

Chair of the GSP Subcommittee of the  
Trade Policy Staff Committee,  
Office of the USTR.

**Subject: Notice of Intent to Testify**

Dear Sir,

Reference to the Notice of GSP Review of Bangladesh Country Practices (Case No-001-CP-07), on behalf of the Government of the Peoples **Republic of Bangladesh**, we do request for the oral testimony of hearing to be held on January 24, 2012.

All necessary information of each witness from Bangladesh in the hearing is mentioned below:

S L	Name/Address/Organization	Phone	Fax	Email
1.	<b>Mr. Md Ghulam Hossain</b> , Secretary, Ministry of Commerce, Room No. 135, Building No. 3, Bangladesh Secretariat, Dhaka.	88027169006 (O),	8802- 7165741	sec_moc@intechworld.net
2.	<b>Mr. A.Z.M Azizur Rahman</b> , General Manager, Bangladesh Export Processing Zone Authority (BEPZA), BEPZA Complex, House No. 19/D, Road # 06, Dhanmondi, Dhaka.	88028650061(O)	8802- 8650060	gm-ip@bepza.org
3.	<b>Mr. Sayed Mahmudul Huq</b> , Chairman, Bangladesh Shrimp and Fish Foundation (BSFF), House - 465 (1 <sup>st</sup> floor), Road - 8 (East), DOHS, Dhaka.	88029887731(O) 8801711-527438 ©	8802- 9892709	info@shrimpfoundation.org
4.	<b>Mr. Arshad Jamal (Dipu)</b> , Director, BGMEA & Chairman, Tusuka Fashions Ltd, House # 50, Road # 11, Block # F, Banani, Dhaka.	88028853748 (O) 8801711521171		jamal1617@aol.com, dipu@bgmea.com
5.	<b>Mr. Monoj Kumar Roy</b> , Joint Secretary (Export), Building No. 3, Ministry of Commerce, Bangladesh Secretariat, Dhaka.	88027167272 (O), 88029354975 (H) 8801711661523 ©	8802- 7165741	monoj112@gmail.com

The pre-brief related to the hearing is given below for your kind consideration.

Sincerely,

(M. Shafiqul Islam)  
Commercial Counselor  
Bangladesh Embassy in Washington DC

**Pre-hearing Brief**  
**2011 GSP Annual Review**  
**Bangladesh Case No. 001-CP-07**  
**(For Third Hearing On**  
**January 24, 2012)**

**I. INTRODUCTION**

1. The Government of Bangladesh is grateful for the opportunity to speak about the progress which has been made with respect to workers' rights since the last hearing on 24 April 2009. This pre-hearing brief is submitted on a consolidated basis and adds to earlier submissions in this matter.

2. The relations between Bangladesh and the US withstood the test of time and matured over the years. These are based on shared values and commitments and reflect a true partnership- in areas of socio-economic development, good governance and democratic institution building, strengthening inclusion and social justice, upholding rule of law, promoting human rights, empowerment of women and in securing our world from the menace of terrorism. Our partnership draws from our shared commitment to creating and sustaining a peaceful, secure and sustainable world today and for tomorrow.

3. As a WTO member, Bangladesh enjoys Normal Trade Relations (NTR) with the United States and the WTO membership. It is a member of the IMF, a parliamentary democracy as recognized by the United States, and an active member of the ILO. Bangladesh enjoys a two-way, growing trading relationship with the United States.<sup>1</sup> In 2008-09 Bangladesh made its largest- ever purchase of capital goods from the US.<sup>2</sup>

4. Bangladesh does not have measures which withhold supplies of vital commodity resources and does not interfere with world prices of such commodities. Bangladesh has no agreements which allocate preferences to countries which adversely affect US commerce.

5. Bangladesh does not pursue policies of nationalization, expropriation or other policies which interfere with the ownership rights of US citizens.

6. Bangladesh is a member of the International Centre for Settlement of Investment Disputes (ICSID) Convention (1965) and the New York Convention on the Enforcement of Foreign Arbitration Awards (1958) and implements arbitration decisions. Bangladesh is also a party to Overseas Private Investment Corporation (OPIC), USA, World Intellectual Property Organization (WIPO) and Multilateral Investment Guarantee Agency (MIGA), among others. All of these speak of a Bangladesh that is resolved to comply with international standards and in creating an enabling environment for human development and good business.

7. Bangladesh is active in combating international terrorism with its international partners. Bangladesh, while observing a policy of zero tolerance towards terrorism, condemns terrorism in its all forms and manifestations in the strongest possible terms.

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<sup>1</sup> In 2011 Bangladesh exports totaled \$4.2bn (US census bureau figures) while imports from the US to Bangladesh totaled \$906m (US census bureau figures.). In 2008 \$21.6m worth of goods were exported to the US under the GSP scheme.

<sup>2</sup> In 2008 Bangladesh purchased US Boeing aircraft and bought an option to purchase two more aircraft valued at \$320m.

8. Bangladesh has been rigorously pursuing to address the issue of trafficking in persons and has recently adopted a comprehensive draft law in this regard which is expected to curb the menace of TIP.
9. Since the early 1990s Bangladesh has been taking steps to accord internationally – recognized workers’ rights, and is actively promoting the improvement of these rights.
10. Bangladesh has signed, ratified and implemented fully the ILO convention on the Worst Forms of Child Labor (182).
11. Bangladesh meets all the criteria set out in 19 USC 2462 (b) (2) which governs the eligibility of countries for GSP entitlements.
12. This submission focuses on Bangladesh’s efforts to meet the concerns of the Petitioner with respect to workers’ rights and comprises the following sections.
13. Section II explains the importance of trade to Bangladesh in poverty reduction and empowerment of women. Section III sets out the international infrastructure of workers’ rights and their implementation in Bangladesh including ILO conventions, constitutional safeguards, the Labor Law and other remedies available to workers. Section IV sets out the steps taken by the Government of Bangladesh to improve workers’ rights in the country. Section V deals with priorities for future action with concluding remarks found in Section VI. An Annex gives detailed consideration of each point raised in the Petition (2007) and the update as of April 2011.

## **II. BANGLADESH: DEVELOPMENT STRATEGY TO OVERCOME POVERTY THROUGH TRADE AND EXPANSION OF EXPORTS**

14. Bangladesh is among the world’s least developed countries, but has nevertheless taken important steps towards a more market-oriented economy, and has made trade an integral part of its development strategy. Today, in a deregulated market, it is the principal engine of the country’s growth and development. Bangladesh’s fiscal policies have over the years moved decisively from aid dependence to trade and domestic resource mobilization. The country has been continuously endeavoring to accelerate its trade opportunities through enhanced access to foreign markets.
15. Bangladesh’s progress in attaining MDGs has been satisfactory. It is cited as a role model for others in the field of reducing child mortality, improving maternal health, ensuring gender parity in primary and secondary education, reducing the extreme poverty and hunger and improving maternal health. The latest MDG progress report 2011 acclaimed Bangladesh’s achievement in child mortality, primary enrollment and gender mainstreaming and recommend other South Asian countries including India to follow the footsteps of Bangladesh in this regard (UNDPI, 2011). This has been possible given strong support from her partners including the US. Any withdrawal of support may push a significant percentage of population back to poverty, that itself may have serious and unintended socio-economic consequences. This might also have security implications, apart from creating dissatisfaction among the affected segment of the society.
16. As a least developed country Bangladesh suffers from almost all the problems that cause, and are caused by, extreme poverty. These include infrastructural bottlenecks like inadequate

roads and transportation facilities, shortage in power supplies and energy etc. The economy of Bangladesh suffers due to frequent natural calamities like floods, cyclones etc. also.

17. Bangladesh has taken various initiatives in liberalizing its trade regime by lowering tariff and para-tariffs. Bangladesh has been an active participant in the Doha Development Agenda (DDA). It became a contracting party to the General Agreement on Tariffs and Trade (GATT) in 1972, and has been a member of WTO since 1995.

18. Expansion of trade has played a vital role in the alleviation of poverty and the enhancement of workers' rights in Bangladesh. Over the period, export performance of Bangladesh especially in readymade garment sector has shown a direct link between increased exports and the employment of women upon whom whole families often rely for their livelihoods. It is undeniable that increased market access, which Bangladesh has been enjoying through GSP facilities provided by the developed countries, has a major effect in this improvement.

19. Although US GSP coverage in the total exports of Bangladesh is small, product coverage affects vulnerable sectors of the economy which rely on enhanced market access in order to maintain a toe-hold in international markets. Bangladesh is very keen to maintain GSP preferences with the US as it provides the Government with a set of disciplines with which private sector can be encouraged to maintain good working environments. However, utilization of trade preferences is less than intended level and elimination of any hindrances may improve the situation and create a favorable opportunity cost for the country.

### **III. RATIFICATION OF ILO CONVENTIONS AND ENACTMENT OF LABOUR LAW, 2006 TO UPHOLD LABOUR STANDARDS AND PROTECT LABOUR RIGHTS & ERADICATION OF CHILD LABOUR**

20. Bangladesh as a member of the ILO, is committed to the ILO Fundamental Principles and Rights at Work, and has ratified 33 ILO Conventions. Bangladesh has taken active steps, and is taking active steps, to afford internationally recognized worker rights. It does this in consultation with and guidance from, supervisory bodies of the ILO including the Committee of Experts on the Application of Conventions and Recommendations of the ILO.<sup>3</sup>

21. With particular application to the Petition, Bangladesh has ratified core ILO conventions 29, 87, 98, 150, 105, 111, 182<sup>4</sup> which protect, inter alia: the right of association, the right to organize and bargain collectively, freedom from compulsory labor, a minimum age for the employment of children and promote acceptable conditions of work with respect to minimum wages, hours of work and occupational safety and health issues.

