

ENFORCEMENT OF RIGHTS OF THE GARMENTS WORKERS IN
BANGLADESH: GAP BETWEEN LAWS AND PRACTICES

SUBMITTED BY:

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Transmittal Letter

Dr. Kudrat-E-Khuda Babu
Professor and Head
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Dear Sir,

It's an excellent pleasure on behalf of me that I even have been ready to make research on **“Enforcement of rights of the garments workers in Bangladesh: gap between laws and practices”**. During the completion of this research, I even gave it my all to conduct a beneficial investigation and collect all essential material from many sources to meet your expectations.

Therefore, I would be grateful if you would review this research paper for your consideration, and I would appreciate it if you could make any useful recommendations in this regard.

At your convenience, I am always available for further explanation on any aspect of this document.

Regards, Sincerely

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Acceptance Letter

This is to certify that the work has been completed “**Enforcement of rights of the garments workers in Bangladesh: gap between laws and practices**” is a real work done by Sabbir Hossen, ID: 211-38-415, Batch: 34th, Department of Law, Daffodil International University, Work is completed for the fulfilment of course requirement of law-812 under my supervision as partial fulfilment for the research, 812 from the Department of Law, Daffodil International University.



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Declaration

I hereby declare that the thesis title “**Enforcement of rights of the garments workers in Bangladesh: gap between laws and practices**” submitted by me as partial fulfilment of the requirements for the award of the degree Master of Laws, Department of Law of Daffodil International University.

I further declare that the research described in this thesis is original and that it has not been submitted to any other university for any academic qualification, certificate, or diploma degree, in part or whole, previously.



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Certification

This is to certify that the research paper entitles “**Enforcement of rights of the garments workers in Bangladesh: gap between laws and practices**” has been prepared by Sabbir. It is prepared for the partial fulfilment of the requirements for the award of the degree Master of Laws, Department of Law of Daffodil International University. The research has been carried out with my guidance and as a research of the bonafide work carried out successfully.

Dr. Kudrat-E-Khuda Babu

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I would like to thank almighty ALLAH, who has given me the strength to complete this Research Monograph successfully.

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Dedication

First and foremost, I am expressing my deep appreciation and gratitude to Allah. I'd like to convey my gratitude and love to my parents for their sacrifice and for providing me with educational chances. They continue to inspire me to be a good human being and to dedicate myself to the betterment of the country.

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ENFORCEMENT OF RIGHTS OF THE GARMENTS WORKERS IN BANGLADESH: GAP BETWEEN LAWS AND PRACTICES

Chapter-1

INTRODUCTORY CHAPTER

1.1 Introduction

The Ready-Made Garment (RMG) industry has emerged as the largest foreign currency employer. Since 1980, the ready-made garment (RMG) sector has experienced full-fledged related exponential expansion. The global economy makes a significant contribution to GDP. It also employs around 4.2 million Bangladeshis, the majority of them are women from low-income households who have an impact on their status (Mayedul, n.d.). We believe that maintaining this is in everyone's best interest's business associate business that modified the lives of such a big number of individuals, notably ladies, Bangladesh is a country in South Asia. the issues within the business pre-date the riots that were attended by deaths, injuries and also the destruction of property. 24 April 2013, RANA PLAZA, an associate eight-storey business building, folded in Saver, a sub-district within the larger capital of Bangladesh space, the capital of Bangladesh. The look for the dead concluded on thirteen might with the toll of 1129. about 2515 black-and-blue individuals were reclaimed from the building alive. It is considered the deadliest garment factory accident in history (Tansy, 2015), as well as the deadliest accidental structural failure in modern human history. Workers, World Health Organization are largely young ladies, additionally, Wages are poor, hours are long, forced labour is performed, child labour exists, harassment exists, freedom is restricted, whether or not it's locked doors or rights of association, and there's a slew of different behaviours that violate international labour standards and codes of conduct. The extent of legislation and business interactions, lack of law implementation, restrictive rules and laws, and unfair consumer purchasing tactics all contribute to the difficulties of noncompliance. Above this section of our analysis paper, we will discuss several concerns concerning garment workers, their way of life, the concept of garment workers' rights, and various abuses of garment workers' rights.

1.2 Literature Review

This research is qualitative. Many books, journals, media reports, and different daily newspapers have explored the enforcement of garment workers' rights in Bangladesh, thus to conduct this research, the materials will be analyzed in terms of both published and unpublished research reports, books, and articles. To augment the content, the literature will be critically studied. The literature will be reviewed using a methodical approach. Authentic books, studies, articles, newspaper reports etc.

1.3 Research Methodology

To achieve the research objectives, real books, articles, studies, media reports and columns, and online sources will be employed. As a result, the qualitative method will be used in this study. The use of only a qualitative method will not suffice to achieve the research's objectives. Hence qualitative method will be used questionnaire, Survey among the garment workers and the proper person will be conducted. Therefore, both qualitative and quantitative research methodology will be used for completing this research. Data is processed according to the prioritization of the data. A particular reference system will be used.

1.4 Research questions

1. Why the enforcement of garment workers right is important?
2. What are the rights of garments workers recognized by Bangladeshi legislation?
3. How these rights can be enforced?
4. What the law says about the enforcement of garments worker rights?

1.5 Significance of the study

This research can help to define garment workers' rights and provide legal remedies for violations of their rights. We hope that this study will be beneficial to both the readers and the garment workers. They will be able to understand their rights, remedies, and methods of social control over their rights. The definitions of any study will be important for legislative purposes to repave the government to garment workers.

1.6 Action plan/ Time line

Year one - Literature review will be conducted with the view of acquiring a better

understanding of the concepts and refining the scope of the research and research questions. The first few months of the first year will be devoted to learning about the way of life, the salary system, the trade union, rights and the actual condition of the garment workers.

Year one and half - The actual research begins with an examination of how the Labour Court and Labour Appellate Tribunal work. Then I evaluate the gap between laws and enforcement of them.

Year two - The first few months of the second year will be allocated to prepare data from the subjects to find reasons for the lack of enforcement of rights and the importance of it. And how to enforce it without any delay.

Year two and half - In the last half of the second year the Final writing up and Dissertation defense.

Chapter-2

HISTORICAL OVERVIEW & CONCEPT OF LABOUR LAW & GARMENTS SECTOR IN BANGLADESH

2.1 Bangladesh labour laws: historical overview

Bangladesh's labour formal policy is too ancient. Foremost, the labour policy was originated in the Indian subcontinent during the British period in 1881 (Jakir et al., 2010). later on, the British Government introduced many laws regarding different labour problems, operating hours, employment of youngsters, maternity profit, Union activity, wages, and so on. the Factories Act of 1881, the Workmen's Compensation Act of 1923, and the Trade Unions Act (1926). Since the division of the Indian subcontinent in 1947, the majority of the pre-partition laws have remained in force, with certain revisions and additions made by the government of Bangladesh in the form of body rules. when the country gained independence in 1971, Through the Bangladesh Laws order (President's Order No. 48), the government of the People's Republic of Bangladesh protected the prior laws. It also adopted further laws in response to the changing circumstances and desires of the labour and therefore the country. The current Bangladesh Labour Law (BLL) of 2006 was decreed in 2006. Bangladesh Labour Laws (BLL) are detailed and prosperous. The law could be a concentration and permutation of the 25 evident decrees. The prominent figure of the decree will be separated from its coating settings of serving and employment, youth employment, maternity avail, health and hygiene, indemnity, enrichment, conducting hours and leave, salary and payoff, reparation for employees in damage, union and industrial relations, controversies, Labour court, partaking of employees in companies' progress, provision of employment and indemnity of dock employees, frugal funds, stamp, penalty and method, administration, observation, etc.

