in the garment industry.

1.6 Methodology

The methodology of this study is designed to provide a comprehensive understanding of the labour rights of women in the readymade garment (RMG) sector in Bangladesh. A **qualitative research approach** has been adopted, supplemented with limited **quantitative data** to enrich the analysis and ensure accuracy.

1.6.1 Research Design

This study follows a **descriptive and analytical research design**. It involves the collection, review, and interpretation of both primary and secondary data related to labour laws, workplace conditions, and women workers' experiences in the garment industry.

1.6.2 Data Collection Methods

- **Primary Data:**
 - Semi-structured interviews with female garment workers, labour rights activists, factory supervisors, and relevant stakeholders.
 - Observational visits to selected garment factories (where access is granted).
 - Case studies of reported violations or success stories in labour rights enforcement.
- **Secondary Data:**

- Review of existing literature such as academic articles, reports from NGOs (e.g., Bangladesh Legal Aid and Services Trust, Ain o Salish Kendra), government publications, and ILO documents.
- Analysis of national laws (e.g., Bangladesh Labour Act 2006, amendments) and international instruments (e.g., ILO Conventions, CEDAW).

1.6.3 Sampling Technique

A **purposive sampling technique** is used to select participants who have direct experience or expertise in the field of women's labour rights in the RMG sector. Around 15–20 respondents are targeted for interviews, including:

- Female workers from different factories
- Trade union members
- Legal experts and NGO personnel

1.6.4 Data Analysis

Collected data will be categorized and analyzed thematically. Qualitative data will be interpreted through **content analysis**, while basic statistical tools (percentages, frequency) may be applied to quantitative responses for clarity.

1.6.5 Limitations

- Access to factory premises and workers may be restricted due to management resistance.
- Respondents may be hesitant to speak openly due to fear of job loss or retaliation.
- Time constraints and limited resources may affect the depth of fieldwork.

1.7 Literature Review

The readymade garment (RMG) sector of Bangladesh has been the subject of extensive academic and policy-oriented research, particularly concerning the labour rights of women who form the majority of its workforce. This literature review critically examines existing studies and publications to establish the context and identify gaps relevant to this research.

Several studies highlight that while the RMG sector has empowered women economically, it has also exposed them to systemic violations of labour rights. **Kabeer and Mahmud (2004)** argue that women's participation in the garment industry has enhanced their agency within the household, but at the cost of exploitation in the workplace, including poor wages and long working hours³.

In a study by **Human Rights Watch (2015)**, it was found that many female garment workers are denied maternity leave and face threats of dismissal if they become pregnant⁴. This reflects a widespread failure to implement labour laws, such as the Bangladesh Labour Act 2006, which mandates maternity benefits and safe working conditions.

Rahman and Langford (2012) have pointed out that although Bangladesh has ratified key International Labour Organization (ILO) conventions, such as Convention No. 87 (Freedom of Association) and No. 98 (Right to Organize), these are poorly enforced⁵. Moreover, they found that many women workers are unaware of their rights and do not have access to union representation due to employer intimidation and social stigma.

Ahmed and Nathan (2014) explored the role of corporate social responsibility (CSR) in improving labour conditions in garment factories. They found that while CSR initiatives

³ Naila Kabeer & Simeen Mahmud, "Globalization, Gender and Poverty: Bangladeshi Women Workers in Export and Local Markets," *Journal of International Development*, 16(1), 2004, pp. 93–109.

⁴ Human Rights Watch, "Whoever Raises Their Head Suffers the Most: Workers' Rights in Bangladesh's Garment Factories," April 2015.

⁵ Mustafizur Rahman & Tom Langford, "Labour Rights and Labour Standards in Bangladesh's Export-Oriented Garment Sector," *South Asia Multidisciplinary Academic Journal (SAMAJ)*, 6, 2012.

by international brands have led to some improvements, these efforts often fail to reach sub-contracted factories where abuses are most common⁶.

Despite these findings, gaps remain in understanding the **intersection of gender, legal awareness, and labour enforcement mechanisms**. There is a lack of detailed empirical studies focusing exclusively on women's experiences in asserting their rights in the workplace. Most literature also overlooks the socio-cultural barriers that prevent women from reporting abuse or seeking legal redress.

This study aims to fill those gaps by focusing specifically on women's lived experiences, the enforcement of legal provisions, and the role of institutions in protecting their labour rights within the RMG sector of Bangladesh.

⁶ F. Ahmed & D. Nathan, *Improving Wages and Working Conditions in the Bangladesh Garment Sector: The Role of Horizontal and Vertical Relationships*, Capturing the Gains Working Paper 21, 2014.

CHAPTER-TWO

Concept and Definition

2.1 Definition

Understanding the concept of *labour rights* is essential to evaluate their status and implementation, particularly in the context of women working in the readymade garment (RMG) industry of Bangladesh. Labour rights refer to a group of legal rights and entitlements granted to workers, encompassing fair wages, safe working conditions, reasonable working hours, freedom of association, non-discrimination, and protection from exploitation or abuse in the workplace.

The **International Labour Organization (ILO)** defines labour rights as “the rights relating to working conditions and relations between workers and employers,” including fundamental principles such as the prohibition of forced labour, child labour, and workplace discrimination⁷. These rights are enshrined in various international legal instruments, including the ILO Conventions, the Universal Declaration of Human Rights (UDHR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), all of which recognize work as a fundamental human right.

In the context of Bangladesh, the **Bangladesh Labour Act, 2006 (amended in 2013 and 2018)** serves as the principal legal document governing the rights of workers. It defines a worker as “any person including an apprentice employed in any establishment or industry to do any skilled, unskilled, manual, technical, or clerical work for hire or reward, whether the terms of employment be express or implied”⁸. The Act sets out minimum standards for wages, working hours, maternity benefits, workplace safety, and the right to form unions—elements that are particularly relevant to the women-dominated RMG sector.

Moreover, **gender-specific labour rights** refer to additional protections and accommodations necessary to address the specific vulnerabilities of women in the

⁷ International Labour Organization (ILO), *Introduction to International Labour Standards*, ILO Handbook, Geneva, 2014.

⁸ The Bangladesh Labour Act, 2006, Section 2(65).

workforce. These include the right to maternity leave, protection against sexual harassment, equal pay for equal work, and provisions for workplace childcare facilities⁹.