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<sup>3</sup> Once a country has ratified an ILO convention, it is obliged to report regularly on measures it has taken to implement it. Every two years governments must submit reports detailing the steps they have taken in law and practice to apply any of the eight fundamental and four priority conventions they may have ratified. Reports on the application of conventions may be requested at shorter intervals. Governments are required to submit copies of their reports to employers' and workers' organizations. These organizations may comment on the governments' reports; they may also send comments on the application of conventions directly to the ILO. The latest report has been compiled by the ILO Committee of Experts in 2011.

<sup>4</sup> Forced Labor Convention( 1930), Labor Inspection Convention ( 1947) Right to Organize and Collective Bargaining Convention (1949) Abolition of Forced Labor Convention (1957),Discrimination (Employment and Occupation) Convention (1958), Worst Forms of Child Labor Convention (1999)

22. Bangladesh has protections, enshrined in the country's Constitution, which implement core ILO conventions<sup>5</sup>. All citizens have the right to enforce these fundamental rights through the courts.<sup>6</sup>

23. Bangladesh has additional common law remedies, available to citizens and designed to protect against abuse, including the right to petition to the High Court for a writ of habeas corpus where due process has not been followed<sup>7</sup>. There are Constitutional safeguards which protect a detainee's rights and mandate early processing of the case<sup>8</sup>.

24. A major change, since the Petition, has been that, from 1st November 2007, the judiciary has been fully independent of the Executive and the Legislature in Bangladesh, as required under Article 22 of Bangladesh's Constitution. This has strengthened enforcement of workers' rights in Bangladesh. In a recent landmark case for example (2009) the Supreme Court of Bangladesh set out guidelines on harassment and gender equality issues which the government is studying in order to amend the Labor Law (2006) to comply<sup>9</sup>.

25. While the Government of Bangladesh acknowledges its responsibility as the guarantor of international agreements, including compliance requirements as a GSP beneficiary country, the Petitioners will understand that its powers to intervene in cases which are sub judice are limited by the independence of the judiciary. In additions, where acts have been alleged which are criminal, the case is dealt with by criminal courts rather than labor tribunals as a matter of procedure.

26. Bangladesh respectfully submits that its efforts to protect and promote workers' rights are consistent with those criteria, set out in 19 USC 2462(b)(2)<sup>10</sup>, expected of a GSP beneficiary country by ensuring international recognized workers' rights.

27. Individual concerns raised by the Petition, are addressed in annex 1 of this submission.

### **III. STEPS TAKEN BY THE GOVERNMENT OF BANGLADESH TO IMPROVE OBSERVANCE OF WORKER RIGHTS IN THE COUNTRY**

28. The Law on EPZ Workers' Associations and Industrial Relations Act (2004) has been revised and improved in October 2010. It is now the EPZ Workers' Welfare Association and Industrial Relations Act, 2010. Under this law, referendums on Workers' Welfare Associations (WWA) have been conducted in 230 enterprises representing 75.16% of the 306 eligible enterprises. 151 enterprises have already formed WWAs up to December 2011. It may be

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<sup>5</sup> E.g. Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interests of morality or public order (Art 38); All forms of forced labor are prohibited (Art. 34);

<sup>6</sup> Enforcement of Fundamental Rights.(Art 44 and 102). A recent example (2009) was the landmark ruling by Bangladesh's Supreme Court on gender harassment/ equality issues which the government is studying in order to amend the labor Law ( see Bangladesh National Women Lawyers Association –vs- the Government of Bangladesh and others (2009)

<sup>7</sup> The right to move the High Court Division for the enforcement of rights conferred.

<sup>8</sup> Art 33

<sup>9</sup> Bangladesh National Women's' Lawyers Vs Government of Bangladesh( case cited above)

<sup>10</sup> "A GSP beneficiary must have taken steps, or is taking steps, to afford internationally recognized workers' rights including (a) the right of association (b) the right to organize and bargain collectively (c) freedom from compulsory labor (d) a minimum age for the employment of children (e) acceptable conditions of work with respect to minimum wages, hours of work and occupational safety and health."

mentioned here that according to the ILO Study Report 2006, the enterprises of EPZs were 93% compliant which has gradually escalated to 98% compliant since 2008.

29. In 2011 the GOB empowered existing labor courts and labor appellate tribunals (established under Bangladesh Law on Labor 2006) to act as EPZ labor tribunal and EPZ appellate tribunals (Statutory Regulatory Ordinance no. 264 –law/2011). Freedom of association of workers is ensured by this and the demand of the Petition has been met with respect to the EWAIIRA Act 2010.

30. In 2010 the minimum wages and other benefits for the workers of the enterprises of EPZs were increased ranging from 32-93% of previously agreed wages which took effect since from 1st November 2010.

31. In order to look after the safety and well-being of workers in the RMG sector as well as in other industries, the Government established an Industrial Police force on 31st October 2010 with headquarters in Dhaka and 4 zonal offices outside Dhaka. Both management and workers are under the supervision of the Industrial Police. Interventions have reduced industrial unrest and established a harmonious environment in all industrial areas including the EPZs.

32. The rights of child are enshrined in the Constitution of Bangladesh under articles 11 to 20. Child Act 1974 is being updated to combat the present day challenges of child labor and abuses of child. Government has taken initiative to formulate Child Labor Abolition Policy with the objectives of eliminating worst form of Child Labor (WFCL) and hazardous work conditions. Bangladesh has also ratified the Convention of Rights of the Children in 1990. The Ministry of Labor and Employment (MoLE) adopted a National Time Bound Program (TBP) for eliminating WFCL from Bangladesh by 2015.

33. The Government has set up a Child Labor Unit (CLU) in the MoLE. This Unit is playing a significant catalytic role ensuring that all child labor interventions are planned and executed in an integrated and coordinated manner. CLU is developing an integrated Child Labor Monitoring system and has compiled a list of hazardous sector, occupations and activities which need to be prohibited for children under 18 years of age. This list will also serve as the basis for awareness raising and advocacy program against use of child labor in hazardous activities.

34. Bangladesh government has ensured threshold wage of the workers, prescribed child labor, facilitated improved labor condition (for example, maternity leave, medical facilities, recreation facilities, day care center, healthy working environment etc.), set up garments' village, declared relocation of the factories and made ETP installation mandatory for the investors.

35. A three-tier monitoring committee is now working at the national, regional and district levels to conduct physical inspections on a regular basis to ensure full compliance on labor issues and the working environment (holiday entitlements, overtime premium wages, maternity issues etc.).

36. In the shrimp sector the government has constituted 5 joint -working groups to inspect and monitor the level of compliance of labor conditions. A number of policies have been adopted to facilitate this. The National Child Labor Elimination Policy (2010) has been approved. Two acts, and supporting regulations, in the fish hatchery and fish-feed sectors have been passed by the government and implementation has already started at the field level. A number of awareness raising programs on labor issues have been conducted and are continuing. Codes of Conduct in the fisheries sector have been developed with the expertise of JIFSAN/MD,

the US FDA. At present there are 82 government licensed shrimp processing plants out of which 65 plants (80%) are EU compliant. Also, Bangladesh Shrimp and Fish Foundation (BSFF) implemented a pilot project titled 'Development of ten shrimp factories into a model for compliance with labor standard' with BSFF AID-PRICE project support. A minimum wages in the shrimp sector was increased in 2009 and has been implemented since 2009.

37. The Joint Institute of Food Safety and Applied Nutrition of the University of Maryland (JIFSAN/MD), United States Food and Drug Administration (US FDA) and BSFF under a jointly signed (in March 2009) Agreement of Cooperation (AoC) have been in the process of implementing a series of Training of Trainers (ToT) program on Good Aquaculture Practices (GAqPS) for fisheries officials, University teachers, NGOs and aquaculture based industry stakeholders. Since November 2009 till 07 December 2011, four ToT programs have been implemented.

38. As per the latest report of the BGMEA 98.53% of total factories have implemented this wage. The government, with UNFPA, is running a health awareness program in the RMG sector. There is financial assistance for day-care centers and lactating mothers. The BGMEA has made it mandatory for every enterprise to provide group life insurance to cover all workers.

39. On a government initiative, a high level inter-ministerial committee headed by DG, Fire Service and Civil Defense (FSCD), who is also a Director of International Fire Chiefs Association of Asia (IFCAA), inspects the garment factories on a random basis to check the fire safety conditions and other related issues every month and inspection reports are being circulated to all factories for their adherence. Operational capacity in terms of equipment, training and administration of FSCD has been improved markedly following a government initiative. Along with an awareness program, the FSCD is training 62,000 community volunteers on rescue and fire-fighting. As a result, incidence of fire has reduced substantially in the last year.

## **V. FUTURE ACTIONS ENVISAGED BY THE GOVERNMENT TO IMPROVE THE OBSERVATION OF WORKER RIGHTS**

40. The Government of Bangladesh in cooperation with its development partners and private sector intends to give priorities on following actions in future to further improve the working environment:

- ILO/IFC Better Work Program will take in the garments sector. This will follow the completion of a feasibility study by the ILO/IFC which had already completed a fact-finding mission in mid-2011.
- The GOB has, jointly with the BGMEA, agreed a project to establish dormitories for female garment workers in Chittagong. The facilities are expected to open within 2 years. Plans for similar facilities in other cities are in hand. In addition school, hospital and day care centers for women workers, along with entertainment facilities.
- A future integrated trade policy for Bangladesh, which is under early development, will include consideration of labor issues.
- To work with USAID and its projects, which are concerned with the enhancement of labor rights, to ensure sustainability and reform.

