



**DISSERTATION ON**

**Occupational Safety and Health of Garment Workers in Bangladesh**

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**Submitted To**

**Sayed Hossain Sarwar**

Lecturer

Department of Law

East West University

**Submitted By**

**Maria Binte Belal**

2017-1-66-065

Department of Law

East West University

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## **DECLARATION**

I sincerely declare that this study is all my own research, except for primary and secondary information from the internet. It has never been submitted for any other degree, part-degree, or test at this or any other university before.

## **LIST OF ABBREVIATIONS**

<b>BGMEA</b>	Bangladesh Garment manufacturers and exporters association
<b>BLA</b>	Bangladesh Labour Association
<b>HCD</b>	High Court Division
<b>ILO</b>	International Labour Organization
<b>OSH</b>	Occupational Safety and health
<b>RMG</b>	Readymade garment workers
<b>UDHR</b>	Universal Declaration of Human Rights

## **ABSTRACT**

The garment workers are the most victimized group in terms of worker s' health and safety protections. Every year, many incidences in the garment industry are reported that have a significantly effects on the workers' lives. This paper overviews the existing rules and regulations related to the garment workers' health and safety. The paper highlights the frameworks of national and international for issues associated with implementing the legal frameworks for addressing garment safety regulations on OSH, as well as the . Furthermore, the paper addresses the regulatory authority' and the judiciary's obstacles in improving the current situation. It is found that Bangladesh already has lavish rules and regulations in writing complying for addressing the international conventions on health and safety. However, the enforcement the laws and regulations, monitoring and improvement of these rules and regulations, collaborations among the concern departments and organizations are absent. Consequently, our country is falling behind in economic and labor development compared to other developed countries.

## Table of Contents

### Page No

ACKNOWLEDGEMENT .....	i
DECLARATION .....	ii
LIST OF ABBREVIATIONS .....	iii
ABSTRACT.....	iv
CHAPTER 1: INTRODUCTION .....	1
1.1 Background of the Study.....	2
1.2 Research Questions .....	3
1.3 Research Justification .....	3
1.4 Research Methodology .....	4
1.4.1 Research Approach .....	4
1.4.2 Data Collection .....	4
1.4.3 Data Analysis.....	4
CHAPTER 2: OCCUPATIONAL SAFETY AND HEALTH IN INTERNATIONAL LAW, DOMESTIC LAW AND HUMAN RIGHT INSTRUMENT .....	5
2.1 Introduction .....	6
2.2 Occupational Safety and Health in International Law .....	6
2.3 Occupational Safety and Health In the law of Bangladesh.....	7
2.4 Occupational Safety and Health in Human Rights Instrument .....	9
2.4 Conclusion.....	10
CHAPTER 3: JUDICIAL DECISION ON THE SAFETY OF WORKERS IN GARMENT INDUSTRY .....	11
3.1 Introduction .....	12
CHAPTER 4: THE REASON BEHIND NON-IMPLEMENTATION OF OCCUPATIONAL SAFETY AND HEALTH ISSUES .....	16
4.1 Introduction .....	17
4.2 Lack of Monitoring by Regulatory Authorities.....	17
4.3 Incomplete Enforcement .....	17
4.4 Violations of Labour Rights in the Factories .....	18
4.5 Equipment and Facilities for safety are lacking .....	18
4.6 Overlooked Safety Concerns.....	18
4.7 Lack of Collaboration among Labor Administrations and Departments.....	18
4.8 Workplace Conditions are Hazardous .....	19
4.9 Conclusion.....	20

CHAPTER 5: CONCLUDING REMARKS .....	21
5.1 Findings .....	22
5.2 Recommendations .....	22
5.3 Conclusion.....	23
BIBLIOGRAPHY .....	24

## **CHAPTER 1: INTRODUCTION**



## 1.1 Background of the Study

The garment sector contributes significantly to national economic growth. Previous studies reported that approximately 4 million employees work in the garment industry. Among them 80 percent of workers are women.<sup>1</sup> In addition, the sector is an emerging role in manufacturing and exporting RMG products worldwide. The contribution of the sector is not only to the creation of job opportunities, financial development, family income, and social status development in society, but also up warding the national economy. Despite Bangladesh's incredible success in the RMG sector, factories weaken and poor working conditions and a lack of social compliance are significant difficulties at the garment industry.<sup>2</sup> The present working circumstances regularly contravene national and international labor regulations, as well as Codes of Conduct. The fire accidents and construction of infrastructure under minimum standard make workplaces vulnerable. Furthermore, in the RMG industry, accidents, fatalities, disablements, and building collapses are all typical occurrences now days.<sup>3</sup>

Furthermore, RMG workers are vulnerable to physical potential health risks as a result of unsafe working circumstances and industrial tasks. Several studies have revealed certain outstanding health difficulties due to every days working activities, the workers exposing to the health risks such as respiratory disorders, skin diseases/problems, musculoskeletal problems, hearing loss, and cardiovascular ailments.<sup>4</sup> Besides, various common disorders are mentioned, such as back/joint discomfort, cough and common cold, headache, eye trouble and loss of sight, hepatitis (jaundice), fever, diarrhea, and gastrointestinal pain are observed common among the RMG workers' health status.<sup>5</sup> These health conditions gradually reduces the work abilities of the workers due to the consequences of unsafe, over load and unhealthy work place environment.

