

UPDATE

**OF THE AFL-CIO'S 2007, 2011 and 2012 PETITIONS TO REMOVE BANGLADESH
FROM THE LIST OF ELIGIBLE BENEFICIARY DEVELOPING COUNTRIES UNDER
THE GENERALIZED SYSTEM OF PREFERENCES (GSP)**

OCTOBER 2014

I. INFORMATION REQUIRED PURSUANT TO 15 C.F.R. § 2007

A. Party Submitting Petition:

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B. Country Subject to Review:

Bangladesh

C. Section of Law Warranting Review

19 U.S.C. § 2462(c)(7)

D. Basis for Petition:

On June 22, 2007, the AFL-CIO filed a worker rights petition with the Office of the U.S. Trade Representative (USTR) to remove Bangladesh from the list of eligible beneficiary developing countries under the Generalized System of Preferences (GSP) pursuant to 19 U.S.C. § 2462(d). USTR accepted the petition for review on September 6, 2007. USTR subsequently placed Bangladesh under “continuing review” to monitor the progress of the Government of Bangladesh towards a set of worker rights benchmarks elaborated in a 2008 demarche. In the subsequent five years, the Government of Bangladesh repeatedly failed to make substantial progress for workers. In June 2013, following a series of highly publicized building disasters, including the fire at Tazreen that claimed at least 117 lives and the collapse of Rana Plaza, where over 1,100 died and another 2,500 were injured, the U.S. government suspended Bangladesh’s benefits under the GSP program.

Bangladesh has failed to make meaningful and consistent progress towards affording internationally recognized worker rights, including freedom of association, organizing and collective bargaining and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health, as is required by 19 U.S.C. § 2462(c)(7) of the Generalized System of Preferences.

The AFL-CIO hereby incorporates by reference all of its prior filings and testimony in this case. This filing should be read as a supplement to those prior filings.

The Government of Bangladesh has not made consistent, tangible progress towards affording internationally recognized worker rights. Despite years of scrutiny, workers who attempt to exercise their rights to freedom of association and collective bargaining face threats, intimidation and physical violence. The continued failure to adequately inspect buildings and enforce fire and other safety laws leaves workers at risk of severe injury and death, speaking to a profound failure to ensure even the most basic acceptable conditions of work. Across worksites and sectors, including garments, Export Processing Zones (EPZs), seafood and telecommunications, the Government has failed to afford internationally recognized worker rights.

I. Ready Made Garments (RMG)/Knitwear Sector

The Government of Bangladesh has not made consistent, tangible progress towards protecting internationally recognized worker rights in the garment sector. While there have been some improvements, union and other worker rights organizations continue to face unacceptable barriers to registration. Leaders and activists are singled out for retaliation, and cannot rely on either labor officials or the police to respond to ongoing threats, intimidation and even physical violence. In this climate, it is not surprising that, out of the 196 unions registered between June 2011 and September 30, 2014, only 8 (or 4%) have collective bargaining agreements with factory management.

a. Failure to Register Unions and Worker Organizations

While there has been a welcome increase in overall union registration, there remain serious problems with the process. The Joint Directorate of Labor (JDL) has absolute discretion to approve applications, and many have been rejected for arbitrary reasons, sometimes outside of the bounds of what is required under the Bangladesh Labour Act (BLA). For example, the JDL recently rejected 5 union applications from workers in East West Group factories. Correspondence from the Government regarding four of these applications is included as Appendix A to this submission. One objection letter cites failure to include attendance sheets for all general meetings of the union, including a list of attendees and their signatures, when there is no such requirement under the BLA.¹ Another states the application does not include the full name of each union official's mother and father, even though the names of both parents are provided. One letter demands that the union "correct spelling mistakes."

Similarly, little progress has been made on creating a database to track the status and final outcome of union registrations. The Government claims that it has contracted with a company called Orange-BD to develop such a database, but attempts to contact the company have not been successful. In an attempt to compensate for the lack of government accountability, the Solidarity Center has created such a database to track the current status of union applications, registrations and rejections between July 2011 and September 2014. Data from that database is attached as Appendix B in this submission. While there are 196 unions registered, researchers found that a mere eight actually had collective bargaining agreements with the employers.

Worker organizations also continue to face barriers to operation. We note with concern that the Government of Bangladesh took several years before finally approving registration for the Social

¹ *The Bangladesh Labour Act, 2006*. Chapter XIII, § 178-179.