## **VI. CONCLUSION**

41. The Government believes that in order to attain sustainable economic growth it has to improve the workers regulatory environment and encourage private sector to observe the worker rights. Over the period substantial progress has been made in improving the conditions in the work place and in attaining the observance of core labor standards. The Government of Bangladesh intends to build upon the recent successes with the international development partners. We encourage AFL-CIO to work with the Government of Bangladesh in our future activities to improve the situation and thus facilitate economic growth of the country.

## **STEPS TAKEN BY BANGLADESH IN THE AREA OF WORKER RIGHTS AND CONDITIONS AND OBSERVATIONS ON CONCERNS RAISED IN THE PETITION**

### **AA. THE READY MADE GARMENT INDUSTRY (RMG) OF BANGLADESH**

#### **I. Update and Progress since 2009**

Bangladesh Garment Manufacturers & Exporters Association (BGMEA) and Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA) are vigilant in upholding labor rights in the apparel sector of Bangladesh. In 1995, BGMEA took the pioneering initiative to partner with the ILO and UNICEF to eliminate child labor from the industry and took commendable steps for bringing children to school to pursue education. Since the second hearing held on 24 April 2009, significant progress has been achieved in compliance standards in the readymade garment (RMG) industry of Bangladesh. BGMEA and BKMEA, with the support of the GoB, are working to protect the legitimate rights, workplace standards and welfare of the workers. Since the signing of the tripartite MoU in 2006, BGMEA, BKMEA and RMG workers' representatives have made substantial progress in these areas. Major progresses made till December 2011 are mentioned below.

#### **1. Implementation of the Provisions of the Tri-partite MoU**

The 10-point MoU was signed on 12 June 2006 amongst BGMEA, BKMEA, GoB represented by MoLE and national level trade union leaders. For the proper implementation of the MoU, GoB immediately constituted 15 special inspection teams consisting of officials from the Department of Labor (DoL) and Directorate for Inspection of Factories and Establishment (DIF&E). Till date, these 15 teams (10 in Dhaka and 5 in Chittagong) are working on regular basis to monitor the implementation of the MoU and other legal issues. For effective inspection of observance of all the fundamental issues, a 18-point uniform checklist has already been developed and approved by the Social Compliance Forum (SCF).

BGMEA and BKMEA are firmly committed to uphold the workers' rights in the RMG sector recognized by national law and international standards. Pursuant to the tripartite MOU signed on 12 June 2006, BGMEA and BKMEA have been continuously monitoring the other compliance issues related to appointment letters, weekly holidays, casual leave, sick leave, festival leave, maternity benefits, overtime, health and safety facilities, identity cards, etc. Buyers and third party auditors have also been closely monitoring implementation of the compliance and standards. The SCF headed by the Minister for Commerce, GoB has two task-forces regularly monitoring factories. It may be mentioned that the SCF is composed of representatives from the industry, government, NGOs, civil societies, labor organizations, and buyers. In addition, the MOLE is playing an active role on this issue and having monthly meetings with BGMEA and BKMEA. 15 teams under the guidance of the Chief Inspectorate of Factories (CIF) are keeping constant eyes on the progress made on tripartite issues.

The September 2011 inspection report by BGMEA on the stipulations of the tripartite agreement has shown tremendous improvements on the compliance issues. 90.50 percent apparel factories provide appointment letters, whereas the figure was 78.97% in 2008. As of September 2011, 81.9% factories comply with the requirement to issue ID cards increased from 80.47% in 2008. However, this is a continuous process and work is continuing for ensuring compliance in all production units.

## **2. Additional Activities undertaken by RMG Sector**

Industry associations are working both individually and collectively with the government and development partners (NGOs) for improving the working conditions, labor standards and compliances. Towards attaining these, they have undertaken several initiatives and programs, some of these are as follows:

### **a. Skills Training & Education**

The main cause of high migration among the factories is the acute shortage of skilled workers. In order to reduce the shortage of skilled RMG workers in the industry, BGMEA and BKMEA, with the help of the Government of Bangladesh, development partners and buyers are running several training centers to develop required skills, enhance productivity, efficiency and increase awareness of the workers on social compliance, health and hygiene issues. BGMEA runs 5 free schools for the workers' children in Dhaka and Chittagong and provides stipends to the meritorious children of workers.

### **b. CSR activities**

Corporate social responsibility (CSR) workshops for the top management of the factories are regularly organized by the industry associations and other development partners and civil society organizations. CSR awards are given to motivate factory owners every year.

### **c. Food Rationing**

BGMEA and BKMEA distributed essential food items last year among RMG workers at subsidized prices in Dhaka, Narayanganj and Chittagong previously in order to relieve them from the adverse impact of high inflation. This program is currently suspended as the staple food price is normal. However, these associations are engaged in consultation with the government to start a permanent food rationing program covering some more essential food items in addition to rice.

### **d. Accommodation for the Workers**

BGMEA, jointly with the Government of Bangladesh, has taken a project to establish dormitories for female garment workers in Chittagong. An agreement has been signed between BGMEA and the government in June 2010. Under this project, 3,000 female garment workers will get accommodation and will be completed in two 2 years. BGMEA has been working with the government to establish another dormitory in Ashulia (an industry intensive close to Dhaka city area). Besides, the government and BGMEA are working together to build Special Economic Zones for the garment industry with dormitories and proper township facilities including entertainment, schools and hospitals for the workers.

### **e. Entertainment**

In order to strengthen the workers-owners' relationship BGMEA organizes "Workers Festival" every year. The Workers Festival includes day long festival with fashion show, stage drama, dance, puppet show and other entertainment events performed exclusively by the RMG workers. This also includes talent hunting competition of singers among the workers. BKMEA has almost a similar program. In 2010, BGMEA organized a musical talent hunt program among the garment workers under the name "Gorbo". A number of 40,000 workers took part in the

audition, and through a process of 9 rounds over a period of 4 months 10 participants qualified for the grand finale. The champion received Tk. 10,00,000.00 as prize money. The Honorable Prime Minister of Bangladesh handed over the award to the winners.

#### **f. Other Activities**

BGMEA in collaboration with German Technical Cooperation (GIZ) is running a Social Compliance Factory Improvement Program. Under this program training for the factory compliance related persons, audits and online consultations are conducted.

To ensure maintenance of workers records BGMEA introduced a system of maintaining worker's service book and almost 100% factories are maintaining worker's service books.

### **3. Formation of Trade Union for Protecting Workers Right**

Bangladesh Labor Act, 2006 provides legal scope for forming trade unions on fulfilling all legal requirements. The law also provides penal action for any instigation or hindrance caused by employer or workers. Rights of the workers are clearly defined in the Bangladesh Labor Act, 2006. In the event of report of any breach in this regard the Government takes appropriate legal actions against the persons at fault. It may be mentioned here that there is no intimidation to workers, their leaders or NGOs by the RMG factory owners.

### **4. Grievance Management through Arbitration at BGMEA**

BGMEA has been providing conciliation-cum-arbitration facilities to the garment workers since April 1998 in accordance to Industrial Relations Ordinance (IRO), 1969. A Committee headed by a retired District Judge and participated by workers and owners' representatives is performing following activities:

- solves grievances between the owners/management and the workers rapidly to keep production uninterrupted; and
- solves the disputes without any charge which would have been incurred if pledged to the court.

*Since its inception, the arbitration facility has extended direct benefits to 27,321 workers through resolving 5,274 grievances.*

Most importantly, the arbitration procedure has been a unique platform to bring the employers and unions closer through increased mutual cooperation, keeping employers refrained from taking inappropriate actions against workers and thus paves the way to better industrial relations.

### **5. Better Work Program**

Better Work Program, jointly run by the International Labor Organization (ILO) and the International Finance Corporation (IFC), is about to start its operation in Bangladesh's RMG sector. The program aims to improving compliance of the factories. A fact finding mission of ILO/IFC has already visited Bangladesh during middle of 2011 to conduct the feasibility study. The program is expected start after completion of the study soon.

## II. Update and Progress on Issues of Petition of 2011

### A. Freedom of Association

BGMEA and BKMEA have full respect to the constitution and law of the land. They have always been positive to freedom of association of the garment workers. However, lack of education, awareness on the principles of trade union, motivation and cultural backwardness of the people are the major tailbacks in enforcing trade union in Bangladesh. Besides, trade unions in Bangladesh are registered with the Joint Director of Labor (Registrar of Trade Unions - RTU) under the MoLE, provided 30 percent of the workers in a factory become members of the proposed union. The apparent poor representation of workers to trade unions could be attributed to the acute shortage of skilled workers in the RMG industry and the resulting migration of labor. Therefore, to enable the industry to have a safe and proper functioning of the trade unions and for an improved workers rights situation in Bangladesh, the first and foremost prerequisite is to educate the workers, increase awareness, train and motivate them on their rights and responsibilities. In order to reduce the gap between workers and entrepreneurs/management and to promote social dialogue, BGMEA and BKMEA have successfully implemented the Workers Welfare Committee (WWC) in the garment factories. After the initial success of WWC, they are now progressing towards establishing Participation Committees in factories.