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<sup>1</sup> Hossain MK, Rana M, Ahmed F. 'Impact of recession on ready-made garments of Bangladesh: a critical analysis.' *Int J Appl Res* (2016), 2:85–90.

<sup>2</sup> Steve McFadden, 'Garment Workers Study'. *Marymount University* (1995).

<sup>3</sup> Clean Clothes Campaign. 'Hazardous workplaces: making the Bangladesh garment industry safe.' (2012); Available from [Accessed 3 September, 2022]

<sup>4</sup> Hasnain, Md Golam, Monjura Akter, Md Shadab Ibn Sharafat, and Ayesha Mahmuda. "Morbidity patterns, nutritional status, and healthcare-seeking behavior of female garment workers in Bangladesh." *Electronic physician* 6, no. 2 (2014): 801.

<sup>5</sup> Ahmed, Shaheen, and Mohammad Zahir Raihan. "Health status of the female workers in the garment sector of Bangladesh." *J Faculty Econom Administr Sci* 4, no. 1 (2014): 43-58.

According to government specialists, working without having proper safety measures at work places and shortage of equipment at all levels limits the capacity to investigate on health and safety issues in the RMG industry.<sup>6</sup> In addition the study of Bansari<sup>7</sup> discusses that the implementation is inadequate, and compliance with international labor standards has fallen in a number of sectors, including union rights, anti-discrimination legislation, and other wage and hour labor requirements.<sup>8</sup> Because of the industry's rapid growth, many buildings designed for other uses have been converted into factories, often without the necessary permissions. Others have added additional stories or expanded the staff and machinery to the extra levels that exceed the building's safe capacity. Employers are required to provide basic safety measures according to section 44, which include, among other things, building safety, using the critical machineries securely by guarding all fictional parts, provide and monitor precautionary measures for before working on the machinery, emergency and automated devices for controlling cutting on/off power, providing protective equipment, fire prevention measures, and so on. Furthermore, the current law has addressed occupational safety and health issues for workers.<sup>9</sup>

## 1.2 Research Questions

For conducting the study, the following research questions are set:

1. Why the workers do not get the occupational safety and health they are entitled according to the law for occupational health hazard due to the lack of accountability provision and not enough updated law?

## 1.3 Research Justification

Garment industry is one of the highest export earners in our country. However, in the case of ensuring the occupational safety-security, health and welfare of the workers are not in well practice in the industries. The study of Khan (2015) finds that the workers of the

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<sup>6</sup> Akhter, S., Rutherford, S., & Chu, C. 'Exploring the system capacity to meet occupational health and safety needs: the case of the ready-made garment industry in Bangladesh'. *BMC health services research* (2019). 19 (1), 1-7.

<sup>7</sup> Bansari, 'Textile and Clothing Sector in Post MFA Regime: A Case from Bangladesh, Gender and Trade, Commonwealth Secretariat' (2010) accessed on 2 September, 2022

<sup>8</sup> Ibid

<sup>9</sup> Sections 61 – 78 of the Bangladesh Labor Act, 2006

garments gets low wages and occupational hazards exposure that make them vulnerable to certain physical and health risks.<sup>10</sup>

The other studies<sup>11</sup> finds that the absences of the implementations of the occupational health safety guidelines in the RMG sector are well observed. The preliminary factors behind it are, did not follow the objectives of the ILO conventions related to OSH and lack of accountability and monitoring of health safety issues in the factories.<sup>12</sup>

Through my study, I intend to explore the loopholes of the enforcement of the Law and regulations and the challenges for the implementation of the health safety rules and regulations in the RMG sectors. The study might positively contribute to the novice researchers and legal practitioners and law students to an idea of the protection through legal rights and the scenarios of violation of the rights of the RGM workers.

## **1.4 Research Methodology**

### **1.4.1 Research Approach**

This study uses a qualitative approach. For this study the secondary data uses from the different sources.

### **1.4.2 Data Collection**

This study uses secondary data from several sources of literature, including online publications, previous research works, journals, legislative reports, annual reports of NGOs and INGOs, and other internet resources.

### **1.4.3 Data Analysis**

*Content analysis* is used to analyze the obtained data based on the available secondary data.

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<sup>10</sup> Khan, Nirmeen Rifat, Tanjeem Rabika Dipti, Syeda Khaleda Ferdousi, Mohammad Zaid Hossain, Sultana Ferdousi, Sadia Akther Sony, Nahida Zafrin, Nandita Paul, and Mohammad Shohidul Islam. "Occupational Health Hazards Among Workers of Garment Factories in Dhaka City, Bangladesh." *Journal of Dhaka Medical College* 24, no. 1 (2015): 36-43.