Activities for the Environment (SAFE) in August 2014. In June 2014, the Bangladesh Cabinet approved the “Foreign Donations (Voluntary Activities) Regulation Act, 2014,” which imposes onerous restrictions on non-governmental organizations (NGOs) and has drawn criticism from international human rights organizations.² The Act gives the Director General of the Non-Governmental Organization Affairs Bureau (NAB) and executive administrative officers direct control over NGO activities. Under the Act, NGOs that receive foreign funding register must register with the NAB, but there are no timeframes within which NAB must approve or deny registration. NAB can “inspect, monitor and assess the activities” of NGOs and revoke registration or shut down organizations entirely. The Act cements rather than curtails government control over civil society and facilitates continued interference with the legitimate operations of worker organizations and other groups trying to advance human rights in Bangladesh.

b. Failure to Address and Remedy Ongoing Threats, Intimidation and Violence

The Government of Bangladesh has not demonstrated any concerted or systematic effort to remedy severe forms of retaliation against trade unionists. Workers face threats, harassment and violent physical attacks without adequate response from law enforcement. 46 cases of severe anti-union action are contained in Appendix C of this submission.³ The cases include the following:

- When workers in the East West Group factories organized, more than a dozen union leaders were abducted, beaten, robbed and/or told they would be killed if they continued union activities. Federation leaders were also threatened. The Bangladeshi police were notified, but refused to file cases on behalf of the workers.
- After a union submitted a charter of demands, Raaj Washing Plant Ltd. summoned the union’s general secretary to a meeting, where he was beaten and told not to return to the worksite. The employer then filed false criminal charges against both the general secretary and another union activist, claiming that they stole property. Other union members were terminated, and 36 workers were prevented from working due to their union involvement.
- After workers had a meeting with organizers at the Chunji Knit Ltd. factory, four organizers and one worker leader were assaulted by a group of unidentified men. One organizer was beaten so severely he required hospitalization. The assailants tried to pull a female organizer away from the group as they threatened her with rape. Following the attack, factory management advised the parents of the worker leader that they should keep their son away from union organizing activities. Police took over a week to register the case, and only did so after the federation’s president went to the police station six times, several federations held a major human chain protest, and a letter was hand-delivered to the Home Minister. To date no investigation has been completed. Chunji

² See, e.g., Human Rights Watch, Bangladesh: Withdraw Restrictive Draft Law on NGOs, July 6, 2014 *available at* <http://www.hrw.org/news/2014/07/05/bangladesh-withdraw-restrictive-draft-law-ngos>

³ Please see *Appendix C* for data on when factory management first targeted a given factory’s union in relation to the targeted union’s dates of application for registration as well as official registration.

management filed a case against federation leaders, organizers and workers alleging theft, which it recently agreed to withdraw in a Memorandum of Agreement it signed with Bangladesh Federation of Workers Solidarity.

- At Pioneer Knitwear Ltd.'s factory, a federation leader was severely beaten and left for dead. In the following two days, his brother-in-law was attacked and left with a fractured hand and both his house and the union's office were ransacked. Other federation leaders were threatened that they would be killed on sight. The unidentified individuals involved in the break-in stole lists containing the names of 1,200 workers who had signed D forms in favor of unionization. Those workers subsequently received phone calls from management, threatening dire consequences. U.S. representatives raised the case with Government officials from Bangladesh during an official visit. In response, the Commerce Minister claimed union officials were spreading misinformation, a charge for which he has since apologized. The President of the Bangladesh Garment Manufacturers & Exporters Association said that such statements should be met with sedition charges.

Trade unionists confronted with violence and other criminal acts cannot rely on law enforcement for protection. Despite high rates of retaliation against workers, only eight cases have been filed with law enforcement, and none have been resolved. Critically, there is still no evidence of any progress in the investigation of Aminul Islam's murder, despite years of delay and pressure for the international community. The lack of resolution of this high profile case reflects many more less publicized failures to pursue justice for victims of attacks.

Workers report that police are often uncooperative or unresponsive when approached with labor-related cases. Recently, local police in Jaidebpur actively prevented union leaders from recording factory management actions in the station's General Diary. A copy of a letter written by union leaders to the police superintendent detailing the case is attached as Appendix D in this submission. In two other recent incidents, police refused to accept First Information Reports. This behavior is enforced by a lack of accountability in the police chain of command.