#### a. Failure to Register New, Independent Unions (section II.A.a Of the AFL-CIO petition)

Both the law and the constitution of Bangladesh recognize the rights of workers to freedom of association. However, trade union activities were temporarily suspended under the Emergency in 2007-08. It was resumed in 2009 with the formation of newly elected democratic government. Workers engaged in RMG sector are enjoying the rights to form unions and collective bargaining. In RMG sector alone, there are 143 trade unions and 36 trade union federations and they are running their activities smoothly. According to the Bangladesh Labor Act 2006, there are some requirements for registration of trade unions. Failure to meet these requirements may lead to rejection of applications. The registration applications of the said 5 trade unions were rejected for non-fulfillment of requirements. In case of rejection of any registration application, the applicant may appeal to the Labor Court for review. This registration procedure is logical and justified to maintain discipline in the industrial sector.

Regarding the application for registration of the newly formed factory union by the workers of **Pastel Apparels Ltd.**, it may be mentioned that the application was submitted to the Joint Director of Labor (Registrar of Trade Unions - RTU) on 27 October, 2010. The RTU sent back the application on 22 December, 2010 with the following observations:

- (a) general meeting was held on 3 October 2010, but the applicant did not attach attendance sheet;
- (b) although the number of members of the proposed union was 237, the application contained copies of 196 ID cards; and
- (c) for calculation of 30% workers, the Union failed to submit a certificate from the factory management on the total number workers working in that factory.

The proposed Union failed to submit a proper and satisfactory response to these queries of RTU. This forced the JDL, Dhaka, to reject the application on 22/12/2010. The proposed union filed an appeal to the First Labor Court, Dhaka on 23 January, 2011 vide appeal case no-01/2011. The next date of the case is 22 January, 2012.

**b. Union Leaders Still Under Cloud of Arrest from 2006 (section II.A.b of the AFL-CIO petition)**

According to the 10-points MOU signed on 12 June, 2006, all the cases filed under different Police Stations of Dhaka and Gazipur were withdrawn, but the 3 Police cases (nos. 49, 50 and 51 of 2006) under the Joydebpur Police Station of Gazipur district still not disposed of. During the period of Emergency Rule for about two years (Jan 2007 - Dec 2008) under the caretaker government, the matter was not properly followed. After the taken over of charges by the present elected democratic government in Jan 2009, the said police case issue has been taken care of. The latest position of the cases is given below:

- i) Case No. 49/2006 has been transferred to the Chief Judicial Magistrate Court, Gazipur on 6 December 2009. Five out of six accused persons were released from the case. The case is pending with the court. No person is now under the custody of police;
- ii) Case No. 50/2006 has been settled and all of nine accused persons were released; and
- iii) Case No. 51/2006 has been transferred to the Chief Judicial Magistrate Court, Gazipur on 6 December 2009. One out of twenty five accused persons was acquitted. However, the case is still pending with the court. No person is now under custody of police.

**However, steps have been taken to withdraw the cases following legal procedures.**

After the unrest in 2006, BGMEA lodged a case at the Ashulia Police Station. However, subsequent to the signing of the tripartite MoU, it was withdrawn on 16 June 2006.

**c. BCWS Staff and Labor Leaders Detained and Tortured, Leaders Arrested (Para II.A.c of AFL-CIO Petition)**

BCWS was registered with NGOAB (Registration No-1919) since 17 April 2004. Prior to that, it was registered with the Department of Social Welfare since 2001. After getting registration from NGOAB, it got funding/donation as per existing regulations. BCWS is affiliated with US based labor organization American Federation of Labor and Congress of Industrial Organization (AFLCIO), National Labor Committee (NLC) and Solidarity Centre. Solidarity centre also provides fund to it and patronizes other local labor organizations of Bangladesh.

After the affiliation with Department of social Welfare, BCWS started their activity in and around Dhaka and gradually expanded activities to Gazipur and Chittagong. At the same time, they have started a separate labor organization titled Bangladesh Garments and Industries Workers Federation (BGIWF). Ms. Kalpana Akther, is the Executive Director and General Secretary of BCWS. Mr. Babul Akther is the General Secretary of BGIWF. Both the organizations have branch offices in Mohammadpur of Dhaka, Ashulia, Gazipur and Chittagong. Though BCWS and BGIWF are separate organizations, they work and voice for the

same causes. All the offices of BCWS are hired by US based labor organization Solidarity Centre.

So far NGO Affairs Bureau approved one project for BCWS titled "Child Care Program for Working Mothers" The tenure of the project has already expired in 2006. Instead of focusing on their project work, BCWS started instigating garments workers against the owners in the name of training programs and legal supports. In the name of training programs, they recruited potential workers and infiltrated them in large garments factories of Ashulia and Gazipur. Intelligence reports reveal that BCWS has substantial infiltration in NASA, Envoy, Shetara GP, Parl garments in Ashulia. It is also reported that they create labor unrest in a planned way through spreading rumors amongst general workers.

Prior to minimum wage declaration, Babul Akther and Kalpana Akther have been trying to organize their activists and supporters to stage large scale demonstration in Ashulia and Gazipur area. Kalpana Akther maintains liaison with foreign organization and individuals. On the other hand Babul Akther communicates with their ground level supporters and activists. BCWS provides financial incentives to their activists and supporters to keep them loyal. According to an intelligence report, they are working to defame the RMG industry and put pressure on the foreign buyers not to purchase garments from Bangladesh.

According to the existing law, NGOs are required to apply for renewal of their license every five years. But BCWS did not apply to NGOAB for renewal within the tenure of the license. However, it applied for renewal after six months, for which the prayer was rejected by NGOAB. Since then BCWS started creating internal/external pressure on the authority to withdraw the cancellation order.

Evidence reveals that BCWS was working as a pressure group for vested quarters by instigating garments workers. It is trying to destabilize the largest economic sector of Bangladesh. Should this be destabilized, it could lead political, social and economic unrest in the country. The intelligence report recommended stern legal action against Babul Akhther and Kalpana Akhter and other leaders for their anti-state activities.

Regarding the case of Aminul Islam, NSI was ignorant of any such incidence of arrest and beating. However, there are several police cases against him {case 48 date 19/06/2010, case 33 date 12/06/2010 and case 87 date 31/07/2010} in Ashulia Thana. Investigation is still going on for the case no. 88 date 31/07/2011. Final report of case 33 date 12/06/2010 was submitted.

In early August, arrest warrants were issued against leaders of BCWS Ms. Kalpona Akter and Mr. Babul Ahkter. Charge sheets have been submitted for the cases 48 (date 19/06/2011) and 86 (date 31/06/2010). FIR has been submitted for the case 33/2010 and investigation is still going for the case no. 88 (date-31/07/201). These cases were filed against Mr. Babul Akhter along with others, but no case was filed against Ms. Kalpona Akhter.

No case was filed against Mr. Montu ghosh and Ms..Moshrefa Mishu in 2010. No incidence of harassment and threat was reported to police by BCWS staff.

**d. BCWS Deregistered (Para II.A.d of AFL-CIO Petition)**

BCWS was registered with the NGO Affairs Bureau (NGOAB) on April 17, 2004 (Reg. No.1919). According to its constitution, the objectives of the organization were to do well-being for the workers, street children and their families. BCWS was also committed to work mainly

for the welfare of the garments workers and make them aware regarding their rights and responsibilities. The government is trying to do its best to ensure healthy working environment and stability in the sector. It reveals from the evidences collected by the intelligence agencies that the BCWS was directly involved in provoking the workers to create anarchies in the garments factories in the name of establishing their rights. This led to unrest in 2010. Reports of vandalism, violence, destruction and chaos are available in daily newspapers published of that time. Based on intelligence reports NGOAB was forced to cancel the registration of BCWS on June 03, 2010 to restore peace and save valuable properties. NGOAB was fully satisfied that the BCWS was involved in unlawful activities and this led it to take punitive actions against BCWS.

BCWS filed a writ petition with the Honorable High Court Division against the order of the NGOAB regarding cancellation of its registration on June 03, 2010. NGO Affairs Bureau responded in time and sent para-wise reply to the learned solicitor. Meanwhile, BCWS was requested to withdraw their writ petition against GOB and informed that the process of re-registration was not possible without withdrawing the writ petition. BCWS then submitted the copy of withdrawal of the writ petition on 13 June 2011. Subsequently, the NGOAB has received directions from the competent authority to take necessary actions for re-registration of BCWS. Finally, BCWS submitted their application to the NGO Affairs Bureau of re-registration along with their list of the new executive committee on 01 December 2011. Presently, Ministry of Home Affairs (MOHA) is examining the re-registration application and once the clearance of the MOHA is received the case will be disposed without further delay.

## **B. Occupational Safety and Health- Fire Safety Issues**

### **(i) Health Programs**

**Health Care Centre:** BGMEA runs 12 health care centers in Dhaka and Chittagong. It is constructing 2 hospitals for workers, one with 100 beds in Chittagong and another with 150 beds in Dhaka. BGMEA runs health related awareness program with UNFPA, Ministry of Health, Global Fund, Marie Stopes and other international organizations on Reproductive health, Tuberculosis and HIV/AIDS among the garment workers. Jointly with the Government of Bangladesh, BGMEA provides Aid to Lactating Mothers who are the female garment worker having children of 2 years or less. It is running Tuberculosis control program for RMG workers with World Health Organization (WHO).

**Financial Assistance to Lactating Mothers in the Sector:** Recently, GoB has declared financial assistance to lactating mothers working in the RMG sector. Under the program, BKMEA and BGMEA are the two implementing associations helping around 65,000 lactating mothers. Along with the assistance, these bodies are giving them education on primary healthcare and hygiene issues. Under this program, stipends for 24 months are provided to the lactating mothers working whose child is below 2 years.

**Day Care Centers & Health Care Centers at Factories and Clusters:** BKMEA and BGMEA are working together to establish Day Care centers at each of its member factories. In some cases, they are encouraging their member factories to have cluster based Day Care Centers so that workers from nearby factories can avail the facilities. This applies to Health Care Centers also. Workers can avail free treatment from these health care centers.

