

The Political Economy of the Landscape of Trade Unions in Bangladesh:

The Case of the RMG Sector

Mirza M Hassan, Syeda Salina Aziz, Raeesa Rahemin, Insiya Khan, and Rafsanul Hoque

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1. Introduction

This paper explores the political economy landscape of trade unionism in Bangladesh. The focus is on the ready-made garments (RMG) sector where trade unions (TU) are highly salient and relatively more operational because of the sector's economic importance, the numerical strength of its labour, high degree of concentration of the industries, and TU's global network, among other factors. Relying predominantly on primary data, we looked at both the formal and informal dimensions of industrial relations, their implications for the state-capital-labour interactions, and the governance of the TUs. Literature on RMG-related TUs in Bangladesh generally examines it from a social movement perspective. We took a slightly different approach in this paper by making a modest attempt to fulfil the knowledge gaps in TU research by exploring the formal and informal relations between the regulatory institutions and the TUs, and, more importantly, with the internal governance of the TUs. Additionally, we explored the two-way relational dynamics of TU leaders and RMG workers. These areas have not received much attention in the extant literature. By adopting a politico-sociological perspective, the paper reflects on the collective action dynamics of industrial labour in the context of the global south.

1.1 Structure of the Report

The paper is structured as follows: section one provides the introduction and methodology and section two presents an account of the trade unions and federations currently active in the RMG sector and the policies governing the TUs. Section three presents a history of the labour movement and section four presents the dimensions of the TU regulatory regime. TU leadership dynamics and challenges are presented in section

five. The informality in the internal governance of the unions, from decision-making to leadership selection, and trade union financing, are discussed in section six. Section seven presents the relational dynamics of workers-unions interactions. It analyzes workers' demands and expectations from TUs and various strategies and norms that govern their interactions with unions. Finally, section eight—concluding observations—reflects on the broader dynamics of trade unionism in Bangladesh.

1.2 Methodology

This study used both primary and secondary data. Secondary data include national and international policy reports, academic journals, laws, regulations, secondary statistics provided by different government agencies, survey reports, media reports, and articles.

For primary data, the study used qualitative research methods, mainly Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs) with national and local TU leaders, activists, and factory workers. KIIs were initially conducted with TU federation leaders. To do this, we collected a list of all 57 TU federations currently active in the RMG sector.¹ To get an insight into these federations, we engaged an expert advisor who is a researcher and TU activist on RMG-related trade unionism in Bangladesh. Regular consultations with the consultant led us to identify and classify the federations based on several criteria, including registration status, years of operation, size, and political affiliation with local or international organizations. Twenty-five federations were shortlisted ensuring representation from all these categories. However,

¹ This list of 57 federations include currently active federations only (both registered or unregistered). The list is prepared based on suggestions received from our expert advisor. This is different than the list of 57 registered-only (active or inactive) trade unions provided on the Department of Labour website..

updating the contact information of the leaders, persuading them to do the interviews, and agreeing on a suitable time were altogether difficult processes.

As a strategy, we began by interviewing two well-known federation leaders. For subsequent interviews, they were used as references. The initial interviews helped us understand the context and historical trajectories and better shape the following interviews. In the end, in total, 17 interviews were conducted with national-level federation leaders. As additional information, we collected relevant documents from their offices including copies of written constitutions and relevant publications, to inform this study further.

Other than the national federation leaders, we conducted 12 FGDs in four RMG industrial hubs: Narayanganj, Ashulia, Mirpur, and Tongi (3 separate FGDs in each hub). The first group included local TU leaders from different federations (including registered, unregistered, politically affiliated, and non-affiliated). The second group included workers at various RMG factories who were affiliated with factory-level TUs. The third group consisted of workers from RMG factories who did not have factory-level TUs. Among this group, some participants had little association with local level TUs, few had received some help to resolve disputes, while the rest had no associations with trade unions. The second and third groups had representations from both men and women from diverse age groups. The first group of local leaders consisted of men. Each FGD had 12 to 15 participants.

2. Trade Unions in the RMG Sectors

2.1 Early days

The establishment of TU federations in the RMG sector dates back to the 1980s (See Table 1). The organized labour movement in the RMG sector began earlier in 1979. Some young activists of the *Jatiya Samajtantrik Dal* (JSD), a left-wing political party in Bangladesh, started organizing RMG workers from several factories in Dhaka. They formed the *Bangladesh Garment Sramik Federation*. It applied for registration in the same year but was not approved for five years, until 1984.

In 1984, the *Bangladesh Garment Sramik Federation*, *Bangladesh Janashadhin Garments Sramik Federation* and *Federations of Garments Workers*, were registered as TUs. All of these were backed by *Jatiya Party*, a conservative political party in Bangladesh, and the then ruling party in the country.

However, a few other federations also operated at that time but were registered much later. The first impetus for forming federations in the RMG sector came from a group of tailors. As a prominent TU leader of the National Garments Workers Federation (NGWF) observed:

During the 1980s, there were few large hubs of tailoring shops in Dhaka city. The tailors working in these shops wanted to form an association and I was their advisor. In 1983, the tailors staged a protest demonstration for over 3 weeks. During that time, the RMG industries were also expanding. A large portion of these protesting tailors later joined the RMG factories expecting better working conditions and wages. But soon they discovered that workers' rights were worse in RMG factories and there was little freedom. Even higher pay could not

compensate for the poor work environment. Hence, some of these frustrated workers decided to take action. They contacted me and proposed that we start a garments workers' federation.

The scope and intensity of TU activities in the RMG sector, during the earlier phase, were rather limited. A handful of plant-level unions and federations were established in response to serious violations of rights, harassment of workers, and poor working conditions. One reason for this slow evolution was the anti-Ershad movement of the 1980s, which overshadowed the labour movement, and was consequently overlooked by the major political parties. But the RMG-centred labour movement started gaining momentum by the mid-1980s. Abul Hossain, a prominent trade union leader noted:

During the mid-1980s, TU activities in the RMG sector started taking a definite shape. Factory-based unions, along with federations, started working in this sector. During that time, the national workers union, trade union centre, and the workers' wings of the major political parties like Bangladesh Jatyatabadi Sramik Dal, *Bangladesh Jatiya Sramik League*, and *Krishak Sramik Party* started organizing labour in the RMG sector (Hossain, 1997).

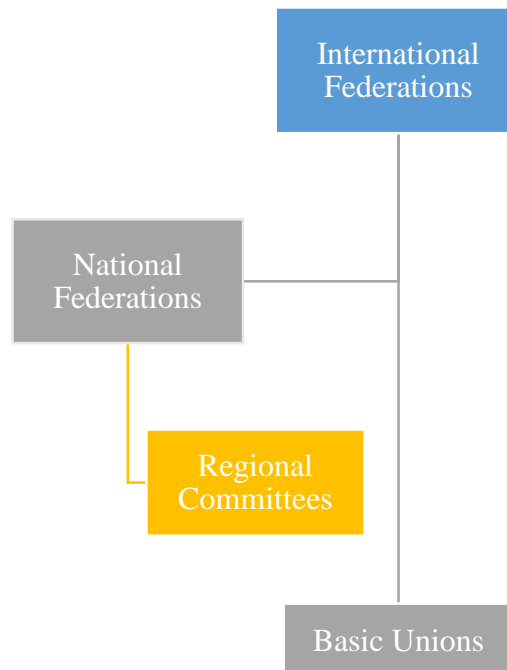
2.2 The constellation of TUs in the RMG sector

Globally, the broader structure of TUs has five layers. The first layer consists of basic unions—the unions based at the sites of the workplaces. The second layer is craft unions, which are formed by at least five basic unions working in the same industry or profession. The third layer consists of industrial unions, which are formed by basic unions operating at different factories in the same industrial sector. The fourth layer is the national federation, which is a combination of at least twenty unions operating in

different sectors of the industries. The fifth layer is the international federation or TU confederation which combines at least 10 national federations. However, in Bangladesh, the RMG sector follows two different layers of unionism—basic and national federations. The third layer is international federations (see Figure 1). Bangladesh also has a good number of unregistered national federations, which are fully active, and despite being unregistered, are accepted by the government and private employers as legitimate TUs.

Figure 1

Different layers of trade unions in the RMG sector



TU activities in the RMG sector started under the patronage and guidance of political parties. Over time, with the expansion of the RMG industry, the sector has attracted much national and global attention. TUs have managed to affiliate and develop alliances with various national and international NGOs, human rights groups, and international labour confederations and garnered support for their rights-oriented movements. Such affiliations have contributed to capacity building of TUs through

various training that they received about workers' rights and labour laws, conducting welfare activities like running day-care centres and helping with conflict resolution processes within factories. The trade union federations can be categorized into three broad groups. However, these groups are very broad in nature and the line of demarcation between these often get blurred. They are:

2.2.1 Type 1- Federations:

Federations tend to possess strong political ideologies and are mostly associated with left-wing political parties. In terms of numbers, this group is the minority. These types of federations do not depend on any NGO or international actors for funding and the leaders believe that financial dependence would eventually compel them to compromise with their objective of establishing the rights of the workers. They, however, take help from national NGOs for legal and advisory support. Their institutional links to global federations are very limited and mostly done on an individual basis.

2.2.2 Type 2 – Federations:

Federations that are directly and indirectly associated with political parties, both mainstream and left, and affiliated with local and international NGOs, platforms and confederations, belong to this group. These federations maintain a good network with multilateral agencies and TU federations including ILO, IndustriAll Bangladesh Council, International Trade Union Center (ITUC), World Federation of Trade Unions (WFTU), Clean Clothes Campaign etc. Some of these also get financial support from national and global actors. These federations, along with a global network, also maintain a close connection with national NGOs and other federations.

2.2.3 Type 3- Federations:

These federations have no relation with political parties and are closely associated with international NGOs.² They avoid street protests and mainly focus on welfare-generating activities for worker members. They also get political support from global NGOs, receive substantial funds from global actors, and can provide effective solutions to factory-level disputes. They can utilize their international network to liaise or negotiate with international buyers to create pressure on garment owners.

At present, there are a total of 56 registered federations in the garments sector. These federations have 329 registered basic unions as affiliates. In addition, about 40 to 50 unregistered federations are active in the RMG factory regions, namely Savar-Ashulia, Tejgaon-Badda-Mirpur, Narayanganj, Gazipur, and Chittagong.

² The first category includes, among others, Garments Trade Union Centre (GTUC), Bangladesh Jatiya Garments ShramikKarmachari League (Bangladesh National Garments ShramikKarmachari League) and alliance like Garments ShramikOdhikarAndolan; the second category tends to be affiliated to larger platforms and alliances such as Industrial Bangladesh Council, Garment-ShramikKarmachariOikyaParishad (G-SKOP), Garment Shramik O ShilpaRakkhaJatiya Mancha, Garments ShramikSamanwayPrishad (Garment workers coordination council), and GarmentsShramikOikyaParishad (Garment workers unity council); one of the most prominent from the third category is Bangladesh Garments and Industrial Workers Federation and the federations affiliated with the Solidarity Centre (see footnote 2 below).

3. External Stakeholders:

Apart from the direct relationship with the government agencies, factory owners, and their workers, the TU federations tend to get involved with different kinds of networks and maintain relationships with political parties, agencies, and associations, and form alliances for various kinds of support (see Figure 2). Interviews suggest that through these relationships, federations receive support for many causes including financial, legal, logistical, as well as collective actions.

Figure 2

RMG Federations and External Stakeholders



The Bangladeshi RMG sector is affiliated with several international federations, associations and alliances. The international organizations and alliances support the federations mostly through extensive capacity-building training and awareness campaigns. These international networks also work as a pressure group through their linkages to improve working conditions and ensure workers' rights in this sector. Among

these international allies, IndustriALL Bangladesh Council (IBC) is the most prominent stakeholder, and 33 of the RMG federations in Bangladesh are members of IBC. IBC is a member of IndustriALL Global Council which is a major union fighting for better working conditions and trade union rights around the globe (IndustriALL, 2019).

Bangladeshi federations also keep a close connection with the International Trade Union Confederation (ITUC) which works to ensure the fundamental worker's rights including the right to organize in a TU, the right to collective bargaining, protection from discrimination, and the elimination of child labour and forced labour (International Trade Union Confederation, 2010). As a part of this, ITUC strengthens international cooperation between TUs, runs global campaigns, and advocates within the major global institutions. Clean Clothes Campaign (CCC), on the other hand, supports Bangladeshi RMG sector federations. CCC is a global alliance of NGOs and labour unions, which mobilizes consumers about labour rights issues, lobbying companies and governments and offer support to workers in the RMG sector.