Understanding these definitions provides the foundational lens through which this research evaluates the real-world conditions of women in the RMG industry, comparing legal frameworks to actual practices.

2.2 Concept of Media

Media is widely recognized as a powerful tool in shaping public opinion, promoting awareness, and influencing policy. In the context of labour rights, particularly those concerning women in the readymade garment (RMG) sector, media—both traditional and digital—plays a crucial role in exposing violations, mobilizing public support, and pressuring authorities and factory owners to implement necessary reforms.

The term *media* refers broadly to the various channels of communication used to disseminate information to the public. These include print (newspapers, magazines), broadcast (television, radio), and digital platforms (online news portals, social media). According to **McQuail (2010)**, media functions not only to inform but also to advocate, influence, and set agendas for social and political discourse¹⁰.

In Bangladesh, investigative journalism and international media coverage—particularly following incidents like the **Rana Plaza disaster in 2013**—have brought global attention to the unsafe and exploitative working conditions faced by garment workers, most of whom are women. Local media outlets have also highlighted cases of wage theft, sexual harassment, and the failure to implement maternity benefits, helping civil society and NGOs push for reforms¹¹.

Moreover, digital media and social platforms such as Facebook and YouTube have allowed workers and activists to share stories, mobilize protests, and demand accountability. These platforms have become especially important in amplifying the

⁹ International Labour Organization (ILO), *Gender Equality and Decent Work: Selected ILO Conventions and Recommendations that Promote Gender Equality*, ILO, 2012.

¹⁰ Denis McQuail, *McQuail's Mass Communication Theory*, 6th Edition, Sage Publications, 2010.

¹¹ Fair Wear Foundation, *"The Role of Media in Improving Labour Conditions,"* Report, 2015.

voices of female workers who otherwise have limited access to formal grievance mechanisms.

Despite this, media coverage is often episodic and reactive—gaining attention only after tragic events occur. Sustained media engagement and gender-sensitive reporting are necessary to continuously advocate for the labour rights of women in the RMG industry.

2.3 Salient Features of Labour Rights for Women in the RMG Sector

The concept of labour rights, particularly for women working in the readymade garment (RMG) sector of Bangladesh, is characterized by several salient features. These features are essential in understanding both the legal expectations and the ground realities that shape women's employment experiences.

1. Legal Recognition and Framework

Labour rights for women are supported by both national legislation (e.g., Bangladesh Labour Act, 2006) and international instruments (e.g., ILO Conventions, CEDAW). These frameworks recognize women as a vulnerable group in need of special legal protection in employment settings¹².

2. Gender-Specific Protections

Women workers are entitled to specific legal protections, including:

- Maternity leave and benefits
- Prohibition of night shifts for pregnant workers
- Protection against workplace harassment
- Provision of nursing and childcare facilities in factories employing a large number of female workers¹³.

3. Equal Pay for Equal Work

The principle of equal remuneration is a core element of women's labour rights. Employers are legally bound to pay women and men equally for the same or equivalent

¹² Bangladesh Labour Act, 2006 (as amended in 2013 & 2018).

¹³ ILO, *Maternity Protection Resource Package: From Aspiration to Reality for All*, ILO, 2012.

work. This principle is recognized in **ILO Convention No. 100**, which Bangladesh has ratified¹⁴.

4. Right to Safe and Healthy Working Conditions

Women in the RMG sector often work in unsafe environments. Legally, they are entitled to a safe and hygienic workplace, access to clean drinking water, proper sanitation, adequate lighting, and emergency exits¹⁵.

5. Right to Freedom of Association and Collective Bargaining

Female workers have the right to join trade unions and participate in collective bargaining. However, social stigma and fear of retaliation often discourage women from exercising these rights.

6. Limited Awareness and Weak Enforcement

Although legal protections exist, awareness among female workers about their rights is generally low. Moreover, poor implementation and lack of accountability in enforcement mechanisms remain persistent challenges in ensuring those rights are respected.

7. Role of Media and NGOs

Media coverage and the efforts of labour rights NGOs play a significant role in amplifying women's voices and bringing attention to violations in the industry. These entities often act as intermediaries between workers and authorities.

¹⁴ International Labour Organization (ILO), *Equal Remuneration Convention, 1951 (No. 100)*.

¹⁵ Clean Clothes Campaign, *"Labour Conditions in the Bangladesh Garment Sector,"* 2020.

2.4 Conclusion

This chapter has outlined the foundational concepts and definitions necessary to understand the framework of labour rights for women, particularly in the context of Bangladesh's readymade garment (RMG) sector. The definitions provided by international organizations and national legislation establish a clear legal basis for protecting the rights of female workers.

The **concept of labour rights for women** emphasizes the need for both general and gender-specific protections in the workplace—ranging from equal pay and safe working conditions to maternity benefits and protection against harassment. The **role of media** as a supportive force in advocacy and awareness has also been highlighted, along with the **salient features** that define the scope and enforcement of these rights in practice.

However, despite the presence of strong legal and institutional frameworks, the **gap between law and enforcement** remains a major challenge. A lack of awareness among workers, cultural barriers, and inadequate monitoring mechanisms often result in the systematic violation of women's rights in the workplace.

This conceptual understanding provides the groundwork for the subsequent chapters, which will examine the legal regime, implementation practices, and institutional responsibilities in ensuring the protection of labour rights for women in the RMG industry.

CHAPTER- 3

Legal Regime

3.1 The code of civil procedure (amendment Act2003)

The protection of labour rights, particularly for women in the readymade garment (RMG) sector, is guided by a combination of national policies and legal frameworks aimed at ensuring safe, fair, and equitable working conditions. Over the years, Bangladesh has adopted several policies and legislative reforms, often under both domestic and international pressure, to improve the working environment for garment workers—especially after high-profile industrial disasters like the **Rana Plaza collapse in 2013**.

1. National Labour Policy 2012

The **National Labour Policy 2012** provides a comprehensive framework for the promotion of decent work conditions, fair wages, gender equity, and the welfare of labourers. A key goal of this policy is to **eliminate gender-based discrimination** in the workplace and promote maternity rights and social protection for women workers¹⁶.

