

DISSERTATION

ON

Access to Occupational Health and Safety Rights of Tannery

Workers in Bangladesh

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The dissertation titled “Access to Occupational Health and Safety Rights of Tannery Workers in Bangladesh” prepared by Wahida Tasnim, ID: 2018-2-66-008 submitted to Nabila Farhin. Senior Lecturer, Department of Law, East West University for the fulfillment of the requirement of course 406 (Supervised Dissertation) for the LL.B. (Hons.) degree offered by the Department of Law, East West University is approved for submission.

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Declaration

I declare that this research paper is solely done by myself. Also, it has not been submitted partly or wholly in any previous application for a degree. I confirm that this research is presented for the purpose of an undergraduate program as Law 406 (Supervised Dissertation) of the Department of Law, East West University. This research paper is composed entirely by myself solely and this is the result of my work and has not been submitted to any other degree. All the information and contents that have been contributed here are with references and with acknowledgments.

**Access to Occupational Health and Safety Rights of Tannery
Workers in Bangladesh**

Abstract:

The leather industry is a significant contributor to Bangladesh's economy, with tanneries playing a crucial role in this sector. However, tannery workers in Bangladesh face substantial occupational health and safety (OHS) risks due to the use of hazardous chemicals and poor working conditions. So what is the way to protect the OHS's rights of the tannery workers of Bangladesh is a question. In the present situation, the tannery workers are the most suffering groups and their protection is one of the main concern issues. For solving the problem there have been a lot of laws and guidelines but those are not implemented properly. The purpose of the research is to ensure that those laws and policies are enough to protect the rights of tannery workers. This research is qualitative and there is both primary and secondary data. The labor laws and policies are not well enough to protect their rights. Those laws and policies failed to provide.

Keywords: Occupational health and safety (OHS), Tannery workers, Hazardous chemicals, Sufferer, Implement.

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Chapter-1

1.1 Introduction:

Tannery in Bangladesh poses both environmental and health risks. In 1940, The first tannery was established in Narayanganj.¹ The tannery initially started production in Narayanganj but has also moved to the Hajari Bagh district of Dhaka and now to Savar, Dhaka to address environmental impacts and community hazards.² Tannery sector plays an important role in Bangladesh's economy. But tannery industry is very toxic industry and the absence of awareness about worker's OHS rights is the main problem in the current situation of the Bangladesh.

Bangladesh currently exports finished leather and leather products to more than 70 countries, employs about 500,000 workers, and makes huge profits per import.³ The sector, therefore, contributes significantly to the public economy. This process exposes workers to dangerous chemicals and creates a high-risk environment leading to workplace health and safety issues. However, due to the nature of the work, the industry presents its own unique workplace health and safety challenges. Workers in the tannery industry often work in cramped, poorly ventilated environments, using heavy equipment and hazardous chemicals. These conditions increase the risk of work accidents, injuries, and illnesses. Despite many concerns about workplace health and safety, the tanning industry has received relatively little attention from researchers and policymakers. This paper discusses these issues in detail and provides insight into the importance of addressing workplace health and safety rights in the tanning industry to ensure worker well-being and industry sustainability.

1.2 Research Question:

How far the occupational health and safety rights of tannery workers are guaranteed under Bangladesh Labour Act 2006?

¹ Md. Tuhin Sarker, Md. Atiqur Rahman Islam and Md. Zahidul, "Labor Rights of Tannery Workers in Bangladesh: An Overview", Kardan Journal of Economics and Management Sciences < Accessed Date : 24 march, 2022> [https://kardan.edu.af/data/public/files/KJEMS-%205.1-2022-4%20\(1\)02042022073136.pdf](https://kardan.edu.af/data/public/files/KJEMS-%205.1-2022-4%20(1)02042022073136.pdf)

² ibid

³ Ibid

1.3 Literature Review:

Many Researchers have studied health and safety issues in the workplace. Some results are shown below:

According to Oxenburgh & others, all workers have rights of about their health and safety with the company's productivity in all workplaces.⁴ But basically, occupational health and safety (OHS) has a negative outcomes such as injuries or illnesses at work. The study recommends that enforcement of the Bangladesh Labour Act (2006) and increased attention to OHS rights by both government and authorities. The study also suggests a dedicated hospital, appropriate training focus on protected their skin before using chemicals, and safe environment for tannery workers.⁵ Öztaş and others says about the system performance should be monitored the all toxic workplaces.⁶ As an awareness of occupational accidents and their negative impact on workers and workplaces grows so does the implementation of preventive measures to address risks.⁷

