

## **Bangladesh's Position on Occupational Safety and Health: an Analysis**

Sakhawat Sajjat Sejan

Student of LL.M, Department of Law, University of Chittagong

### **Prelude**

All prosperity is the product of labor and labors. The spirit of this line is carried out in different international conventions. Article 23 of Universal Declaration of Human Rights-1948 (UDHR) has ensured right to work for every human being as well as the right to a just and favorable condition of work. Right to favorable condition of work would mean work place safety and other related issues. As a follow up to this article, clause 2(b) of article 7 of International Covenant on Economic, Social and Cultural Rights-1976 (ICESCR) has emphasized safe and healthy working conditions for the workers. To establish and exercise the afore mentioned directions of UDHR and ICESCR, International Labor Organization has developed some International Labor Standards and enacted a set of conventions for ascertaining Occupational Safety and Health (OSH). Occupational Safety and Health Convention 1981 is regarded as the most influential and efficient one. There are also the conventions named, 'Occupational Safety and Health Services Convention 1985', 'Promotional Framework for Occupational Safety and Health Convention-2006' etc.<sup>1</sup> Despite such affluence of International labor laws, Bangladesh has immense setback regarding Occupational Safety and Health issues. It has not ratified the key international conventions and international labour standards regarding occupational safety and health policy.<sup>2</sup> Though Bangladesh has its domestic laws and regulations mentioning working place health and hygiene in Sections 51-60, safety in between sections 61-78 and special provisions regarding health, hygiene and safety in sections 79-88 in 'The Bangladesh Labor Act- 2006', the protection regime is quite inefficient in terms of implementation.

### **Health and Safety Conditions in different Sectors**

According to the statistics of Bangladesh Bureau of Statistics in 2016 there were almost 3.45 million child labors across the country participating in active labor industry which has increased to another scale in the year 2017.<sup>3</sup> Many of them are working in the hazardous conditions as well. Bangladesh hasn't ratified 'Minimum Age Convention 1948' one of core labor standards of ILO, as a result International supervision concerning this matter is not initiated through governmental mechanisms. In the stated convention the minimum age for child worker general is 15 years but in terms of financial necessity the number is 14 years; as a result the child can be employed in a hazardous works, which works are approved in the

---

<sup>1</sup><International Labour Standards on Occupational Safety and Health> <http://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/occupational-safety-and-health/lang--en/index.html>, last accessed 27<sup>th</sup> April, 2018

<sup>2</sup><Up-to-date Conventions and Protocols not ratified by Bangladesh> [http://www.ilo.org/dyn/normlex/en/f?p=1000:11210:0::NO:11210:P11210\\_COUNTRY\\_ID:103500](http://www.ilo.org/dyn/normlex/en/f?p=1000:11210:0::NO:11210:P11210_COUNTRY_ID:103500), last accessed 29<sup>th</sup> April, 2018

<sup>3</sup><Child labour in Bangladesh> [https://www.unicef.org/bangladesh/Child\\_labour.pdf](https://www.unicef.org/bangladesh/Child_labour.pdf), last accessed, 23<sup>rd</sup> April, 2018

age of 18 years; whereas Bangladesh has set 14 years as the minimum wage for the workers, if we interpret the definition of section 2(8) in concurrence with section 34(2) of 'The Labor Act-2006'. This section states a person completing the age of 14 or adolescent shall be given to work in a factory or establishment granted with a certificate of fitness by a medical practitioner, which definitely makes child or adolescent prone to work and pushes to hazard as well.

Apart from this, the gelatin for the workers of Bangladesh especially in Chittagong, which grasped approximately 400 lives and injured 6000 workers in hundreds of accidents over last ten years; the ship breaking yards? According to Bangladeshi media there is no existence of Occupational Safety and Health in the workplaces; as a result, people die because of gas explosion, due to fall of plates, fire, intoxication by dangerous substance, fall from heights, crushed by steel beams, electric shocks and so on.<sup>4</sup> The ship owners don't provide safety equipment and training to the workers as well as no immediate access of treatment is provided to them in case of accidents.<sup>5</sup> There is no testing system in using cranes and other machineries, workers work barefoot injure themselves by splinters of iron often and also without any protective gears. In terms of toxic inhaling, the workers suffer lung problems which make them unable to work in the future. Unskilled workers and child labors are being driven to carry more weight than the recommended one by the ILO convention no 127 'Maximum Weight Convention 1967'<sup>6</sup> and 'Maximum Weight Recommendation 1967 (Recommendation No 128)'<sup>7</sup> as well as 'The Bangladesh Labor Act-2006'. And rarely inspections are done to examine occupational safety and health in those yards in absence of any legal regulatory frameworks by the government of Bangladesh, who only receive taxes but don't foresee the fate of those workers. If anyone is injured in those shipyards they are provided with the fees for immediate treatment, no allocations are made for their permanent treatment. Rarely the compensatory amount is paid to the disabled workers or families of dead workers following the provisions of workers' compensation enumerated in Labour Act-2006.