<sup>11</sup> Campaign, Clean Clothes. 'Hazardous workplaces: Making the Bangladesh Garment industry safe.' (2012).

<sup>12</sup> Odhikar and FIDH. 'Women at Work. Systematic violations of labor rights in the construction and garment sectors in Bangladesh' (2020).

**CHAPTER 2: OCCUPATIONAL SAFETY AND HEALTH IN  
INTERNATIONAL LAW, DOMESTIC LAW AND HUMAN  
RIGHT INSTRUMENT**

## 2.1 Introduction

Bangladesh and The ILO adopted different laws, regulations and conventions regarding health of workers and Safety Issues for the workplace. Workers' health and workplace safety are protected by laws and conventions. In this chapter, I explored the national and international legal framework for workers' health and safety in the garment industry.

## 2.2 Occupational Safety and Health in International Law

At the international level Occupational Safety and Health (OSH) agreement is made by conventions and recommendations. The ILO is the main organization on an international level working with OSH. International Labour Organization has a great influence on this area. The ILO has created internationally binding conventions on OSH several times. The occupational safety and health convention 155 is the first convention on OSH, which was made in 1981<sup>13</sup>. The objective of this convention is ensuring safety and health and the working environment for all workers. All member states country who ratified in convention get directions from it that national conditions and practices take into consideration when policymaker is creating legislation regarding OSH<sup>14</sup>. It should be done with the consultation of different parties in the labor market<sup>15</sup>. The goal of the policy should be to stop accidents and injury to health as far as it is possible in the workplace<sup>16</sup>. Workers' cooperation and an employer's obligation both are needed to achieve this goal<sup>17</sup>. There are two more international conventions on occupational safety and health. Those are occupational safety and health services convention no. 161 from 1985<sup>18</sup>. The objective of this convention is to establish and keep a safe and healthy working environment in all industries and the most recent from 2006 is the number of 187 prominent structure for occupational safety and health convention<sup>19</sup>. The objective of this convention is promoting continuous improvement of occupational safety and health with a view to prevent occupational injuries, diseases and deaths of the workers<sup>20</sup>. Moreover, The ILO

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<sup>13</sup> Vall, Kristofer, and Johanna Porsklev. "Occupational Safety and Health: International and European influences on a National level." (2015). accessed on 15th April 2022

<sup>14</sup> ibid

<sup>15</sup> ibid

<sup>16</sup> ibid

<sup>17</sup> ibid

<sup>18</sup> ibid

<sup>19</sup> ibid

<sup>20</sup> Vall, Kristofer, and Johanna Porsklev, "Occupational Safety and Health: International and European influences on a National level" (2015) accessed on 15th March 2022

issued a protocol in 2002, it can be seen as a supplement to the occupational health and safety convention no. 155 from 1981<sup>21</sup>. We can understand from the protocol that it's the duty of the state they will create sufficient systems for reporting work-related incidents because it is important for the creation of national statistics<sup>22</sup>. There is more convention regarding working place and employment. For example, the 1964 Employment Injury Benefits Convention. The goal of this convention is to help workers who have been injured at work. The 1993 Convention on the Prevention of Major Industrial Accidents The goal of this convention is to prevent catastrophic accidents involving hazardous substances, as well as to mitigate the repercussions of such events. Working Environment Pollution, Noise and Convention, 1977 aims to provide a better working environment for workers by addressing issues such as air pollution, noise and vibration, and so on.<sup>23</sup> Except for the conventions, recommendations are the also guideline for OSH<sup>24</sup>. Recommendations are often more detailed in comparison with conventions<sup>25</sup>. Recommendations are the non-legally binding guidelines<sup>26</sup>. In the case of a non-binding agreement, states are usually keener to reach an agreement because they know that the result for non-compliance is non-existent<sup>27</sup>. Ratify is not necessary for the member states in that case<sup>28</sup>.

### **2.3 Occupational Safety and Health In the law of Bangladesh**

Bangladesh has enacted various legislation and regulations concerning textile and garment factories safety. Bangladesh Labor Regulations 2015, Bangladesh National Building Code of 2006, Fire Safety Act of 2003, and Workmen's Compensation Act of 1923, the laws that protect employees' rights and workplace safety. The Bangladesh Labour Act, 2006 states that employers have a universal obligation by mandating that the

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<sup>21</sup> *ibid*

<sup>22</sup> *ibid*

<sup>23</sup> Human Rights Watch Online Report, 'Bangladesh: Amended Labour Law Falls Short Some Improvements But Workers Right Still At Serious Risk', Human Rights Watch (15<sup>th</sup> July, 2013)