The paper also identified that society and culture create work environments that have a significant effect on workers' health.⁸ Occupational Health hazards for workers in the tannery industry are a problem not only in developing countries such as Bangladesh, also in others countries. Studies of Swedish and Italian tannery workers found that between 20% of the workers and 50% of the workers were at risk of cancer.⁹

So the above discussion, it can be clear that most of the papers mainly focus on occupational injuries and their effects on workers' health conditions. They only discuss about occupational safety and health Act for tannery workers in Bangladesh. No researcher does not this study

⁴ Maurice Oxenburgh, Penelope S.P. Marlow and Andrew Oxenburgh, Increasing Productivity and Profitability through Health and Safety. The Financial Returns from a Safe Working Environment. (1st Edn,2004)

<https://doi.org/10.1201/9780203427927>

⁵ Rabiul Islam, Md Shakhaoat Hossain and Md Abu Bakkar Siddique, Occupational Health Hazards and Safety Practices among the Workers of Tannery Industry in Bangladesh (2017)

<https://doi.org/10.3329/jujbs.v6i1.33727>

⁶ Ahmet Öztaş, Serra S. Güzelsoy and Mehmet Tekinkuş, Building and Environment, (Volume 42, Issue 3, Pages 1219-1228, March 2007) <https://doi.org/10.1016/j.buildenv.2005.12.017>

⁷ Beatriz Fernández-Muñiz, José Manuel Montes-Peón and Camilo José Vázquez-Ordás, Journal of Loss Prevention in the Process Industries, (2007) Volume 20, Issue 1, Pages 52-68 ,

<https://doi.org/10.1016/j.jlp.2006.10.002>

⁹ Fabiha Tasnim, Imon Rahman, Monica Sharfin Rahman and Ridwan Islam, A Review on Occupational Health Safety in Bangladesh with Respect to Asian Continent (2016), International Journal of Public Health and Safety

primarily addresses these issues. This study attempted to find workers' legal rights related to health and safety at work, and this study focused primarily on tannery workers' rights to health and safety.

1.4 Scope & Methodology:

This research is qualitative. The research scope is the occupational health and safety rights of tannery workers under labor laws in Bangladesh.

This research is independent of the critical analysis of the available theoretical descriptive resources including different theories and scholarly opinions. I conducted my study on what exit and also tried to find new solutions as well. I mainly use primary sources such as case laws, Bangladeshi laws, and international laws, and the methodology depends on the different online journals, newspaper articles, and journal articles.

1.5 Limitation:

The researcher will get some more outcomes if there is no limitation of time. There is a lack of information. I tried my best to reach out to a new topic within the period. There is a lack of journals and articles regarding this topic. Even there are not many cases in my topic. I could not conduct interviews with the workers about the situation and also had to depend on free journal articles. Overall, there are lots of limitations to this research topic.

Chapter 2

International Labor Law

2.1 Introduction:

International labor law is founded on the recognition that every worker has a fundamental right to a safe and healthy working environment, including those employed in the tannery industry. OHS means making sure that workplaces are safe, so that workers don't get injured or sick. According to the book Fundamental Principles of OHS, says that OHS is about being careful at work to make sure workers don't get hurt or sick and the community and environment are safe too.¹⁰ The international labor standard provides some guidance on how to stay safe and healthy at work and says about how to handle dangerous chemicals, prevent accidents and illnesses, and make sure everyone is safe at work. International labor standards help keep tannery workers safe and protect their rights by giving guidelines So international labor law recognizes the critical importance of protecting the OHS rights of tannery workers. By providing guidelines and the best practices for employers, as well as recognizing the rights of workers, international labor standards help to ensure that tannery workers can work in safe and healthy environments and also that their rights are protected.

2.2 General Convention:

The ILO has adopted more than 40 standards specifically dealing with occupational safety and health, and nearly half of ILO instruments deal directly or indirectly with occupational safety and health issues.¹¹

Right to work & safe environment: The International Conference for Labor decided that it's important for workers to have a safe and healthy workplace. This is very important for worker safety. These conventions are really important. This conventions aim is making sure that the rules for workplace safety and follow the guidelines under Article 1 of the Occupational Health and

¹⁰ Benjamin O. ALLI , Fundamental Principles of Occupational Health & Safety (Second Edition)

¹¹ https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_848132/lang--en/index.htm

Safety Convention 2006 (No:187). It says that the national system for workplace safety includes everything needed to make sure the rules are followed, like programs and policies.