Federations are also supported by the International Labor Organization (ILO), which runs Better Work Program jointly with the IFC and World Bank. Through this initiative, ILO works in collaboration with workers, employers and the government to improve work conditions and labour rights in the RMG sector. Several federations are supported by the Solidarity Center, a US-based NGO that works with unions, worker associations and community groups to provide a wide range of support including education, training, research, legal help, and other resources to trade unions in many countries around the world. Unlike the other international affiliates, Solidarity Center also provides financial support to some federations.

Political parties also support many of the federations, based on their affiliations. Many RMG federation leaders are [or were] closely associated with mainstream or leftist political parties and through this network, they secured financial and political support from the parties.

Among the national actors, *Sramik Karmachari Oikya Parishad* (SKOP), being the alliance of the National Federation of Trade Unions, maintains close contact with the federations in RMG sectors. *Garments Sramik Karmachari Oikya Parishad* (GSKOP) is an alliance of RMG sector federations. Like-minded federations also ally themselves to support each other in raising relevant demands to the government and support each other during protests and movements. Such alliances include GSKOP, SKOP and *Garments Sromik Odhikar Andolon*.

There are NGOs and institutions at the national level which are affiliated with the RMG sector federations. The Bangladesh Institute of Labour Studies (BILS) is the only labour institute in the country which supports and builds the capacity of the TUs. There are also national NGOs like Bangladesh Legal Aid Service Trust (BLAST), which support trade unions with legal aid services and training for capacity building as well as advocacy.

The Bangladesh Garment Manufacturers and Exporters Association (BGMEA) and Bangladesh Knitwear Manufacturers & Exporters Association (BKMEA) are the trade associations that operate to protect and promote the industry's interests. BGMEA is the apex body that has about 4300 factories as its registered members. It works as an arbitrator to resolve disputes among factory owners and federations. Some interviewees

view BGMEA to be overly concerned about the growth and profitability of the sector, often undermining workers' rights. Also being an arbitrator, BGMEA often forms committees consisting of representatives of federations, owners and themselves. Interestingly, Federation leaders, who participate in the committees get compensated by BGMEA, which tends to undermine their ability to represent workers.

International brands and buyers also maintain a close connection with the federations through written agreements. Accord on Fire and Building Safety in Bangladesh and RMG Sustainability Council (RSC) have signed agreements between global brands and Bangladeshi federations to ensure safety and work environment in the RMG sector, which was established soon after the Rana Plaza Disaster. In June 2020, through an MOU between Accord, BGMEA and BKMEA, the country's RMG operations were transferred to a national entity known as the RMG Sustainability Council (RSC). RSC was jointly created by brands that were a signatory to the Accord. Federations also seek help to resolve workplace issues from Accord and RSC. Pointing towards the effectiveness and influence of the RSC one federation leader observed:

Recently, there have been some issues in a certain factory that we are concerned with. Despite the owner being informed he was reluctant to make any decisions for several weeks. RSC emailed the owner's buyers, informing them of the situation. The owner immediately responded and agreed to sit and resolve with us.

3.1 Policies Governing the TU

Broadly, most of the existing labour laws in Bangladesh date back to the British colonial and East Pakistan period (see Figure 3). Till 2006, around 50 different pieces of legislation guided these sectors. As a result, many of them were contradictory, some

overlapped with each other, and others used different definitions for similar terms. Also, laws enacted during the colonial period were fundamentally unsuited to govern labour and productive relations in an independent country. These led to demands for comprehensive legislative reform for the labour sector.

The Bangladesh Labour Act 2006 (BLA 2006) was the first attempt at a comprehensive labour policy in the country after independence. It eliminated ambiguities, such as the definition of the age limit for child labour and retirement age, clarified the definition of workers, and stated that wages should exclude all other payments made to labour. The BLA 2006 stipulated better regulations for industries and set provisions for standard job contracts including the issuance of appointment letters, identity cards, maternity benefits, sick leave, death benefits, annual leave with pay, festival leaves, and group insurance. It also set provisions for a minimum wage board that could pass a minimum wage rate for workers. The legislation also specified workers' right to form and join trade unions that were better aligned with ILO core conventions that Bangladesh ratified in 1972.

Nevertheless, many human rights organizations including the ILO pointed to inherent weaknesses in the BLA 2006 in terms of its deficiency in recognizing and enforcing workers' rights. Specifically, the legislation failed to comply with two major ILO conventions: ILO convention no. 87 (1948) – Freedom of Association and Protection of the Right to Organize, and ILO Convention No.98 (1949) – Right to Organize and Collective Bargaining. Despite the recognition of workers' right to join and form TUs, the law practically discouraged trade unionism by stipulating excessive requirements and complicated procedures (ITUC, 2012).

For instance, the law specified 30% worker participation for the formation of trade unions and submitting employee names to employers for verification. The procedure is complex and even when requirements are met, employers can fire or press employees against unionization. Employees can form “participation committees” whose members are supposed to be chosen by trade unions. But, the law does not guide member selection in the absence of a trade union. Another major weakness of the law is that outsiders are not allowed to represent trade unions. Finally, the factories in the Export Processing Zones (EPZs) operate under a separate law with very limited freedom for associational activities.

The next major policy level changes occurred in July 2013, after the devastating Rana Plaza event, which brought in new safety and security guidelines such as the use of personal safety equipment, electrical safety, structural integrity, prohibitions on blocking exits, and fire drill exercises. Provisions of committees were made obligatory by law based on factory size. It created provisions for Workers Participation Committees (WPC), an elected committee meant to work as a proto-union in the absence of unions. The amendment also increased penalties for law violations and defined the role of unions in wage and overtime determinations. Garment workers were also granted a maternity leave of four months.

Despite these positive changes, the amendment still ignored basic collective bargaining and associational rights. The law retains loopholes favourable to employers who can still suppress worker rights. For example, although the law does not require TUs to share the list of union leaders with employees, it does not prohibit the practice either and there is no defined process to ensure the confidentiality of the list (USAID, 2014).

Non-factory representation is not discussed and the employee participation rate at 30% remains unchanged in the amended law. While employer associations and factory owners claim the requirement of a 30% participation rate is necessary for proper representation, human rights advocates assert it is valid only if the number of employees in a single factory is considered and not the employees of all factories under one industrial group. When factories are located at different places, facilitating communication and coordination between individual factories becomes a bar for unionization (Bearnot, 2013). The law also fails to address issues related to worker retention and sub-contracts.

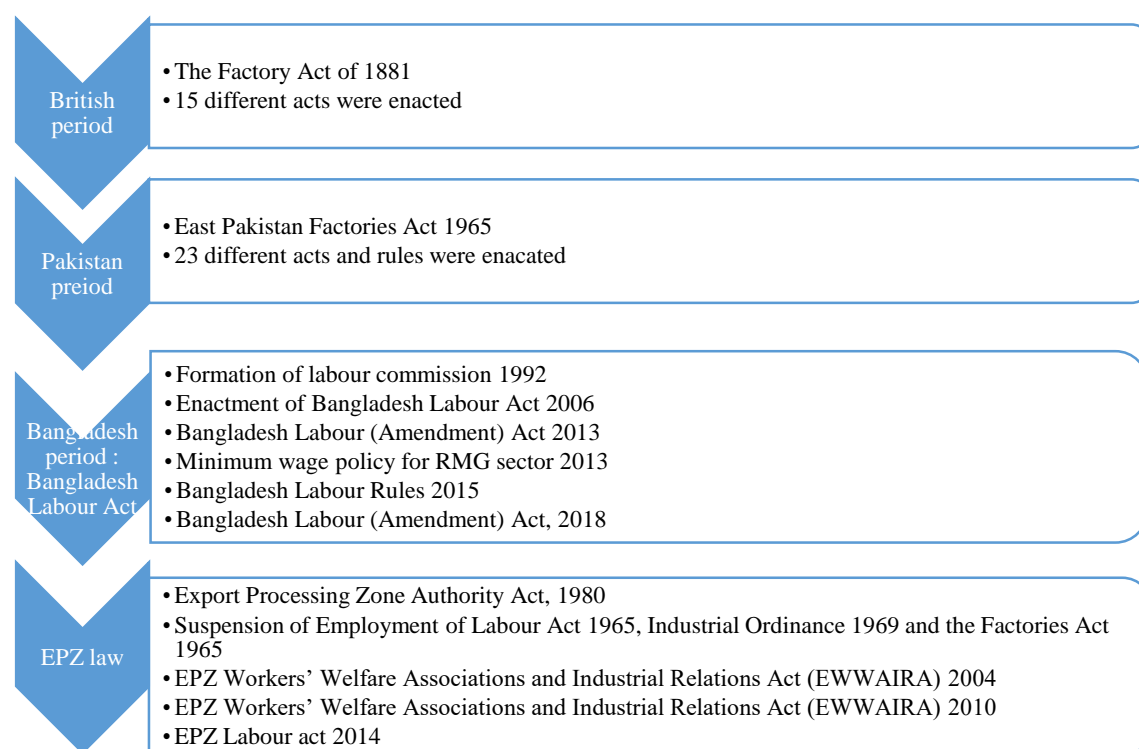
The next major changes in labour laws occurred when the draft of the Bangladesh Labour (Amendment) Act, 2018 was approved in Parliament to make labour laws relatively worker-friendly and align better with the standards of the International Labour Organization (ILO). The requirement for 30% workers representation in forming trade unions was reduced to 20%, which is still higher than the ILO recommendation of 10%. This amendment stipulated that a worker in an industry can join only one union and declared dual membership a punishable offence. It also makes an identity card a prior requirement for trade union registration, which limits the scope of union registration. The 2018 law also stipulated finishing the registration process of a trade union within 55 days, instead of 60.

Previously, the law allowed female workers an eight-week leave after childbirth irrespective of prior notice. However, the law did not provide any clear guidance on if this would be a paid benefit or not. The 2018 amendment made it clear that post-birth leave must also be paid along with benefits. It also bans child labour in factories. It curtails the power discrepancy of the director general of the labour department in

cancelling the registration of a trade union. The draft has also incorporated tougher provisions to prohibit misconduct on the part of owners and workers. It set a 21-day notice period for strikes, which makes it difficult to arrange spontaneous protests.

Figure 3

Evolution of Policies



3.2 An Account of the Organised Labour Movement Surrounding the RMG Sector

A quick overview of the important episodes of the labour movement surrounding the RMG sector shows that there is a certain affinity between the movement and the evolution of the policy regime, both broadly and RMG-specific (See Figure 3).

During the early years, the unions, both registered and unregistered, came into being as desperate collective defence mechanisms in the context of rampant sexual harassment within the workplace as well as poor treatment of garment workers. This

earlier momentum of labour organizing attracted various civil society actors—women’s rights organizations and student unions—who got involved in the labour mobilization process leading to the formation of more unions in the sector in the earlier part of the 1980s. But such combined initiative slowed down in the latter part of the decade due to civil society’s preoccupation with the anti-Ershad democratic movement.

Labour movements in the RMG sector saw a revival in the 1990s and mainly as a reaction to a few industrial disasters that led to many deaths. The issues that received salience in these movements were related to workplace safety and standards. The decade of 2000 witnessed frequent collective actions of workers, both militant and peaceful, mainly focusing on the issue of wages. Unprecedented industrial disasters such as Tazreen (2012) and Rana Plaza (2013) attracted global focus on RMG labour movements. They brought in transnational pro-labour actors as strategic allies of local trade unions. The nature and timing of the movement episodes tend to show certain affinities with the evolution of the laws and regulations governing the working conditions, wage issues and trade union formations.

The beginning of the 1990s turned out to be an important period for the RMG-centred labour movements in Bangladesh. The spontaneous outburst of labour took place surrounding the *Saraka* garment fire incident in December 1990. In the same year, the Labour Court Bar Association of Bangladesh demanded consolidation of the labour laws. The Bangladesh government signed the GSP agreement with the US in 1991 allowing the latter the necessary leverage for pressing Bangladesh to allow unionization in the Export Processing Zones (EPZs) and ban child labour from the sector. The Bangladesh government formed a labour law commission in 1992. The commission recommended

repealing 25 laws and prepared a draft labour law after incorporating and updating them into one consolidated version.