<sup>24</sup> *ibid*

<sup>25</sup> *ibid*

<sup>26</sup> *ibid*

<sup>27</sup> *ibid*

<sup>28</sup> *ibid*

structure of the building, walls, and tunnels be safe.<sup>29</sup> Furthermore, the Bangladesh National Construction Code of 2006 incorporates stringent building safety rules. Each floor of an industrial facility must have a minimum ceiling height for non-air conditioned around 3.5m and for air conditioned about 3.0m structures (Section 1.12.2). According to the laws, industrial establishments must have staircases that are at least 2.0m wide and handrails that are at least 0.9m high (Section 1.12.5).<sup>30</sup> These laws are regulating the working condition of the workers and health, safety, and welfare provisions. However, according to occupational health and safety research, the sections of the ILO conventions (Section 22. Precautions for Fire, Section 23. Fancy Machinery, Section 24. Moving machinery, Section 25. Young people working in risky machines, Section 27. Automated machines) are missing in Bangladesh's garment industries. As a result of these conventions' lack of effective measures in the factories, accidents such as fires, the exploration of boilers and other machines, and other mishaps are common. Furthermore, section 59 of the Bangladesh Labour Law, 2006 said that every factory must provide an adequate number of toilets for both male and female workers, while Act 91 states that all workers must maintain hygiene by regularly cleaning the toilets.<sup>31</sup> Health and first-aid equipment, as well as a safety profile record the health of workers is critical, and the garment industry's regulators must ensure it. In order of the BLA 2006, the government bodies has the ability to identify the potential worker exposures which represent a significant risk of disease, poisoning, bodily harm, and designate those activities dangerous to health. Besides, consistent with the BLA 2006, the workplace temperature should be such that it gives workers with reasonable comfort while also preventing health injuries.<sup>32</sup> According to the Bangladesh Labour Rules, 2015, no artificial humidification is permitted in the production due to the risk of fire. Section 90 of the Bangladesh Labour Act of 2006 mandates that every factory maintain a safety record book and a safety board.<sup>33</sup> The restrictions on workplace first-aid boxes are expressly directed in the

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<sup>29</sup> Parvez Ahmed, Rehana Parvin, "Protection of Workers in Workplaces: A comparative study of labour Laws of the UK, the USA and Bangladesh" (2015) Green University review Of Social sciences, Volume 02, Issue 01. accessed on 17<sup>th</sup> March 2022

<sup>30</sup> Masudul Haque Masum, Akm Masum ul Alam, 'occupational Safety and Health for Garments workers in Bangladesh: Policy Standard, OSH System, Current State and future way forward" (2016). Research Gate (2016) accessed on 24<sup>th</sup> March 2022

<sup>31</sup> Section: 59,91 of Bangladesh Labour Act,2006

<sup>32</sup> Section: 52(2) of Bangladesh Labour Act,2006

<sup>33</sup> Section: 90 of Bangladesh labour Act,2006

Bangladesh Labour Rules, 2015, where rule 76 stipulates that first-aid boxes would be signed with a red cross so that every employee is conscious of it. The part also stated the number of first-aid boxes needed based on the number of employees. Based on previous ILO conventions on garment worker safety under the Occupational Safety and Health Convention in 1981 and 1985. All of the conventions, including the Promotional structure for Occupational Safety and Health and the Employment Injury Benefits Convention, establish minimum safety and benefit criteria for workers. According to the ILO agreements, sections 12-21 of Chapter III Health and hygiene are missing in the majority of garment factories. Furthermore, the parts (section 3. Laundry facilities. Section 44: First-aid equipment Section 47 has 37 rooms. Section 109 of the Bangladesh Labour Act of 2006. Sections 59 and 91 of the Bangladesh Labour Act of 2006. Sections 52(2) of the Bangladesh Labour Act, 2006 and 90 of the Bangladesh Labour Act, 2006 (children) of Chapter 5 provide extremely minimal benefits to employees. Furthermore, rights guaranteed by Chapter 6 on Adult Working Hours are frequently violated in garment manufacturers. Following the Rana Plaza tragedy, in which over 1100 people were killed, the Labour Act 2006 was revised in 2013 in response to domestic and international demand. However, there are some gaps in this Act's OSH provisions. It should be more up to date.

## **2.4 Occupational Safety and Health in Human Rights Instrument**

Every human being has fundamental rights to the enjoyment of standard of health<sup>34</sup>. In many nations' protection of the right to health is the fundamental constitutional principle<sup>35</sup>. It has also been reflected in the United Nations Charter<sup>36</sup>. According to Article 3 of the universal declaration of human rights 1948, everyone has the right to life, liberty, and security of a person. Articles 23, 24, 25 of the UDHR is also relating to that issue<sup>37</sup>. In international human rights instruments and ILO standards, the danger to the fundamental human rights of life and security of a person in unhealthy working conditions has been distinguished<sup>38</sup>. One of the valuable international human rights

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<sup>34</sup> Feitshans, Ilise Levy, Joseph E. Murphy, and Paul H. Dawes. *Designing an Effective OSHA Compliance Program*. Deerfield, IL: Clark Boardman Callaghan, 1993. Available at: accessed on 27<sup>th</sup> March 2022