Too often, the criminal justice system still fails to support workers, and instead functions as a tool to suppress lawful activities. Charges against labor leaders stemming all the way back to 2006 – case 51/06, noted in both the 2011 and the 2007 AFL-CIO petitions – are still pending, even though withdrawal was a condition of a tripartite agreement signed years ago. The Bangladesh Government has made repeated assurances, but has failed to back up its words with concrete action to ensure worker rights are respected.

c. Failure to Respond to Anti-Union Activity

In most cases alleging anti-union activity, the Joint Directorate of Labor (JDL) has demonstrated a lack of either capacity or will to enforce the law and protect workers. The JDL has complete discretion to file charges against employer, and it often chooses not to do so. On the rare occasion that it decides to file a case, it can take months or even years to render a judgment.⁴ Cases dating back to January 2013 are still pending. The Government usually fails to allocate

⁴ Please see *Appendix E: JDL and Police Responses to 46 Severe Anti-Union Incidents*.

lawyers to pursue the case, which significantly weakens the Department of Labor's ability to process cases.

Government statements and documents present an inaccurate picture of the JDL's record. The Government claims that it investigates complaints and takes necessary action in all of cases. Appendix E attached to this submission refers to 46 severe cases, 32 of which were referred to the JDL. Only one case was fully resolved through action by the JDL, and an additional two were partially resolved. The underlying issues in some other cases were resolved through a federation negotiating directly with factory management, while some have not been redressed. In a February 2014 document, the Government highlighted cases 70/2013 and 231/2013 as examples of the JDL's protection of worker rights.⁵ In fact, both cases have been pending and unresolved in the labor courts for more than one year, as detailed in Appendix F attached to this submission.⁶

d. Failure to Promote Transparency and Accountability in Enforcement

The Government has not made any significant steps towards building a transparent, publicly accountably database of anti-union discrimination and other unfair labor practices and how they were resolved. This is a critical step to assessing the Government's progress and ensuring transparency and accountability.

e. Failure to Develop Adequate Trainings For Law Enforcement and Employers

The Government claims to have developed a mechanism to train industrial police officers in Bangladeshi labor law, the UN Human Rights Charter and the Geneva Convention. However, requests to share the content of these training have not yielded any details. This program is critical to prevent police harassment, intimidation and violence against labor activists and unions. The uneven gains in this respect show that this program merits scrutiny and input from civil society to ensure it is effective.

Likewise, with the exception of a one-day joint program⁷ with the International Labor Organization (ILO), there is no evidence of any trainings aimed at owners and factory management to ensure employers understand and respect labor law and worker rights.

f. Failure to Include Credible Worker Representatives in Labor Reform Process

The AFL-CIO is deeply concerned with the composition of the Rules Committee that the Government formed to draft and implement the rules of the Bangladesh Labour Act (BLA). This Committee has the vital task of mending current deficiencies regarding freedom of association and collective bargaining, but the representatives chosen to represent labor were not drawn from democratic unions or other organizations that represent workers. Instead, the two individuals

⁵ "Working Paper for the Meeting on GSP, presided by Hon'ble Commerce Minister." The Ministry of Labour and Employment, 12 February 2014. Web. 26 March 2014.

⁶ Please see *Appendix F: Bangladesh Labor Law Cases 70 and 231 (2013)*.

⁷ "Employers' Seminar on Freedom of Association and Collective Bargaining emphasizes training on rights and responsibilities." The ILO, 24 April 2014. Web. 14 May 2014.

selected are both politicians. Sukkur Mahmud is President of Jatiya Sramik League, the Awami League's labor wing; and Quamrul Ahsan is both General Secretary of the Bangladesh Garments Workers Employees Federation and a politburo member of the Bangladesh Workers Party, an Awami League ally.

The draft was supposed to be shared with civil society and finalized by April of this year. To date, no draft has been circulated, and there is no indication that there will be an open or transparent process to solicit input from the public. This closed process is reflective of wider trends towards exclusion of worker voices when determining labor policy.

II. Government Inspections for Labor, Fire and Building Standards

To date, the Bangladesh University of Engineering and Technology (BUET) has failed to publicly disclose a single comprehensive report from any garment factory.⁸ Under an agreement with two public-private multi-stakeholder groups BUET, under the supervision of the National Tripartite Committee (NTC), was tasked with inspecting 1,500 factories. So far, the Department of Inspection for Factories and Establishment has only publicly disclosed 148 summaries of BUET's preliminary assessments on structural, fire and electrical safety inspection reports. In contrast, the two private actors have published more than 400 comprehensive reports.⁹

Both of the private actors have begun to complete inspections and publish finding. The persistent failure to begin the crucial task of public audits calls into question the Government's commitment to ensuring building safety.