In terms of removing ambiguity, the definition of a "worker" is now extremely explicit. Another example would be the exclusion of the following items from the definition of "wages": expenses for housing facilities such as lighting and facilities, employer contributions to the provident fund, travel allowances, and other sums paid to an employee that are required to conceal work-related expenses (Jabbar, 2003).

The BLL has also promoted owing to its broader coating, such as a server of hospitals, nursing homes, and even non-regimen institutions are now lid by the decree. Firstly, assured welfare and social progress are enhanced, like avail, petition of frugal fund profit to all or any server in

the private site, increment of maternity leave from 12 to 16 weeks, reception of assurance, for associations with 200 or more server and accumulated reparation for a server in service involved damage, incompetence or death.¹

2.2 Employment Standards

Labour, as well as apprentice or worker, is someone who is employed straight away or via a representative for any proficient, inefficient, physical, technical, business progression or secretary job in any association, ultimately, in case the tenures and agreements of his/her job square extension composed or not.

Employees are divided among six categories:

- **Probationer:** an employee who is appointed as a trainee in an institution and get a stipend throughout his instruction time is mentioned as a probationer.
- **Substitute:** an employee who is appointed in an institution in the time of topical missing of a stable or trainee employee.
- **Occasional:** an employee who is appointed temporarily.
- **Interim:** an employee in an institution who is appointed momentary for completing the task in the short-fixed term.
- **Probationer:** an employee in an institution to fill a stable place and the probationary stage has not to be finished.
- **Stable:** an employee who has a fixed place in an institution or who finishes his /her trial time in the institution.²

2.3 Background of garments in Bangladesh

From the leading jobs released in 1976, Bangladesh's industry has been at the heart of the nation's export passion. In the entire 35 years, the industry has improved tremendously and at present accounts for 80% of Bangladesh's entire exports. There are approximately 4825 garment factories in Bangladesh employing over 3 million people. Full 85% of those staff square measure ladies. Young ladies square measure the drive of the Bangladeshi garment

¹ Rahim khan "*rights of garments workers in Bangladesh*" 23-3-2017 <http://www.assignmentpoint.com>, accessed date 05-02-18

² Mohammad Ataul Karim, *Labour Laws of Bangladesh*, (sufi prokashoni, second edition, 2004) 28

sector. Eighty-six per cent of the 988 female employees interviewed for this survey were between the ages of 18 and 32. It's these young ladies United Nations agency give the onerous labour required to satisfy the phantasmagoric production targets set by Bangladeshi garment factories. Employers claim that older staff perform a lot poorly and build a lot of mistakes, which can be why they favour young women staff. Total 3504 members below Bangladesh Garments Manufacturers & Exports Association (BGMEA).³

2.4 Conclusion

Weakness of enforcement authority and a crisis of competent force are two major impediments to enforcing limitations. To deal with the case of labour injustice, current rules and programmes must be forced to rethink and redesign. Unless and until the government takes appropriate actions to ensure labour rights, proper development in connection with the property work environment may remain elusive.

³ “Bangladesh Garments Manufacturers and Exporters Association” <http://www.bgmea.com>, Accessed date 03-03-18

Chapter-3

DESCRIPTION AND RIGHTS OF GARMENT WORKERS

3.1 Introduction

This chapter is primarily concerned with some understanding of the definition of garments workers, rights of garments workers in the People's Republic of Bangladesh, rights to earnings, rights to leave and holidays, and all garments workers' rights.

3.2 Definition of Garment workers

There are numerous definitions of garments employees, which are as follows:

A garment worker is someone who creates garments. A garment worker is someone who makes or repairs fur clothing as a profession. Someone claims that a garment worker is someone who manufactures or mends clothing in a factory or garment industry. In another definition, someone who does needlework such as sewing or embroidery. someone who sells men's clothing a garments maker who does the finishing steps someone whose occupation is manufacturing and altering garments someone who does needlework such as sewing or embroidery.

3.3 Rights of the Garment workers in Bangladesh

Following rights of the garment's workers, area unit belowed-

3.3.1 Right to Compensation:

The objective of this backdrop paper is to lay forth the fundamental concepts and guidelines for proper compensation for injuries under the general decree. In outcome, it's meant to be an explanation of the assertion "principles of law or equity"⁴ In article 11 of International Organization General Assembly Resolution 194(III), legislated on 11,1948, on which Palestinian demands for outcast reparation generally emerge:

And that reparation should be acquired for the possession of those who choose not to return, as well as for damage to wealth that, beneath ethics of usage or justice, should be made prudent

⁴ of UN General Assembly Resolution 194 (III), adopted December 11, 1948, Para 11

by the administration responsible.

Like that, an approach is essential for a part because General Assembly accomplishments are not lawfully knotted in and of themselves. Whereas most GA accomplishments are only recommendations traced beneath section 10 of the UN Charter, in particular situations, they may be deliberated initiative restatements of a subsisting decree or whether immoral over time, "achieve the impact of such binding force through the acceleration of the custom generating method or the philosophical system of estoppels."⁵

Although the fixed exercise about refugee reparation is merely indicated in frail, the section Can pursue the concept of the country's accountability like a precondition for reparation and that's why the agreements for ultimate on time reparation is refined. It will after provide a concise overview of current improvements away of the trade, commerce and commission adherence, with the EU and Inter-American Courts of Human Rights, besides a range of other non-commercial reparation states. A concise glossary of keywords is also involved. The aim of this study is not to compatibly "apply" these concepts and exhibitors to the fixed issue of Palestinian refugees.

This will remain for dispute throughout the factory. It is also worth noting that the majority of universal case decrees on reparation in gained from that origins because the Iran-US Claims Tribunal, the entire association Compensation Commission, and previous intercessions are vastly rare from Palestinian refugee facts in a variety of ways. Mass incidents generally engage universal company commission wealth, treated business contracts like oil depositings, or the infraction of bipolarous trade covenants rather than usual altruistic or human rights decree and it includes external nationals of subsisting states, as disputed to the predominantly border attached agricultural possession of families and societies in such a precarious place because of the Palestinians of 1948. Besides, the entire reparation decree sets a set of ethics that can be used as a basis for an arbitrated solution to the Palestinian reparation issue.

Demands for alleviation beneath usage regular start with the decree of country's accountability, which is supposed to hold the "secondary rules" that confirm the legitimate outcomes of failing to meet substantive juridical duties, which are thought to be the "main rules". According to the International Law Commission's (ILC) 1996 trace regulations on country's accountability.

⁵ ibid

Every decree by a country that breaches a "primary" decree of universal decree sets global accountability on the country. Unfair functions occur when an injury is a) issued by conduct comprising of a task or omission that is because of the country beneath a global decree, and b) that attitude comprises a violation of the country's global pledge. It creates similarity, the "primary" global accountability is formed in conventional decree or convention with the patient work is punished legitimate by the country's interior decree."⁶

An express that has submitted such a universally unfair demonstration is needed to a) stop the action and return to the prior business as usual; b) apply cures accessible under its inward law and pay sufficient pay in case rebuilding of the previous standing is inconceivable, and c) give ensures that the demonstration will not reoccur. "Disappointment of a state to respond in genuineness to a message of greeting for conversation may itself comprise a break of a worldwide responsibility."⁷ Treachery isn't denied in case the global commitment emerges from an obligatory standard of general international law, or the prerequisite is shaped by a composed understanding that rejects the state consequently protection, or the state being referred to "has added to the occurrence of the state naturally defense."⁸ The following portion of this document examines the remedies available for violations of the law. A glossary of compensation-related terms can be found in the current paper's appendix.