<sup>35</sup> Ibid

<sup>36</sup> Feitshans, Ilise Levy, Joseph E. Murphy, and Paul H. Dawes. *Designing an Effective OSHA Compliance Program*. Deerfield, IL: Clark Boardman Callaghan, 1993. Available at: accessed on 27<sup>th</sup> March 2022

<sup>37</sup> Ibid

<sup>38</sup> Ibid



instruments is the UDHR<sup>39</sup>. Though it does not provide specifically address the issues of occupational safety and health, it describes the surrounding issue of OSH but it's a widely accepted document of OSH<sup>40</sup>. International Covenant on economic social and cultural rights, the international convention on the Elimination of All forms of discrimination against women, Regional treaties and declarations Regarding human Rights, the African charter on human and people's rights, European Social Charter are also important international documents for human rights. Unlike, UDHR other international human rights instruments stated the concept of occupational safety and health issue. We can conclude that human rights to healthy workplaces are an accepted norm of international law.<sup>41</sup>

## **2.5 Conclusion**

The chapter discuss the different national and international frameworks related to OSH legal provisions. The Labour Act of Bangladesh 2006, addressed many Occupational safety and health measures that must be implemented in the garment industry. Conversely, international conventions of the ILO and human rights suggested to establish various laws and regulatory instruments to ensure the safety of garment workers.

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<sup>39</sup> *ibid*

<sup>40</sup> *ibid*

<sup>41</sup> *ibid*

## **CHAPTER 3: JUDICIAL DECISION ON THE SAFETY OF WORKERS IN GARMENT INDUSTRY**

### 3.1 Introduction

This chapter overviews different cases that covers the aspects related to the OSH. The purpose of overviewing the cases to understand the prominent judicial decisions and understanding facts in terms of the decisions.

#### **ASK, BLAST and others vs. Bangladesh and others [‘Tazreen Garments’ Case]<sup>42</sup>**

On November 24, 2012, more than 110 people died in Nisuchintapur Ashulia, Dhaka, when a fire broke out extremely early in the morning. For this, incident, Ain-O-Shalish Kendra (ASK), a popular legal aid NGO, initiated an investigation to discover the reason of the fire and to help in the legal process of holding those responsible accountable. Interviews with the victims, their relatives, bystanders, concerned authorities, and fire station workers were all part of the investigation. The following elements, according to the report, contributed to the tragedy: Aside from these frequently used staircases, the workers had just three small staircases to utilize to reach to the ground floor. There were no emergency exits or stairways, no automated fire defense systems, and no emergency fire doors. There was inadequate firefighting equipment; most of it was unused, and most employees couldn't utilize it. Water sources are insufficient both within and outside the factory. The ground floor had been set aside for storage (unplanned) On the bottom level, two high-voltage power transformers were erected, creating a unique set of hazards. There was only one major exit/entrance on the ground floor, which was insufficiently large for the number of employees and the size of the building. A suit is initiated by some popular legal aid NGO challenged the defendants disability to make certain successful execution of relevant workplace safety legislation, notably in connection to the stop of worker deaths and injuries reasoned by fire in garment manufacturing factories.

In this case, the Honorable High Court Justices issued a Rule Nisi in response to the Writ Petition of the aforementioned human rights group. Within four weeks, the responses must demonstrate why they should not be directed to prosecute and punish individuals responsible for the fire. To get to the ground floor, the BGMEA was given two months to deliver a report. There were not sufficient exigency survive or stairwells, no computerized fire alarms, and no exigency lighting. There was no sufficient firefighting equipment; most of it was not used, and most employees were unable to operate it. Water supplies are

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<sup>42</sup> BLAST, Writ Petition No. 15693 of 2012. High Court Division of the Supreme Court of Bangladesh. accessed on 27th April 2022

in short supply both outside and inside of the factory. The basement floors had been designated as the storage areas (unplanned) with two high-voltage power transformers those constructed on the ground level, presenting a unique combination of risks. On these level, there are primarily only one ordinary entrance and exit, which was not adequate for the entire employees and the capacity of the building. There is a database of garment factories throughout the country, and also a report as to whether the factory's authorities are in accordance with statutory legislation and what actions they have taken and done to ensure the protection of workers from fires. The Chief Executive and Chairman of the National Human Rights Commission (NHRC) and the Bangladesh Environmental Lawyers Association (BELA) have been instructed to report the recommendations of the notable persons within 10 days for the formation of an investigation committee probing the incident. As instructions from the government to explain the steps has already been taking to activate the High Court's directives in Writ Petition No. 6070/1997 issued on 2001 to implement the make sure the security and safety of the garment workers. Besides, establishing an investigation committee to report that the factory operations must follow the applicable legal procedures by garment authorities. Tazreen Fashions Ltd and Tuba Group both have been ordered to report the actions taken to compensate employees who have been died and/or injured, and the steps put in place to prevent accidents, injuries and deaths of workers. Following an assessment of the facts from BLA, it is noticeable that the factories of manufacturing and textiles violated the Factories Act 1965, the Fire Service Ordinance 1959, Bangladesh Labour Act 2006, and the Bangladesh Labour Code 2006. The government officers in question did not do their obligations. These accidents violate workers' fundamental rights, which are guaranteed by the Articles no 11, 14, 15, 21, 27, 31, and 32 of the Constitution.