From 1992, several serious industrial accidents occurred in the RMG sectors, killing thousands of workers. Some of the accidents led to workers' demonstrations and protests. Their demands—higher wages, better working conditions, and labour safety issues—received international attention and created local and transnational networks of activists and national and international human rights groups. In 2001, Bangladesh received a 3-year extension on the GSP Agreement with an attached condition of allowing unionization at EPZs by 2004, a policy that was opposed by other non-European investors, the Japanese and South Korean firms.

Despite such opposition, the government proceeded with the policy change. It modified the EPZ labour law allowing the formation of Workers Representation and Welfare Committees (WRWC) and the Workers' Associations. The latter was empowered to negotiate wages, hours of work, and other terms and conditions of employment. The protests demanding higher pay continued throughout 2005 and 2006. In June 2006, about 4000 factories went on a wildcat strike (Khanna, 2011). Subsequently, the authority, consequently, drafted a tripartite Memorandum of Understanding (MOU) between the employers, workers, and the Labour and Employment Ministry. In October 2006, the Bangladesh Labour Act (BLA) 2006 was enacted.

However, the worker's demands for raising the wage to their expected level remained unfulfilled despite the adjustments made in BLA 2006. The wage set at Tk 1,662 per month was far below the demanded Tk 3000 wage rate. In 2007, due to sustained collective pressures from workers, the government made changes to the EPZ

law. It changed workers' associations into "Workers Welfare Societies". In 2010, a massive protest for wages began in Ashulia and spread over other industrial zones. In response, the government approved a new minimum wage of TK 3000, which was less than the TK 5000 minimum wage demanded by the workers.

Two accidents in RMG factories—the Tazreen Factory fire in November 2012 and the Rana Plaza building collapse in April 2013—thrust the labour movements to a different level of militancy and intensity and gained a higher degree of legitimacy for workers' perennial demands in the national and international arenas. In response to the subsequent mounting pressures for reform from domestic and international actors (United States' suspension of GSP facilities included), the government amended the Bangladesh Labour Act 2006 which incorporated some important changes favourable to trade union formation. The affinities of formulation of regulatory policies and the trends in the labour movement are shown below:

Figure 4

A Timeline of Accidents, Protests and Policy Changes in the 1990s

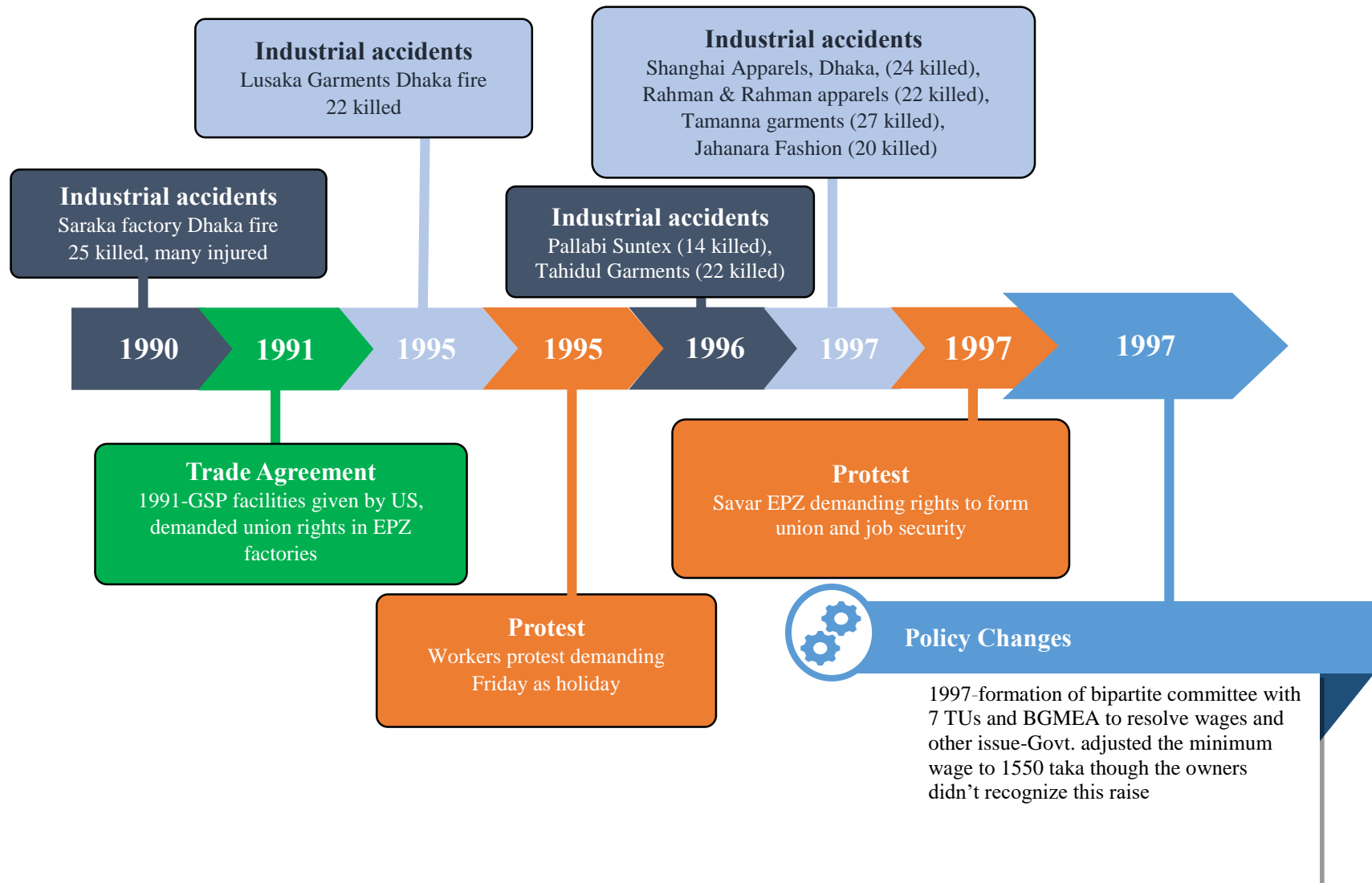


Figure 5

A Timeline of Accidents, Protests and Policy Changes from 2000 – 2007

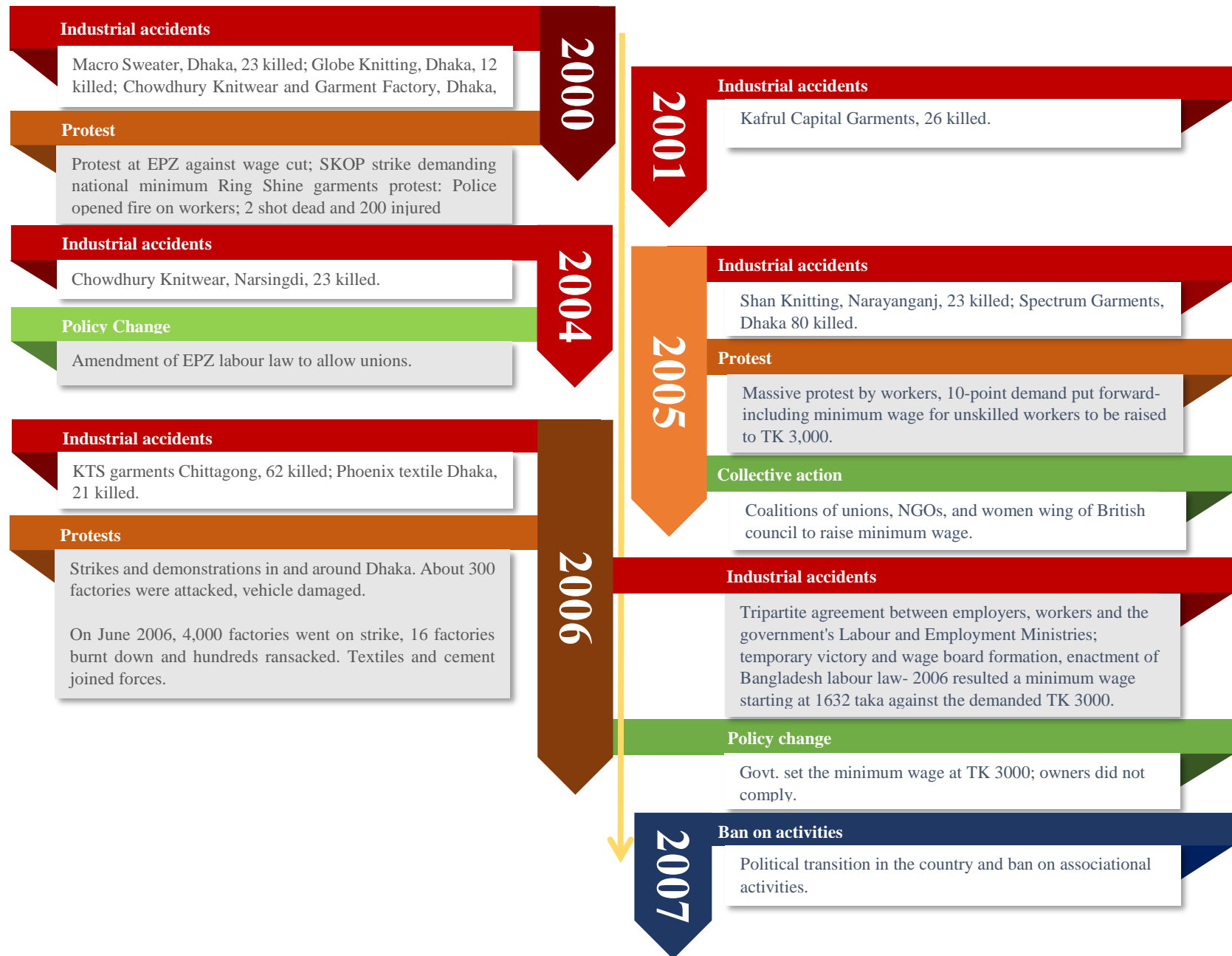


Figure 6

A Timeline of Accidents, Protests and Policy Changes 2008 – 2013

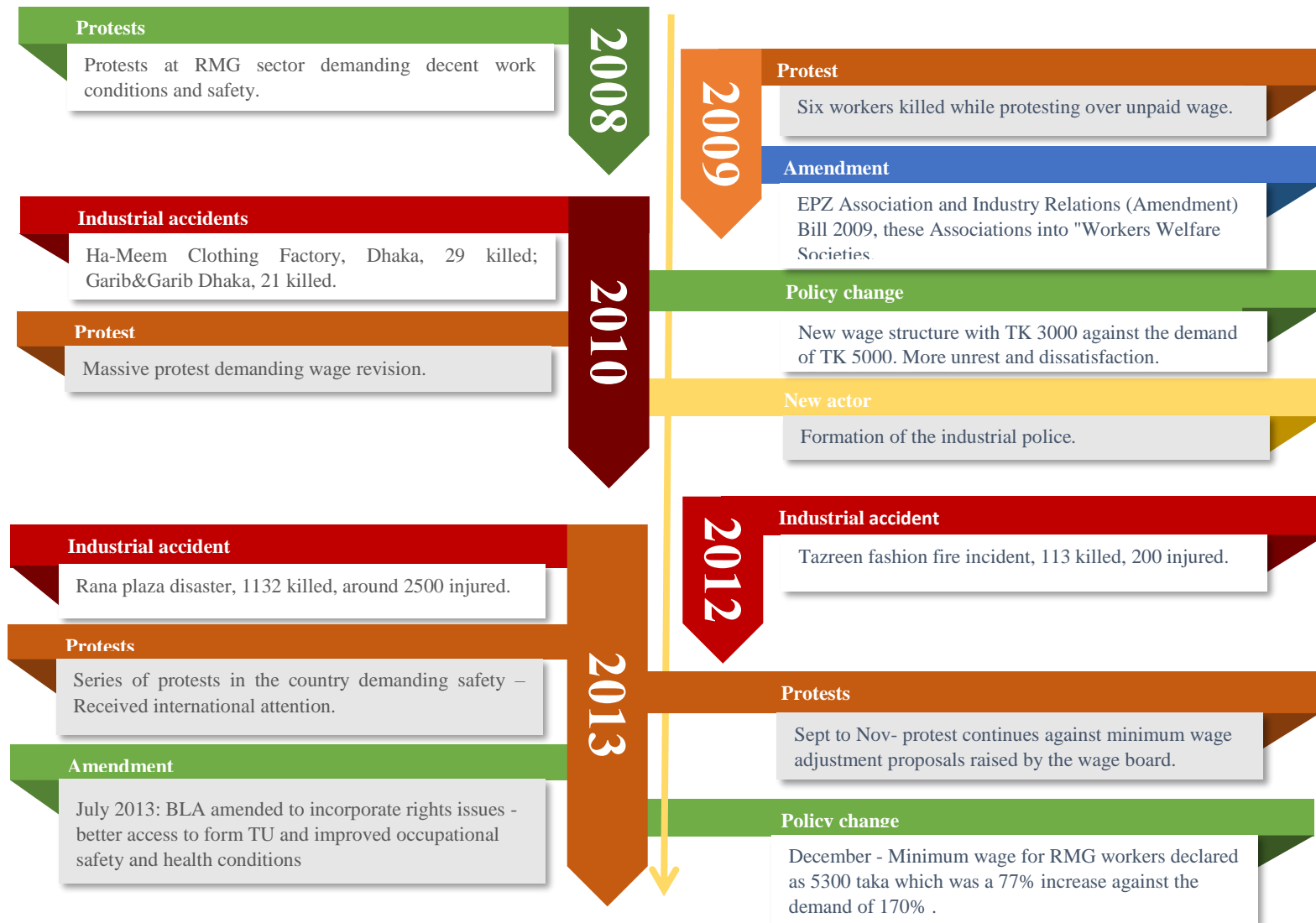
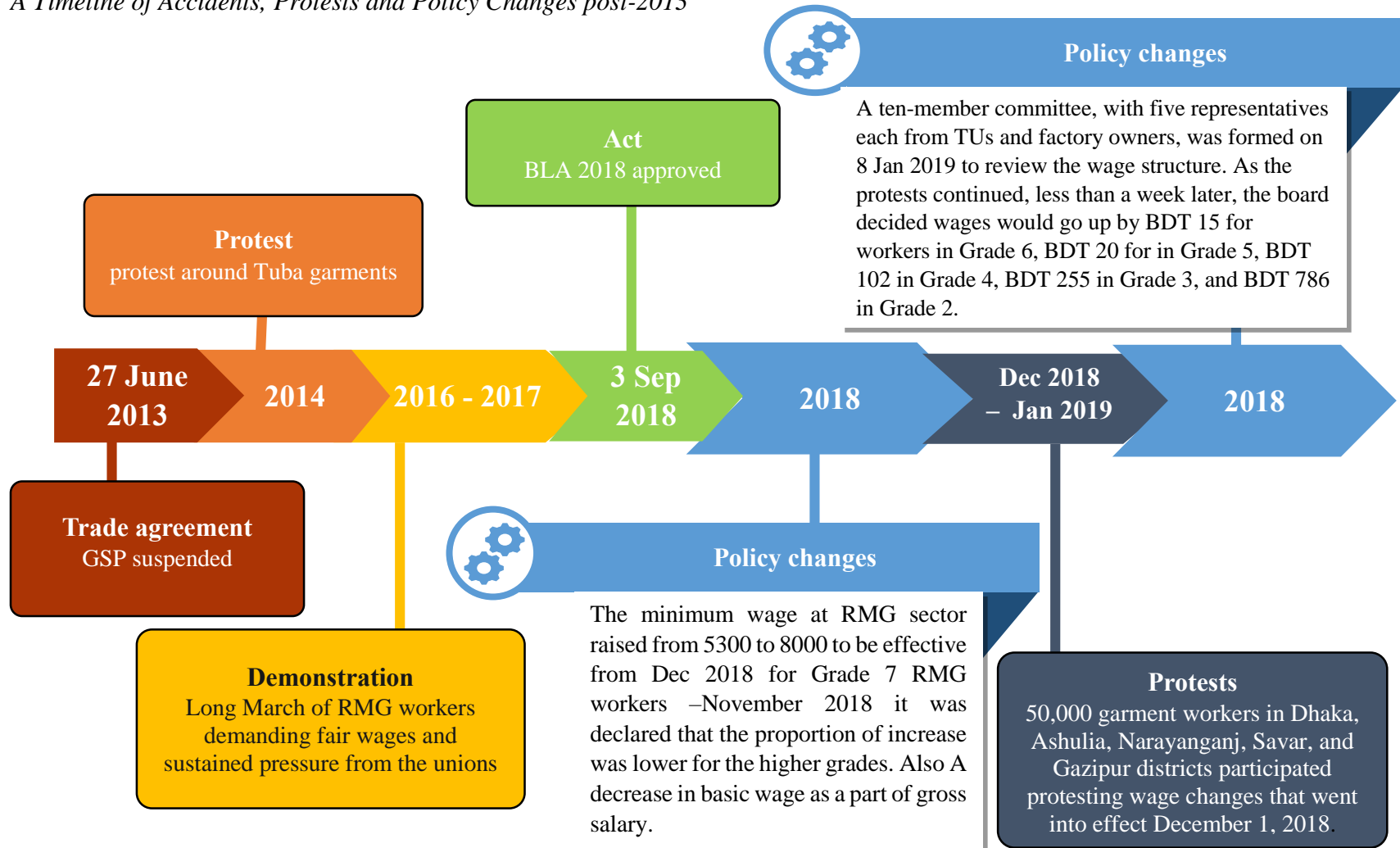


Figure 7

A Timeline of Accidents, Protests and Policy Changes post-2013



(Khanna, 2011); (Preetha, 2019); (Global Nonviolent Action Database, 2015)

4. Regulation of Labour: Formal and Informal Dimensions

The Ministry of Labour and Employment (MoLE) is responsible for labour policy and enforcement of labour laws. Several agencies operate under its supervision, including the Department of Labour (DOL), Department of Inspection for Factories and Establishments (DIFE), Bureau of Manpower, Employment and Training (BMET), Minimum Wages Board, Labour Appellate Tribunal, seven labour courts, Labour attaché offices attached to Bangladesh high commissions around the world, and Plantation Employees' Provident Fund.

Two departments, DOL and DIFE, are tasked with implementing MoLE's objectives. DOL is responsible for labour management, including the facilitation of labours' collective bargaining negotiation processes and dealing with dispute settlements, among others. DIFE is the key monitoring agency in terms of implementing labour laws. Responsibilities of DIFE include enforcement of labour laws, monitoring compliance with these laws in the context of employment, working conditions, wages, working hours, safety and security, and maintenance of standards about infrastructure and industrial facilities.

Ensuring the efficiency and effectiveness of labour inspection remains a challenge in Bangladesh. A series of industrial disasters in 2012-13 in the apparel sector has led to greater scrutiny of the government's oversight and regulatory capacity. It is evident from budget allocation and workforce assignments to MoLE that until recently, most key agencies in the ministry were in poor shape. Labour rights advocates suggest that the political will to strengthen the agencies under the ministry is also absent (Human Rights Watch 2015).


The government's low prioritization of MoLE is reflected in the poor functioning of the two key agencies, DOL and DIFE. Weak institutional mandates and resource deficits meant that

these departments could hardly function as autonomous and effective bodies³. For instance, DOL is responsible for TU registration and investigation of unfair practices against union officers and members by factory management. But far from being mandatory, the law allows the DOL to exercise its discretion to investigate allegations of unfair labour practices and to follow up on complaints (ILO, 2013a). The DOL also does not have the authority to enforce decisions against employers; it can only file complaints to labour courts. Often DOL officials discourage TU registration and demand bribes to issue a registration. A recent HRW report has observed that DOL officials are more interested in helping factory owners than workers (Human Rights Watch, 2015). The International Labour Organization (2015) also noted that

The problematic registration rules, coupled with the government's poor union registration practices, had led to increased rejection of union applications at a disturbing rate. The reasons provided by the government for rejecting unions ranged from the questionable to the absurd; [...] the online registration process had also failed to operate efficiently. In 2015, rejections outnumbered registrations by 31 to 26. The serious shortcomings of DIFE were particularly revealed during the recent major industrial disasters.

³According to ILO, lack of budget, manpower, logistic support, training along with inadequate measures for non-compliance with law are the major weaknesses of DIFE (ILO 2013a).

Figure 8
Screenshot of Trade Union Online Registration Form



গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
শ্রম অধিদপ্তর

MOLE-OL নথী

শ্রম শ্রতা
শ্রিত ইউনিয়ন রেজিস্ট্রেশন এর আবেদন পত্র
সকলই কর্তব্য

<p>১. প্রত্যাশিত শ্রিত ইউনিয়নের নাম *</p> <p>২. সংশ্লিষ্ট শ্রম দপ্তরের নাম *</p> <p>৩. প্রাথমিক বিভাগ *</p> <p>৪. জেলা *</p> <p>৫. দিষ্ট কর্ণক্রোম/উপজেলা *</p> <p>৬. প্রত্যাশিত শ্রিত ইউনিয়নের কার্যালয়ের ঠিকানা *</p> <p>৭. ই-মেইল ঠিকানা (যদি থাকে) *</p> <p>৮. টেলিফোন নম্বর (যদি থাকে) *</p> <p>৯. প্রতিষ্ঠানের নাম *</p> <p>১০. প্রতিষ্ঠানে নিয়মান শ্রিত ইউনিয়নের সংখ্যা *</p> <p>১১. প্রতিষ্ঠানের ঠিকানা *</p> <p>১২. কর্তৃত/নিযুক্ত মোট শ্রমিক-কর্মচারী সংখ্যা *</p> <p>১৩. শ্রিত ইউনিয়ন গঠনের তারিখ *</p> <p>১৪. সভাপতির নাম *</p> <p> টেলিফোন/মোবাইল *</p> <p>১৫. সচিবের নাম *</p> <p> টেলিফোন/মোবাইল *</p> <p>১৬. শ্রিত ইউনিয়ন সেক্টর *</p> <p>১৭. শ্রিত ইউনিয়ন ধরণ *</p> <p>১৮. সংশ্লিষ্ট নথি (ইউনিয়ন গঠন সনাক্ত)</p> <p> সভার মোটামের কপি *</p> <p> সভার নিয়ন্ত্রের কপি সমূহ *</p> <p> চাঁদা দাতা সদস্যদের তালিকা *</p> <p> কার্যকরী কমিটির তালিকা *</p> <p> গঠনক্রমের কপি *</p> <p> গঠনক্রমের অনুমোদন সনাক্তিত সভার কার্যবিবরণী *</p> <p> সভার কার্যবিবরণী *</p> <p> শ্রেণীকরণের জন্য সরব্বত করার ক্ষমতা প্রদান সনাক্তিত সভার কার্যবিবরণী *</p>	<p><input type="text"/></p> <p>Select <input type="button" value="v"/></p> <p><input type="checkbox"/> ডাক <input type="checkbox"/> রাজশাহী <input type="checkbox"/> বরিশাল <input type="checkbox"/> মুন্না <input type="checkbox"/> চট্টগ্রাম <input type="checkbox"/> রাংপুর <input type="checkbox"/> দিনেট <input type="checkbox"/> মহানগরে</p> <p><input type="text"/></p> <p><input type="text"/></p> <p><input type="text"/></p> <p><input type="text"/></p> <p><input type="text"/></p> <p>Select <input type="button" value="v"/></p> <p><input type="text"/></p> <p><input type="text"/></p> <p><input type="text"/></p> <p><input type="text"/></p> <p><input type="text"/></p> <p>Select <input type="button" value="v"/></p> <p>Select <input type="button" value="v"/></p> <p>সকল কপি (পি ডি এক কাইক)</p> <p><input type="button" value="Choose File"/> No file chosen <input type="checkbox"/></p> <p><input type="button" value="Choose File"/> No file chosen <input type="checkbox"/></p> <p><input type="button" value="Choose File"/> No file chosen <input type="checkbox"/></p> <p><input type="button" value="Choose File"/> No file chosen <input type="checkbox"/></p> <p><input type="button" value="Choose File"/> No file chosen <input type="checkbox"/></p> <p><input type="button" value="Choose File"/> No file chosen <input type="checkbox"/></p> <p><input type="button" value="Choose File"/> No file chosen <input type="checkbox"/></p> <p><input type="button" value="Choose File"/> No file chosen <input type="checkbox"/></p>	<p>যা</p> <p>কপি</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
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পরবর্তী