The universal threat to the fundamental human rights of life and security of persons posed by unhealthy working conditions has been characterized by international human rights instruments and ILO standards.

1. **UDHR:** According to the Universal Declaration of Human Rights,1948 (UDHR), Article 3 is said that “everyone has the right to life, liberty and security of person”. This article ensures each person’s rights and safety in life. This article also includes occupational health hazards, work-related diseases, and the effects of occupational accidents. The International right to protection for occupational safety and health is among the fundamental constitutional principles of many nations. The ILO constitution considers the protection of workers against sickness, diseases, and injury arising out of their employee’s lasting peace.
2. **UNCHR:** The United Nations Commission on Human Rights,1946 (UNCHR) also focused on these hazards & underscoring the need to implement existing mechanisms for compliance with international human rights to OHS. So the legal foundation for implementing international human rights to occupational health protections in the workplace from the perspective of the security of the person as a facet of protecting the human right to health constitutes an important corpus of International Labor Standards.
3. **ICESCR:** In the International Covenant on Economic, Social and Cultural Rights, 1966,(ICESCR), part III, Article 6 and 7b, which is about all worker’s rights to “safe and healthy working conditions”. Article 12 of ICESCR, most clearly and deliberately addresses health, referring to the explicit right to health protection through industrial hygiene and protection against occupational disease. This Article also said about improved industrial hygiene is consistent with Article 7b of the ICESCR regarding safe and healthy working conditions. Significantly this Article has direct attention to the impact of occupational disease on health and thereby accepts and gives validity to sometimes controversial areas of occupational medicine as worthy of human rights protection. But Article 12 does not define health but follows the definition stated in the WHO constitution.
4. **CRC:** The fundamental labor rights is the implementation of the Convention on the Rights of Child by the Committee on the Rights of the Child,1989 (CRC) and the body of 18

independent experts that monitors the implementation. Article 32 of the CRC prohibits the employment of children under a defined age as well as child workers in a hazardous workplace which is threatening their health or dignity. This Article strictly prohibited that any kind of work which can be dangerous to a child, affect their learning, or harm them physically, mentally, spiritually, morally, or socially should not be allowed.

2.3 ILO Convention:

The ILO Convention on the Protection of the Occupational Health and Safety of Tannery Workers is an international agreement to promote safe and healthy working conditions for tannery workers and to ensure that their OSH is respected and protected. The Convention recognizes the importance of identifying and assessing potential hazards, providing appropriate protective equipment and training, and establishing effective systems for reporting and dealing with problems. Convention No 155 under Occupational Safety and Health, says that the government and stakeholders should work together to make sure people stay safe and healthy while they are working. They should have a plan to do this for improve working system.¹²

The Convention also applies to employers, workers, and other stakeholders involved in the tannery industry. The Parties to this agreement will take all necessary measures to promote the health and safety of tannery workers, including identifying and assessing potential OHS hazards on site and also provide workers with appropriate protective equipment and training, having effective systems in place to report and address OSH concerns, involve workers in decision making related to OSH issues, and encourage the development of OSH policies and programs in the tanning industry.

Occupational Health Services Convention, 1985 (No. 161): This Convention provides for the establishment of occupational health services at the enterprise level with primary responsibility for preventive functions. It is responsible for advising employers, workers, and their company representatives on maintaining a safe and healthy working environment.¹³

Working Environment (Air Pollution, Noise, and Vibration) Convention, 1977 (No. 148): The Convention provides that, to the extent possible, the working environment shall not be all hazards

¹² https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_848132/lang--en/index.htm

¹³ Occupational Health Services Convention, 1985 (No. 161)

caused by air pollution, noise, or vibration. To achieve this, technical measures must be applied to the companies or processes and, if this is not possible, additional measures related to the organization of work must be taken.¹⁴

In addition to these general principles, the parties to this agreement must take specific identify to protect the health and safety of tannery workers. This includes developing and implementing policies and programs to reduce exposure to hazardous chemicals, high noise levels, and other risks associated with the tanning process, appropriate training of workers in how to use protective equipment, and safe work practices. Ensure that machinery and equipment used in the process tanning process are properly maintained and tested, and establish application procedures for emergency response in the event of an accident or other incident that poses a risk to the health and safety of workers. To ensure compliance with the terms of this agreement, the parties will take all necessary measures to monitor and enforce compliance. This will include developing appropriate monitoring and enforcement mechanisms, as well as providing training and support to employers and workers in implementing the Convention. The Parties to this Convention shall provide regular reports on the implementation of this Convention to the International Labor Organization (ILO).