**ASK, BLAST and others vs. Bangladesh and others [‘KTS Garments Fire’ Case]<sup>43</sup>**

In Chittagong's BSCIC Industrial Area, a four-story building used as the factory of KTS Textile and Garments caught fire, killing 57 workers. At the time of the tragedy, the main gate had been closed as requested by management, and there was no exigency exit. Many of the employees just burned to death because they had no way out, and their bones were recovered in the stairway, on the floor, and on the window grilles.

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<sup>43</sup> BLAST, Writ Petition No. 2019 of 2006. accessed on 25th April 2022

In this case, the High Court issued Rule Nisi 16.03.2006, placing an order the respondents to state the reasons why the authorities concerned should not be directed to take all necessary steps, as required by law, to investigate, prosecute, and punish those accountable for the deaths and injuries of fire victims at KTS Garments in Chittagong. During the Rule Nisi hearing, the Court ordered the involved agencies to submit an investigation report describing the cause of the incident and the safety measures implemented. The Court also directed KTS officials to present a report outlining the entire amount of compensation paid to the victims. The court also ordered them to provide medical care to the victims of the fire. According to the Court, a National Committee should be established to monitor compliance by garment factories with applicable fire safety laws, to make recommendations to prevent any such incidents, and to publish their reports in the press and on their website on a bi-annual basis, in accordance with the directives previously stated in Writ Petition No 6070 of 2001. Following a review of the facts, we can reach the conclusion that the defendants inability to obtain cooperation with fire protection system, the statutory bodies' failed to release their works under safety and health, workers' rights, and environmental laws, and the respondents' failure to prosecute the persons accountable for the employees' demise and injuries constituted violations of the right to life and the right to be treated in accordance with the law, as ensured by Articles 31 and 32.

**BLAST and others VS Bangladesh and Others (TAMPACO fire and Collapse Case)<sup>44</sup>**

In Tongi Dhaka, a fire broke out on early morning and explosion occurred at five storied factory on 10.9.16 and result of this explosion 29 person had died, at least 50 persons injuries and other persons being missing. All national media broadcast this incident widely. Including blast 3human rights organizations filed a writ petition against concerned authority of this factory that they failed to fulfill building construction responsibilities. They didn't take appropriate action to find out the cause of sudden explosion. So, responsible should be punished for this incident and responsible should provide adequate compensation including long term medical treatment, rehabilitation and they should take proper steps to prevent this kind of accident in future. It was held in that case, Justice of honorable high court issued a Rule Nisi and also ordered to respondent to

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<sup>44</sup> BLAST, [accessed on 27th April 2022](#)

ensure adequate compensation to victims and take all necessary steps to prevent this kind of incidents in future. The court also passed the order to freeze the account of respondent. The court also stated that provide compensation victim and their family members after 2 months with submitting a compliance report. After evaluation of the fact, we can come to the conclusion that respondent violated the fundamental rights to equal protection of life and to be treated accordance with the law, as guaranteed under Articles 27, 31 and 32 of constitutional law. Respondent also held liable to violate their statutory duties under the boiler Act 1923, Bangladesh Labour Act 2006, the building construction Act 1952.

**Md. Kamal Hossain and others vs Bangladesh and others (Spectrum sweater Factory Collapse Case)<sup>45</sup>**

In Savar a nine storied building which was a sweater factory was collapsed and result of that incident 69 workers died and 89 injured. Including blast, 9 human rights organization and 4 injured workers filed a writ petition against concerned authorities to discharge their duties relating to building construction then the court issued a Rule Nisi. The court ordered that to show because why respondent didn't take proper step to inquiry the collapse of building and the court also passed the order to provide adequate compensation to victim. Moreover, the court ordered to certain respondents for submitting a report relating to legality of the construction of the building, safety condition of the land and ownership of the land. After evaluation of the fact, we can come to the conclusion that Article 27, 31, 32 of constitutional law has violated here with workers.

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<sup>45</sup> BLAST, Writ Petition No. 3566 of 2005. [accessed on 29th April 2022](#)

**CHAPTER 4: THE REASON BEHIND NON-  
IMPLEMENTATION OF OCCUPATIONAL SAFETY AND  
HEALTH ISSUES**

## **4.1 Introduction**

One of the major concerns in our garment industry is workers health and safety. While ensuring safety in the garment sector, there are numerous hurdles to overcome. In this chapter, I attempt to identify those issues while also discussing the regulatory agencies' reactions.