পৃষ্ঠা - ১/১৪, ১ম অধিদপ্তর
গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

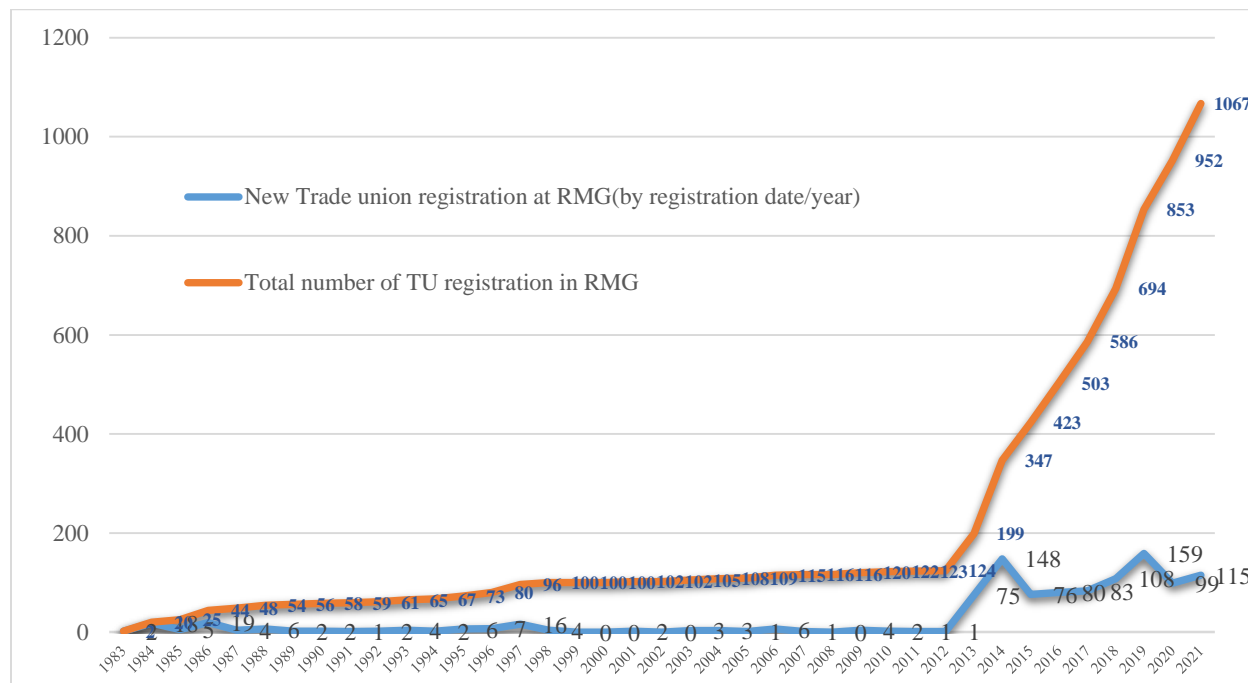
4.1 Trade Union Registration: Process Reignited by Informalities

RMG factory owners are often reluctant to allow TU operations in factories. Though the RMG industry grew rapidly, TU registrations did not record a similar growth. Figures 3 and 4 show the registration trend of basic TU federations since 1984. The timeline of the registration, if compared with the trend line of policy changes and the surge in registration in 2014, reflects the increasing demand for registration in the backdrop of the Rana Plaza disaster.

National and international organizations and trade partners were in favour of allowing RMG workers the right to an organization. Following the Rana Plaza disaster, there was a sudden surge in TU registration—by about 100% from 2013 to 2014. In addition, workers demanded a change in the wage scale right after the 2016 wage adjustment. It resulted in many wildcat protests throughout 2017. External influential actors, such as the European Union (EU), also pressed for reform in the labour governance process. EU's review of the GSP facilities observed serious shortcomings in labour rights (Haque, 2020). Further to this, external actors' increasing demands on legal reforms compelled the government to further amendment of the relevant laws, which made the union formation guidelines more lenient. This again had an impact on registration statistics in the following years.

Figure 9

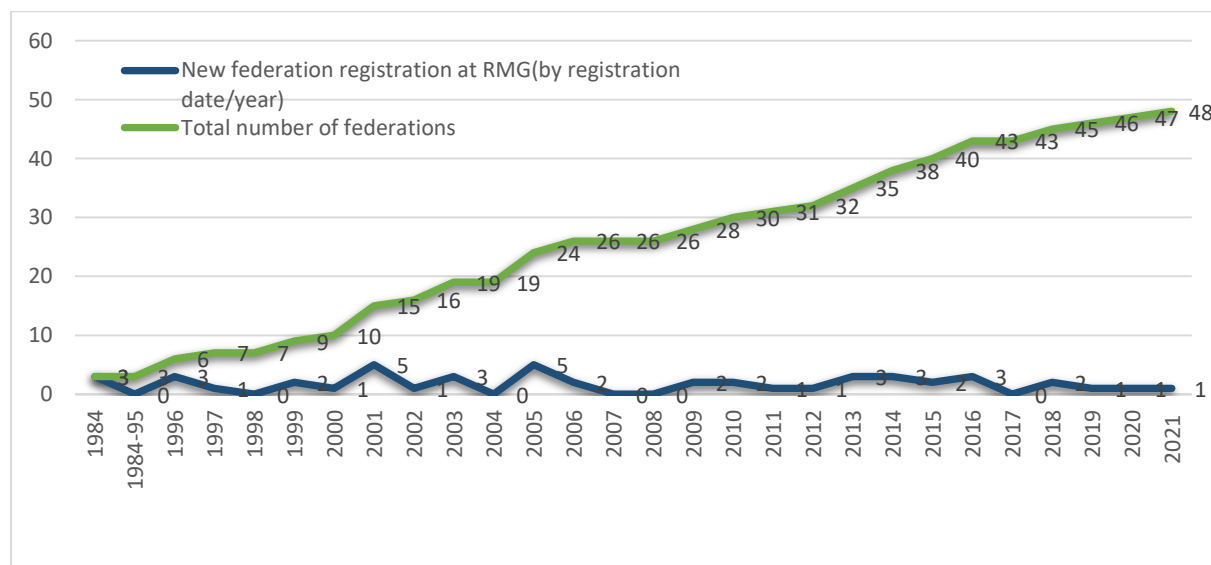
Trends in trade union registration in the RMG sector



Source: DOL, date accessed 20 April 2022, <http://103.48.18.197/en/setsector>

Figure 10

Trends in Federation Registration in the RMG sector



Source: DOL, date accessed 20 April 2022, <http://103.48.18.197/en/setsector>

As per the statistics by the Department of Labour, the rejection rate of TU applications dropped in recent years. In 2014, 37% of applications were rejected, followed by 45%, 33%, and 30% in 2015, 2016 and 2017, respectively. In contrast, 20% of applications were rejected in 2018, followed by 27% in 2019, and 14% in 2020 (“Registered Trade Union in BD RMG Sector Has Increased,” 2020). However, statistics from other sources contradict the findings and show that the union rejection rates are yet quite high (Solidarity Center, 2020).

Even though registration is mandatory by law, both registered and unregistered TU federations still exist in the RMG sector. A good number of unregistered federations are considered legitimate and are generally well accepted by the government, employers, and labour organizations across the country. Some federation leaders think that since the constitution allows the right to form groups and express opinions through group activities, forming a TU does not necessarily require registration. But not having registration curbs certain rights and advantages. As one trade union leader puts it:

An efficient and successful trade union needs power and legal status. Without power, there is no impact. Without legal status, the government can suddenly announce your activities as illegal and create trouble for you. (Federation leader, Dhaka, September 2019).

Apparently, without registration, TUs can still function but only to a certain extent. For instance, an unregistered group cannot enter into agreements or establish MOUs with its relevant counterparts. There are also strategic benefits to having registration, especially to function and survive in an adversarial non-liberal setting. As one TU leader observed, “not having registration does not stop us from working, but yes, we would get some more benefits if we had registration. When there are movements, they shut down the offices of those who do not have registration.”

The registration process is usually lengthy and subject to barriers. The findings of the KIIs and FGDs show that owners are generally against allowing unions to register and operate inside factories. Factory owners sometimes hatch conspiracies with the authorities and devise pre-emptive measures to frustrate the process of TU formations. For instance, unions are required to submit the names of potential TU members to DOL which is officially a confidential process. In practice, the names are leaked to the factory owners by some DOL officials, and subsequently, the workers (whose names were on the list) get terminated. Due to this, the registration either gets cancelled or postponed until a new list of names is submitted again. This has been experienced by many federations, and in several cases, TU leaders were compelled to submit registration applications several times to get approval.

The trade union federations have devised coping strategies to deal with such disruptive tactics. For instance, after several failed attempts at registration, leaders of one federation started a voluntary health clinic. Those who came to take service were also asked to fill in forms; one of which was a union membership form. That way, the owners were not able to track the process and the federation leaders could complete the registration.

Owners also resisted union formation by registering pet unions at the factories. These pet unions only existed on paper and were commonly known as yellow unions. The greatest advantage the owners had in pet unions is their influence and collusive relations with the registration authorities. As one of the interviewees remarked:

The labour department often harasses the unions by rejecting applications even if the union has submitted all the documents correctly. When owners cannot stop workers from forming a union, they take the help of the government to delay or cancel the union's registration.

Apart from owners' influences, the registration process also loses integrity due to corrupt incentives of officials. Many interviewees mentioned paying bribes to get the registration and paperwork completed. Such **informal** transactions can be neutralized if federation leaders can nurture personal relationships with officials. In such cases, the bureaucratic procedures that usually lead to delays can also be circumscribed. For instance, registration requires a lot of paperwork which is difficult to maintain by unions. The process is also expensive as registering as a union requires annual payments, auditing, and other formalities, which many unions are unable to comply with. Hence, sometimes they need to pay bribes.

Granting of registration also goes through a political filtering process. The identity of the applicants is carefully scrutinized and unions which are deemed politically safe are usually granted registration. Although the number of registrations has increased in recent years, these approved unions are mostly allies of owners and political elites. This implies that political influences play an important role in the registration process.

Such influences have increased over time as factory owners have joined politics. As a result, the authorities often show a reluctance to register TUs in factories owned by influential political leaders. In many cases, TU leaders were advised to withdraw applications to establish trade unions in factories owned by politicians and offered alternative factories in this regard.

Manipulating data using technology is also practised to stall the registration process. TU registration requires at least 30% (20% as per the amended labour law 2018) of workers' representation to form a union at a factory. When a factory applies to a union with 30% representation, the owners can manipulate the employment records to misrepresent the number of workers employed. As a result, the minimum requirement criteria are not fulfilled, and registration remains pending.

5. The Leadership Dynamics of the Trade Unions

The RMG workers' collective movement began in the early 1980s. During that time, working class-oriented politics and social movements were predominantly led by left-political forces. Given such a political ecology, the leadership of TUs, particularly in the RMG sector, were dominated by left-political actors. The impetus to form TUs in the RMG sector mostly came in the backdrop of workers' spontaneous movements. The poor who migrated from rural areas and the informal urban workers joined these newly emerged sectors with high hopes of decent salaries and working conditions. But in reality, their experiences as factory workers were much worse than their expectations. Such objective and subjective conditions of the workers provided a fertile ground for left leaders like Amirul Haque to become one of the pioneers of trade unionism in the burgeoning RMG sector. His federation was established in 1984.

These ideologically left-oriented leaders were also at the forefront of TU movements in the 1990s. Left-wing trade unionist Abul Hossain is a case in point. He, along with other left leaders essentially perceived workers' collective actions for their rights as a class struggle and attempted to link these with the broader movements of socialism. For instance, the first large fire incident in the RMG sector took place in the late 1990s at Sharaka Garments. This led to a major protest and three hundred thousand workers took to the street. But the movement was spontaneous and lacked any leadership or support from unions. As recalled by Abul Hossain, who initiated the movement, the protesting workers lacked any specific goals and acted chaotically. Hossain led the protest in an organized way and articulated a 5-point demand, including the nationalization of those factories, a pay hike, and a probe into the fire incidents. When another incident took place a few days later, it propelled the formation of a workers'

platform, led by Abul Hossain, which became affiliated with the larger left-led national alliance of the trade unions—SKOP.