2.4 Environmental Law Convention:

Tannery industries have significant environmental impacts and sustainability challenges. One of the most significant environmental concerns is leather manufacturing. This manufacturing mainly uses hazardous chemicals in the tanning process. Many International Environmental Conventions are created to control pollution and developed a safe and healthy working environment.

Stockholm Convention, 2001: The United Nations Industrial Development Organization (UNIDO) takes responsibility for developing nations by implementing the Stockholm Convention,2001. This convention aims to reduce the use of POPs (Persistent Organic Pollutants), develop and implement action plans for unintentionally produced chemicals, and include the new chemicals for the effectiveness evaluation. The Stockholm Convention controls persistent organic pollutants (POPs), which are chemicals that are toxic, and bioaccumulative, and exposure to POPs can cause cancer, allergies, hypersensitivity, etc. Bangladesh ratified this convention on 12 March 2007.

¹⁴ Working Environment Convention, 1977 (No. 148)

Basel Convention 1989: The Basel Convention also works to protect the environment by regulating hazardous and other waste disposals. This convention's main aim is to protect the human environment from the adverse effects of hazardous waste that is generated, managed, and disposed of in the world community. In 1993, Bangladesh ratifies the Basel Convention, 1989 & always try to protect the environment by regulating hazardous industries like the tannery industry.

Rotterdam Convention 1998: This convention mainly promotes shared responsibilities regarding the international trade of hazardous chemicals. It also exchanges information about the variation of the chemicals that the parties to the convention trade to contribute to the environmentally sound use of such hazardous chemicals. Bangladesh has not any agreement with this convention but for the huge amount of tannery industries, Bangladesh can take a step toward the ratification of the Rotterdam Convention, 1998. Because the tannery industry is very toxic & there use huge chemicals. So, Bangladesh should ratify this convention also.

United Nations Framework Convention on Climate Change, 1994: UNFCCC is an international environment treaty. For the cause of global warming, this convention through adaptation and mitigation efforts directed at controlling of emission of greenhouse gases with governing actions. For too much uses the toxic chemicals is the main cause of climate change. The tannery industry, there use many toxic chemicals which are very dangerous for the human body and also the environment of a country. So, Bangladesh should be very careful about this portion.

In practice, the relationship between environmental law and international labor law can be complex and challenging. When we said about a Decent work environment, the ILO defines decent work as “productive work for women and men in the condition of freedom, equity, security, and human dignity.”¹⁵ Whereas tannery industries are very toxic industries, we shall be more concerned about laborers' rights occupational safety & health in their workplace and also concerned about the environment. Tannery industries are regularly found in creating nations, where environmental and labor controls may be powerless or ineffectively upheld. This will make a circumstance in which tanneries can function with small respect for the health and safety of laborers or the environment. In such cases, international organizations, such as the international labour Organization (ILO) and the United Nations Environment Program (UNEP), can play an imperative part in advancing the

¹⁵ <https://www.ilo.org/dhaka/country/lang--en/index.htm>

appropriation and enforcement of environmental and labor regulations, as well as in giving preparing and support to workers and managers. By working together, environmental and labor organizations can help assistance to guarantee that the tannery industry works in a way that is feasible, impartial, and aware of the rights of laborers and the environment. In the next chapter, I will discuss those facts in the above about Bangladesh.

2.5 Conclusion:

The International Labor Law Convention and environmental law conventions provide a critical framework for promoting health and safety in the tanning industry and reducing environmental impacts. Tanneries that follow these rules can keep their workers safe, help make the industry more sustainable, and be more successful than other companies. By working together to maintain health and safety in the workplace and to protect the environment, the tannery industry can continue to thrive while promoting sustainable practices and protecting the well-being of workers and the environment.