2. Bangladesh Labour Act, 2006 (Amended in 2013 and 2018)

The **Bangladesh Labour Act, 2006** is the cornerstone legislation that governs labour practices in the country. Key features include:

- Provisions for **maternity leave (112 days)** with pay for women workers (Section 45),
- Restriction on night work for pregnant workers,
- Establishment of **Welfare Committees** in factories with a significant number of female workers,
- Safety measures and working hour limitations.

¹⁶ Ministry of Labour and Employment, *National Labour Policy 2012*, Government of the People's Republic of Bangladesh.

Despite its strengths, the Act has been **criticized for its limited enforcement** and for providing weak mechanisms for grievance redressal and union representation¹⁷.

3. National Women Development Policy 2011

The **National Women Development Policy 2011** aims to ensure equal rights for women in all spheres, including employment. It emphasizes economic empowerment through safe workplace practices, equal wages, and elimination of sexual harassment in the workplace¹⁸.

4. EPZ Labour Policy (2019)

Workers in Export Processing Zones (EPZs), where many garment factories operate, were historically denied full trade union rights. The **EPZ Labour Policy 2019** introduced some improvements, such as allowing **Workers' Welfare Associations (WWAs)**, though these still fall short of guaranteeing full unionization rights as per ILO standards¹⁹.

5. National Occupational Health and Safety (OHS) Policy 2013

This policy was enacted to promote a safe and healthy working environment for all workers, particularly in industrial settings like garments. It seeks to reduce work-related accidents and injuries—common in the poorly regulated RMG sector.

Challenges in Policy Implementation

While these policies collectively aim to uphold labour rights, **implementation remains inconsistent**. Many factories operate without proper oversight, and a large number of women workers are unaware of their entitlements. The lack of coordinated monitoring between government bodies, factory owners, and trade unions significantly reduces the effectiveness of these policies.

¹⁷ Bangladesh Labour Act, 2006 (Amended in 2013 and 2018), Sections 45–50.

¹⁸ Ministry of Women and Children Affairs, *National Women Development Policy 2011*, Government of Bangladesh.

¹⁹ Bangladesh Export Processing Zones Authority (BEPZA), *EPZ Labour Policy 2019*, Dhaka.

3.2 International Law

International law plays a critical role in shaping the labour rights framework in Bangladesh, especially for women working in the readymade garment (RMG) sector. As a member of the **International Labour Organization (ILO)** and a signatory to multiple **United Nations (UN)** conventions, Bangladesh is legally and morally obligated to uphold international labour standards that ensure fair, safe, and non-discriminatory employment practices.

1. ILO Core Conventions

Bangladesh has ratified **eight ILO core conventions**, which are binding on member states. Among them, the following are particularly relevant to women's labour rights:

- **Convention No. 100 (Equal Remuneration), 1951** – mandates equal pay for work of equal value²⁰.
- **Convention No. 111 (Discrimination in Employment and Occupation), 1958** – prohibits discrimination based on gender, race, religion, or other status.
- **Convention No. 87 (Freedom of Association) and Convention No. 98 (Right to Organize and Collective Bargaining)** – both provide the legal basis for workers to unionize and advocate for better conditions²¹.

These conventions collectively uphold the principles of gender equality, workplace safety, freedom of association, and protection against exploitation—all crucial for safeguarding women in the garment industry.

2. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979

Bangladesh ratified **CEDAW** in 1984. This treaty obliges the state to eliminate discrimination against women in all fields, including employment. Article 11 of CEDAW specifically addresses women's rights to equal employment opportunities, the

²⁰ International Labour Organization (ILO), *Equal Remuneration Convention, 1951 (No. 100)*.

²¹ ILO, *Conventions No. 87 and No. 98*, Geneva, 1948 and 1949 respectively.

right to maternity leave, protection against harassment, and safe workplace environments²².

3. Universal Declaration of Human Rights (UDHR), 1948

Article 23 of the **UDHR** states that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work, and to protection against unemployment"²³. Though not legally binding, the UDHR serves as a foundational text for modern human rights and labour standards.

4. International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966

Bangladesh is a party to the **ICESCR**, which guarantees the right to work, just and favourable working conditions, and equal pay for equal work. Article 7 particularly affirms the right to fair wages, safe working conditions, and rest periods—all highly relevant to female RMG workers²⁴.

Enforcement and Limitations

Despite being a signatory to these international instruments, Bangladesh has faced criticism for **weak enforcement** and **limited compliance**. Reports by international watchdogs have frequently pointed out the disconnect between treaty obligations and the real-world conditions faced by female garment workers, including wage theft, lack of maternity benefits, and denial of union rights.

International laws and treaties thus provide a **valuable framework** for advocacy and reform, but they must be supported by robust domestic enforcement mechanisms to bring about meaningful change for women in the RMG sector.

²² United Nations, *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, 1979.

²³ United Nations General Assembly, *Universal Declaration of Human Rights (UDHR)*, 1948, Article 23.

²⁴ United Nations, *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, 1966, Article 7

3.3 Power and Function

The effective enforcement of labour rights, especially for women in Bangladesh's readymade garment (RMG) sector, depends largely on the power and functions of key regulatory bodies and legal institutions. These entities are responsible for formulating policies, monitoring compliance, resolving disputes, and promoting gender-sensitive workplace practices. However, despite having defined powers, many of these bodies struggle with enforcement and accountability.

1. Ministry of Labour and Employment (MoLE)

The **Ministry of Labour and Employment** is the principal government body overseeing labour welfare and industrial relations in Bangladesh. It formulates national labour policies, proposes amendments to labour laws, coordinates with labour courts, and oversees the work of the Department of Inspection for Factories and Establishments (DIFE). It also holds the authority to:

- Approve labour union registrations,
- Conduct national dialogues on workers' welfare,
- Design gender-responsive policies for women workers²⁵.

2. Department of Inspection for Factories and Establishments (DIFE)

The **DIFE** plays a central role in ensuring legal compliance at the factory level. Its core functions include:

- Conducting regular and surprise inspections in garment factories,
- Monitoring compliance with safety regulations, minimum wage laws, and working conditions,
- Investigating accidents, harassment complaints, and violations of women's rights at the workplace²⁶.

²⁵ Ministry of Labour and Employment, *Labour Policy Overview*, Government of Bangladesh, 2022.

²⁶ Department of Inspection for Factories and Establishments (DIFE), *Annual Monitoring Report*, 2022.