**Coverage under Mandatory Group Life Insurance:-** Group Insurance for the workers and staffs of garment factories has been made mandatory for all garment factories. BKMEA has made mandatory group life insurance for all its member units. Member factories are getting the

insurance claims for accidental or normal death, permanent disability of its workers or employees. The claims are processed at the shortest possible time.

## (ii) Fire Safety Programs

Fire safety issues in RMG factories in Bangladesh have substantially improved in last 3 years. Inspectors from Fire Service & Civil Defense (FSCD) are regularly issuing and renewing fire license after ensuring fire safety of the factories. Local fire station officers are also carrying out periodical inspections to the factories. Besides, a high level inter-ministerial committee headed by DG, FSCD who is also the Director of International Fire Chiefs' Association of Asia (IFCAA) inspect the garment factories at random basis to check the fire safety conditions and other related issues every month and inspection reports are being circulated to all other factories for their adherence. Number of fire incidents in Garments sector, percentage of fire in comparison with total fire and death toll in last 3 years are as follows:

2009 –	fire incidents 293, 2.40%, death toll 2 ;
2010 –	fire incidents 220, 1.49%, death 51;
2011 -	fire incidents 175, 1.34% , nil.

*The statistics clearly shows that fire issue in RMG sector has been gradually improving.*

Operational capacity in terms of equipment, training and administration of FSCD has been improved to a great extent. Beside awareness program, FSCD has given training to 62,000 community volunteers on rescue and firefighting. FSCD is also conducting regular training courses, demonstration and fire drill in almost all the garment factories with a view to train the management and workers to fight back the fire. BGMEA & BKMEA have their own fire safety cell which monitor fire safety issues of the factories in close coordination with FSCD.

As a part of integrated efforts, in September, 2011, 17 International fashion brands including H&M in collaboration with FSCD, BGMEA and BKMEA introduced two documentary fire safety films (one for the workers and other for the management) which is an appreciable effort for minimizing fire hazard in this sector.

The fire incidents that took place in Garib & Garib factory and *That's It Sportswear factory* were merely isolated and exceptional cases. It should not be treated as generalized example of poor state of labor inspection. After the incidents, enough fire safety measures have been strictly enforced in Garib and Garib factory as per the recommendation of the enquiry team. On the other hand, the situation of the fire incident in *That's It Sportswear factory* was promptly addressed. Rescue helicopters, five aerial platform ladders were deployed and enough measures were taken to rescue the trapped workers, but before arrival of the rescue team, unfortunately 4 (four) workers died of suffocation. Some being panicked jumped out through the window and some others tried to escape using rolled cloth hanging from 10<sup>th</sup> floor but failed. Eventually the victims died in the hospital.

The importance of fire safety issues in the Garments sector of Bangladesh is duly addressed by the Government and all concerned agencies. The Government of Bangladesh is actively considering establishment of 'Garment Industrial Park' to minimize fire incidence.

Safety initiatives have been further strengthened by the government and associations. In 2011, a number of 18 incidents took place that resulted in 2 casualties. This may also be noted

that around 40 percent of the fire incidents are not being reported as they are controlled within the factories (according to the Fire Department of Bangladesh). This reflects the fact that factories are now equipped with adequate fire safety equipment and awareness to prevent fire by themselves. However, the Fire Department distributes the report of each fire incident to the garment factories through BGMEA/BKMEA to share the knowledge and experiences gathered in each time.

BGMEA has been organizing fire safety training and evacuation drill in garment factories on regular basis since 1997. During the January-November of 2011 period, the fire safety team of BGMEA visited 3,718 factories and 1,603 factories were brought under the fire drill program. Besides, training on fire safety was provided by BGMEA to 114 factories during the mentioned period of time in addition to the initiatives by the Fire Department of Bangladesh.

In an effort to improve fire safety education and training, 19 international brands and retailers have joined BGMEA, which include Abercrombie & Fitch, Carrefour, Carter's, Inc., C&A, GAP Inc., H&M, JCPenney, KappAhl, KiK Textilien & Non-Food GmbH, Lindex, MQ, Philips Van Heusen, Target, Tchibo, Teddy/Terranova, Tesco, VF Corporation, Walmart and RnB Retails and Brand. BGMEA have jointly developed two fire safety films to train factory management and workers on best practices. The aim of the films is to reduce the risk of fires and fatal outcomes in any fire accidents. The films and supplemental materials including 10 posters and a fire safety manual are being distributed at free of cost. Through the extensive co-operation and by including concerned stakeholders like government agencies, trade unions and NGO's the training program will be conducted as quickly as possible.

Regular fire safety training and regular evacuation drill are being conducted by the BGMEA officials. On the 29 November 2011 BGMEA have launched two fire safety videos "Ar Agun Noi-Workers' Awareness" and "Ekhony Somoi - Management Awareness". BGMEA have also developed 10 posters and a fire safety manual as well.

In the wake of some fire-related accidents, the government in consultation with some major stakeholders likes BKMEA and BGMEA has introduced some stringent regulations to prevent any casualty due to fire related casualty. The result is manifested in the sector with sharp decline in fire-related accidents. BKMEA is conducting regular awareness building activities in member factories. Like the new minimum wage issue, BKMEA has made it compulsory to have necessary arrangements in the factories to prevent fire-related accidents.

A well competent fire safety cell has started full functioning in BKMEA from August 2009. Since the beginning the cell has been working to ensure the fire safety in the member factories and to build a group of well-trained fire safety officers and workers. It arranges seminars on concerns of fire safety issues with the assistance of owners. Besides, the cell arranges mid-level management training programs. The cell frequently checks the fire and workplace safety issues of factories and conduct fire drills on regular basis. Organizing awareness raising sessions for factory owners and skill development trainings for mid-level management especially on fire and occupational Health and safety (OHS) issues are the additional activities of the cell.

Fire Safety Cell Conducted two types Training. Firstly two and three days training at factory premises including theoretical sessions, Introducing fire equipment, practical sessions & fire drill. Secondly, one day training including introducing fire equipment and fire drill. BKMEA has developed training manual on fire safety issues. In the context of Bangladesh, there is no such publication on this issue in local language. Fire Safety Cell of BKMEA published

sticker and poster on electrical safety issues. All these materials are being distributed at free of cost to the members of BKMEA.

### **C. Minimum Wages and Hours of Work**

In October 2010, the GoB has declared (in consultation with the RMG owners and workers reps) a new minimum wage structure for the RMG industry. This came into effect on the 1<sup>st</sup> day of November 2010. In the new minimum wage, there has been an overall increase in wages by about 80%. The immediate past review of the minimum wages was in 2006. Inflation recorded by Bangladesh Bank during the 3.5 years time between these two reviews was 35%, meaning that the wage increment has been more than twice the rise in inflation.

It may be mentioned that the Bangladesh Labor Law provides provisions for revision of minimum wages in any industry in every five years. Thus the latest review of wages in the RMG industry has been made within a period of 3.5 years, thanks to the wholehearted cooperation of the garment industry owners and other stakeholders. Against the backdrop of global recession, the status of implementation of this minimum wages at the factory level appears to be very satisfactory. According to available data, 98.54 percent RMG units have already implemented the minimum new wages. It may be mentioned that BGMEA and BKMEA have stopped providing services to the defaulting factories which are not implementing minimum wages. Two major industry associations (BGMEA and BKMEA) and the relevant departments of the government are very proactive and sincerely putting best efforts for full implementation of the new minimum wages.

However, failure of implementing the new minimum wages at the initial stage on the part of some apparel factories is attributable to miscommunication or misinterpretation of different provisions of the new pay structure, confusion on workers grading system, and lack of proper awareness and knowledge on the minimum wages. BGMEA/BKMEA and the government are vigilant on such aspects and trying to resolve them on case-to-case basis. They are working together to create more awareness among the factory management.

15 special Inspection teams formed by the DIF&E under MoLE to ensure compliance (e.g., appointment letter, identity card, leave, maternity benefits, good working place, etc.) are working hard to materialize various aspects of the Labor Laws following a checklist drawn by the Taskforce on Labor Welfare in RMG. The teams categorize the factories as A, B and C based on total points scored on 12 different items. During January 2011 to October 2011, the teams visited 711 factories, based on their findings and the scores assigned, the three categories of factories A, B, and C were 403, 141 and 167 respectively. To upgrade the B grade factories into A grade, factory authorities have been given legal advices. The DIF&E is taking necessary legal steps against the C grade factories. Till November 2011, 25 cases have been filed and 47 more are under process against the C grade factories.

In 2010, MOLE has formed 'Crisis Management Core Committee' consisting of 19 members from all stakeholders that include Government officials, security forces, labor leaders, employers, etc. Hon'ble State Minister of MoLE is the convener of the committee. To minimize labor unrest and crisis, MoLE has formed 'Central Working Group' consisting of members from all stakeholders. 5 (five) Regional Crisis Prevention Committees have also been working as watchdogs against any possible threat of indiscipline or unrest in the garments sector. The peaceful settlement of wage disputes is proved by the calm situation prevailed during the last two Eid festivals and Durga Puja in the garment factory areas.

## **D. Profit Participation Fund**

Chapter 15 of Bangladesh Labor Act 2006 provides the scope of labor welfare by using 5% of the net profit of a factory. 80% and 10% out of this 5% will be contributed to the Participatory Fund and Welfare Fund respectively. The remaining 10% will be deposited to Bangladesh Labor Welfare Foundation Fund within 45 days as per Bangladesh Labor Welfare Foundation Act 2006. As the arrangement made in the Acts are a little bit complex comprising three separate funds, rules and regulations are needed to be formulated to make their provisions operational. Ministry of Labor and Employment is working in this regard. However, till now nine factories, - majority from the non-RMG sector have already deposited Tk. 17 m to the Bangladesh Labor Welfare Foundation Fund till December, 2011.