Chapter 3

National Laws of Bangladesh

3.1 Introduction:

The first codification of labour laws in Bangladesh was made in the year of 2006 in the form of the Labour Act, 2006 by repealing as many as 25 laws.¹⁶ The Bangladesh labor law is a complex legal framework that provides guidelines for the employment relationship between employers and employees in the country.¹⁷ The law is made for ensure that workers are protection and provided the safe and healthy working place for workers. The importance of labor rights and welfare in the tannery sector in Bangladesh cannot be overstated. The tannery industry is one of the largest export-oriented industries in Bangladesh. Providing a safe and healthy working environment for workers can help to reduce the risk of accidents and illnesses, and improve the over the sector. This can have a positive impact on the profitability and competitiveness of the tannery industry, ultimately benefiting workers, employers, and the wider economy.

So, promoting labor rights and welfare in the tannery sector is essential to ensure that workers are treated with dignity and respect.

3.2 Constitutional safeguard for health and safety rights in Bangladesh:

The Constitution of the People's Republic of Bangladesh is also said about the occupational health and safety rights of laborers. Those Articles are- In the Article 10 is about socialism and freedom from exploitation, then the Article 14 says about emancipation of peasants and workers. The most relevant Articles for the workers which are public health and morality (Article 18), equality of opportunity (Article 19), and work as a right and duty (Article 20).

So, the State policy mentions that everyone shall be bound to follow the principle for his work. Moreover, some freedom of association and profession or occupation are also mentioned in Article 38 and Article 40, and also there is a prohibition of forced labor under Article 34. Those are guaranteed under the Constitution of Bangladesh.¹⁸

¹⁶ Md. Abdul Halim, Textbook on Bangladesh Labour Code, Published : June 2015

¹⁷ ibid

¹⁸ The Constitution of the People's Republic of Bangladesh

Those are the fundamental principles of the constitution of Bangladesh, but no provision is expressly said about occupational health and safety rights. But if we interpret those principles and rights, we can see that here said about the safe place and decent work conditions where the workers are working with a guarantee of OHS rights. The Decent Work in Bangladesh was developed from 2017-2020.¹⁹ It is focusing on four key priorities and outcomes which will contribute to helping reach the goal.²⁰ The related points of OHS rights are make sure that all workers have a safe and clean environment to work in and following international labor standards and also supporting important rights for workers and having conversations between workers, managers, and organization.²¹

Bangladesh is a signatory of UDHR & ICESCR for ensuring human rights and peace of the citizen. Bangladesh is bound to follow the instruction provided here. Bangladesh is also a signatory of CRC. Bangladesh has been taking many steps to end child violence, increase child participation and improve health and education. Child labor is prohibited in the tannery industries of this country. In 1990, Bangladesh was one of the first two countries in Asia to ratify the CRC.

Bangladesh has been part of ILO since June 22, 1972 and agreed to follow 36 ILO rules, 7 of which are really important.²² The ILO is helping Bangladesh make sure workplaces are safe, helping regulatory bodies, and improving workplace safety and health. The ILO aims to help workers have better rights by working with their unions and companies to follow international labor standards, such as the right to form a union and bargain together.²³ They also work to improve communication between the government, workers, and employers to prevent and solve problems at work. It also covers social and labor issues which are basic human rights, industrial relations and social safety, and so on. In the following part, I will discuss the labor laws of Bangladesh & the environment of Bangladesh.

¹⁹ <https://www.ilo.org/dhaka/country/lang--en/index.htm>

²⁰ ibid

²¹ ibid

²² The ILO in Bangladesh

https://www.ilo.org/wcmsp5/groups/public/@asia/@ro-bangkok/@ilo-dhaka/documents/publication/wcms_697969.pdf

²³ ibid

3.3 Occupational Safety & Health in Labour Laws of Bangladesh:

The Bangladesh Labour Act (2006) is a law that says how to keep workers safe and healthy at work, and how to compensate them if they get injured. In 2013, significant amendments were made to the BLA (2006), regarding occupational safety and health. In policy 19 of the National Labor Policy 2012, the Bangladesh Labour Rules (2015) set implementation procedures to corresponding sections of BLA and they ensure workplaces are safe and healthy. Tannery industries are very harmful and workers can get sick or injured at work. Bangladesh made some rules to keep them safe. The government has made rules about taking care of workers' health and safety.