Such initial attempts for collective action did not immediately lead to the largescale growth of trade unions in the RMG sector—the evolution to that state of organized trade unionism took years. These first-generation leaders emerged at a time when workers needed guidance and direction.

To understand the political sociology of the leadership dynamics that evolved during the 1990s and 2000, it is worth focusing, albeit briefly, on a few pioneering leaders' political biographies. These leaders infused new energy into the ongoing organized labour movements in the RMG sector and nurtured future leaders to lead the TU-backed movements in the 2000s and beyond.

One such trendsetting trade unionist, Mushrefa Mishu, was involved in student politics from her college days and was the president of a left-wing student organization at Dhaka University. Even when presented with an opportunity to pursue her doctoral studies abroad, she turned it down since she could not ignore the plight of workers and felt strongly about doing something about it. She focused on standard workers' demands, including wages and better working conditions, but also held a broader ideological view based on human rights and gender rights, which informed her organization's mandates—the rule of law, protesting sexual harassment in the workplace, and child support for women workers. Her organization, at present, has a following of about 85,000 members and it has nurtured many leaders over the years, both men and women. Given her radical stance, the organization is yet to get formal registration, despite being one of the most prominent trade unions in the country.

The late 1990s saw the arrival of a newer generation of TU leaders who were backed and nurtured by NGOs, both local and global. Unlike Mushrefa Mishu, other leaders, for instance, Nazma Akhtar and Kalpona Akhter, were RMG factory workers and later became TU leaders in the early 2000s.

As young garment workers, they got involved in TU activities as part of protest movements against the state's repression of workers. Kalpona Akhter was taken in by an American woman who taught her about labour laws and rights and gave her a job. Later, she worked for Bangladesh Independent Garments Workers Union Federation (BIGWUF) for many years. While Nazma Akhtar started her federation a few years before founding her NGO Awaj Foundation, her contemporary Kalpona Akhter started her NGO first and then the federation three years later, in 2000 and 2003, respectively.

This new generation of leadership largely eschewed an adversarial stance towards the employer and the state (in contrast to first-generation traditional left-oriented TUs who were more inclined towards radical mobilization of workers inside and outside the factories). They adopted non-adversarial strategies vis-à-vis the employers/management. Their preferred tactic has been to enhance the negotiating capacity of the workers allowing them to bargain their rights with the management inside the factories. Their focal objective is financial gains for workers. In terms of enhancing leaders'/workers' bargaining skills, these NGO-affiliated federations received support in the form of training and workshops, especially from the Solidarity Centre-a US-based international NGO.

This NGO-backed leadership eventually garnered a high reputation, trust, and loyalty among workers, thanks to their effective and positive-sum bargaining capabilities to get benefits for the workers. It is noteworthy that these types of organizations gain registration relatively

easily, whereas other organizations, of the adversarial type, who have been working on the grounds for far longer, find it much more difficult to get registration. The political logic of the state and the influences of politically connected employers behind these have already been discussed.

Along with the generation of workers-turned-leaders, other young women leaders also joined the Bangladesh Independent Garments Workers Union Federation (BIGWUF). They subsequently worked for other federations and finally formed their federations. This was the dominant trend—workers being nurtured in various federations and then leaving their mother organizations to create their own. This dynamic resulted in the fragmentation of the TUs, excessive competition, and the existence of multiple unions in a single factory—constituting the three salient features of trade unionism in Bangladesh.

The reason for this can be explained by differences in ideologies, leadership styles, personalities, and personal egos. The outcomes of this have not been very healthy for the collective actions of the workers. The excessive competitive environment has not been conducive to the development of leadership within the organization. When there was an emergence of new leadership among members of an organization, they were not always welcome and their skills honed, rather they were viewed suspiciously by the top leaders.

Consequently, potential leaders opted out of the organizations and established their own—a vicious cycle that contributed to the further fragmentation and unhealthy competition of TUs within the labour movement.

6. The Internal Governance of Trade Unions and Federations

6.1 Leadership Selections

The nature of the leadership selection process inside the TU federations is determined by their registration status. The labour law requires that the TU federations should hold elections every two years, which cannot be delayed after three years unless there is a national emergency or disaster. The registered federations try to comply with this legal provision. The unregistered federations also change the composition of the national committee, however, the frequency of the change is low, the process is not very well defined, and varies from one federation to another. Moreover, in both types of federations, the election process does not ensure that the elections are held democratically and ensure true representations of the workers as one would have expected.

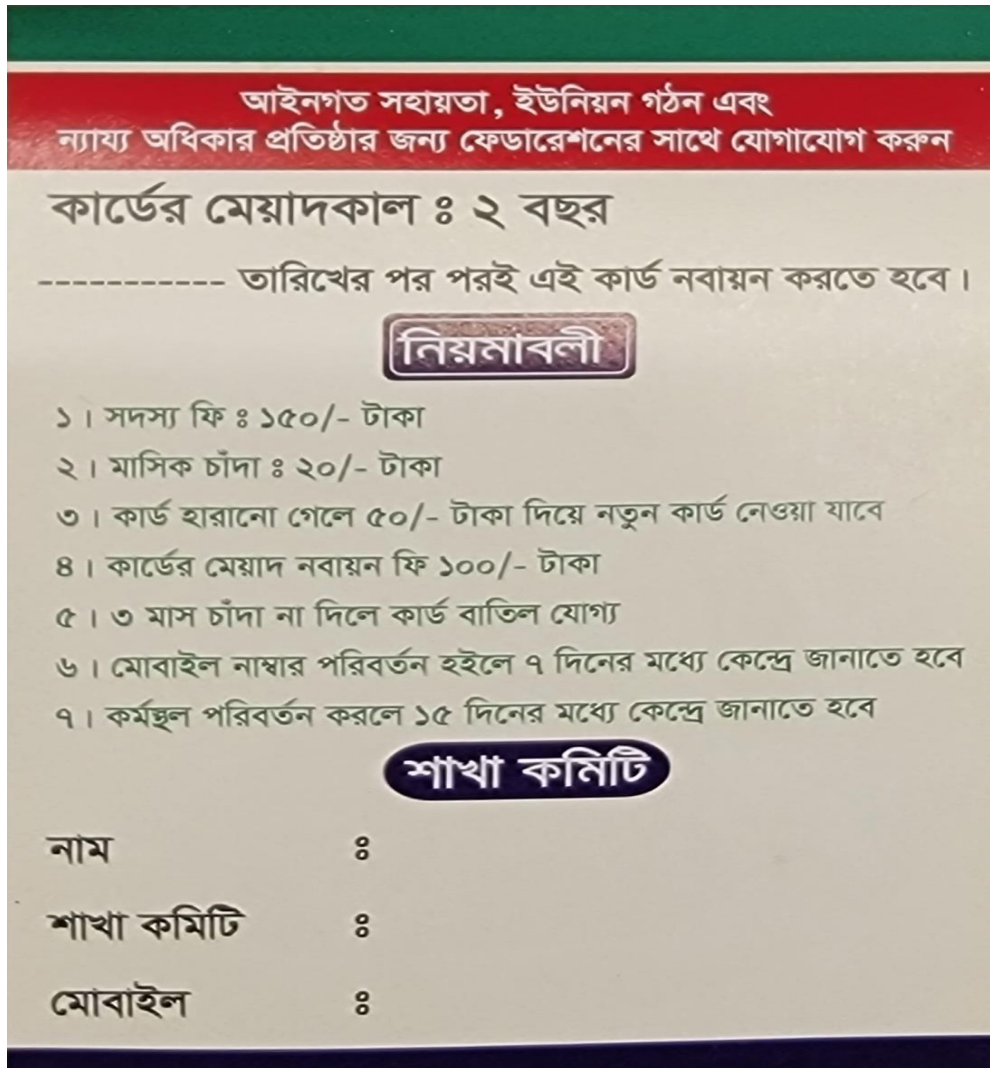
As per the Bangladesh Labour Law 2013 (amendment), the federations are required to hold national elections to form councils. To facilitate the management, TU federations generally form regional committees at the local levels. The central committee may also determine its composition. It is constituted to ensure effective communication between the central committee and the basic unions (CNV Internationaal, 2021). Not all the federations follow the same structure but having regional committees are common practice for all federations.

Elections of the national level committees, or the councils have decent participation from the local level leaders who represent their respective areas and committees. Our FGDs and interviews with local leaders indicated that in practice, both strategies of election and selection were used to select national committee members. The election processes are as follows: five members from every local committee come to the central committee and then raise their hands to cast their votes. In some cases, committee members go to sites where workers can assemble

more easily. They ask local leaders (in some meetings, workers are also present) whom they want to see as president or as other office bearers.

Figure 11

Sample membership card of a typical union member



The above leadership selection process is not the dominant process. The most common way of electing office bearers is through selection, whereby existing national committee members assemble and deliberate among themselves to select the new committees. Be it election or selection, not many changes are made at the top-level leadership, only the other ancillary members are replaced.

The general view among the federation and local leaders is that the democratic election process is not practical. There are frequent layoffs and workers migrate within factories, and hence there is no guarantee that a worker will stay or has been in the union long enough to make an informed decision. Furthermore, the members are usually inclined towards the advice and leadership of certain people. Therefore, leadership positions are not usually challenged or changed unless the leaders have done something wrong. Moreover, the existing leaders, mainly the presidents and general secretaries, do not want to leave their positions, which makes it difficult to conduct elections. An adequate supply of new leadership is a constraining factor too. There are usually a limited number of workers who aspire to become leaders. Also, many leaders interviewed for this study argued for a strategy of positive discrimination, which they thought would need a selection process rather than an election. Such a process, they believed, would bring more females into leadership roles and fulfil the official mandate that at least 10% of the TU leadership should be female.

6.2 Decision-making and Deliberations Processes

The Bangladesh Labour Act (BLA) stipulates that elections for the general council of TUs must be held once in two years and cannot be postponed beyond three years. Also, according to the law, two members of the DOL must be present at the council meeting. Gender representation has also been made mandatory which directs TUs to have at least 10% female members in the executive committee if female workers constitute 20% of the total workforce of the factory. The law specifies broader rules for the formation of an executive committee but does not mention the exact number of committee members, the concrete structure, or the actual process to be followed. In practice, given the latitude of the law, TUs conform to the broad parameters set by the law but essentially follow their constitution to fix meeting related

guidelines and rules. The executive committee ranges from 7 to 21 members depending on the size of the TU federations. Typically, the executive committee will have a standing committee constituted by the most senior and active members—the core leadership. They, in practice, make the decisions but such decisions must, in turn, be approved by all members of the committee. Whether, eventually, such approvals are taken or not tends to be contingent on the proactiveness of the other members. Such approval processes are observed only in a few cases.

The quality of the deliberation process in the committee depends on the proactiveness of the other members. The core leadership of committees are supposed to share the decisions taken with the general workers but that happens occasionally. In general, the democratic governance process of the committees tends to be more ritualistic than real. The actual locus of decision-making, in many cases, goes beyond the core leadership and lies with the president and vice-president of the committee. The democratic governance process, to a certain extent, can be observed only in a few large TU federations.

TU leaders tend to have monopolistic control over the deliberation and decision-making processes of factory-level basic unions. The limited extent of the democratic governance process that one can witness at the federation level hardly exists at this level. Workers interviewed for this study observed that they are not usually aware of any details of union meetings since the leaders are not interested in informing them. However, the workers said that they are keen to attend such meetings if the circumstances allow them to participate. It is worth noting that even if they can attend these meetings, their voice remains passive and the decisions taken are hardly communicated to them.

6.3 Financial Governance of TUs

One of the major challenges that TUs face is securing adequate funds to run operations smoothly and independently. Unions in the RMG sector are generally unable to collect enough fees from their members; such an inability to generate internal resources inevitably makes these unions dependent on external supporters and patrons—political parties or NGOs.

The six federations with NGO affiliation mentioned in section 2.2 are mostly financed by the Solidarity Center. The support includes financial means, leadership training, financial literacy training and other workshops. They also provide health services for workers who are members of the unions. Most federations, although relying on external patrons for operational funding, still do collect some fees to a certain extent from their members. Leaders believe that this is needed to instil some degree of ownership among members and create legitimacy for federations. NGO-affiliated federations do both—collect fees from members and receive additional support from their external connections. These federations, due to their access to better funding, are deemed as the privileged ones and attract more workers. They are better able to operate smoothly, as opposed to some other federations, which, after years of working in the sector, are struggling to stay afloat due to a dearth of funds.