The same happens in the informal sectors of Bangladesh, as there are no regulatory approaches initiated by the government to supervise and inspect them. As a result, there is existence of child labor and forced labor. And this sector doesn't even embody with the terms of occupational safety and health as the sector is out of the ambit of government, which is

---

<sup>4</sup><SHIP BREAKING IN BANGLADESH><https://www.shipbreakingbd.info/>, last accessed 27<sup>th</sup> April, 2018

<sup>5</sup><Muhammad Muhibbullah, Health hazards and risks vulnerability of ship breaking workers: A case study on Sitakunda ship breaking industrial area of Bangladesh>[http://www.shipbreakingplatform.org/shipbrea\\_wp2011/wp-content/uploads/2014/12/Health-hazards-and-risks-vulnerability-of-ship-breaking-works-Muhibbullah-Nov-2013.pdf](http://www.shipbreakingplatform.org/shipbrea_wp2011/wp-content/uploads/2014/12/Health-hazards-and-risks-vulnerability-of-ship-breaking-works-Muhibbullah-Nov-2013.pdf), last accessed 27<sup>th</sup> April, 2018

<sup>6</sup><Maximum Weight Convention 1967>  
[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C127](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C127), last accessed 27<sup>th</sup> April, 2018

<sup>7</sup><Maximum Weight Recommendation 1967>[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:R128](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R128), last accessed 27<sup>th</sup> April, 2018

absolute indifference in part of the government failing to provide absolute security to its citizen in workplaces.<sup>8</sup>

Heading towards another backlog, in the factories and rolling mills of Bangladesh the workers experience negligence by the owners. Workers are not provided with protective gears and training to use the machineries as a consequence they die or become handicapped. Workers work in hazardous working conditions in rolling mills in terms of carrying rods and other hazardous works which may cause life time injury or death. There is lack of inspection by the government in those factories; whether there the workers are getting favorable and safe working conditions or not.<sup>9</sup>

### **Follow Up of the Rana Plaza Incident**

After the brutal incidents of Rana Plaza and Tazrin Garments, killing 1136 and 112 workers respectively working conditions of the Ready-Made Garments were updated from worst working circumstances in consequence of the sector-based conventions regarding occupational safety and health. The knitwear sector of Bangladesh has experienced critical and cruel juncture. Fundamental changes were necessary to safeguard approximate 0.4 million workers of it as well as the confidence of global buyers. A medium-term action were initiated by Government, Employers and Workers with the collaboration of ILO through integral National Tripartite Plan of Action to increase Occupational Safety and Health, fire safety assessments, labor inspection and so on. Approximately 3508 export oriented ready-made garment factories had undergone some structural development to improve occupational safety and health. And a number of inspectors and supervisors are appointed approximately in 500 RMG factories to increase awareness among the workers though the factories are not adopting its own mechanisms to ensure OSH.<sup>10</sup>

As part of the approach 'The Bangladesh Accord on Fire and Building Safety' and 'The Alliance for Bangladesh Workers' Safety' were initiated to ensure workplace safety for the workers as well as 'Department of Inspections' were established in many of the factories. In pursuance of it, Department of Inspection for Factories and Establishment (DIFE) were established with the collaboration of ILO and Ministry of Labor and Employment of the government of Bangladesh with inspection strategy and roadmap.<sup>11</sup> OSH culture is injected to the factory owners, supervisors, managers and workers to improve through training and skill development following the objectives of '**National Action Plan on Fire and Building Safety**' to increase OSH. Though these schemes are seemed to be noteworthy, no effective

---

<sup>8</sup><The Informal Sector and Informal Employment in Bangladesh><https://www.adb.org/publications/informal-sector-and-informal-employment-bangladesh>, last accessed 28<sup>th</sup> April, 2018

<sup>9</sup><Occupational Safety and Health in Bangladesh: National profile>[http://bilsbd.org/wp-content/uploads/2016/03/BILS-ILO-Study\\_OSH-Profile\\_Final-Report\\_29-June-2015.pdf](http://bilsbd.org/wp-content/uploads/2016/03/BILS-ILO-Study_OSH-Profile_Final-Report_29-June-2015.pdf), last accessed 27<sup>th</sup> April, 2018

<sup>10</sup>< ILO, partners aim to improve conditions in Bangladeshi garment industry>[http://www.ilo.org/newyork/news/WCMS\\_222019/lang--en/index.html](http://www.ilo.org/newyork/news/WCMS_222019/lang--en/index.html), last accessed 25<sup>th</sup> April, 2018

<sup>11</sup>< Occupational safety and health country profile: Bangladesh><http://www.ilo.org/safework/countries/asia/bangladesh/lang--en/index.html>, last accessed, 26<sup>th</sup> April, 2018

moves are yet done following the directions. According to the follow ups of newly employed law, formation of safety committee is a required and mandatory one, but it didn't even make any persuasive value to the factory owners. Still there is absence of aforementioned committees in many of the factories, which depicts the non-implementation of the directions so made.