Whereas tannery industries are toxic industries and sometimes the laborers face very dangerous injuries during their working time that's why Bangladesh create some provisions & OSH policies. The National OSH Policy, 2013 states the prevention of workplace hazards. National OSH Policy and BLA provide the following provisions for mandatory and optional health care services for the health and safety of the workers which are;

- Every industry established a safety committee where 50 or more workers work and it is mandatory under (section 90A, Bangladesh Labor Act, Rules 81 and 84, Bangladesh Labor Rules). The main purpose of the safety committee is that they want to make sure that every employee works in a safe and healthy environment. They also want to prevent accidents from happening at work and get everyone interested in safety. In Rule 81(2) of BLR, the total number of members in the Safety Committee shall not be less than 6 and not more than 12 and it shall have an equal number of representatives from the employer and labor side. Many industries already have an OHS officer and senior management authorities who implement various kinds of occupational health and safety programs and regular monitoring of safety conditions. If any hazard is identified, inform the owner immediately under (Schedule-4.11(b), BLR).
- If any worker gets sick or injured then the employer shall make arrangements for him/her to be examined at the place where the worker is staying or working that time under Section 160 (1), BLA Amendment 2013. If a worker is physically injured by an accident, the authority shall be liable to pay him/her compensation in accordance with the provisions of Chapter XII of BLA (Section 150, BLA 2006).

- If a place has 10 or more workers, the employer can start a group insurance plan for them to protect against accidents at work. The benefits or money from the insurance can be used to help the workers if they get injured, and that is under Section 160 (11) of the BLA 2006.

3.4 Environmental Law in Bangladesh:

Environmental laws are mainly for the protection of the environment. This law also tries to ensure the rights and duties of citizens and public agencies for a healthy environment. The Government passed Bangladesh Environment Conservation Act in 1995 and improvement of environmental standards in Bangladesh day by day. This act is related to environmental pollutants, environment conservation, hazardous material, occupant, and wastage.²⁴ Tannery industries have significant environmental impacts and sustainability challenges. One of the most significant environmental concerns is the use of hazardous chemicals in the tanning process and chromium is used as the main chemicals which is very toxic for humans and the environment.²⁵

In section 13 of Bangladesh Environment Conservation Act, 1995, “the Government may, by notification in the official Gazette from time to time, formulate and publish environmental guidelines relating to the control and mitigation of environmental pollution, conservation and improvement of the environment.” In fact no industrial project shall be established without an environmental clearance certificate from the director general under section 12 of this Act. If any person operating any industry, activity or process or the person handling any hazardous substance shall be bound to render all assistance to the said authorized person in discharging his duties under section 10(2) of the Bangladesh Environment Conservation Act, 1995. Even if anyone breaks the rules then the director general may direct the provider of electricity, gas, telephone, water, or all such services to disconnect the service under section 4A of the Act.

Section 7 of this Act is about the remedy for injury. If there are arising an issue about injury to the ecosystem, the director general may file a suit for compensation in a civil case or file a criminal case for failure to comply with the direction or file both kinds of cases. Where, due to an accident

²⁴ Upal Aditya Oikya, Bangladesh Environment Conservation Act, 1995: An Analysis & Review, <Accessed Date: 21 november, 2017 >

<https://bdjls.org/bangladesh-environment-conservation-act-1995-an-analysis-review/>

²⁵ Rhema Hans, Environmental Concerns and Sustainability in Leather Manufacturing, Opportunities & Challenges in Leather Manufacturing Industry

<https://www.deskera.com/blog/opportunities-challenges-in-leather-manufacturing-industries>

or unforeseen incident, the discharge of any environmental pollutant occurs more than the limit prescribed by the rules under section 9 of the Bangladesh Environment Conservation Act, 1995. And the expenses incurred to remedial measures control or mitigate the environmental pollution under this shall be payable to the Director General as public demand.

In the case, Bangladesh Environmental Lawyers Association (BELA) v. Bangladesh and others (Writ Petition No. 1430 of 2003) (Tannery case), the BELA filed a writ petition for seeking a safe and healthy environment in the area of tannery industries.²⁶ Then in March 2017, 148 industries have been asked to relocate to Savar and the relocation process was prolonged due to the area's central effluent treatment plant not being constructed even after the High Court's verdict of relocating the industries.²⁷ The majority of the sector transferred locations in 2019. This relocation process solved the Hazaribagh area's pollution issue.