## **BB. EXPORT PROCESSING ZONE (EPZ)**

### **I. Progress since 2009**

For rapid socio-economic development, generation of employment, women empowerment and poverty alleviation in the country, Bangladesh Export Processing Zones Authority (BEPZA) has been attracting Foreign Direct Investment (FDI) and local investment in the EPZs of Bangladesh. BEPZA has successfully traversed a long way of 28 years with a new dimension to increase the volume of investment, diversification of exports, generation of employment with the objective of poverty alleviation, woman empowerment and strengthen the economic base of Bangladesh. At present 381 industries are in operation and 142 industries are under implementation stage in 08 (eight) EPZs.

The EPZ enterprises are 98 percent compliant. BEPZA regularly monitors the working condition, health, hygiene, safety and other compliance issues of the workers/factories. Officials of different departments and organizations like USTR, USDOL, US State Department, H.E. Ambassador of USA in Bangladesh, High officials of AFL-CIO and Solidarity Centre have visited different EPZs of Bangladesh and witnessed the referendums/elections in the enterprises and also appreciated BEPZA in this regard (Annexure-1).

The EPZ Workers Association and Industrial Relations Act, 2004 (EWAIRA)” was enacted in consultation with the US Embassy, Solidarity Center, World Bank, Japan International Co-operation Agency (JICA), Prime Ministers’ Office, MoLE and Ministry of Law. The EWWAIR Act, 2004 (Act No. 23 in 2004)” was provided for two phases of implementation:

- (a) **Phase I** (from July 2004 to October 2006) required the formation and election of Worker Representation and Welfare Committees (WRWCs) as per ILO convention 87 (i.e. Freedom of Association & Protection of Right to organize); and
- (b) **Phase II** (from October 2006 to October 2008 and Ordinance no. 33 of 2007 & 43 of 2008) allowed workers to proceed for formation of Workers Associations (WA) as per ILO convention 98 (Right to organize and Collective Bargaining).

In 2010, a new law titled as “The EPZ Workers’ Welfare Association and Industrial Relations Act, 2010” (EWWAIR Act, 2010) was enacted replacing EWAIRA, 2004. This new law incorporates all the provisions of EWAIRA, 2004. The new law provides adequate emphasize on freedom of association, bargaining rights regarding wages, working hours and terms of

employment. BEPZA is taking all required steps to ensure full implementation of the new Act. All industrial units are asked to assist workers forming Workers' Welfare Associations (WWA) in the EPZs. Referendums on WWAs in 230 enterprises have already been completed, representing 75.16% of total 306 eligible enterprises in EPZ. Among those, 151 enterprises have already formed WWAs as of 8 January 2012.

All eligible workers are now allowed to participate in WWA election. There has no bar regarding age for participation in the Executive Committee election as section 22 of "The EWAIR Act, 2004" (now defunct) and section 20(3) of "The EWWAIR Act, 2010". It may be mentioned that constitution of WA/ WWA required mentioning the age of worker in the submission at the initial stage of election for approval of the Authority. There was some misunderstanding in respect of minimum age limiting to 25 for participation in the election. However, after enactment of EWWAIR Act 2010, BEPZA informed all concerns that no such age limit for election exists.

As per "The EWWAIR Act, 2010", there has no scope of termination/dismissal of any worker intending to participate in the election of WWA. BEPZA always keeps an eye on any such unlawful move of disdaining the provisions of the law with the malign objective of depriving the workers from their legitimate rights.

The Government is yet to create separate tribunals for the EPZ workers for any dispute settlement. However, as an interim arrangement, it has already declared and specified the existing labor courts and Labor Appellate Tribunals (established under Bangladesh Labor Law 2006) to act as also EPZ Labor Tribunals and EPZ Labor Appellate Tribunals to settle EPZs workers disputes until and unless EPZ Labor Tribunal and EPZ Labor Appellate Tribunal are established.

For settlement of workers' disputes even outside BEPZA, involvement of any NGOs is not felt necessary in any law of Bangladesh. BEPZA law is no exception to that. In the EWWAIR Act, 2010, the workers have full freedom to approach directly to Counselors, Conciliators, Arbitrators, EPZ Labor Tribunals and EPZ Labor Appellate Tribunal for settlement of their complaints/disputes, if any. They may also approach the Executive Chairman, BEPZA directly to address their grievances.

Under Instruction no. 2 of 1989, a circular has already been issued on 12 March 2007 on the method of calculation of wages in US dollars on the 1st working day of the following month as per dollar exchange rate of Sonali Bank. Since inception, instructions were given to pay workers' benefits including 10% annual increment of wages and enhanced benefits covering overtime, leave, festival bonus, leave encashment, provident fund contributions, transportation allowance, food allowance, working environment, health & hygiene, medical facilities, child care center and training at home & abroad.

The minimum wages and other service benefits for the workers of the enterprises of EPZs have been re-fixed in 2010 by increasing wages by 32%-93%. Regarding the issue to pay arrear wages of Shahidul Islam, Operator of Hy-opsin Company Ltd., DEPZ has already been resolved. He has received all arrears from the company and declared that he has no claim anymore.

As per section 62 of "The EWWAIR Act, 2010" individual enterprises are not permitted to terminate any WWA member without prior approval of the Executive Chairman, BEPZA. The Executive Chairman, BEPZA usually scrutinizes the whole procedure taken by the factory management against workers or WWA members. If he finds any discrepancy, he may initiate

enquiry and constitute an enquiry committee consisting officials of BEPZA. He finally takes decision on the basis of the enquiry report.

## **II. UPDATE AND PROGRESS ON THE ISSUES OF THE PETITION OF 2011**

### **A. New EPZ Fails to Fix Old Problems and Creates New Ones**

In 2010, the GoB enacted a law titled 'The EPZ Workers Welfare Association and Industrial Relations Act 2010 (EWWAIR Act-2010)' to uphold labor rights & right to form Trade Union in the EPZ enterprises complying with ILO Convention 87 and 98. As per Section 92(2) of "The EWWAIRA-2010", all activities performed under the "The EWAIR Act, 2004" have declared as taken under the new Act. All elected executive committee of WA/WWA are also smoothly performing their activities as a Collective Bargaining Agent (CBA) of the enterprises.

BEPZA encourages welfare of the workers and addresses their grievances through Industrial Relations officials, Counselors, Conciliators, Arbitrators, EPZ Labor Tribunals and EPZ Labor Appellate Tribunal. For settlement of workers' disputes even outside BEPZA, involvement of any NGOs is not felt necessary in any law of Bangladesh. BEPZA law is no exception to that. Besides, as per EWWAIR Act, 2010, the worker has full freedom to approach to Labor Tribunal and Labor Appellate Tribunal for settlement of their complaints.

It may be mentioned that AFL-CIO has acknowledged the efforts of BEPZA through their Testimony on April 24, 2009 before The United States Trade Representative (USTR) "The EPZ sector is the main area in which Bangladesh made measurable progress since 2007". There is further improvement in last two years.

BEPZA always try to settle all legal compliant as per instructions even if it comes through different NGO's. BEPZA welcomes direct approach by an aggrieved worker for settlement of the grievances.

### **B. Collective Bargaining Limited**

According to Article-37 of the EWWAIR Act -2010, the WWA registered under this Act in an industrial unit shall be the Collective Bargaining Agent (CBA) for the industrial unit. It shall have the right to negotiate directly with the employer on wages, working hours and other terms and conditions of employment". All elected executive committees of WWA are actively performing their activities. They are treated as collective bargaining agents (CBAs) as defined under Section 37 of the EWWAIR Act-2010.

### **C. Lack of Labor Conciliators in the EPZs**

After the enactment of EWWAIR Act, BEPZA recruited required number of conciliators for the EPZs and they actively performed their job. All of them are not still in service. Further recruitment of Conciliator and Arbitrator is under process.

Regarding "16 points charter of demand" raised by the WA of M/s Geebee Garments Ltd, DEPZ Authority conducted a meeting with both the parties to conciliate the dispute and settle the issue as per law on December 27, 2010. In the meeting it was found that some of the demands raised by the WA members were illegal and were not covered at BEPZA Instruction 1 & 2. Later the WA members of Geebee Garments instigated the workers to go for illegal strike

and led them to stop the work.

Investigation by the management and the DEPZ officials, it was found that the WA members were clearly involved and led the workers to strike and hampered the congenial working atmosphere of the zone. As per recommendations of the enquiry committee and subsequent approval of the Executive Chairman, BEPZA, WA members were terminated from their job instead of dismissal on humanitarian ground. Besides, Conciliators, General Manager, Dy-General Manager/ Manager, Officers (IR) Department, and Counselors took immediate measures to mitigate the problem by scheduling frequent hearing of the management of those factories. Through this efficacious hearing and continuous monitoring the rate of grievances has been reduced to a minimum level.

#### **D. No BEPZA Rules and Regulations Regarding Federations**

To streamline the formation of Federation BEPZA is preparing necessary rules and regulations. BEPZA has been encouraging the formation of Federation in a Zone. But only 52 WA/WWA members from 21 enterprises of DEPZ have applied for formation of federation which does not fulfill the requirements of the section 24(1) of EWWAIR Act -2010. As per the section 24(1) of the EWWAIR Act, 2010, more than 50% of the WA/WWA is required to apply for formation of federation.