Although DIFE has been empowered under the **Bangladesh Labour Act, 2006**, its effectiveness is often hampered by inadequate staffing, resource shortages, and limited training.

3. Labour Courts and Labour Appellate Tribunal

Labour courts are legally mandated to adjudicate industrial disputes and individual grievances. They have the authority to:

- Resolve cases related to unfair dismissal, discrimination, and denial of maternity benefits,
- Impose penalties or direct compensation,
- Reinstate workers or enforce legal entitlements²⁷.

However, the **legal process is often inaccessible to female workers** due to costs, slow procedures, and lack of awareness.

4. Trade Associations (BGMEA & BKMEA)

The **Bangladesh Garment Manufacturers and Exporters Association (BGMEA)** and the **Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA)** serve as intermediary bodies between the government and factory owners. Their functions include:

- Issuing compliance certifications,
- Negotiating minimum wages and policy reforms,
- Hosting training programs for employers on labour law compliance²⁸.

Despite their wide influence, these associations are frequently criticized for being biased towards owners, and **often neglect the protection of workers' rights**, particularly those of women.

²⁷ Bangladesh Labour Act, 2006 (Amended 2013, 2018), Chapters XI–XIV.

²⁸ BGMEA, *Compliance and Labour Welfare Reports*, 2021.

5. Role of Trade Unions

Trade unions are essential in safeguarding labour rights through collective bargaining and advocacy. In theory, they have the power to:

- Represent workers in disputes,
- Negotiate wages and benefits,
- Organize strikes and demonstrations for labour reform²⁹.

However, the **participation of women in trade unions is notably low** due to social stigma, fear of employer retaliation, and inadequate leadership opportunities within the unions themselves.

6. Support from NGOs and International Organizations

Organizations such as **Ain o Salish Kendra (ASK)**, **BLAST**, and the **International Labour Organization (ILO)** play a complementary role by:

- Providing legal aid, counselling, and awareness training,
- Monitoring human rights violations in factories,
- Lobbying for improved working conditions and stronger enforcement³⁰.

While the legal and institutional framework for labour rights is well established in Bangladesh, the **actual power and functional effectiveness of these entities vary widely**. Weak enforcement, poor coordination, and systemic biases continue to limit the protection of women's rights in the RMG sector. Therefore, strengthening institutional capacity and ensuring gender-sensitive practices remain urgent priorities.

²⁹ ILO, *Freedom of Association and Collective Bargaining: Fundamental Rights at Work*, Geneva, 2010.

³⁰ Ain o Salish Kendra (ASK), *Labour Rights and Legal Aid Program Report*, Dhaka, 2021.

3.4 Procedures

The procedures for enforcing and protecting labour rights in Bangladesh are outlined through a set of **legal mechanisms**, **administrative steps**, and **institutional frameworks**. These procedures are intended to provide accessible and fair resolutions for disputes, uphold women’s rights in the workplace, and ensure factory compliance with national and international labour standards.

1. Grievance Redress Mechanism

The first step for a female garment worker facing any violation—such as wage theft, denial of maternity leave, or harassment—is to report the matter to the **factory’s internal grievance committee**, if one exists. According to the **Bangladesh Labour Act, 2006 (Section 205A)**, establishments with more than 50 workers are required to form such committees, which must include at least one female member³¹. Unfortunately, many factories either do not have functional committees or fail to take action on complaints.

2. Departmental Investigation by DIFE

If no resolution is found at the factory level, a worker can file a complaint with the **Department of Inspection for Factories and Establishments (DIFE)**. DIFE has the procedural authority to:

- Conduct inspections,
- Serve notices to factory owners,
- Impose penalties or recommend closure for non-compliant factories³².

However, the **effectiveness of this step is often undermined** by delayed inspections, underreporting, and limited follow-through due to lack of capacity.

³¹ Bangladesh Labour Act, 2006 (Amended in 2013), Section 205A.

³² Department of Inspection for Factories and Establishments (DIFE), *Complaint Handling Guidelines*, 2022.

3. Filing Cases in Labour Courts

Workers have the legal right to approach **Labour Courts** under **Chapter XIII of the Labour Act**, especially in cases involving unfair dismissal, workplace injury, harassment, or denial of benefits. The procedural steps typically include:

- Filing a formal complaint within **30 days** of the incident,
- Submitting relevant evidence or witness testimonies,
- Awaiting judicial hearing and decision³³.

Although the courts have legal authority to issue orders of reinstatement, compensation, or penalties, female workers often face barriers such as legal costs, complex procedures, and social pressure.

4. Trade Union Representation

Where present, **trade unions** can support workers in following legal procedures, including:

- Filing collective grievances,
- Negotiating settlements with employers,
- Organizing protests or strikes if lawful³⁴.

However, women's access to union support is often limited due to cultural taboos, male-dominated leadership, and fear of employer retaliation.

5. Role of NGOs and Legal Aid Services

Several NGOs and legal aid organizations assist female workers by:

- Offering legal counselling and court representation,
- Conducting workplace rights awareness campaigns,
- Mediating between workers and factory management.

³³ Bangladesh Labour Act, 2006, Chapter XIII.

³⁴ International Labour Organization (ILO), *Freedom of Association and Effective Recognition of Collective Bargaining*, Geneva, 2019.

Organizations like **BLAST (Bangladesh Legal Aid and Services Trust)** and **Ain o Salish Kendra (ASK)** have helped many female workers file cases and obtain justice, especially when factory-level processes fail³⁵.

Challenges in the Procedure

Despite the existence of a multi-layered procedural framework, **several challenges persist**:

- Intimidation of complainants,
- Long delays in court decisions,
- Lack of awareness about available legal remedies,
- Inadequate representation of women in legal and union systems.

These challenges highlight the need for **institutional reform**, better enforcement, and gender-sensitive legal processes.

3.5 Conclusion

This chapter has reviewed the legal and institutional frameworks that govern the protection of labour rights for women in Bangladesh's readymade garment (RMG) sector. It is evident that both national and international laws provide a strong foundation for safeguarding these rights. The **Bangladesh Labour Act**, various **national policies**, and ratified **ILO conventions** collectively outline the standards for fair wages, safe working conditions, maternity benefits, and protection against workplace discrimination and harassment.