Until about 1974, this general norm, known as the "Hull Formula" and developed in 1938, predominated, capturing "prompt, appropriate, and effective remuneration." The "Calvo school of thought," which held that non-industrialized countries wanted to protect themselves from alien property claims by recognizing only "appropriate" compensation, was supported by the United Nations General Assembly in its Charter of Economic Rights and Duties of States in the 1970s. Since the beginning of the conflict, the Hull formula has been reintroduced. 14 However, the ILC's 1996 Draft Rules on State Responsibility include three scenarios under which full financial reparations or restitution in a comparable manner may be limited: 1) whenever reparation would "result in depriving a State's population of its own suggests that of subsistence"; 2) whenever in-kind restitution would involve "a burden out of all proportion to the profit which the injuring State would gain from getting restitution in a similar way rather than compensation"; and 3) whenever in-kind restitution would "seriously jeopardize the

⁶ International Law Commission (ILC), 1996

⁷ International Law Commission (ILC), 1996, section-6

⁸ International Law Commission (ILC), 1996, section-11

political independence or economic stability of the State which has committed the wrongful act" In its formal reaction to those provisions, the ILC acknowledged that they were controversial, involved avowedly severe instances, and had been rejected by several ILC members. nonetheless, these exceptional provisions have "nothing to try to with the duty of surcease, as well as the come back to the black-and-blue State, for instance, of territory lawfully taken over."⁹

Until 1974, this general customary, written in 1938 as a result of the "Hull Formula," that fixed "prompt, adequate, and effective the rest of this paper briefly surveys some more avenues of analysis into specific cases of compensation that can build useful models for a Palestinian-Israeli settlement.

3.3.2 Right to leaves and Holidays:

Most employees have the right to a certain amount of paid vacation. This is commonly known as statutory vacation. If you're an employee, you have the right to a statutory paid vacation. This comprises those who work full-time, part-time, for an agency, or on a contract basis.¹⁰ Only people who work as freelancers and a few other exclusions will be eligible for statutory paid vacation. The principles of statutory vacation apply regardless of how long you've worked for your boss or how recent you are. You do not, however, have the required statutory vacation if you are a newborn under the age of faculty feat. Before April 1, 2009, your right to paid vacation from work was limited to 4.8 weeks. Your leave year might have begun before April 1, 2009, and continued until April 1, 2009. If this is the case, your annual leave is calculated on a pro-rata basis. 4.8 weeks for amounts received before April 1, 2009, and 5.6 weeks for amounts received after April 1, 2009 (Abdul Halim, n.d.). Your employment contract may provide you with the right to request more than the statutory amount of paid vacation. However, it cannot provide you with anything less. If your contract allows you to take more than the statutory amount of paid vacation, this is referred to as a written agreement vacation. The legislation does not specify how much-written agreement vacation you should receive, whether it should be compensated, or how much paid vacation you should take?

You are qualified for a minimum of 5.6 long stretches of get-away consistently. This is alluded to as a legal get-away. To ascertain the level of get-away days you'll take in a year, increase

⁹ Economic Rights and Duties of States rule-1,2,3

¹⁰ The Bangladesh Labour Law Act,2006, section 100-119

5.6 by the number of days you work in seven days.¹¹

For example:

In the event that you work a five-day week, you are qualified for 28 days of paid excursion consistently (5.6 X 5). Assuming you work 2.5 days seven days, you are qualified for 14 days of paid get-away consistently (5.6 X 2.5).

The most extreme measure of legal paid get-away to which you are entitled is 28 days. Despite the fact that you work five days every week, this is appropriate. Your work agreement might give you the position to demand more than the legal measure of paid excursion. It can't, nonetheless, give you anything less. For instance, assuming your business contract expresses that you can just require 10 days of paid get-away each year yet you work five days out of every week, you are as yet qualified for 28 days of paid get-away. Assuming that your regular working week is estimated in hours, your legal leave is likewise estimated in hours. You were qualified for 4.8 long stretches of paid get-away consistently before April 1, 2009. In the event that your leave year starts before April 1, 2009, your yearly leave will be determined on a favorable to rata premise. 4.8 weeks for sums got preceding April 1, 2009, and 5.6 weeks for sums got after April 1, 2009 (Abdul Halim, n.d.).

3.3.3 Right to Maternity Benefit:

In the part of the Labour Law Code from 2006, provisions are included for 16-week maternity leave (8 weeks before and once the delivery). However, the legislation also states that no employee shall be entitled to profit unless she has worked for the owner for a minimum of six months prior to the possibility of delivery. providing a girl shall also be entitled to such maternity profit unless she has worked below the leader, for an amount of not but six months forthwith preceding the day of day delivery.¹² Previously, Section 3 of the Maternity Benefits Act of 1939 provided 12 weeks of maternity leave (6 weeks before and 6 weeks once the delivery).¹³

¹¹ Mohammad Ataul Karim, *Labour Laws of Bangladesh*, (sufi prokashoni, second edition,2004) 123-137

¹² Nirmalendu Dhar, *Labour and industrial Laws of Bangladesh* (resmisi publishers, Dhaka, second edition,2007) 28

¹³ The Maternity Benefits Act, 1939, section-3

The law will extend maternity leave to sixteen weeks, up from twelve weeks, and shorten the qualifying service time for claiming the profit to six months, down from nine months. Furthermore, no maternity profit shall be due to any lady if she has two or more living children at the time of her confinement.

3.3.4 Right to Wages:

*“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care, necessary social services, and the right to security.”*¹⁴ Compensation related with edges square measure one of the essential interests a laborer might have, and tragically, conflicts over wage installment and advantage arrangement aren't ordinary. There are various guidelines administering wages and advantages, and this part contains data on representatives' legitimate privileges here, just as ideas on extra time pay, specialist protection, and retirement plans. All specialists have a square proportion of qualification to the errand that should be finished.¹⁵

They are additionally qualified for be paid assuming they are ready and ready to work, yet their chief has not allotted them any work to achieve except if your agreement states in any case. Assuming you are a laborer, you reserve the privilege to be paid in case you can't work since you are unwell or away from work on maternity leave, paternity leave, reception leave, or parental leave. You're likewise allowed a set number of paid get-away days consistently. As a rule, you are qualified for your normal pay while on leave.¹⁶ There are a few exemptions for these speculations. Individuals on maternity leave, paternity or reception leave, or parental leave, for instance, are qualified for a predetermined measure of paid leave; all things considered, the enactment indicates the rate at which this ought to be paid, and it won't be the greatest sum as their normal pay. Assuming you work on pay, your agreement might give you less remuneration than your customary pay. Most specialists are lawfully qualified for the legitimate least legal compensation. Your agreement might offer you more remuneration than this.¹⁷

You might be qualified for a neglected vacation day in certain conditions, like an extreme family crisis or jury obligation. Any measure of pay over the legitimately commanded public

¹⁴ United Nation Universal Declaration of Human Rights

¹⁵ The Payment of Wages Act, 1936

¹⁶ The Minimum Wages Ordinance, 1961

¹⁷ Minimum Wages Rate for Garment Workers Rules, 2010

the lowest pay permitted by law, or the quantity of wages for labourers who are not covered by the public the lowest pay permitted by law, is controlled by the specialist's business contract. Managers should not segregate in the amount they pay their representatives, for instance, by paying dark specialists not exactly white specialists doing likewise work, or by paying ladies not as much as guys doing approach esteem work. This is alluded to as 'equivalent compensation.' Workers in the United Kingdom who are 16 or more seasoned have a legitimate right to a public least time-based compensation. It has no effect where they work, the size of the organization, or the specialist's business. Relaxed workers, organization representatives, house labourers, labourers on momentary agreements, and labourers utilized by subcontractors are completely included.¹⁸

3.3.5 Right to Leisure and recreation:

Entertainment is a related movement of relaxation, with recreation importance leisure time. The "want to endeavour one thing for entertainment" is a significant part of human science and examination. Sporting exercises are frequently connected with delight, entertainment, or joy, and square measure, accordingly, accepted to be "fun." The term diversion includes a commitment to be solid and to recharge one's psyche and body.