## **4.2 Lack of Monitoring by Regulatory Authorities**

In case of safety and healthy environment of garment industries BGMEA and BKMEA plays an essential role<sup>46</sup>. For ensuring good health of employees BKMEA gives proper leisure time and if employees get sick, they give release for this day and provides medical assistance in the workplace<sup>47</sup>. BGMEA also plays a widespread role in RMG sector. For ensuring safety, in factories BGMEA has introduced service books for every worker's<sup>48</sup>. BGMEA factories try to keep free child labour in their places by continuous monitoring and they also plays an important role to provide legitimate rights and privileges of garments workers<sup>49</sup>.

However, the report of international organizations found that both national and local authorities for monitoring the factories did not report to the government and manipulated the real scenarios of the conditions of the garments and its workers.

## **4.3 Incomplete Enforcement**

Based on the literature, it is discovered that the most prevalent difficulties reported by garment employees include unsafe working conditions, being compelled to work overtime, a lack of suitable benefits, and workplace breaches. Failure to implement key provisions of the law has no long-term impact on the lives of workers. Furthermore, the key responsibility of the Ministry of Labour and Employment (MLE) of Bangladesh is missing in perspective of addressing enforcement of frameworks and monitoring it. All the required resources for conducting and maintaining proper monitoring and reporting, addressing the concerned issues have insufficiency. Furthermore, the governing bodies BGMEA and BKMEA's duties in monitoring and reporting on labor law compliance in the factories are not sufficient to handle the garment industry's persistent issues. According to the ILO study, the compliance operator solves concerns that are not covered

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<sup>46</sup> ibid

<sup>47</sup> ibid

<sup>48</sup> ibid

<sup>49</sup> ibid



by enforceable legal frameworks. They do not want any instances of noncompliance among their production employees. Workers will continue to face workplace violations unless the Labour Law is fully enforced.

#### **4.4 Violations of Labour Rights in the Factories**

Workers' rights breaches will persist as long as labor laws are not properly enforced. According to prior research, the garment business lacks essential rights such as benefits, a secure job, and safe working conditions. Furthermore, workplace violations like as gender discrimination and physical and mental harassment of female workers are common occurrences in the textile industries.

#### **4.5 Equipment and Facilities for safety are lacking**

Firefighting apparatus and emergency fire exits, protection kits, and building and machine safety are among the safety equipment/tools and facilities. The National OSH Policy requires employers to provide workers with training, safety guidelines, and personal protective equipment (PPE) and to assure its use in the workplace (Clause. 4. D.7).<sup>50</sup>

#### **4.6 Overlooked Safety Concerns**

Bangladeshi labor law requires employers to ensure that basic workplace health and safety standards are followed. Because of the factory's and other concerned authorities' disregard for safety precautions, it not only violates the law but also endangers workers' lives. According to a Human Rights Watch investigation, 87 percent of a sample of garment workers reported that their factory did not have a functional fire escape.<sup>51</sup> They lacked a fire hose, which could have prevented tragedies like those at Tazreen Fashion and Hameem Group. Moreover, no qualified specialists were not present to aid with the fire escape.

#### **4.7 Lack of Collaboration among Labor Administrations and Departments**

Occupational safety and health are promoted by a many initiative by national and international agencies Bangladesh. The existing governing structures and bodies are

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<sup>50</sup> Khan, Nirmeen Rifat, Tanjeem Rabika Dipti, Syeda Khaleda Ferdousi, Mohammad Zaid Hossain, Sultana Ferdousi, Sadia Akther Sony, Nahida Zafrin, Nandita Paul, and Mohammad Shohidul Islam. "Occupational Health Hazards Among Workers of Garment Factories in Dhaka City, Bangladesh." *Journal of Dhaka Medical College* 24, no. 1 (2015): 36-43.

<sup>51</sup> Human Rights Watch Online Report, 'Bangladesh: Amended Labour Law Falls Short Some Improvements but Workers Right Still at Serious Risk'. Human Rights Watch (15<sup>th</sup> July,2013)

established by the government, NGOs, civil society, trade unions, and international organizations. The collaboration among the governmental departments, ministries, NGOs and international stakeholders are a common practice to ensure safety of the workers by constituting forum.

However, recent case studies and scenarios indicates that the structure and activities of the existing statutory bodies and initiatives, as well as the coordination, cooperation, and collaboration among the many stakeholders are not strong and limited within existing mechanisms connected to OSH.<sup>52</sup>

#### **4.8 Workplace Conditions are Hazardous**

Though the matter that Bangladesh has sufficient legislation in place to address safety concerns in writing, health and safety violations are common in Bangladeshi textile mills.<sup>53</sup> According to the World Business Council for Sustainable Development study, Business Action for Safe Water, Sanitation, and Hygiene<sup>54</sup> It is found that garment factories lack safe drinking water, an acceptable number of toilets, and minimal sanitary hygiene regulations, as well as a bad ventilation system. As a result, they face more health and hygiene difficulties than other labor workers in other industries. We can see violations of various labor rights in the workplace. Labor-related rules and regulations are not enforced by regulatory bodies. Failure to implement key provisions of the law has no long-term impact on the lives of workers. Furthermore, the key responsibility of the Bangladesh Ministry of Labour and Employment of monitoring and addressing enforcement concerns is missing. These are the primary barriers to ensuring the safety of our garment manufacturing.