The power and functions of relevant institutions such as the **Ministry of Labour and Employment (MoLE)**, **DIFE**, **Labour Courts**, and **trade unions** are crucial for translating laws into action. Additionally, the **procedures** for grievance redress, from factory-level complaint mechanisms to legal aid provided by NGOs, reflect an established—yet imperfect—system for enforcing rights.

³⁵ Bangladesh Legal Aid and Services Trust (BLAST), *Annual Report*, 2021.

However, the chapter also highlights significant **implementation gaps**. Weak institutional capacity, poor monitoring, low worker awareness, and fear of retaliation often prevent female workers from accessing justice. The enforcement of legal provisions is further hindered by bureaucratic delays, corruption, and insufficient political will.

Therefore, while the legal regime theoretically offers comprehensive protection, **practical enforcement remains inconsistent and insufficient**, especially for vulnerable women workers in the RMG sector. Strengthening institutional accountability, increasing legal literacy among workers, and promoting gender-sensitive enforcement practices are essential steps toward realizing the full potential of these laws.

CHAPTER- 4

Protection of Labour Right in Bangladesh

4.1 Legal Provision

The legal provisions governing labour rights in Bangladesh are primarily framed under the **Bangladesh Labour Act, 2006**, which was amended in **2013** and **2018** following intense national and international scrutiny after major industrial disasters like the **Rana Plaza collapse**. This Act consolidates and codifies various aspects of labour law and provides a comprehensive structure for regulating employer-employee relationships, occupational safety, maternity benefits, and the overall welfare of workers, with special focus on protecting vulnerable groups such as women workers³⁶.

One of the key legal protections under this Act is the **entitlement to maternity benefits**. Section 45 of the Labour Act mandates that a female worker who has worked for at least six months is entitled to **16 weeks of paid maternity leave**—8 weeks before and 8 weeks after childbirth. Employers are legally obligated to pay maternity benefits at the rate of the worker's average daily wage. Any violation of this provision is punishable by fine or imprisonment³⁷. However, in practice, many women workers are unaware of this right or fear dismissal if they claim it.

The Labour Act also includes **regulations on working hours and rest periods**. According to Section 100, no adult worker is allowed to work for more than **8 hours a day and 48 hours a week**, with provisions for overtime not exceeding 10 hours per day. For women, Section 109 restricts night work unless voluntary and under safe conditions, recognizing the special risks women face during night shifts³⁸.

Another critical provision is the **protection against workplace harassment and abuse**, although the Labour Act does not explicitly define sexual harassment. However, following a High Court directive in 2009, the **Bangladesh Supreme Court laid down guidelines** for preventing sexual harassment in the workplace, including grievance

³⁶ Bangladesh Labour Act, 2006 (Amended in 2013 and 2018), Government of Bangladesh.

³⁷ Ibid, Section 45.

³⁸ Ibid, Sections 100 and 109.

committees and awareness campaigns⁴. Some factories have adopted these measures, but implementation remains limited, especially in subcontracting units.

The law also mandates **occupational health and safety (OHS)** standards, particularly under Sections 51–60, which cover workplace cleanliness, ventilation, lighting, safe drinking water, fire safety, and the provision of first-aid facilities. These are especially important in the RMG sector where women are exposed to hazardous environments. Non-compliance can result in administrative penalties and factory closure orders, but enforcement is inconsistent due to weak inspection mechanisms³⁹.

Furthermore, the Labour Act recognizes the **right to form and join trade unions** (Sections 176–189), a critical component of collective bargaining and labour activism. While this provision applies to all workers, **female participation in unions is disproportionately low**, often due to social stigma, intimidation, or lack of leadership roles for women within unions.

In addition to the Labour Act, other relevant laws and policies include the **National Women Development Policy 2011**, which aims to eliminate workplace discrimination, and the **National Occupational Health and Safety Policy 2013**, which reinforces legal obligations for safer work environments. These policy instruments, while not directly enforceable like statutory law, guide institutional behavior and reflect the government's commitment to gender-sensitive labour governance⁴⁰.

In conclusion, the legal framework in Bangladesh provides **a robust foundation for the protection of labour rights**, particularly for women workers in the garment sector. Yet, the **challenges lie not in the absence of laws, but in their weak and uneven enforcement**, low awareness among female workers, and the socio-cultural barriers that restrict women's access to justice and representation in the labour force.

³⁹ Department of Inspection for Factories and Establishments (DIFE), *Annual Compliance Report*, 2022.

⁴⁰ Ministry of Women and Children Affairs, *National Women Development Policy 2011*; Ministry of Labour and Employment, *Occupational Health and Safety Policy 2013*..

4.2 Interpretation and Protection of Labour Rights

The interpretation of labour rights in Bangladesh, especially concerning women in the readymade garment (RMG) sector, involves both the **legal understanding of the rights guaranteed under law** and the **practical mechanisms through which these rights are protected**. While the **Bangladesh Labour Act, 2006** and international conventions ratified by Bangladesh establish a broad set of entitlements, the extent to which these are enforced and realized in practice varies significantly.

The courts in Bangladesh have played a pivotal role in interpreting key labour rights. For instance, in the case of *BNWLA vs. Government of Bangladesh*, the High Court issued detailed guidelines to prevent **sexual harassment in the workplace**, even though such provisions were not explicitly stated in the Labour Act at the time⁴¹. This judicial activism expanded the legal definition of workplace rights and laid the foundation for creating internal grievance redress mechanisms in factories. It reflects how **progressive judicial interpretation** can fill legislative gaps, especially regarding women's rights.

Another critical area of interpretation relates to **maternity protection**. Although Section 45 of the Labour Act mandates maternity leave and benefits, many employers interpret this obligation narrowly, often denying leave or dismissing pregnant workers to avoid liability. Courts and labour tribunals have intervened in some cases to uphold women's rights, ruling in favour of reinstatement and compensation⁴². This demonstrates the judiciary's role in reinforcing statutory protections when employer practices fall short.

The **protection of labour rights in practice**, however, depends heavily on the implementation capacity of regulatory agencies. The **Department of Inspection for Factories and Establishments (DIFE)** is tasked with monitoring workplace conditions and ensuring compliance with labour laws. While DIFE has made some progress—particularly in post-Rana Plaza reforms—it still faces significant **limitations in**

⁴¹ Bangladesh National Women Lawyers' Association (BNWLA) vs. Government of Bangladesh, Writ Petition No. 5916 of 2008; High Court Guidelines on Sexual Harassment, 2009.