3.5 Implementation of OHS Standards of Tannery Industries:

There is much lack of legal rights regarding health and safety in the tannery sector in Bangladesh has been a persistent issue for many years. Despite some efforts to improve working conditions, the industry continues to be characterized by poor health and safety practices, with workers facing significant risks daily. Nowadays huge demand for leather products in the world. In 2019-20 years, Bangladesh's exports of leather products amounted to around \$797.6 million which is decreased amount with previous amounts. Because of lack of proper waste management, safety, and healthy environment issues, lack of new investment, etc.²⁸ The main lack is the owner's neglect of workers' rights for huge profits and as a result, most of the workers suffer from health problems.²⁹ That's why the progress is becoming slow day by day.

In our country, there are many laws and policies about workers but there are no specific guidelines about tannery industries and workers. As some examples, the aim of a safety committee is that ensure every employee works in a safe and healthy environment and prevent accidents from

²⁶ *Bangladesh Environmental Lawyers Association (BELA) v. Bangladesh and others* (Writ Petition No. 1430 of 2003) (Tannery case)

²⁷ Nishat Tasnim, "Relocating the Hazaribagh tannery industry" Dhaka Tribune (30 July, 2019) <https://archive.dhakatribune.com/tribune-supplements/tribune-climate/2019/07/30/relocating-the-hazaribagh-tannery-industry>

²⁸ Kazi Waliul Islam, *Leather Industry of Bangladesh: challenges and opportunities*, 2022 <https://businessinspection.com.bd/leather-industry-of-bangladesh/>

²⁹ *ibid*

happening at work and get everyone interested in safety. But every day many people die from occupational accidents or work-related diseases.³⁰ Then the BLA, 2006 ensures Occupational Safety and Health standards, and compensation for injury and accidents in the workplace, but it's also not properly maintained in the tannery industry.³¹ In policy no 19 of the National Labor Policy 2012, The Bangladesh Labour Rules (2015) focused on implementation procedures to those sections of BLA which are ensure OHS rights and the implementation of international standards on environment. Even the Government also passed Bangladesh Environment Conservation Act in 1995 which improved environmental standards and also has a remedy for injuries, but in the present situation, all laws are failed to protect the OHS rights of tannery workers.³²

In our country, there have many laws which are trying to work for established the workers' rights and protected their safety. Bangladesh didn't ratify some important convention which are actually effective to solve this problem. But Bangladesh already ratified many ILO conventions to ensure the OHS rights of workers. But those are not properly implemented in the country. Every industry established a safety committee, but it also cannot work properly because of a lack of management.

3.6 Conclusion:

The tannery industries of Bangladesh are one of the most important contributors to the economically development of the country and one of the major export industries. As per data from the Export Promotion Bureau, international buyers purchased \$1,234 million worth of leather products from the country in the 2021-2022 fiscal year.³³

Occupational safety and health (OSH) deals with all aspects of health and safety in the workplace and has a focus on the prevention of hazardous area. Its aim is to prevent accidents and harm to people from their workplace. Safe work is the fundamental right of the workers, occupational health safety defines that the workplace condition will be free from all kinds of hazards and risks of all kinds and ensures safety and health for all the workers.³⁴ ILO standards on occupational

³⁰ Srinivas Reddy, Workplace safety fails to keep pace with industrialization, The Daily Star, April 28, 2016
<https://www.thedailystar.net/business/workplace-safety-fails-keep-pace-industrialisation-1215463>

³¹ See note 1

³² ibid

³³ Sukanta Halder, Export of leather goods hits decade high, The Daily Star, July 7, 2022

<https://www.thedailystar.net/business/economy/news/export-leather-goods-hits-decade-high-3065886>

³⁴ Jakir Hossain, Afroza Akter and Mohd. Raisul Islam Khan, Occupational Safety and Health in Bangladesh: National Profile, Bangladesh Institute of Labour Studies-BILS, June 29, 2015.

safety and health provide essential tools for governments, employers, and workers to establish the prevention and inspection practices and also to provide for maximum safety at workplace.³⁵ The Bangladesh Labour Act 2006 also tries to prevent occupational accidents in the workplace.

http://bilsbd.org/wp-content/uploads/2022/03/BILS-ILO-Study_OSH-Profile_Final-Report_29-June-2015.pdf

³⁵ *ibid*

Chapter-4

Conclusion

4.1 Findings:

Most of the tannery workers in Bangladesh are suffering extreme health hazards due to unsafe working conditions. The lack of legal rights regarding health and safety in the tannery sector in Bangladesh has been a persistent issue for many years. Despite some efforts to improve working conditions, the industry continues to be characterized by poor health and safety practices, with workers facing significant risks on a daily basis.