The expression diversion seems to have been utilized in English without precedent for the late fourteenth century, at first in the importance of "reward or normal activity of a debilitated individual," and was acquired from Old French, then, at that point, from Latin.

People invest their energy in exercises like regular living, work, rest, social obligations, and relaxation, the last option of which is liberated from earlier commitments to physical or social needs, an essential of amusement. Relaxation has expanded with expanded life span and, for some, diminished hours spent on physical and financial endurance; in any case, in some cases that point pressure has expanded for present-day people since they are focused on an excessive number of undertakings.

Abundance, segment designs, and expanded commercialization of sporting exercises are a portion of different factors that add to diversion's extended job. While one perspective holds that relaxation is essentially "spare time," time not devoured by the necessities of life, another accepts that recreation is a power that permits individuals to mull over and consider the

¹⁸ The Bangladesh Labour Act, 2006, section-2(45) &120

qualities and real factors that square measure lost in the exercises of life, hence being a vital part of the non-public turn of events and human progress. This line of thought has even been reached out to the perusing that relaxation is the point of work and an endowment in itself, and that "recreation life" mirrors a country's standards and character. As indicated by the Universal Declaration of Human Rights, relaxation is a basic liberty.¹⁹

It is hard to break liberated from the last origination of the play, which is ordinarily used to portray kids' sporting exercises. Children could copy exercises that mirror the truth of grown-up life happily. It has been recommended that play or sporting exercises square measure source for or articulation of overabundance energy, directing it into socially OK exercises that satisfy individual just as a gathering of people wants, without the requirement for impulse, and giving fulfilment and delight to the member. A typical perusing keeps up with that amusement is advantageous to the business, with diversion assisting with re-energizing "the battery" so that work execution improves. Work is an action that is frequently directed out of financial need and is valuable to society and is coordinated inside the monetary structure, yet it can likewise be charming and intentional, obscuring the differentiation among work and unwinding.²⁰

3.3.6 Right to medical facilities:

First-aid boxes or cabinets equipped with the contents authorized by rules should be provided and maintained in each institution, such that they are easily accessible throughout all operating hours.

Where an employee has given notice of an associate accident, the leader shall have the employee examined free of charge by a registered medical man before the end of three days from the time at which the service of the notice has been affected, and the employee shall therefore submit himself for such examination, on condition that where the employee's accident or sickness is of grave nature, the leader shall cause the examination at the place where the employees are.²¹

Any employee who receives a monthly payment under this chapter must, if necessary, subject

¹⁹ United Nation Universal Declaration of Human Rights

²⁰ Ibrahim Hossain Ovi, "Garment worker's rights still a far cry" Dhaka Teibune,23-4- 2017, www.dhakatribune.com, accessed date,7-4-18

²¹ Sankar dev "Bangladesh among 10 worst counties for workers says labour rights reports" bd news24.com 22-6-2017 <https://bdnews24.com> accessed date20-02-2018

himself to such inspection regularly.

If an employee is not examined free of charge as stated above, he may have himself examined by a recognized health care practitioner, and the expenditures of such health check shall be refunded to the employee by the leader.²²

3.3.7 Right to participation in trade union:

Trade unions have been denied any meaningful position within the garment sector, and as a result, they have very little control over manpower or talents as mediators' interactions. However, each employee, in addition to the clothing, has a fundamental right to create and participate in brotherhood. When dissatisfaction reaches a specific high, a new promise square measure is produced to allow fraternity activity; but, when unrest diminishes, most factory managers continue their unwillingness to like authorizing union illustration. Quite possibly the main element of the worker's guild is to select and prepare plant directors from among the labour force and other working faculty. Right now, we have an enormous number of such plant chiefs who are profoundly fulfilled, and many other people who are pretty much fulfilled, yet we should have a great deal of the previous and a large number of the last option. Worker's organizations should keep a logical register, everything being equal, and labourers fit for holding occupations of this sort more fastidiously and much of the time than they have previously, and, productively, and from each point check the advancement they make in learning the speciality of the executives.²³

The worker's organizations should assume a bigger part in the exercises of all the common state's look bodies, in drawing up monetary plans and also developers of creation and use of loads of texture accommodates the specialists, in choosing the industrial facilities that will, in any case, get state gives, be employed, or slender out as concessions, etc. Worker's guilds ought not to fill direct roles of predominant creation in private and employed organizations, however ought to completely take part in the guideline of individual entrepreneur creation through taking part in the exercises of the significant state bodies. Moreover, to team up on the whole social and scholastic exercises and underway information, worker's guilds ought to, on an

²² The Labour Act, 2006, section 89,160

²³ "Bangladesh Garments Manufacturers and Exporters Association" <http://www.bgmea.com>, accessed date 09-03-18

expanding scale, enrol the low class and a ton of the working people commonly for all parts of crafted by expanding the state economy; they should assemble them familiar with all parts of monetary life and with all subtleties of business tasks from the acquisition of natural substances to the selling of the item.

Drawing from wage scales and giving, for instance, is one of the main jobs of worker's organizations in the development of communism and their interest in exchange for the executives. Disciplinary courts, specifically, ought to continually improve work discipline and the right techniques for advancing it and achieving expanded usefulness; be that as it may, they should not meddle with the elements of People's Courts overall or with the elements of assembling plant the executives.

Skilful associations and government bodies ought to require a more itemized meaning of the essential elements of worker's guilds in the occupation of expanding communism. Considering the ability of the huge work achieved by associations in getting sorted out the economy and its administration, just as the missteps that have caused no limited quantity of harm and that came about because of immediate, inadequate, awkward, and mind in another place obstruction in body matters, it is generally significant, to resuscitate the economy and fortify the Soviet framework, It isn't difficult to clarify, rehash, and authenticate this reality; it ought to be protected hierarchically by the whole construction of the worker's guilds and by their everyday exercises.²⁴

3.3.8 Right to safety in the workplace:

Representatives reserve the privilege to work in a climate that is sensibly protected and liberated from wellbeing and security risks. The Occupational Safety and Health Administration (OSHA) is a government association that ordinarily builds up and implements guidelines to protect the security and soundness of America's labourers. Pick a connection from the rundown beneath for data and tips on working environment wellbeing and security. Labourers' freedoms to work environment wellbeing and security show up as guidelines in work environment wellbeing and wellbeing laws.²⁵ These laws are alluded to as "guidelines." It is unlawful for the partner chief to defy a norm. A guideline indicates the negligible degree

²⁴ The Bangladesh Labour Act, 2006, section 176

²⁵ Jason Burke "garments workers in Bangladesh suffering after factory collapse" 3-7-2017
<https://www.theguardian.com>, accessed date 01-02-18

of security that a partner chief should give a representative against dangers to the specialist's physiological state and wellbeing. The standard least degree of security is shown. At the point when a partner chief neglects to raise the working environment's wellbeing and security principles because of the guidelines expressed in rules, the standards should be constrained to be successfully applied. Government assessors have a significant impact on the social control of guidelines by guaranteeing that businesses cling to the lawful principles.²⁶

3.3.9 Right to remedies under laws:

Bangladesh employs 3.4 million garment workers in 4,200 ready-made-garments (RMG) facilities, which generate US\$12.59 billion in export revenues, accounting for 78 per cent of total country earnings. The company is directly or indirectly responsible for the use of 24 million people and contributes 9% of the gross domestic product. The salary is \$43 per month, or \$10 each week. This equates to 20 cents per hour, by far the lowest wage of any major garment making country. According to studies, this income does not cover the cost of even one employee's basic nutritional needs, let alone those of her family. The Bangladesh Center for Employee Commonality arose from an employee campaign to build a major brotherhood in a garment retail merchant's sourcing. Since 1990, the BCWS has been expanding employees' privileges by recording work misuses and infringement and fortifying specialists' capacities to advocate for them and advance their inclinations. BCWS is exceptionally respected by work freedoms advocates around the world, as well as by clothing businesses. Saint Strauss & Co. has referred to BCWS as "a worldwide revered labour rights group that has played a vital role in monitoring and dealing with labour breaches within the Bangladesh garment sector." The project has been successful in giving female employees a superior/strong handle on their freedoms and, accordingly, the lawful shields that they will use to safeguard themselves. It has additionally been effective in preparing female workers about standards of direction that they recently didn't know about.