⁴² Bangladesh Labour Act, 2006 (Amended 2013 & 2018), Section 45.

manpower, logistics, and political independence, which weakens its protective role for women workers⁴³.

Moreover, **trade unions** and **workers' associations** serve as an important vehicle for protecting labour rights. However, the participation of women in these bodies is limited due to social norms, fear of retaliation, and male-dominated leadership structures. This **exclusion from collective bargaining processes** further marginalizes women's concerns in labour negotiations. Studies show that where women have been included in union leadership, issues such as sexual harassment, wage theft, and unsafe working conditions are more effectively addressed⁴⁴.

The protection of labour rights is also strengthened through the efforts of **civil society and NGOs**, such as **Ain o Salish Kendra (ASK)** and **Bangladesh Legal Aid and Services Trust (BLAST)**, which provide legal aid, training, and advocacy support. These organizations often act as intermediaries between workers and formal legal institutions, especially when women workers fear retaliation from employers. Their involvement has led to increased awareness of rights and improved access to justice in several cases⁴⁵.

Finally, international bodies such as the **International Labour Organization (ILO)** have supported initiatives like the **Better Work Bangladesh** program, which helps factories comply with international labour standards, including gender-sensitive policies. These initiatives not only improve compliance but also create a platform for worker-employer dialogue focused on women's welfare and empowerment⁴⁶.

In summary, the **interpretation and protection of labour rights** for women in the RMG sector depend on a combination of judicial activism, institutional enforcement, civil society engagement, and international cooperation. While the legal framework exists, its protective function is often undermined by weak implementation, employer resistance, and gender-based barriers. Therefore, a **multi-stakeholder approach**—involving the state, factory owners, workers' unions, and advocacy organizations—is

⁴³ Department of Inspection for Factories and Establishments (DIFE), *Annual Report*, 2022.

⁴⁴ Clean Clothes Campaign, *"Gender-Based Violence in Garment Factories in Bangladesh,"* 2020.

⁴⁵ Ain o Salish Kendra (ASK), *"Women Workers and Legal Aid,"* Program Report, 2021.

⁴⁶ International Labour Organization (ILO), *Better Work Bangladesh Progress Report*, 2022.

essential to ensuring that women workers not only know their rights but are also able to exercise and defend them effectively.

4.3 Conclusion

This chapter has critically examined the legal provisions and practical dimensions of protecting labour rights for women in Bangladesh's readymade garment (RMG) sector. While the **Bangladesh Labour Act, 2006**, alongside supporting policies and international conventions, provides a comprehensive framework to safeguard women workers, the implementation of these rights often falls short in the actual workplace.

The discussion highlighted that women are legally entitled to **maternity leave, equal wages, workplace safety, and protection against harassment**. Yet, these rights are frequently ignored or violated, particularly in factories lacking proper monitoring. The **interpretation of labour rights by the judiciary**—especially through landmark cases and High Court directives—has played an important role in filling legal gaps, such as addressing workplace sexual harassment.

However, the **protective mechanisms** remain weak due to inadequate inspections, lack of legal awareness among women, and limited representation in trade unions. The efforts of NGOs and international organizations have helped improve awareness and accountability, but systemic barriers such as fear of job loss, social stigma, and bureaucratic delays continue to prevent many women from accessing justice or asserting their rights.

In conclusion, while the legal structure for protecting women's labour rights in Bangladesh is relatively strong on paper, **its practical enforcement is uneven and often ineffective**. Bridging this gap requires not only legal reform but also institutional strengthening, gender-sensitive training for enforcement agencies, and active participation of all stakeholders—including employers, trade unions, and civil society. Without addressing these issues, the promise of labour rights for women in the RMG industry will remain largely unfulfilled.

CHAPTER- 5

5.1 Constitutional Provision

The **Constitution of the People’s Republic of Bangladesh**, as the supreme law of the land, guarantees fundamental rights to all citizens, including women, and provides the legal foundation for labour rights. These constitutional guarantees form the cornerstone upon which all national labour laws, including the **Bangladesh Labour Act, 2006**, are built. The Constitution affirms the values of equality, non-discrimination, social justice, and dignity of work, which are essential for protecting the rights of women workers in the readymade garment (RMG) sector.

One of the most significant provisions is found in **Article 27**, which declares: “*All citizens are equal before law and are entitled to equal protection of law.*” This clause ensures that no discrimination shall be tolerated in legal treatment, regardless of gender⁴⁷. Complementing this, **Article 28(1)** explicitly prohibits discrimination on the grounds of sex: “*The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.*” Furthermore, **Article 28(2)** strengthens women's rights by stating: “*Women shall have equal rights with men in all spheres of the State and of public life.*”⁴⁸ These articles collectively establish a strong constitutional basis for gender equality in employment.

Additionally, **Article 29(1)** addresses **equality of opportunity in public employment**, which is critical for ensuring that female workers in the RMG industry are not discriminated against in hiring, promotion, or job retention. It states: “*There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic.*” Moreover, **Article 29(3)** permits **affirmative action** in favor of disadvantaged groups, including women, by stating that nothing shall prevent the State from making special provisions for women or children⁴⁹. This constitutional allowance for positive discrimination is particularly important in addressing the systemic disadvantages faced by female garment workers.

⁴⁷ The Constitution of the People’s Republic of Bangladesh, Article 27.

⁴⁸ Ibid, Article 28(1)–(2).

⁴⁹ Ibid, Article 29(1)–(3).

The Constitution also upholds the **right to work and protection in employment**. **Article 15(d)** recognizes the right to work as a basic necessity and obligates the State to ensure employment opportunities for all capable citizens. This article reads: *“It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people, with a view to securing to its citizens... the right to work.”*⁵⁰ This provision not only affirms the right to employment but also implies the right to just and favorable conditions of work, which aligns with international human rights standards.

Furthermore, **Article 34** prohibits all forms of forced labor, stating: *“All forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.”*⁵¹ This is crucial in the context of the RMG industry, where exploitative practices, including unpaid overtime, coercion, and job insecurity, are prevalent among women workers. This article gives constitutional authority to challenge such practices and seek legal remedy.