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<sup>52</sup> Ibid

<sup>53</sup> War on want, 'Stitched up: Women workers in the Bangladeshi Garment sectors'. (2011). Available from: accessed on 27th April 2022

<sup>54</sup> See, for example, world business Council for Sustainable Development. Business Action for Safe Water, Sanitation and Hygiene. Available from: accessed on 28th April 2022

## **4.9 Conclusion**

We can find that the variety of labor rights violations relating to worker safety and health in the garment factories. Regulatory organizations do not maintain transparency to enforce labor-related guidelines and standards. Incomplete and enforcement failure to implement at the root levels of factories, the essential provisions of the legislation seems to have no sustainable impact on the lives of the garment workers. Furthermore, there's also a lack of concern regarding evaluating and implementing of the Ministry of Labor and Employment's core obligations in Bangladesh. These are the most significant barriers to safeguarding the safety and health of our workers of garment factories.

## **CHAPTER 5: CONCLUDING REMARKS**

## 5.1 Findings

- The issue of garment workers' safety is a relatively prevalent occurrence in Bangladesh. Moreover, there are numerous norms and regulations in place in our country to ensure the safety of garment workers. Nonetheless, garment workers encounter a variety of hazards related to safety. Many workers died as a result of this. The garment industry's safety depends on the execution of laws and continuous monitoring of these.
- In factories where more than 50 or more employees employed for this place its mandatory to establish a safety committee according the labour law in Bangladesh. This committee is very important for ensuring OSH policy in factories because the main task of this committee is monitor and implement safety issues at workplace but this system of establishing committee is yet absent due to lack of accountability of regulatory authorities.<sup>55</sup>
- Bangladesh has not ratified the principal ILO agreements on safety and security, which require a minimum level of protection for all workers. Furthermore, responsible authorities such as the BGMEA and BKMEA have determined the institutional policies to be in poor condition. As a result, many types of mishaps such as fire, building collapse, infrastructure damage, worker physical injuries, and increased health hazards are widespread.
- Because the legal system is so slow and cumbersome, there are numerous pending cases involving garment industry safety issues. To resolve these issues and secure workers' justice, the judiciary must act effectively. Many difficulties such as fire, building collapse, and various types of harassment and random suspension could be resolved by resolving those instances.

## 5.2 Recommendations

To ensure Occupation Safety and health following steps are necessary-

- Top management of the factories should create a safety committee for planning to monitor and report for the safety and workers health security issues.
- All factories need to mandatorily appoint welfare officer so that he can receive complaints from workers and coordinate with safety committee on OSH. The role of welfare officer is very important. To monitoring welfare facilities as like drinking

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<sup>55</sup> ILO and apparel leaders join hands to strengthen safety committees

water, canteen, and restroom is a duty of welfare officer. In the purpose of ensuring adequate medical facilities maintaining communication with medical officer is also a duty of welfare officer.

- All factories should provide knowledge to workers by workshop or handbooks on safety measure that they have also responsibility towards their factory to ensuring safety. They should follow instructions of the employers regarding health and safety, shouldn't use alcohol or drugs at the time of work, when anyone is not clear about procedure of safety, they should ask the questions, provide information to management if they see any hazards and lastly, they should read the all safety procedures of their factory and comply with them.
- For identifying OSH problems and fixing them, for giving instructions to workers regarding safe working, to report unsolved problems to safety officer the role of supervisor is very important. So, factories should provide knowledge about their duties and they should also aware about their responsibilities.
- Factories should build up an emergency response system in case situations go wrong.
- On the notice board regular information should be posted regarding OSH.
- Authorities should establish a procedure to receive feedback on OSH.

However, we can conclude that by collaboration of every part of the authorities, OSH may be achievable. It cannot be achievable with the help of a single authority. Every part of the authority should come forward to ensure it.

### **5.3 Conclusion**

When it comes to work loads, safety, hygiene, and security difficulties, garment workers are the hardest hit. Despite having acceptable safety and security procedures in writing, the garment industry fails to put them into action. As a result, many accidents occur each year in the garment sector, including individuals losing their jobs, not receiving their salaries on time, being wounded, and factory infrastructure damage. According to the survey, Bangladesh violated many international treaties by failing to enforce lawful administrative procedures for the protection and security of textile workers. This issue poses further legal and judicial challenges in ensuring garment workers' rights. OSH will suffer if there is ineffective government monitoring and slow implementation of legislation. Furthermore, many Bangladeshi laborers are unaware of workplace safety requirements. To dramatically minimize the occurrence of deaths and injuries, they require employer-provided training, instructions, and counsel.

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