Ladies currently have the chutzpah to get some information about their sets of accepted rules, to scrutinize their failure to finish with their commitments and to deal with the executives to

²⁶ The Bangladesh Labour Act, 2006, section-61, 62

shield their privileges.²⁷ To do this, prepared female representatives have stepped up and arranged their different work teams and structured ladylike semiconductor diode associations. Numerous ladies who couldn't go to the administration instructing studios had the option to profit from BCWS perusing and scholastic assets, as well as the organization's broader awareness-raising efforts. Four of the fourteen factories were prepared for unionization. This is frequently a pretty amazing result, especially given the political circumstance in Bangladesh, which has assisted with facilitating compel staff's capacity to ensure their freedoms.²⁸

3.4 Conclusion

I'm having a conversation on the rights of Bangladeshi garment workers. Wherever garment workers' rights are violated in our country. Garment workers are vital members of our society. Every day, from sunrise to evening, they work nonstop. As a result, our government should take whatever steps are necessary to ensure that the rights of garment workers are not violated.

²⁷ Int. J.Adv.Res “*violation of labour law rights*” 5-12-2017 <https://www.theseus.fi/bitstream.com> accessed date 11-02-18

²⁸ Rahim khan “*rights of garments workers in Bangladesh*” www.assignmentpoint.com accessed date 22-3-2018

Chapter-4

PROTECTION OF RIGHTS AND MAJOR FINDING AND ANALYTICAL DISCUSSION

4.1 Introduction

This is a critical section of my analysis. All through this part, I examined the Constitutional cost of Bangladesh material specialists; at this point, the freedoms of an article of clothing labourers are defended under an assortment of enactment.

4.2 Protection of the Rights of the Garment Workers under Constitution

Employees' rights are granted and further guaranteed by the Bangladesh Constitution. It will be the key job of the state to free the bustling bounty, the labourers and workers, and the retrogressive pieces of individuals from all types of abuse. That this provision may protect the rights of garment workers. Even though this is frequently not enforceable by the courts, no one will violate this right. The state shall make every effort to ensure that all or any voters have an equal chance. The State shall take appropriate measures to eliminate social and economic disparities between men and to ensure the equitable distribution of wealth among voters, as well as opportunities to achieve a standardized level of financial advancement all through the Republic.

The State will make every effort to ensure women's equality of opportunity and involvement in all aspects of national life. Work is a right, an obligation, and a question of integrity for each individual who is fit for work, and everyone must be compensated for his or her efforts under the premise "from everyone according to his ability, to each according to his or her work." The State will attempt to make conditions in which, when in doubt, no one shall be able to derive pleasure from honorary revenues, and in which human labour of all kinds, scholarly and physical, will turn into a more extravagant indication of imaginative Endeavor and the human instinct.

All voters are equal before the law and have the right to equal protection under the law in every jurisdiction. There will be the correspondence of chance for all citizens as far as work or work environment inside the Republic's administration. No individual ought to be denied or victimized in any occupation or work environment in the help of the Republic simply

dependent on trust, race, position, sex, or spot of birth. Nothing in this article will keep the State from making an exceptional arrangement for any retrogressive part of citizens to get their satisfactory representation inside the help of the Republic; giving impact to any law that arranges saving arrangements concerning any otherworldly or denominational foundation to people of that confidence or group; saving for individuals from one sex any class of business or work environment on the base crosspiece; saved for individuals from one sex any classification of business or working environment on the base bar; All types of constrained work are illicit, and any infringement of this proviso is wrongdoing deserving of law.

Each subject who has such capabilities, assuming any, as might be indicated by law to his calling, occupation, exchange, or business will reserve the option to get any legal calling or livelihood, and to participate in any real exchange or business. Assuming those privileges are disregarded, the representative will go to The High Court Division for social command over these freedoms.²⁹

4.3 Protection of the Rights of the Garment Workers under Labour Act, 2006

Where an employee's use has terminated due to retirement, discharge, retrenchment, dismissal, or termination, for example, the leader must pay all monies owed to him within thirty working days. Each employee, except for an off-the-cuff or incompetent employee, is qualified for an endorsement of administration from his manager upon conservation, release, excusal, expulsion, retirement, or end of an administration. Any representative, including one who has been terminated, conserved, released, excused, eliminated, or in any case eliminated from business, who has a complaint concerning any matter covered by this part and wishes to look for change under this segment, will present his complaint to his chief recorded as a hard copy, via mail, inside thirty days of being educated regarding the justification for such complaint. Given that assuming the pioneer recognizes receipt of the complaint, help via mail isn't needed (Abdul Halim, n.d.).

Within fifteen days of receiving such grievance, the leader shall investigate the problem, allow the employee the opportunity to be detected, and explain his decision to him in writing. If the leader fails to relinquish the option a call under sub-area or then again assuming that the worker is disappointed with such choice, he might document a complaint recorded as a hard copy with

²⁹ The constitution of the people's Republic of Bangladesh, article-27, 28, 31, 32, 34, 39, 41

the Labor Court within thirty days of the last date under sub-segment or inside thirty days of the date of the decision, all things considered.³⁰

The Labor Court will, upon receipt of the analysis, hear the gatherings after giving them notice and make such requests as it might consider basic and right. The Labor Court may, in addition to other things, order the litigator's restoration in bonus, either with or without back wages, and convert the request for excusal, expulsion, or release to the next Lesser discipline under Section 23. (2). Any person who is disappointed with a Labor Court request might engage the judicature within thirty days following the request, and the judicature's choice on such allure will be conclusive. There will be no court expenses required for documenting an analysis or allure under this provision. No analysis under this part will add up to indictment under this Act except if something is held inside this segment, no analysis will lie against a request for end of work of a worker under segment 26, except if such request is suspected to be made for his exchanges association exercises or passed planned, or except if the representative included has done. No youngster will utilize or be allowed to take part in any livelihood or foundation. No young adult will utilize or be allowed to take an interest in any occupation or foundation except if (a) an authentication of wellness of the recommended type, in all actuality to him by an enrolled clinical man, is in the ownership of the pioneer; and (b) he conveys, while at work, a token showing the importance of such declaration. Nothing in this subsection shall apply to the use of associate degree youths as apprentices or to acquire vocational education in any occupation or institution.³¹

The Government may, by announcement within the official Gazette, proclaim that the arrangements of this subsection shall not be operative for such amount as is also spelt out in the notification, any place it accepts that a crisis has happened and accordingly the public interest requires.³² In no institution should an adolescent be permitted to wash, lubricate, or then again change any part of hardware while that part is moving, or to figure between moving bits of any apparatus that is in real life? No juvenile will be required or allowed to work in any

³⁰Kabir hasan “*reproductive health and rights in garment workers*” the daily star, 20-12-2015 <http://www.thedailystar.net>, accessed date, 12-04-18

³¹ The Bangladesh Labour Act,2006, section 23(2), 26

³²Salam rahaman “*protection of rights of the garment workers in Bangladesh*” the independent,20-4-2018 <http://www.theindependentbd.com>, accessed date 22-03-18

plant or dig for over five hours of the day or thirty hours out of each week.