Although the Constitution provides a **progressive and gender-sensitive legal foundation**, the gap between constitutional promises and actual workplace conditions is wide. Many women working in garment factories are unaware of their constitutional rights, and systemic issues such as poor law enforcement, limited access to legal aid, and social stigma prevent them from asserting these rights. There is also a lack of direct constitutional mechanisms to hold private factory owners accountable unless their actions violate specific laws derived from constitutional mandates.

The role of the judiciary is vital in interpreting constitutional provisions to protect women workers. The Supreme Court of Bangladesh, especially through its High Court Division, has issued rulings to expand women’s workplace protections. Notably, in its **2009 guideline against sexual harassment**, the Court acted in the **absence of specific**

⁵⁰ Ibid, Article 15(d).

⁵¹ Ibid, Article 34.

legislative provisions, thereby invoking constitutional rights to dignity, equality, and protection from abuse⁵².

The Constitution of Bangladesh offers a **strong legal and moral framework** for promoting and protecting labour rights, particularly for women. It recognizes gender equality, the right to work, the prohibition of discrimination and forced labour, and allows the State to take special measures to support women's development. However, constitutional rights must be meaningfully translated into enforceable laws, practical policies, and accessible justice mechanisms. Only then can women workers in Bangladesh's RMG sector fully enjoy the protections that the Constitution promises.

5.2 Geneva Conventions

The **Geneva Conventions**, primarily known for their role in international humanitarian law, also hold **indirect but significant relevance to labour rights**, especially in conflict-affected, exploitative, or high-risk working environments. While the Geneva Conventions do not directly govern labour practices in industrial sectors like the **readymade garment (RMG) industry** of Bangladesh, their principles inform international norms of human dignity, protection of civilians, and the prohibition of inhumane treatment—all of which influence global labour standards, including those that protect women workers.

The Geneva Conventions consist of **four treaties adopted in 1949**, and their **Additional Protocols (1977 and 2005)**. The **Fourth Geneva Convention** specifically focuses on the protection of civilian persons in times of war, emphasizing humane treatment, prohibition of coercion, and ensuring the rights of vulnerable populations, including women⁵³. These core humanitarian principles are echoed in international labour law frameworks developed later by the **International Labour Organization (ILO)**, which work to prevent exploitation in non-conflict settings like the RMG sector.

More relevant to labour rights are the Geneva-based **international institutions** and human rights mechanisms that were influenced by the values of the Conventions. For

⁵² BNWLA vs. Government of Bangladesh, Writ Petition No. 5916 of 2008; High Court Guideline on Sexual Harassment, 2009.

⁵³ Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War, 1949.

instance, the **Universal Declaration of Human Rights (UDHR)** and the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**—which protect the right to work, fair wages, and safe conditions—are rooted in the same **post-WWII legal developments** inspired by the Geneva Conventions⁵⁴.

Bangladesh, as a **signatory to the Geneva Conventions**, has a responsibility to uphold the values of human dignity and protection from abuse in all sectors, including civilian industries. The **treatment of women workers in the RMG sector**, especially in relation to long hours, wage exploitation, harassment, and lack of safety, can be interpreted as **inconsistent with the humanitarian spirit** of these treaties when viewed through a rights-based lens.

Additionally, the **prohibition of forced labour**, recognized in **Article 3** common to all Geneva Conventions, aligns with **Article 34 of the Constitution of Bangladesh** and **ILO Convention No. 29**, both of which prohibit coercion in employment⁵⁵. While forced labour in the RMG sector may not occur in the traditional sense, the **pressure to meet unrealistic production targets, threats of dismissal, and withholding of wages or benefits** create **coercive environments**, especially for women with few employment alternatives.

International brands and buyers sourcing garments from Bangladesh are also under pressure from **Geneva-inspired global norms** to ensure that their supply chains do not violate labour rights. This has led to the development of **corporate social responsibility (CSR) policies, social compliance audits, and factory monitoring programs**—many of which indirectly derive from humanitarian expectations first codified in international agreements like the Geneva Conventions⁵⁶.

⁵⁴ Universal Declaration of Human Rights, 1948; International Covenant on Economic, Social and Cultural Rights, 1966.

⁵⁵ Geneva Conventions, Common Article 3; Constitution of Bangladesh, Article 34; ILO Convention No. 29 on Forced Labour, 1930.

⁵⁶ International Committee of the Red Cross (ICRC), *"Geneva Conventions and Humanitarian Norms in Civilian Protection"*, 2019.

5.3 Conclusion

This chapter has explored the constitutional and international legal foundations that underpin the protection of labour rights for women in Bangladesh, particularly within the readymade garment (RMG) industry. It is evident that both **national constitutional mandates** and **global legal norms**—such as the **Geneva Conventions**—play significant roles in shaping the broader legal landscape for workers' rights.

From the constitutional perspective, Bangladesh ensures the **right to equality, non-discrimination, fair employment, and protection from forced labour**, as enshrined in Articles 27, 28, 29, and 34 of its Constitution. These provisions collectively reinforce the legal and moral obligation of the State to ensure safe, fair, and equitable working conditions for all citizens, with special attention to the vulnerabilities faced by women workers.

The Geneva Conventions, while not directly focused on labour rights in civilian industries, provide **powerful humanitarian principles**—including the protection of dignity, prohibition of coercion, and humane treatment—that have **indirectly influenced modern labour standards** and corporate ethics. These values align closely with international instruments like the ILO conventions and the UDHR, which advocate for decent work, safe environments, and gender equality.

However, the effective realization of these rights remains a significant challenge. Despite constitutional guarantees and international commitments, women in the RMG sector continue to experience **wage exploitation, harassment, job insecurity, and unsafe working conditions**. The gap between the **legal framework and actual enforcement** highlights a systemic failure that must be addressed through institutional reform, increased accountability, and active engagement of all stakeholders.

In conclusion, while Bangladesh possesses a **robust constitutional and international legal framework**, the need for **practical enforcement, legal literacy, and gender-sensitive policies** is more urgent than ever. Bridging the divide between law and reality is essential to ensuring that women garment workers are not only aware of their rights—but are empowered and protected in exercising them.