The research's findings are below here:

- 1) One of the primary challenges is the weak enforcement of existing labor laws and regulations which are related to occupational health and safety and while there are laws in place to protect workers, these are often not enforced effectively, leaving workers vulnerable to exploitation and abuse. Employers may not provide adequate protective equipment or training, and there is a lack of monitoring and inspection by regulatory authorities.
- 2) Another challenge is lack of awareness of the workers about their rights to a safe working environment. Many workers are not informed about the hazards of working in the tannery industry or the measures they can take to protect themselves. The lack of knowledge leaves them vulnerable to exploitation and abuse by employers who may prioritize profit over worker safety. The consequences of these challenges are significant.
- 3) Tannery workers in Bangladesh are frequently exposed to hazardous chemicals and other risks, leading to numerous occupational accidents and illnesses. Workers suffer from respiratory problems, skin diseases, and other health issues for using hazardous chemicals in tannery industries. The lack of access to healthcare and compensation for these illnesses further compounds the challenges faced by tannery workers. Addressing the lack of legal rights regarding health and safety in the tannery sector in Bangladesh requires a multi-faceted approach.
- 4) This includes improving the enforcement of existing laws rules and policy, increasing awareness among workers about their rights and hazards, and providing adequate protective equipment and training.

So, the lack of legal rights regarding health and safety in the tannery sector in Bangladesh is a complex challenge that requires significant attention and action from all stakeholders. By addressing this issue, Bangladesh can improve the working conditions for tannery workers, promote sustainable economic growth, and ensure that workers are treated with dignity and respect.

4.2 Recommendation:

Tanneries can take a variety of steps to maintain OHS's rights in the workplace and to minimize the risks associated with the use of hazardous chemicals and waste products. Some of these steps are given below:

1. **Providing Personal Protective Equipment:** Tannery workers may be provided with such as gloves, respirators, and protective clothing to minimize their exposure to hazardous chemicals and waste products. **Improving ventilation:** Adequate ventilation systems can help to minimize the amount of hazardous chemicals and reducing the risks of respiratory illnesses among workers.
2. **Implementing training programs:** Tannery workers can be trained in the safe handling, use, and disposal waste products. This can help to reduce the risks of accidents, injuries, and illnesses. The safety committee can ensure that training.
3. **Implementing safe work practices:** Tanneries can implement safe work practices such as regular maintenance of equipment, regular cleaning of work areas, and proper storage and handling of hazardous materials.
4. **Collaboration with international organizations:** Tanneries can work with international organizations such as the International Labour Organization (ILO) and the United Nations Environment Programme (UNEP) to receive guidance on best practices and to improve health and safety standards in the workplace.

These steps can help to ensure that tannery workers are protected from the risks associated with the use of hazardous chemicals and waste products and also can help to minimize the impact of tannery industries on the environment.

4.3 Conclusion:

The issue of OHS rights for tannery workers in Bangladesh has been an ongoing concern for many years. But the implementation of OHS rights for the tannery workers in Bangladesh is not sufficient. In our country, there are many laws and rules about workers but there are no specific laws about tannery workers. The situation in tannery industries in Bangladesh is further compounded by poor working conditions and long working hours which is the cause of risks of occupational illnesses and injuries. Workers are often exposed to a range of chemicals and biological hazards, such as sulfuric acid, chromium, formaldehyde, etc. which can cause serious long-term health problems such as respiratory diseases, skin conditions, and cancer. Despite these challenges, there have been efforts made by the government and international organizations to improve the situation for tannery workers in Bangladesh.

However, the implementation of safety standards in the new facility has been slow with many tannery industry owners failing to comply with safety regulations. So, there needs to be a concerted effort from all to improve the OHS rights of tannery workers in Bangladesh. The government needs to take a more proactive role in enforcing safety regulations and implementing stricter standards to protect workers' rights. Tannery owners must also be held accountable for creating a safe working environment for their employees and ensuring that they have access to appropriate protective equipment. Protecting the OHS rights of tannery workers not only benefits workers but also contributes to the sustainable growth of the industry and our country's economy.

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