No teen will be required or allowed to partake in some other establishment for over seven hours out of every day and 42 hours of the week. No young adult ought to be required or allowed to show up in any establishment between the long periods of 7 p.m. what's more 7 a.m. On the off chance that a youngster stays at work longer than required, the complete number of hours worked, including additional time, ought not to surpass (a) 36 hours in any works or mine at whatever week; (b) 48 hours at whatever week in some other foundation.³³ A youngster's work in an organization will be restricted to two moves that don't cover or contact more than seven and a half hours each. A young person shall employ in precisely one of the relays that shall not, except with the prior written consent of the Inspector, be adjusted more frequently than once every thirty days. The terms of weekly vacation apply to adolescent personnel as well, and no exemption from those restrictions is provided in the case of an adolescent. On any given day, no teenager shall be required or permitted to appear in more than one institution. No leader shall inadvertently use a lady in his institution for the first eight weeks after her birth.

No lady will join any foundation during the two months promptly following her conveyance. No pioneer will utilize an Associate in Nursing young lady for any exhausting work or that includes extended periods of standing or that is probably going to hurt her wellbeing; in case he has the motivation to accept or then again in case she has informed him that she is probably going to be conveyed of a little child inside 10 weeks; she has been conveyed of a baby inside the previous 10 weeks: Only if, on account of a tea ranch worker, a lady representative will embrace light-weight work if and provided that the clinical man of the elaborate tea bequest affirms that she is in great shape to do as such; and, for the occasions that she will such work, she will be paid at the overarching pace of getting such work, and such instalment will be paid to her notwithstanding the maternity benefit that she may likewise be qualified for getting underneath existing.

Any pregnant woman qualified for maternity benefit under this demonstration may, on quickly, pull out to her chief, either orally or recorded as a hard copy, that she hopes to be bound at time frames a long time next after and will name somebody to get an instalment of maternity benefit for good measure of her passing. Any lady who has not given such notification and has brought forth a child will, at time frames days, give tantamount notice to her chief that she has brought

³³ The Bangladesh Labour Act,2006, section 102

forth a child. At the point when a notice under sub-section (1) or (2) is gotten, the pioneer will leave the woman alone missing from work from the day following the date of notice on account of sub-section (1); from the day of conveyance on account of sub-section (2) until about two months after the day of conveyance. A pioneer will give maternity pay to a qualified for it in lady any of the accompanying ways, as the lady wants, especially: (a) for a very long time, at spans three working days of the get together of a declaration endorsed by an enlisted parental figure expressing that the woman is relied upon to be bound at stretches two months of the date of the testament, and for the rest of the sum that she is qualified for maternity benefit under this demonstration, at stretches three working days of the gathering of confirmation that she has brought forth a youngster; or (b) for the steady time frame up to and including the day of conveyance, at spans three working days; or (c) for everything, at spans 3 working days of the gathering of evidence that she has brought forth a kid: on condition that a woman will not be qualified for any maternity benefit or any part thereof, the installment of which is dependent upon the gathering of verification that she has brought forth a child, except if such evidence is made at spans 3 months of the day of her conveyance.³⁴

The evidence needed under subsection (4) will be either an approved concentrate from a birth vault under the Births and Deaths Registration Act of 2004, or a declaration endorsed by an enlisted clinical man, or such elective verification as the pioneer acknowledges. Powerful and proper arrangements will be made in every organization for getting and keeping up with satisfactory ventilation by the dissemination of ongoing air in each work-room; such temperature as can get to representatives in that modest states of solace and hinder injury to wellbeing the dividers and rooftops, as recommended by sub-segment (2), Wherever the idea of the work completed inside the establishment includes, or is probably going to include, the gathering of to say the least hotness, such sufficient measures as square measure practicable, will be taken to secure the representatives thusly by isolating the technique that produces such temperature from the work-room by protection the new components.³⁵

In case the public authority discovers that unnecessarily high temperatures in any foundation, class, or portrayal of foundations can be decreased by such techniques as white-washing, showering, or protecting and screening outside dividers, rooftops, or windows, or by raising the level of the rooftop, or by protecting the rooftop either by an air space and twofold rooftop

³⁴ The Bangladesh Labour Act,2006, section 45-50

³⁵ The Births and Deaths RegistrationAct,2004, section 4

or by the utilization of protecting rooftop materials, or by different strategies, it might recommend such of those or those or different strategies to be utilized. An adequate and satisfactory light, regular or fake, or both, will be given and kept up within any part of a foundation where labourers are working or passing. All glass windows and skylights used for workroom lighting must be kept clean on both the exterior and inner surfaces and free of obstruction as much as practicable in every establishment. Compelling arrangements will be made in each foundation, to the degree practicable, for the counteraction of (a) glare, either straightforwardly from any light source or by reflection from a cleaned surface, and (b) the development of shadows to the degree that they cause eye strain or represent a mishap hazard to any labourer. Every establishment must make efficient arrangements to provide and maintain a sufficient supply of healthy drinking water at a convenient location for all personnel employed within. 'Drinking water' in Bangla shall be legibly marked at all such sites where water is delivered. Every firm with 250 or more employees must have a plan in place for effectively chilling and distributing drinking water during hot weather. Workers who become dehydrated as a result of working near machinery that generates excessive heat should be given oral rehydration therapy.³⁶

In each institution, (a) adequate restrooms and urinals of recommended types will be promptly accessible and open to staff consistently while they are in the vicinity. (a) Separate restrooms and urinals should be accommodated male and female labourers. (c) such restrooms and urinals will be reasonably lit and ventilated, and (d) every such lavatory and urinals will be kept clean and sanitized consistently utilizing suitable cleansers and sanitisers. In each institution, enough variety of mud beans and spittoons shall be offered in handy locations and kept in a very clean and healthy condition. Nobody may throw dirt or spit on an institution's property unless it is contained in the mud beans and spittoons supplied for that purpose. This requirement, as well as the punishment for violating it, must be prominently placed in appropriate locations across the premises.³⁷

By rules, the public authority could necessitate that powerful screens of suitable specs be accommodated the assurance of people dealing with, or almost, a strategy that includes (a) hazard of injury to the eyes from particles or sections lost during the technique, or (b) hazard of injury to the eyes from openness to unnecessary light-weight or hotness. At the point when

³⁶ The Bangladesh Labour Act,2006, section 58

³⁷ The Bangladesh Labour Act,2006, section 52,57,59

a mishap happens in an establishment that outcomes in death or real injury, or when an inadvertent blast, starts, an irruption of fireside or irruption of fireside or irruption of water or vapour happens in an organization, the foundation's chief should advise the Inspector inside two working days. Where a mishap causes real injury that requires the individual's obligatory nonattendance from work for a period surpassing 48 hours, it should be recorded in a register utilizing the recommended structure. Whether or whether there has been any bodily injury, the institution's leader must provide notice to the Inspector within three working days.³⁸ Each institution must supply and maintain first-aid boxes or cabinets with the contents specified by the rules, which must be readily available throughout all operating hours. The number of such boxes or cupboards will not surpass one for each 100 fifty labourers utilized by the organization routinely. Each medical aid box or storeroom should be regulated by a dependable individual who is prepared for emergency treatment therapy and who is consistently present during the foundation's functioning hours. The name of the person responsible for the primary and the box or cabinet provided concerning that area shall be posted in each workroom, and such person shall wear a badge to facilitate identification. In any institution with 300 or more employees, a sick space with a clinic of the necessary size, containing the prescribed instrumentation or comparable facilities, shall be established and maintained under the supervision of such medical and nursing employees as is also prescribed.