CHAPTER- 6

Concluding Remark

6.1 Recommendations

To meaningfully improve the labour rights situation for women in Bangladesh’s RMG sector, a **multi-dimensional and intersectional approach** is required—one that addresses **legal, social, institutional, and economic** barriers. The following extensive recommendations are offered:

1. Legal and Policy Reform

- **Amend and modernize the Bangladesh Labour Act, 2006** to explicitly address gender-specific issues such as:
 - Protection against workplace harassment and abuse.
 - Menstrual leave and hygienic facilities for women workers.
 - Enforced equal pay provisions and transparency in wage audits.
- Create a **separate chapter or section in the Labour Act** focused solely on female garment workers, with clearly defined rights, obligations of employers, and penalties for violations.
- Ratify and implement **ILO Convention No. 190 on Violence and Harassment in the Workplace**, which Bangladesh has yet to adopt, and incorporate its principles into domestic law.
- Incorporate **affirmative action** quotas in employment and promotion policies to ensure more women enter supervisory, administrative, and union leadership roles.

2. Strengthening Enforcement Mechanisms

- Establish a **Gender Cell** within the **Department of Inspection for Factories and Establishments (DIFE)** to specialize in women-specific issues during factory inspections.
- Increase the number of **female labour inspectors** and train all inspectors in **gender-sensitive auditing** and trauma-informed response strategies.

- Implement **real-time digital factory monitoring systems**, using biometric and attendance tracking to detect excessive working hours and unrecorded wage deductions.
- Strengthen penalties for employers found guilty of withholding maternity benefits, conducting illegal terminations, or maintaining unsafe workspaces.

3. Worker Education, Legal Literacy & Capacity Building

- Launch nationwide **Women Worker Legal Literacy Campaigns** in collaboration with trade unions, NGOs, and government institutions.
 - Content should include basic labour laws, complaint procedures, union rights, and anti-harassment protections.
- Create **Worker Resource Centres** near garment hubs that offer:
 - Legal counseling
 - First-aid and healthcare support
 - Emergency shelter for abuse victims
 - Rights-based training and leadership courses
- Promote **peer educator models**, where trained workers educate their colleagues inside factories.

4. Social Dialogue, Union Inclusion, and Empowerment

- Mandate that **at least 33% of trade union leadership positions** be held by women to increase representation and participation.
- Allow for the formation of **sectoral or regional women-only unions or forums**, especially where plant-level unions are male-dominated or hostile.
- Promote **bipartite and tripartite forums** (workers, employers, government) with strong female participation to discuss issues such as harassment, pay, and occupational safety.
- Provide **incentives (tax or compliance benefits)** to factories that demonstrate strong internal grievance mechanisms with female oversight.

5. Gender-Responsive Workplace Services

- Enforce laws requiring **on-site daycare centers** for factories employing 40+ women. Offer subsidies or cost-sharing mechanisms for smaller factories.
- Ensure that all factories have:
 - Separate and hygienic toilets for women
 - Breastfeeding or nursing stations
 - Free menstrual hygiene products
- Establish **factory-level health clinics** with at least one trained female nurse or counselor who can assist with reproductive health, mental health, and workplace injury response.

6. Role of International Brands and Buyers

- Enforce **binding ethical sourcing contracts** that make buyers responsible for:
 - Ensuring that their supplier factories meet minimum labour standards.
 - Paying prices that allow factories to pay living wages.
- Create a **global accountability mechanism** where Bangladeshi workers can lodge complaints directly to international buyers or third-party grievance platforms.
- Encourage buyers to reward factories with **gender-equity certifications**, such as SA8000, WRAP, or Better Work Bangladesh gold status, through long-term contracts and incentives.

7. Monitoring, Transparency, and Research

- Mandate that all registered garment factories **publicly disclose**:
 - Gender-disaggregated wage data
 - Safety audit results
 - Worker turnover and harassment complaints
- Develop a **centralized national labour rights dashboard** to track complaints, factory inspections, legal cases, and worker health data in real time.

- Promote **continuous research and data collection** on issues such as:
 - Gender wage gaps
 - Harassment trends
 - Mental health of women workers
 - Impact of automation on female employment

8. Community and Family Support for Working Women

- Launch **community-level campaigns** to reduce the stigma around women working in factories and participating in union or legal proceedings.
- Encourage **family-friendly factory policies**, such as flexible shifts and job sharing, especially for mothers with young children.
- Offer **transportation subsidies or safe factory commute programs** for women traveling long distances to work, particularly for early morning or evening shifts.

Final Thought on Recommendations

Empowering women in the RMG sector is not just a legal necessity—it is a **developmental imperative**. Labour rights cannot be fully realized unless gender equality is actively promoted and enforced. These recommendations, if implemented through a **rights-based, inclusive, and transparent approach**, can transform Bangladesh’s garment industry into a global model of ethical production and human dignity.

6.2 Conclusion

The readymade garment (RMG) industry has played a transformative role in Bangladesh's socio-economic development, particularly in creating employment opportunities for millions of women. However, this economic contribution stands in stark contrast to the persistent violations of labour rights faced by these women—violations that manifest in the form of wage inequality, workplace harassment, long working hours, unsafe environments, denial of maternity benefits, and lack of access to justice.

This research has examined the legal frameworks, policy mechanisms, and practical realities surrounding labour rights for women in the RMG sector. It has found that while **national laws**, particularly the **Bangladesh Labour Act, 2006**, and **international conventions**, such as those of the **ILO and Geneva Conventions**, provide a robust legal foundation, enforcement is frequently inconsistent, and often non-existent in informal or subcontracting factories. Gender-specific challenges are further compounded by socio-cultural norms that limit women's voice, agency, and mobility both within and outside the workplace.

The role of various stakeholders—government institutions, factory owners, trade unions, NGOs, and international buyers—was also explored. It is evident that **systemic change requires coordinated efforts**, backed by political will, legal accountability, and global responsibility. Women workers must not be seen merely as labour units but as rights-bearing individuals who deserve dignity, protection, and equal treatment.

The study also highlights the critical importance of **worker education, legal literacy, institutional reform, gender-sensitive policymaking**, and international pressure in closing the gap between law and practice.

In conclusion, the protection of labour rights for women in Bangladesh's RMG sector is both a **human rights imperative** and a **developmental necessity**. A society cannot claim progress when the women who build its economy remain unprotected and unheard. Ensuring the full realization of labour rights for women is not just about law—it is about **justice, equity, and the future of sustainable development** in Bangladesh.

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