#### **E. BEPZA has failed to enforce law as to largest EPZ employer**

Formation of WWA is a right of workers. However, BEPZA has been motivating both workers and management towards formation of WWA and has acting as a facilitator as a whole in this regard. Youngone Group, the largest investor, is operating 16 enterprises in DEPZ & CEPZ and is yet to have any WWA any unit. EPZ Authority is continuously asking them to do so. The Company hanged notices in front of production floor with a view to pursuing the workers to form WWA. However, workers are yet to collect the forms and to the best of BEPZA's knowledge, they are yet to raise 30% popular support as required by the law.

Officials of different organization like USTR, USDoL, US State Department, H.E the Ambassador of USA in Bangladesh and other officials of US Embassy, High officials of AFL-CIO and Solidarity Center visited different EPZs of Bangladesh. The officials witnessed some referendum and WA election in EPZs and expressed their deep satisfaction for free, fare and credible elections.

BEPZA always tries to uphold the provisions of the law. It has been communicating with all the enterprises within each EPZ for formation of WWAs at the earliest. In response, out of 306 eligible enterprises, 230 referendums on WWAs have already been completed on which 151 enterprises have formed WWA by 19 December 2011. This is 75.16 percent of the eligible enterprises.

It may be mentioned that the officials of different organization like USTR, USDOL, US State Department, US Embassy in Bangladesh, AFL-CIO and Solidarity Center visited different EPZs and witnessed referendums and WA elections and expressed their satisfaction for free, fare and credible elections.

## **F. Minimum Wages in EPZs**

The minimum wages, other benefits and conditions of services for the workers of the enterprises of EPZs have been re-fixed in 2010 by increasing wages from 32 to 93 percent. It has already been implemented from the 1st November, 2010.

Since the wages have been increased from 32 to 93 percent, the methodology of calculation of 10 percent annual increment has not yet created negative impact on workers. The workers have been enjoying enhanced benefits covering US dollar exchange benefit, overtime, leave, leave encashment, provident fund contributions, free transportation or transportation allowance, free food or food allowance, festival bonus, free medical facility, night allowance, attendance allowance, healthy and safe working environment, special allowance for price hike and training at home and abroad.

According to the ILO Study Report 2006 the enterprises of EPZs were 93 percent compliant which has gradually escalated to 98 percent compliant since 2008.

## **CC. SHRIMP AND FISH PROCESSING INDUSTRIES**

### **I. UPDATE AND PROGRESS SINCE 2007**

In Bangladesh, frozen shrimp and other fisheries items together ranked third in terms of export earning with an annual turnover of US \$ 611 million. At present, there are 82 government licensed shrimp processing plants of which 65 plants are EU (European Union) recognized and most plants have US FDA Green Tickets.

At the last hearing was held in April 2009 at the USTR office in Washington, D.C., USA, Bangladesh delegation pleaded that any noncompliance with the labor law at the shrimp factory level was not intentional, but due to ignorance of the factory operators. They committed to the USTR that they would urgently take measures to rectify any short-comings with the labor standards noted at some shrimp processing factories.

The Government, private sector and the industry worked together and adopted the following measures, so far. The measures may be grouped as follows:

#### ***(A) Regulatory and enforcement measures taken by the Government Ministries and departments,***

- Minimum Wages Board approved on 12 November, 2009 the minimum wages of the of the shrimp processing industry workers by re-fixing their wages;
- Approved National Child Labor elimination policy, 2010;
- Enacted Fish Hatchery Act 2010 and Fish Feed and Animal Feed Act 2010 wherein labor rights as per the country's Labor Law have been incorporated; and
- Government has approved the Fish Hatchery Rules 2011 and Fish Feed Rules 2011 and started implementation of the rules at field level through the Department of Fisheries.

#### ***(B) Awareness program***

Following awareness programs have been implemented by Bangladesh Frozen Foods Exporters Association (BFFEA), Bangladesh Shrimp and Fish Foundation (BSFF), Bangladesh

Quality Support Program (BQSP), Bangladesh Fisheries Quality (BFQ) under BEST project in association with Department of Fisheries, Department of Labor and Ministry of Commerce.

**B-1. Inventory of labor rules relevant to child, adolescent and women labor in the shrimp processing factories**

BSFF, with support from BPC, Ministry of Commerce, implemented the above project and did the following: (a) inventory of Labor Law provisions relevant to the shrimp industry; (b) Assessment of shrimp industry operators' awareness about the Labor Law provisions; (c) Prepared a number of awareness and training materials; (iv) Conducted awareness seminars; and (d) Persuaded BFFEA to comply with Labor Law.

**B-2. Development of 10 shrimp factories into a model for compliance with labor standards**

BSFF implemented a pilot project, "Development of 10 shrimp factories into a model for compliance with labor standard" with US AID-PRICE Project supports; under this project, BSFF did the following:

- Helped factory management prepare model documents for workers as per requirement of Labor Law 2006.
- Reviewed all important documentations (26) including (a) Personal file, (b) ID Card, (c) Service Book, (d) Factory Policy and (e) Register books for identifying any lapses and gaps and upgraded them into model documentations in accordance with the Bangladesh Labor Law 2006.
- Persuaded factory management to adopt the model documents and develop their pilot shrimp processing factories as models of labor standard compliance;
- Organized awareness training for representatives of (i) Permanent workers, (ii) Factory management, (iii) Contractors and (iv) Contractors' workers;
- Prepared and published training materials, posters and leaflets;
- Conducted 12 training programs covering 203 factory workers, 120 persons from management, 13 contractors and 28 contract workers; and
- Organized an awareness seminar with high level policy makers, officials, industry leaders, social activist NGOs, etc on the positive outcome of our initiatives

***Other organizations implemented the following:***

- 12 number of Workshops & Seminar on social compliance and CSR issues both in Khulna and Chittagong;
- 9 batches of training on Labor Rules and Labor Rights for industry & DoF officials both in Khulna and Chittagong region;
- Formation of 80 female groups in slums both in Khulna and Chittagong;
- 1259 awareness meeting with female group at slums;
- 34 Day-long training on Labor laws for female labor, group leader at NGO office,
- To Experience sharing workshop with trained female group leaders and industry owners,
- 4 TOT on labor law for officials from DOF, FIQC, MOLE, NGO and BFFEA,
- 6 Follow up training on labor law for the midlevel HR officials from shrimp industry

- In October 21, 2009, A USTR team headed by Mr. Michael Delaney, Assistant USTR have observed training activities on Labor Compliance for the factory workers and owners

### **B-3. Good Aquaculture Practices (GAqPs):**

GAqP is a broad based aquaculture approach encompassing food safety, traceability, environmental sustainability and social responsibility, including the labor standard compliance. The Joint Institute of Food Safety and Applied Nutrition of the University of Maryland (JIFSAN/MD), United States Food and Drug Administration (US FDA) and Bangladesh Shrimp and Fish Foundation (BSFF) under a jointly signed (March 2009) Agreement of Cooperation (AoC) have been in the process of implementing a series of Training of Trainers (ToT) Program on Good Aquaculture Practices (GAqPS) for fisheries officials, University teachers, NGOs and aquaculture based industry stakeholders. Since November 2009 and 07 December 2011 four ToT programs have been implemented. Of these, two trainings were held in Bangladesh and one at JIFSAN, University of Maryland, USA; all these three trainings were provided by highly qualified and experienced FDA and JIFSAN experts. The fourth or so far the last training was, however, entirely provided by Bangladeshi trainers who were trained by the JIFSAN-US FDA experts. The purpose of all these training efforts is to build up in Bangladesh a core trainer group who can then independently conduct ToT programs on GAqPs to develop more trainers at local levels covering all the important shrimp farming Unions in Bangladesh. These trainers will, in turn, provide training to the local level stakeholders throughout the entire aquaculture areas with particular emphasis on the shrimp areas. The end objective of this training is to create awareness among the stakeholders of all segments of the aquaculture-based industry in Bangladesh about the importance of complying with the principles of (i) Food safety, (ii) Traceability of the aquaculture products, (iii) Environmental sustainability and (iv) Social responsibility, including compliance with the country's labor standards.