Every organization that employs forty or more people must establish and maintain a suitable space or spaces for the work of youngsters younger than six years of age. Such rooms should give suitable convenience, be satisfactorily lit and circulated air through, and be kept in a perfect and clean condition, and be under the management of a woman prepared or experienced being taken care of by youngsters and children. Such rooms will be effectively available to the moms of the youngsters housed there, and they will not be arranged close to any piece of the foundation where hostile vapour, mud, or odours are emitted, or within which too raucous processes are carried out, as far as is reasonably practicable.³⁹ Such rooms must be well-constructed, with each wall and roof composed of appropriate heat-resistant and water-proof

³⁸ Moni akter, "Workers rights violations in Bangladesh" 21-1-2015 <http://crowdvoice.org>, accessed date 18-03-18

³⁹ Pordin shaha "Minimum national wage for Bangladesh workers" 11-3-15 <http://bilsbd.org>, accessed date 11-02-18

materials. The height of such rooms shall not exceed 360cm from the ground to the bottom of a portion of the roof, and the floor space for each child shall not exceed 600sq. the cm. Effective and appropriate provisions for providing and maintaining adequate ventilation by the circulation of recent air must be made in each part of such space. Such rooms must be adequately stocked and equipped, with at least one appropriate cot or cradle with necessary bedding for each child, a minimum of one chair or equivalent seating accommodation for each mother to use while feeding or attending to her child, and an adequate supply of appropriate toys for older children. For older children, an acceptable enclosed and shady exterior playground shall be provided; provided, however, that the Chief Inspector may, by written order, exempt any institution from compliance with this sub-rule if he believes that there is insufficient space available for the availability of such a playground. No adult employee should be required or permitted to work at an institution for more than a certain number of hours per week. AN adult employee may match for quite cardinal hours in an excessively very week, subject to the rules of section 108, as long as the whole hours of labour of an adult employee do not exceed sixty hours in any week and on the average 56 hours per week in any year.

The full hours or overtime added in any year shall not exceed 150 hours, except in the event of an employee employed by an institution that may be a road transport service.

Inbound industries could relax the supply of this section or exempt, for a maximum of six months, from the supply of this section at a time, if the government is satisfied that such exemption or relaxation is vital for the public interest or economic development. A provident fund could be represented by a personal sector institution for the benefit of its employees. Such a provident fund shall be maintained in the manner indicated by rules established by the institution in this regard under section three. However, under section 920, the public authority might make rules for the foundation of fortunate assets for labourers utilized in the private area, and any place such guidelines are made, any establishment to which the standards apply should meet the necessities of the principles. A board of trustees will be in charge of and administering this provident fund. Such a leading group of trustees will comprise of an equivalent number of delegates from the institution's leadership and workers, and its head shall be a person nominated by the government. The leader's representatives must be nominated by the leader, and the dialogue agent must also nominate the workers' representatives. Where an institution does not have a dialogue agent, employee representatives will be elected by the staff under the direction of the director of labour. All delegates are required to keep their jobs for two years.

Assuming, of course, that they will continue to work until their successors do. Upon completion of one year of service within the institution comprising the provident fund, each permanent employee shall purchase the fund, monthly, a sum equal to not less than 7% and not more than 8% of his monthly basic earnings, unless otherwise reciprocally agreed. In addition, the leader must invest an equal amount in the project.⁴⁰

4.4 Major Finding of the study

The main finding of the paper I'm attempting to write is about the rights of garment workers in Bangladesh. That is a critical variable for me as a student. I also learn about the lifestyle, regular payment system, trades union, rights, and so on of garment workers. I also learn about the definition of a garment employee, the many rights of garment employees, and other important terms associated with this subject. I also notice this topic concerning various trade unions, collective bargaining agents (CBA), and international organizations that provide square measure assistance to garment workers. I also discuss how the Labour Court and the Labour legal proceeding assembly work. Finally, I attempt to present a debate about the rights of garment workers in Bangladesh. In terms of the Bangladesh scenario, we are all aware of the garment workers' law in Bangladesh and its application. Finally, we must keep in mind that there are issues that are more important than the problems we are attempting to tackle, such as the protection and abridgement of the rights of garment workers in Bangladesh.

4.5 Analytical Discussion

A garment worker is someone who makes garments. Garments workers are very most important in our country. We are known that many rights of the garment's workers like as the right to maternity benefits, right to wages, right to recreation, right to leave and holidays etc. but all right should not be enforced in our country. Every establishment has to first aid appliance, maintenance of safety record book, formation of the safety committee, washing facilities, canteens, shelter, rooms for children, housing facility of a disabled worker, housing facilities in tea plantation, compulsory group insurance etc. Every establishment has a working hour and leaves like as, daily hour, a rest or lunch interval, a weekly working hour, a weekly holiday, a compensatory weekly holiday, a night shift, and overtime allowance, and so on, but

⁴⁰ The Bangladesh Labour Act, 2006, section 52, 56, 61, 62, 75, 111, 138

we know that always violated the right. There are no sufficient canteen facilities for the garment's factories. This is the most important problem in our country. Every worker has the right to get medical facilities but in practice, the garment's owner is violated in the right. There is not enough adequate space and ventilation system for the garments workers. That's a gigantic problem for the workers.

Trade unions have been denied any meaningful position within the garment business, and as a result, they have very little impact over the hands or talents as mediators' interactions. however, each employee together with the garment features an elementary right to make and participate within the organization. thus, I would like to mention that's most significant. each employee features the right to organize. Recreation is a subset of leisure, with leisure meaning unstructured time. The "urge to attempt one thing for recreation" is an important aspect of human biology and psychology. Recreational activities are typically associated with hot water enjoyment, entertainment, or pleasure and are thought about to be "fun." The term recreation involves engagement to be healthy and to replenish one's mind and body.⁴¹ The freedoms of the representatives are given and conjointly secured by the Constitution of Bangladesh. It will be a rudimentary obligation of the State to liberate the labouring bounty of the workers and representatives and in reverse segments of the people from a wide range of double-dealing. The article of clothing workers is saved to their privileges by this arrangement. Article 27, 28, 31, 32, 34, 39, and 41 of the Constitution of the People's Republic of Bangladesh are of giving the Bangladesh constitution.

All elector's region unit fairness of opportunity for law and region unit qualified for equivalent insurance of the law in each spot. There will be uniformity of chance for all electors as far as work or work environment inside the Republic's administration. No country will be denied or oppressed in any business or working environment in the assistance of the Republic only dependent on trust, race, station, sex, or spot of birth. So, ought to be protected the workers' employees. Section 52, 57, fifty-nine of the Bangladesh Labour Act, 2006.

Where an employee's use has terminated due to retirement, discharge, retrenchment, dismissal, or termination, for example, all monies owed to him must be paid by the leader within thirty operational days. Each employee, except for an off-the-cuff or incompetent employee, is entitled to a certificate of service from his boss upon retrenchment, discharge, dismissal,

⁴¹ Nandita bose "*stronger labour law Bangladesh after garment factory collapse*" 25-07-2013
<https://www.reuters.com> accessed date 3-2=2018

removal, retirement, or termination of service. Any individual who is dissatisfied with a Labour Court ruling may, within thirty days following the order, file an appeal with the court, and the court's decision on such an appeal shall be final. There shall be no court fees owing for filing a grievance or appealing under this section. No complaint will lie against a request for end of work of a representative under area 26, except if such request is guessed to be made for his trade guild exercises or passed induced, or except if the worker included has been finished.

Any pregnant lady qualified for maternity benefit under this demonstration may, on quickly, pull out to her chief, either orally or recorded as a hard copy, that she hopes to be restricted to about two months next after and will, all things considered, designate somebody to get an instalment of maternity benefit for good measure of her demise. Any lady who has not given birth to a baby must give such notice to her leader within seven days after giving birth to a baby. As a result, pregnant women's rights must be preserved and protected.