Obtaining a monthly fee from workers is a new process that started about four years ago. However, not all worker members can pay the fees, and federation leaders cannot enforce the rule too much either. This makes it more difficult for federations who are politically involved and therefore denied registration to sustain. Since most members do not pay, union leaders are trying to increase the number of fee-paying members by raising more awareness. Such awareness building also tends to be facilitated by workers' experiences through participation in the unions. Typically, members are reluctant to pay initially after joining, but over time when they learn

about the work of the unions, they show more interest in paying. As a union leader remarked, “Workers do not realise initially how much they can get by paying just Tk 20.” The efficiency and success of unions in realizing the demands of the workers seem to affect the workers’ motivation to pay fees. Another senior union leader observed: “It is obvious that people earning minimum wages would not want to pay for unions that are barely functional.” Collecting fees can also be difficult even if workers are willing to pay. For instance, if a union member is detected by the management while collecting fees from other members inside the factory, there is a risk of that member being fired.

Figure 12

Sample of money receipt members get after making a payment to unions

7500	মানি রিসিট	7500	মানি রিসিট
ক্রমিক নং-	তাং.....	ক্রমিক নং-	তাং.....
টাকা প্রদানকারী / প্রতিষ্ঠানের নাম :		টাকা প্রদানকারী / প্রতিষ্ঠানের নাম :	
ঠিকানা :		ঠিকানা :	
মাসের নাম :		মাসের নাম :	
টাকার পরিমাণ	<input type="text"/>	টাকার পরিমাণ	<input type="text"/>
কথায় :		কথায় :	
..... গ্রহণ করা হইল।	 গ্রহণ করা হইল।	
সাধারণ সম্পাদক	কোষাধ্যক্ষ	সাধারণ সম্পাদক	কোষাধ্যক্ষ
আদায়কারী		আদায়কারী	

Most of the union leaders pointed out, whether they like it or not, without seeking financial support from an external source (NGO, political parties, or other sources), there is little chance of survival in trade union activism. Having said that, some leaders are more forthcoming in seeking support than others and have a comparative advantage in the industry. Yet, some federations are struggling but still do not want to be financially obligated to external funders to preserve their autonomy and ideological integrity.

For federations that do not receive much financial help from international organizations, most of the finances come from members’ fees. Some federations also earn money by filing

cases in the labour court on behalf of the worker and then taking a portion of the compensation that aggrieved workers receive. This is a strategy that some unions are not comfortable with because of ethical concerns as it can become a lucrative business. Other sources of funding include donations from well-wishers, fundraising from nearby local markets, and event-based fee collection, for instance, while observing May Day.

TU leaders do inform their members about the income and expenditure of the organization in their quarterly and half-yearly meetings. Therefore, members are somewhat aware of the money matters. However, they are not fully up to date with every single activity. The decision to spend money on certain activities is decided in general meetings where the members also participate. But there are no formal or digital processes that allow them to keep track of every activity. Moreover, workers are not very concerned about how unions spend their money.

In terms of the government's monitoring of unions' financial transactions, formal auditing procedures exist. Unions submit audit reports to the government on an annual basis, and they have people keep a tally of their expenses in software. But these practices are very recent developments. Many unions, at present, regularly update their list of members and their accounts, such as vouchers and financial statements.

7. Trade Unions and the Workers: Dynamics of the Relationships

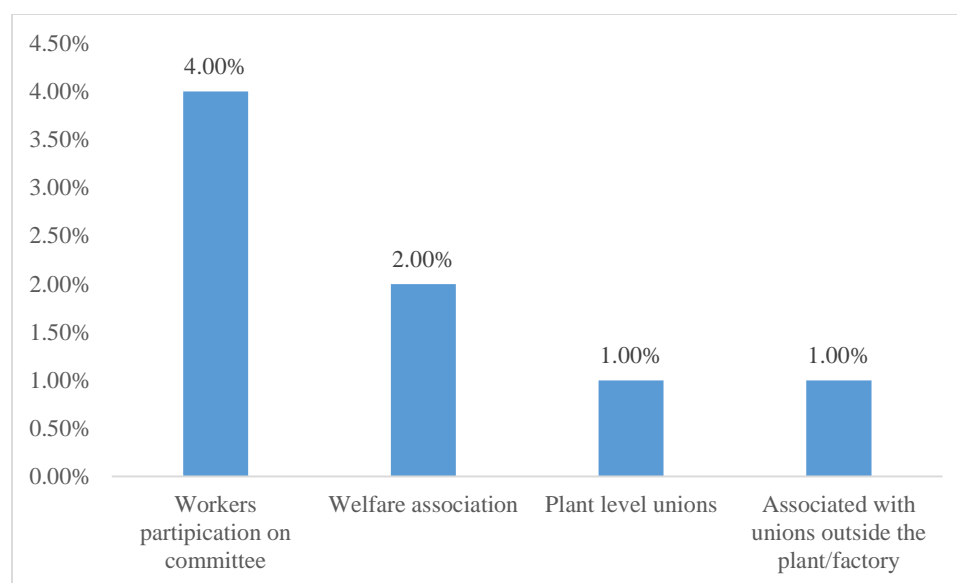
7.1 How Familiar are Workers With TU?

Trade unionism in the RMG sector of Bangladesh is limited. As data shows only about three to four per cent of the factories have a union. A recent survey conducted among 1,604 RMG factory workers in Savar, Dhaka, reported about two per cent of workers' involvement in plant-level unions or outside the plant level (Aziz et al., 2021). Similar percentages were reported about workers' involvement in union activities at any time; only about two per cent reported having any past involvement in union-related activities.

According to another survey, conducted during 2017-18, the extent of TUs' presence seemed to be insignificant (Moazzem et al., 2018). About 98% of the respondents said there were no TUs in their factories. The highly marginal status of TUs, as formal representatives of the workers, is beyond question. Does this marginality prove that TUs are irrelevant to workers? Interestingly, despite their lack of involvement in union-related activities, about 51% of the respondents said that they are aware that their factories have operational trade unions.

Figure 13

Percentage of workers part of any union/committee etc in factory or outside (N= 1604)



About 40% of the respondents of the same survey reported receiving some assistance from trade unions. It appears that the majority sought union assistance to secure their holiday leaves (30%), followed by 16% who said TUs contributed to making the work environment safer. About 15% received help to settle their dues from the factory, followed by assistance regarding bargaining for wages and overtime.

Table 1

Types of help generally received from trade unions

% of the type of help generally received from trade union	
Bargaining for wages	11.2%
Holiday related assistance	30%
Bargaining for overtime	11.1%
Help retrieve dues	15%
Ensuring the safety of the workplace	15.5%
No assistance	59.9%
Total Observations	1604

The Centre for Policy Dialogue (CPD) survey also shows that 23% of the respondents said that they have availed services from TUs. It is evident that, TUs do have some utility for workers. But do workers expect TUs to play any role in their individual and collective welfare? Such expectations, indeed, were found to be very high as survey findings indicate. When asked ‘Do you think trade union can be useful to you?’--an astonishing 100% of the respondents answered positively (Moazzem et al., 2018).

7.2 Do Workers’ Needs and Expectations Coincide With TU Services?

Regardless of the demand for trade unions in factories, there are significant deficits in the supply side of trade unions. There were 945 registered unions in 2020, according to government data (Munni, 2020). In an industry of 3.8 million workers (excluding undefined factories), a serious lack of collective representation of workers is clear (Moazzem & Radia, 2018). According to a 2018 study by CPD, 97.5% of factories did not have trade unions in the RMG sector (Moazzem et al., 2018). BIGD’s study on the Savar industrial area found that less than four per cent of workers claimed they had trade unions in their factories.

Despite the lack of trade unionism in the RMG sector and low participation, qualitative data (garnered for this study) displayed workers’ demands for trade unions and their appreciation of TU’s benefits. Workers who do not have or are not members of any union believe that putting forth their problems in a collective manner would make their voices heard as individual complaints are not generally taken seriously. These non-union members also expect that unionization would help them receive on time the wages they legally deserve. They also expect trade unions would be able to limit the extra work pressure, remove overtime without pay—which they should be getting by law—and improve factory working conditions such as better food and facilities inside factories (like access to a pharmacy). They also expect trade unions to

facilitate the filing of grievances to higher authorities if they have issues with supervisors. Some workers added that they go to trade unions when they are fired from their jobs or do not receive their due payments and allowances. Overall, their expectations from trade unions are mostly focused on inside-factory work issues that they expect to be generally fulfilled, as per factory rules and laws, without having to make demands.

Workers who are already part of unions mentioned they joined unions mostly in demand for similar rights and facilities as discussed above. Their willingness to join unions was triggered by the deprivation of rights and facilities in their factories. When these were achieved, thanks to TUs, their motivation to be involved with unionism was enhanced.⁴ While many find it difficult to attain all these rights, this study found members with strong unions, such as in Savar and Mirpur, tend to claim that they achieved these rights. Workers also observed that unionization without conflict with the management will likely create a better working environment.

Unregistered unions (also called informal or de-facto unions) inside the factory can organize workers but cannot appear as a collective legal entity in front of the management. Therefore, workers' expectations from these are limited.

7.3 Workers' Experiences in Dealing With Trade Unions

Most workers expressed positive experiences of working with unions. Many workers observed that they joined trade unions after the unions helped them in some capacity. Such beneficial experiences led them to realize the importance of unions.

⁴ Most union members mentioned work pressure, unpaid overtime, management's pressure to produce more beyond their capacity, internal facilities, and a few other factory-related issues to be the reason for their willingness to be involved in unions.

If unions are legitimate and can bring some positive benefits to workers, as previous survey findings showed, then why are more workers not joining unions or thinking of unionizing? The explanation for the puzzle may lie in workers' rational calculations of the cost and benefits of joining unions. Workers argued that owners and managers were absolutely against allowing trade unions inside their factories. They view unions as corrupt and self-interested groups who want to take advantage of having workers by their side and as agent provocateurs to stir chaos in the factory and demand money from the owners to resolve it. Thus the formation of TUs in the factories is one of the prime concerns of the management.

Consequently, the authority creates different obstacles when TU members attempt to register their union. Given such attitudes of the owners, workers are afraid that joining unions will cost them their jobs. Even members of registered unions are constantly in fear of being fired. Workers explained that once management is aware of unions, they try to find key leaders. These leaders then face harsh treatment, are given difficult jobs and extra working hours, and are accused of having made mistakes in their jobs. They are then fired based on those mistakes, while some factories do not even provide reasons for termination. Some union leaders in Savar, Tongi, and Narayanganj claimed to have been beaten up by local goons hired by the factory owner; others claimed to have received threats about their family's safety. The cost of joining unions far outweighs the benefits. Workers argued that their need to keep a stable earning source is essential, which cannot be compromised under any circumstances.

Interestingly, experienced workers tend to be wary of joining TU since they believe that they are more vulnerable to termination. Workers argued that the older they are the more difficult it becomes for them to keep their jobs due to the prevailing perception that older workers have lower productivity. While one might imagine that senior workers would more likely join unions

with the awareness of the need for collective bargaining, union leaders argued that they necessarily do not. These workers are aware of the uncertain nature of their job and prefer to keep their heads down and remain strategically loyal to the owners.

In fact, workers with long experience working in a particular factory are not so commonly seen since they have the incentives and ability to change factories relatively easily. As a worker pointed out:

“Workers switch from one factory to another for better wages. A worker switches because he/she will get Tk 200 more from the other factory. The flexible nature of job switching also contributes to lower motivation to unionize.”

Other reasons also tend to make experienced workers more vulnerable to the risk of losing jobs. For instance, RMG workers are entitled to service benefits by staying in a factory for five years or more. To avoid paying such benefits to workers, owners tend to terminate their contracts after some years. Thus experienced workers tend to be frightened of engaging in TU activities that could instigate a reason for their termination. As a consequence TUs are deprived of members who have more experience in factory culture and a better understanding of the sociology of management-labour relations.

7.4 Workers' Strategies in Dealing with TUs

Although workers view TUs as legitimate and useful institutions, they do not approach unions first to resolve problems. Factory workers are generally more likely to approach their immediate managers and prefer to resolve problems in their presence. When they do not get help from their supervisors, or supervisors are the cause of grievances, workers take different routes based on the nature and sensitivity of the problem. A sensitive or personal problem is usually

dealt with traditionally, often involving family members. In cases of sexual harassment, women workers usually inform their male family members first, who then approach factory management to deal with it. If they are reluctant to deal with the problems the worker's family members will eventually approach the police.