### **B-4. Code of Conduct (CoC)**

BSFF in collaboration with DoF have formulated nine sets of Codes of Conduct, each set for one specific segment of the shrimp industry value chain. Like in GAqPs, the CoC is also around food safety, environmental sustainability and social acceptability, including labor standard compliance

### **B-5. Facilitated to form of Bangladesh Chingry Chasi Sromik Kallayan Sammittee together with the workers of shrimp processing industry:**

- The Department of labor under the Ministry of labor and employment has registered 12 labor unions in Khulna and Chittagong region
- Withdrawal of 20 % mandatory test of Crustaceans consignments by European Union on November, 15, 2011 due to improvement of quality control measures
- Introducing Corporate Social Responsibilities by Shrimp Processing Industries
- Ensured medical facilities inside the processing plants

### **Publications**

- Assessment Report: Assessment of the correctness of the labor related documents of 10 pilot shrimp processing firms and development of model documents

- Training Report : Developing 10 shrimp processing firms into models of labor standard compliance labor compliance
- Project Completion Developing 10 shrimp processing firms into models of labor standard compliance labor compliance
- Report: Labor Rules relevant to child, adolescent and women labor in the shrimp processing factories
- Report: Codes of Conduct for Selected Segments of the Shrimp Aquaculture Industry in Bangladesh revised and updated by Mr. Jeffrey James Peterson, Director of Quality Control, Global Aquaculture Alliance (GAA) Global Aquaculture Alliance (GAA) / The Best Aquaculture Practices (BAP) Program
- Factory Documents: BSFF developed the following documents for the shrimp processing factories with financial support from USAID-PRICE:

- 1 Workers Hand Book
- 2 Salary Sheet
- 3 Overtime Sheet
- 4 Piece Rate Record
- 5 Time card
- 6 Wage Slip
- 7 Attendance Register
- 8 Leave Register
- 9 Injury Register
- 10 Maternity Benefit Register
- 11 Child Care Register
- 12 Fire Drill Register
- 13 Daily Production Record
- 14 Training Record-Fire, Job, First -Aid
- 15 Workers Personal File
- 16 Security Guard's Personal File
- 17 Previous Audit Report
- 18 Trade License
- 19 Fire License
- 20 Boiler License
- 21 Boiler Operator's License
- 22 Electrician's License
- 23 Environmental Certificate
- 24 Doctor's Appointment Letter
- 25 Nurse's Qualification Certificate
- 26 Water Test Report
- 27 Grievance Handling Procedure
- 28 WPC Register
- 29 Disciplinary Action Log
- 30 Electrical Maintenance Register
- 31 Machine Maintenance Register
- 32 Chemical List
- 33 Machinery List
- 34 DIT/ Building Approval Plan
- 35 Group Insurance
- 36 Factory Organogram
- 37 Worker ID Card
- 38 Worker Service Book

## **Policies:**

- a. Working Hour Policy
  - b. Child Labor Policy
  - c. Health & Safety Policy
  - d. Recruitment Policy
- Booklet: Bangladesh Labor Act 2006: Summary of Labor Rules in respect of Child, Adolescent and Women labor Relevant to shrimp processing factories in Bangladesh
  - Booklet : Of Shrimp and Cost: The other side
  - Booklet: Child, adolescent and women labor laws relevant to shrimp processing factories
  - Booklet: Good Aquaculture Practices for Shrimp in Bangladesh : In accordance with EU and US FDA Regulations and buyers' requirements
  - Booklet: Codes of Conduct : For Selected Segments of the Shrimp Aquaculture Industry in Bangladesh
  - Flip Chart: Pictorial presentation on Child and Women's Rights in Shrimp Processing Industry in Bangladesh under Bangladesh Labor Act 2006:
  - Training Manual: A hand book on labor laws for shrimp industry
  - Poster: Comply with child & adolescent labor law to sustain shrimp export industry
  - Article: The progress of the implementation of Labor Act 2006 in Shrimp Processing Industry, published in yearly publications 2011 of Department of Fisheries, pp 88-89
  - Documentary Film: Of Shrimp and Cost: The other side

## **II. UPDATE AND PROGRESS ON PETITION 2011**

There is no Child labor in the processing industry since 2009 but children may be seen working with their parents in the backward value chain as a part of social norms and culture. According to the Bangladesh Labor Law 2006, this type of activity of a child does not fall under the definition of "labor". The definition of labor means a person who is working as a probationary, have specific job description, appointed in an institution or industry by directly or through a contracting firm that is responsible for paying the wages as skilled, unskilled, physical labor, technical work, business development or performing secretarial activities, but those are responsible for administrative or management of development activities they are not included as labor". This type of activities has been also reduced drastically in the recent years because of implementation by the Government of the National Education Policy 2009 to tackle poor literacy rate, ensuring children's rights to education. If the parents don't want to send their children to school, the community would persuade them to send their children to school. Simultaneously, Government of Bangladesh has already approved the National Child Labor Elimination Policy, 2010 in which deployment of child labor of below 14 years of age is absolutely prohibited. Adolescents of 14-18 years of age is allowed only if the assigned job is not harmful and subject to the submission of capability certificate issued by a registered doctor. BFFEA with the help of Bangladesh Shrimp and Fish Foundation (BSFF) have taken series of program from 2008 to discourage child labor in the shrimp industry value chain. BFFEA and BSFF have assisted frozen food processors to install child care centre, medical checkup

facilities, complaint box, required registers, etc. BFFEA also has taken several program through USAID funded PRICE, BSFF, BQSP and BEST for the last five years to discourage the child labor in the harvesting stage by motivating parents of such labors.

It is mentionable that most of the shrimp processing industries are located in cyclone prone areas where there is no employment opportunity other than in the shrimp industry. The processing factories are providing drinking water, sanitation, educational materials, and vocational training facilities for ensuring child rights in this area.

#### **A. Unions busted in shrimp processing plants**

In most of the factories, workers have formed Trade Unions and these Trade Unions have got their registration during June to July 2010 from the DoL, GoB (Annex-1: Registration copy). There were no cases of dismissal or forced resignation in the five factories mentioned in the report. But there were some cases of dismissal due to misconduct as per legal provision of Bangladesh Labor Act 2006, but they were not members of the EC of trade unions. In some cases some of the workers have left the job for getting better opportunity and benefits elsewhere. They got all the benefits as admissible under the law at the time of leaving the job. Some of the workers have now engaged in other factories and some of engaged in businesses of their own.

The labor union is totally independent of any intervention by the Government or the industry and there are laws in favor of the rights of the labor and their unions, namely, (a) National Child Labor Elimination Policy, 2010 (b) Bangladesh Labor Act, 2006. If there is any complaint against any particular labor or the labor union itself, processing industry follow the due process to settle the issue as is provided in the law. The freedom of association and expression of independent opinion is our constitutional rights of all the citizens.

According to the record with the Department of Inspection for Factories and Establishment, Government of Bangladesh, Khulna Division, Khulna, there are no pending cases in Labor Court against the management of Shrimps Processing industries in our Jurisdiction (A copy of the letter dated January 08, 2012 received from the Department of Inspection for Factories and Establishment is enclosed herewith for your kind reference.

#### **B. Rampant sub-contracting**

Shrimp processing activities are seasonal activities. Most of the raw materials are available during April to October of a year. This characteristic of this industry requires both permanent and part time labor. Part time labors are out sourced from third party labor supply contractor. These third parties are also bound by the law to comply with the Labor Law. Department of Labor and Fish Inspection and Quality Control Department of Department of Fisheries regularly monitor the factories to ensure due compliances with law. Ministry of Fisheries and live stock have constituted three layers surveillance committee at National, Divisional and Filed Level to monitor compliances of law. If any factory has failed to comply with the law, their annual license will not be renewed (Annex 3: FIQC monitoring format). The monitoring and surveillance authorities did not get any complaint from the workers, whether permanent or subcontracted, regarding wages, hazardous work, force work, etc. Bangladesh Shrimp and Fish Foundation with the help of USAID-PRICE have assisted 10 factories in Khulna, Chittagong and Cox's Bazar into a model for compliance with labor standards. In October 21, 2009 a USTR team headed by Mr. Michael Delaney, Assistant USTR visited a number of labor compliant factories and observed the improvements. The project had initially

focused on elimination of child labor and improvements of working conditions of the present workers, as requested by law. They are now focusing on the sub-contracting entities and their workers. With the help of USAID/JIFSAN 84 Core Trainers for disseminating Good Aquaculture Practices (GAqPs) at the shrimp industry value chain have been developed. GAqPs focuses mainly on Food Safety, Environment and Labor compliance issues. The government of Bangladesh has also developed and approved Codes of Conduct for compliance by the respective stakeholders in the value-chain.

### **C. Violations of Wage, Hour and Safety and Health Laws Continue**

During the peak season of shrimp business some factories require more hours to complete the assigned tasks, for which, the factory owners pay the workers for the additional working hours (Annex: overtime pay slip and workers statement). As per HACCP plan, the workers must wear gloves, masks and gum boots for ensuring safety. The competent authorities monitor the performance of the factories during production period and inspect them from time to time, at times even without any notice, to check any irregularity including complaint relating to labor law. If any factory found to have done any irregularity, their exports are suspended.

It was brought to the notice of the government and industry only on 28th December 2011, that a study named the 'Plight of Shrimp Processing Workers of South Western Bangladesh', conducted by the Solidarity Center and SAFE; but when the allegations as continued in the report was brought to the notice of SAFE, they (SAFE) mentioned that they (SAFE) did not conduct any exclusive survey on working conditions of shrimp processing industry during November-December, 2010 as mentioned in the report. They also mentioned that they did not prepare or put forward any report to AFL CIO in this regard. A copy of the letter dated January 01, 2012 addressed to BFFEA is enclosed for your kind reference.

It may be mentioned here that BFFEA has been closely working with SAFE and jointly initiated to form 'Owners-Workers Benefit Protection Forum'. Besides, SAFE also works with industry in different projects supported by Government of Bangladesh, DFID and USAID for improvement of working conditions of the workers in the sector.

It may also be mentioned here that another NGO named RUPSA also conducted a baseline survey during November-December 2010 over 20 running shrimp processing factory, supported by UNIDO. This survey interviewed randomly chosen 1000 female labor out of listed 4,675 female workers both permanent and contractual labor. The result of the survey indicated that a significant improvement has been found in abolishing child labor from the shrimp processing industries. There was very negligible indication of having only 1 person out of 1000 employees and that is adolescent. A copy of the report is enclosed.

### **Conclusion**

In January 2009 a democratically elected government has come to power through a free and fair election. The newly elected government is fully committed to uphold the rights and privileges of the workers as recognized in labor laws and other relevant laws. It may be clearly mentioned that the whole government machinery is mobilized to address the compliance issues with a goal to achieve economic growth of the country. In view of the above the Government of Bangladesh requests the United States Trade Representative to terminate the Annual Review Proceedings and continue GSP facilities to Bangladesh for the sake of development and upliftment of the economic condition.