### **Recent Changes in Law and its Lacking**

After the infamous Rana Plaza tragedy, Bangladesh attempted several amendments in the existing 'The Labour Act-2006' by adding and refurbishing the sections 78(A), 80, 82, 89, 90(A) and 90, which are regarding the Occupational Safety and Health issues. Besides Bangladesh government has attempted to increase OSH by enacting mere directory guidelines named '**Occupational Safety and Health policy Bangladesh 2013**'. Even then, those laws lack in the insurance of occupational health and safety and other core guidelines elevated by International Labor Organization. To ensure workplace safety, Safety Committees, Participation Committees and Health Centers were introduced. These committees are largely powerless bodies made up of management and workers of a particular company. The role of these committees is also not defined in the amended laws. The bodies work as per the directions of a worker's union. And one momentous step since 2013 is, the '**Accord on Fire and Building Safety in Bangladesh**', which is a five-year independent and legally-binding agreement made between Some of the world's largest apparel manufacturers, retailers and trade unions. They have brought into effect this legally binding agreement among themselves for five years to elevate and ensure safety of Bangladeshi garment workers.<sup>12</sup> All of the above changes were brought into effect under immense international pressure. The government however has kept all the conveniences it needs to interfere with the dealings of the workers and initiated strict regulations further. Though a few labor unions are existing in the country, using the sword of reformed laws the government can now also interfere into the proceedings of trade unions. Especially in respect of foreign funding, the trade unions must take approval from the 'Labor and Employment Ministry' of the government before receiving any sort of support whether technical, technological, health, safety or financial from the International resources.<sup>13</sup>

In terms of safety of women from sexual harassment, the amended laws don't provide any necessary action plan in the Ready-Made Garment sectors and other workplaces despite of the recommendations made by High Court Division of Bangladesh in *Bangladesh National Women Lawyers' Association (BNWLA) vs. Bangladesh*.<sup>14</sup> As a consequence, the government has failed to develop specific regulations to carry out the efficient infliction of International labor standards in the domestic laws.

---

<sup>12</sup><Three Years After Rana Plaza, Worker Safety Improves in Bangladesh> (Friday, 10th June, 2016), <https://www.triplepundit.com/special/cotton-sustainability-c-and-a-foundation/bangladesh-worker-accord-fire-and-building-safety/>, last accessed 29th April, 2018

<sup>13</sup><Survey on Violation of Trade Union Rights> <https://survey.ituc-csi.org/Bangladesh.html?lang=en>, last accessed 29<sup>th</sup> April, 2018

<sup>14</sup>14 BLC 694 (2009)

## **Recommendations**

Problems regarding the occupational safety can be solved if the government takes some necessary steps. Some recommendations are mentioned below which may soothe the problem from the root level and assist in increasing occupational health and safety in Bangladesh.

Those are:

- Government must ensure supervision by engaging all the root level communities to supervise whether occupational safety and health is established in every factory or not by bottom-up management;
- Government should ratify the international conventions regarding OSH to ensure third party assistance in testing and improving the existing scenarios in the factories of Bangladesh;
- Government will have to make the laws efficient and compact to ensure highest level of Occupational safety and Health by adopting the procedures regarding OSH;
- Trade Unions should be established to make balance in the relationship between the owners, workers and the government, which will aid the workers themselves to pressurize government and owners to increase OSH following the mandates and objectives of OSH conventions;
- NGOs and IGOs should be allowed more space to raise social awareness regarding the work place safety and health condition;
- Regular reporting, inspection and supervision should be ensured by the inspection team with the help of Safety committees in factories to scrutinize the working conditions, safety and health regarding management of licenses, certificates, tests and other OSH records.
- Government and owners must provide medical treatment facilities adequately on emergencies through ensuring emergency response system in the factories.
- Permitting more trade unions can play vital role to ensure safety in workplaces. Collaboration may be sought between ILO and National Coordination Committee for Worker Education (NCCWE) along with IndustriALL Bangladesh Council (IBC);
- There should be a procedure to receive feedback on Occupational Safety and Health by Bangladesh Employers Federation (BEF) and Bangladesh Occupational Safety, Health and Environment Foundation (OSHE);
- Moreover, senior management system along with the assistance and supervision of government shall establish a compact mechanism ensuring Occupational Safety and Health

## **Concluding Remarks**

Occupational Safety and Health is regarded as the parameter of the development of labour industry of a particular Country. If the standards set for OSH are achieved through the implementation of the existing laws with efficient policies, then it can be ensured compactly. The policies may be set by following the directions and objectives of several OSH conventions passed by International Labour Organization. Ensuring OSH for the workers should not be regarded as a burden rather a fueling mechanism to amplify the development of labour industry. And that's why Paul Polman once said "Safe working conditions, fair wages, protection from forced labor, and freedom from harassment and discrimination, these must become standard of global operating conditions."