When workers face a professional problem, such as termination without proper reason or not giving deserving wages, they first try to approach upper management or the industrial police. In both professional and personal cases, unions are approached after exhausting all other options. Workers who do not have trade unions in their factories consider unions a last resort. Even union workers mentioned that they did not approach unions until they were left with no other choice.

Union and federation leaders argued that many workers benefit from unions but never become members. The argument of not being willing to risk one's job is again found here. Leaders argue that workers can be short-sighted and do not realize the long-term benefits of unionization. In contrast, workers sometimes do not feel strongly about investing their money and time in a better collective future.

Despite such problems and challenges in motivating workers to join unions, leaders keep trying to increase their members and expand the reach of the unions. Leaders have also devised stealth mechanisms to expand their union networks. One such mechanism is to form secret unions inside and outside the factories. Due to their inability to reach workers in the factories, they attempt to meet, discuss, and persuade workers outside these. Both workers and union leaders have observed that this has been a useful strategy to involve more workers in the unions.

7.5 Norms Governing Workers' Interaction With Unions

Workers, even in the industrial milieu, are more likely to be inclined towards traditional community-oriented values over urban individualism. For example, when female workers are sexually harassed, they first inform their male family members, who then will come forward to deal with it. They will also try to settle the conflict with the perpetrator informally instead of adopting an adversarial strategy, for instance, taking the perpetrator to court. They will be mindful of the social stigma associated with such incidents in a patriarchal society. Such dominant norms and values discourage female victims from approaching trade unions.

Traditional norms of femininity also prove to be a barrier to unionizing young female workers. Leaders pointed out that it is difficult to persuade new female workers to join. Many of these workers who have migrated from rural areas take time to understand their new surroundings. They also tend to lack institutional education and awareness of their rights.

Intriguingly, certain traditional norms also can inform union leaders' membership drive strategies. Union and federation leaders were asked if they preferred female or male members more. Part of their response was informed by conventional gender norms. Since local goons or the police, while perpetrating physical violence against workers, are less likely to inflict it on women, therefore, women workers should be strategically prioritized for recruitment. The reverse logic, as some leaders put forward, of not prioritizing women as union members were that women were less active and available due to societal and family constraints. Patriarchal norms tend to dictate the strategic choices of leaders in the context of membership drives.

7.6 Mobilization of Workers to Join Trade Unions

There are two ways in which workers can join trade unions—through push or pull strategies. The pull strategy involves union leaders physically going to the factories and meeting

with workers outside the premises. This strategy is very direct, wherein they try to use in-person engagement to persuade workers to join trade unions. This is a proactive approach as leaders do not wait for workers to go to them, they take it upon themselves to convince them.

Alternatively, another way workers join trade unions is when they come forward. This “push” syndrome of workers’ engagement with the union can be seen during certain events or crises. Such incentive to join a union also gets stronger when their demonstration effect, i.e., when a worker sees an issue is resolved by a union collectively beneficial to the workers. This possibly gives them more confidence in the legitimacy of a union; and proving itself through action and results convinces the worker to become a member.

Another direct push factor arises when a worker is faced with her issues and seeks union support to resolve them. These could be wage-related or leave-related. Union leaders have noted that normally workers do not come to them unless they are in danger or in great need. It is not always the case that unions only help worker members. They give advice and consult with workers who are not part of the union too. Most workers join unions through word of mouth. There is a snowball effect, where one worker influences a few others, and they can then convince more people to join. This snowball effect is informal but effective and the most common way unions increase their membership.

How union leaders mobilize workers depends on whether they are approaching workers through formal or informal unions in the factories. In factories that allow forming unions, workers can formally become members without much of a hassle. However, in factories that do not allow unions, there can still be workers who are informally part of a union. In this case, workers must be discreet as it could potentially threaten their job security if factory management finds out about their union affiliations.

8. Concluding Observations

The study of the TU in the context of the RMG sector provides an opportunity to observe in-depth how the state relates to a critical section of society—the industrial workers—both in their collective and individualistic forms. This case of state-society interactions is again mediated by powerful actors—the factory owners and the management. As this study shows in these triadic relations the state usually upholds, both formally and informally, the interests of the capital (owners and management). Although, it is occasionally compelled to protect the interests of the labour, thanks to workers' protests and pressures from the sympathetic global actors—the transnational networks that have critical bearings on the nature of the dynamics of trade unionism in Bangladesh.

These are the meta-level structural factors that set the parameters (formulations of laws, rules, the de facto practices of industrial relations etc)—both constraining and enabling—of TUs in the RMG sector to mobilize workers to defend and consolidate their interests with varying degree of success and failures.

The findings of the study point to the fundamental paradox of trade unionism in the RMG sector: TUs are, in practice, beneficial agents for the workers and enjoy a high degree of legitimacy as potential benefactors, still these collective forums have an insignificant presence and have largely failed to formally represent the workers.

Why did the TUs, given their legitimacy, fail to unionize the workers? Why did the workers, while approaching TUs for vital services, chose not to join these collective forums? Explaining such a paradox will require a political-economic understanding of the decades-long anti-labour political settlement, between the political elites and RMG factory owners, that has

proved its robustness and resilience, despite experiencing multiple political shocks (both local and global) linked to industrial disasters and wage centred protests. This political settlement has cast a long shadow over TU-state relations as well as on the micro-level transactions between the individual workers and the TUs. The paper has attempted to unpack this settlement in a granular fashion.

The seeds of the anti-labour political settlement were sown quite early in the history of the RMG industry. The owners were vehemently against the formation and healthy functioning of TUs in the 1980s since they believed TUs would disrupt the growth of the RMG sector, which, at that point, was in its formative stage. All stereotypes associated with TUs and labour movement, such as TU leaders pursuing selfish agendas in the name of workers and others, were deployed by the owners to reinforce their claims (Siddiqi, 2016).

Such arguments about the existentialist crisis of the sector are now being posed in the context of global competition, and similar stereotypes against TU leaders are still used. More dangerously, the TU leaders and the labour movements are now being portrayed as anti-state activities.

Successive decades saw violent suppression of labour movements, both by the state and the owners—mostly in cahoots, state's extreme form of surveillance of TUs, increasing use of laws of dissent and sedition against labour organizers that has created a culture of fear, multiple administrative approaches to limit the growth of TUs—including rejecting registrations of undesirable TU applicants by the regulatory agencies, strong and mostly successful resistances by the owners to form TUs in the factories, mostly by extra-legal coercive means—all creating a very unfavourable political opportunity structure for the growth, institutionalization, robust

presence of the TUs in the RMG industrial domain the empirical details of which has been presented in the study (see also Rahman & Langford, 2012; Siddiqi, 2016, 2020).

Observers noted the marginality of left politics and left party-oriented trade unionism as an important factor for the limited growth of the TUs. This is perhaps true but not salient enough for affecting the broader dynamics of TU-state relations. Intriguingly, such dynamics of the anti-labour settlement have not altered in any noticeable ways—the TUs did not exhibit any visible expansions or vibrancy, despite the recent emergence of a new opportunity structure or political space (due to the Rana Plaza disaster), characterized by, Accord-Alliance sustainability compact, amendment of the Labour Act in 2013, ILO's initiative to form TUs at the factory level, and a heightened level of national and global sympathies for the workers' plights (Hassan & Raihan, 2017; Moazzem et al., 2018; Moazzem & Radia, 2018; Siddiqi, 2020). The robustness and resilience of the anti-labour political settlement have been proved again and perhaps not for the last time.

The study notes that beyond the meta-level effects of the political settlement, strategic incentives of the political leadership, legal barriers, and TU's weak capacity also deters the expansion or deep penetration of TUs in the factories. In certain cases, central political leadership actively discourages any increase in the membership of TUs since they perceive this will make local TU leaders more empowered and thus politically unmanageable. Many TUs are also quite weak in terms of human resources and finance to conduct membership drives sustainably. Retaining workers as members tend to be institution-intensive, which many TUs cannot handle. Legal barriers also deter TUs from engaging union officials (political representatives) inside factories to run administrative affairs of the unions. Given the constraints, TUs' have used various stealth strategies to reach the workers with some success.

The study points out the factors that shape the demand side of the TU-workers' interactions, essentially workers' rational disincentives to joining TUs. A few of the prominent factors include the de facto barriers, set up by the owners, workers' relevant norms/values and their sense of rights and entitlements—i.e., the de facto nature of the industrial citizenship—which also have structured the incentives of the workers to transact with the TUs in a restrained manner.

The most important factor for workers' reluctance to join or even interact with TU is the fear of losing their jobs as livelihood concerns tend to overwhelm any other considerations. Factory management does not directly fire workers for joining TU; they obviously cannot do so due to legal barriers but uses indirect and stealth strategies to do the same. As elaborated in the study, such strategies include, manipulation of laws (article 26 of the Labour Act 2006), filing false cases against workers, and colluding with police to torture workers based on false accusations. Other strategies tend to be less violent and more creative in nature: workers trying to join TU or suspected to do so are fired on the pretext of being incompetent, transferred to assembly lines with the most gruelling tasks, and exposing them (particularly, female workers) to humiliating punishment, in public, by the supervisors. The aim of all of these is to compel them to leave the factories voluntarily. Such strategies (seems to be an open secret) have worked well in dampening the spirit of individual workers by sending signals as to what could be the potential costs of showing interest in TU. It should be noted that once fired for TU-related reasons, it is extremely difficult to get jobs in other factories, at least in the vicinity, which the workers preferred, since fired workers are blacklisted as agent provocateurs of the TUs, and the list is circulated in other factories.

The other set of factors, as elaborated in the study, is of two types: strategic and normative. Strategic considerations are mostly based on socio-political and economic cost-benefit analysis. For instance, many workers believe since TUs are willing to help all workers, irrespective of their membership in unions, there is no need to join a union and risk one's job. TUs are also perceived by individual workers only as problem solvers. For this reason, average workers with no problems at present do not see the rationale for joining TU since workers do not need to be members for availing of such services from the TUs. TUs are also generally seen as trouble-shooters of the last resort i.e., TUs tend to be the last in individual worker's decision chain since invoking their assistance entails grave risks of creating adversarial relations with the management. The rational incentive of the workers is to remain in the good books of the management.

Norms and values and a de facto sense of rights and entitlements of workers tend to play a considerable role in discouraging workers to participate in TU activities. Workers are typically advised by their peers not to talk about their rights and entitlements, stuff that they hear from the TU representatives or when they participate in the May Day events. A co-worker will ask sarcastically: 'You have got the job, why do you need to bother about your rights?' or rather 'Try to secure *malik's* (owner's) mercy or compassion (*maliker doya*) to keep the job'. Such norms are clearly not immutable or time-independent. New workers, inexperienced in factory lives and suffering from a deep sense of vulnerability, lack the confidence to explore or reflect on the rights and entitlements that the new space can potentially offer. Such attitudes change, over time, through new experiences in navigating the factory governance as a consequence of developing greater confidence. Armed with these experiences and confidence workers start venturing out exploring the world of industrial politics (protest movements, May Day rallies organized by the

TUs) and start developing labour subjectivity and in the process internalizing the values of industrial citizenship perhaps in an inchoate form. A bulk of TU recruits originate from this pool of workers.

In contrast, conflicts in the workplace are predominantly resolved by *shalish* (traditional community mediations), the process of which is characterized by affective values, non-adversarial mode and disputing actors' penchant for arriving at a consensus—collectivity orientation. Despite the preponderance of such values, the conflict resolution process, in reality, may not entirely exclude individual workers' strategic reasoning for involving TU, if the need arises. In this sense it may be difficult to disentangle the effects of normative and individual-based rational-strategic considerations, the latter informed by the modern traits of affective-neutral values, adversarial mode, and self-orientation--whereby rights and entitlements become valued objects to pursue.

Thus a relative mix of both types of social traits and associated incentives influence the choices that workers tend to make about TU or for that matter about the entire relational domain of the workplace. Such a mix of inchoate values of modern industrial citizenship and traditional values points toward the fact that trade unionism in Bangladesh will perhaps chart its unique form of evolution not mimicking any standard route of the evolution of the industrial democracy that one can witness in some parts of the world, especially in the developed capitalism of the west.

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