In each institution, a supply of mud beans and spittoons should be kept in a perfect and clean condition and put in helpful areas. No one will toss soil or spit in the vicinity of a foundation besides in the mud beans and spittoons accommodated that reason. All such locales where water is accessible should be marked 'Drinking water' in Bangla. In any foundation where 200 fifty or a ton of staff square measure consistently utilized, an arrangement will be made for cooling the drinkable during the new climate by compelling means and appropriation thereof. The stature of such rooms will be close to 360cm starting from the earliest stage an extremely low piece of the rooftop, and there will be close to 600sq.cm of floor space for every kid to be obliged. As a result, during this chapter, the analytical half-square measure is crucial. Our country is a great location for the clothing industry; yet, we have a Brobdingnagian handicap that we do not address. Finally, I'd want to point out that the garment workers' rights must be respected.

4.6 Conclusion

In Bangladesh, there are numerous laws in place to protect the rights of garment workers. However, it is not adequately enforced; in my research, I try to analyze it thoroughly.

Chapter 5

RECOMMENDATION AND CONCLUSION

5.1 Introduction

This is the final portion of my investigation, and I discovered various data points about the rights of garment workers in Bangladesh. In the last part of my review, I record how we can shield the privileges of material specialists and what our government can do to secure the freedoms of garment workers in Bangladesh.

5.2 Recommendation

1. Even still, garment workers are underpaid. The government should guarantee their wages regularly and at the appropriate time. Their earnings structure should be updated under the market's current condition.
2. There are various abnormalities within the factories, such as physical torture, abuse, and so on, that the government should investigate and prosecute.
3. The industrial plant owners compel them to figure in the vacation, even on Eid day, but they at random cut earnings within the name currently returning, dangerous performance, dangerous quality, and so on that ought to be reduced.
4. Each woman has the right to induce maternity profit however there's no social control. therefore, maternity profit ought to be implemented in line with the Labour laws and different laws.
5. Every employee needs to get medical facilities however in observing the garment's owner is violating this right. So, the govt. ought to guarantee medical facilities.
6. There are no sufficient canteen facilities for the workers in garments factories. So, the hygienic canteen in the factories should be established.
7. BGMEA and BKMEA are always talking about worker compliance issues. Based on our observations, we discovered very little about what they deserve.
8. Child care and a schooling system may be developed for garment workers' children, with the BGMEA, BKMEA, and the Bangladesh government taking responsibility for ensuring adequate education.
9. Every worker has a right to participate in a trade union but they don't get the right. So,

the authority has to take all measures for ensuring the participation of garments works in a trade union.

10. Factory owners, the government, and other garment-related organizations should enhance facilities to optimize recreational opportunities for garment workers.
11. There is not enough lighting system of the garments factory. And it is a major problem for the workers. So, the authority has to take all measures for enough lighting systems in the garment factory.
12. There is not enough adequate space and ventilation system for the garments workers. That's a gigantic problem for the workers. So, the proper authority should be concerned to rescue from this problem.
13. To ensure that garment village programs do not harm the enjoyment of human rights, particularly the rights of women.
14. To ensure that no provisions in investment agreements jeopardize Bangladesh's enjoyment of human rights. And to protect all other rights.

5.3 Conclusion

The garment sector is by far the most important manufacturer in the country, generating between \$15 and \$20 billion each year and accounting for almost two-thirds of all exports. Bangladesh has over 2,500 garment manufacturers, with up to 10 million people relying on them directly or indirectly for a living. Approximately 80% of garment workers are female. However, in recent years, the Ready-Made Garments (RMG) sector has emerged as the largest foreign currency earner. Since the 1980s, the Ready-Made Garments (RMG) industry has grown at an exponential rate. When I was monitored, I encountered numerous issues, such as physical torture, maltreatment, and other anomalies in the factories. every woman has the right to get maternity benefits but there is no full enforcement. Every worker has the right to get medical facilities but in practice, the garment's owner is violating this right.

BIBLIOGRAPHY

PRIMARY SOURCES:

International instruments:

1. United Nation Universal Declaration of Human Rights,1948
2. V.I. Lenin, Role and Functions of the Trade Unions, Progress Publishers, Moscow,1965
3. International Law Commission (ILC), 1996
4. UN General Assembly Resolution,194(iii)

National Law:

1. The Constitution of the People's Republic of Bangladesh
2. Bangladesh Labour Act, 2006
3. Bangladesh Labour Welfare Foundation Act,2006
4. Maternity Benefits Act, 1939
5. The Minimum Wages Ordinance, 1961
6. The Payment of Wages Act, 1936
7. The industrial Labour Statistics rules, 1961
8. Minimum Wages Rate for Garments worker Rules, 2010
9. Economic Rights and Duties of States rule
10. The Births and Deaths Registration Act, 2004
11. The Health and Safety Act, 1992

SECONDARY SOURCES:

Books:

1. Mohammad Ataul Karim, *Labour Laws of Bangladesh*, (Sufi prokashoni, second edition,2004) 28,123-137
2. Dhar, Nirmalendu, *Labour and Industrial Laws of Bangladesh*, (, Remisi Publishers, Dhaka, second edition,2007) 28
3. Goni, Mohammad Reduan, *The Bangladesh Labour Act,2006*, (Hira Publications, Dhaka, fourth edition,2006) 44,56,67
4. Halim, Mir Abdul, *Bangladesh Labour Laws*, (Sufi prokashoni, Dhaka, sixth edition,2011) 204,211

Newspaper Articles:

1. Ibrahim Hossain Ovi, “Garment worker’s rights still a far cry “Dhaka Tribune,23-4- 2017, www.dhakatribune.com
2. Salam Rahaman “*protection of rights of the garment workers in Bangladesh*” the independent, 20-4-2018 <http://www.theindependentbd.com>
3. Kabir Hasan “*reproductive health and rights in garment workers*” the daily star, 20-12-2015 <http://www.thedailystar.net>
4. Sankar dev “*Bangladesh among 10 worst counties for workers says labour rights report*” bd news24.com 22-6-2017 <https://bdnews24.com>

Websites:

1. Bangladesh Garments Manufacturers and Exporters Association
<http://www.bgmea.com>
2. Levi Strauss Foundation <https://www.bsr.org>

Journals Articles:

1. Rahim khan “*rights of garments workers in Bangladesh*” 23-3-2017
<http://www.assignmentpoint.com>
2. Jason Burke “*garments workers in Bangladesh suffering after factory collapse*”
11-01-14 <https://www.theguardian.com>
3. Moni akter, “*Workers’ rights violations in Bangladesh*” 21-1-2015
<http://crowdvoice.org>
4. Pordin shaha “*Minimum national wage for Bangladesh workers*”11-3-15
<http://bilsbd.org>
5. Int. J.Adv.Res “*violation of labour law rights*” 5-12-2017
<https://www.theseus.fi/bitstream>
6. Nandita bose “*stronger labour law Bangladesh after garment factory collapse*”
25-07-2013 <https://www.reuters.com>

References:

Abdul Halim, M. (n.d.). *Rights of Garments Workers in Bangladesh*.

<https://www.assignmentpoint.com/science/textile/rights-garments-workers-bangladesh.html>

Jakir, H., Mostafiz, A., & Afroza, A. (2010). BANGLADESH LABOUR LAW: Reform DIRECTIONS. *BILS Research and Advisory Team*.

<http://www.peopletreefoundation.org/uploads/1/5/5/1/15517332/report-of-the-baseline-study-on-bangladesh.pdf>

Mayedul, I. (n.d.). Readymade Garments Industry of Bangladesh.

<https://garmentsmerchandising.com/readymade-garments-industry-of-bangladesh/>

Tansy. (2015). 2013 Dhaka garment factory collapse. *Wikipedia*.

https://en.wikipedia.org/wiki/2013_Dhaka_garment_factory_collapse