The Government of Bangladesh cannot demonstrate increased fine and other sanctions for failure to comply with labor, fire or building standards. This is critical to deter future violations, but there is no information forthcoming from the Government on how these programs are being implemented and enforced. There is no public information on the number or types of penalties issued, including how many businesses have been issued suspended licenses or certifications of failure to comply and how many individuals – if any – have been given prison terms. This continued lack of transparency makes it impossible to verify the Government's claims that it is stepping up enforcement and calls into serious question commitment improving compliance.

Under the agreement, the Government of Bangladesh was supposed to recruit and train 200 new labor, fire and building inspectors, but to date that has not been completed, and there is no news on progress.

The Government claims that it has 'strengthened' various agencies, including the Department of Inspections for Factories and Establishments, the Directorate of Fire Service and Civil Defense, the Capital Development Authority, the Chittagong Development Authority and the Department of Labour. However, these proclamations have not been accompanied by any display of actual measures undertaken to build agency capacity.

⁸ Department of Inspection for Factories and Establishment, (n.d.). Web. 07 October 2014.

⁹ The Accord on Fire and Building Safety in Bangladesh, (n.d.) and the Alliance for Bangladesh Worker Safety, (n.d.). Web. 08 October 2014.

The Government committed to build a publicly accessible database of all garment factories “as a platform for reporting labor, fire and building inspections.” This was supposed to include information on identified violations, any fines and sanctions administered, factories closed or relocated, violations remediated, and the names of lead inspectors. While there is a database with summaries of preliminary assessments that include recommendations for fire safety corrective actions, there are no records of compliance or a tracking system, both of which are critical to assessing progress towards building safe workplaces and accountability in the monitoring system.

Similarly, the Government committed to building a database containing information on unions, including federation and trade union information, labor-related cases, training related to labor welfare, conciliation and minimum wage implementation. As discussed in the previous section, the GOB claims it has contracted with a company to develop this system,¹⁰ but efforts to contact the company have been unsuccessful.

The GOB claims that it has established a hotline for workers to confidentially and anonymously report violations,¹¹ but to date there is no operational hotline. This is particularly critical given serious deficiencies in the Bangladesh Labour Act regarding the ability to anonymously file complaints. Even if the hotline was operational, there are no provisions for following up on anonymous complaints, no timeframes or protocol for how to provide evidence.

III. Export Processing Zones (EPZs)

The Government of Bangladesh has not brought EPZ law into conformity with international standards, nor has it created a rigorous or transparent process for doing so. Workers who organize continue to face harassment, threats and dismissals with impunity.

The Government created a working group to revise EPZ labor laws. The group’s membership was not made public and attempts to ascertain the names were unsuccessful. On July 7, 2014, the Bangladesh Cabinet approved, in principle, a draft of the “Bangladesh EPZ Labour Act” without sharing a draft with civil society. The Solidarity Center submitted detailed suggestions on how to bring the law into conformity with internationally recognized worker rights, contained as Appendix G to this document, which were ignored.

Given the lack of transparency surrounding the draft’s adoption, it is perhaps unsurprising that the protections do not conform to international standards, or meet the requirement in the Bangladesh Action Plan that the Government modify the law to ensure “workers within EPZ factories enjoy the same freedom of association and collective bargaining rights as other workers.” In the draft, EPZ workers are still prohibited from forming unions.¹² Employers, however, now have the right to form employers’ associations.¹³

¹⁰ “Working Paper for the Meeting on GSP, presided by Hon’ble Commerce Minister.” The Ministry of Labour and Employment, 12 February 2014. Web. 26 March 2014.

¹¹ “Implementation Status of National Tripartite Plan of Action on Fire Safety and Structural Integrity in the Ready-Made Garment Industry of Bangladesh.” Ministry of Labour and Employment, 15 March 2014. Web. 07 July 2014.

¹² “Bangladesh EPZ Labour Act, 2014” (draft), Chapter IX: Right to Association. Government of Bangladesh, July 2014.

¹³ “Bangladesh EPZ Labour Act, 2014” (draft), Chapter IX, § 122. Government of Bangladesh, July 2014.

Worker Welfare Associations (WWAs) remain under strict control by the Bangladesh Export Processing Zones Authority (BEPZA). The minimum wage board still has minimal worker representation.¹⁴ The prohibitions on building links with non-governmental organizations continue. Additionally, the BEPZA has not issued any regulations to facilitate the formation of federations in the EPZs. These barriers, combined with continuing restrictions on freedom of association and collective bargaining, mean workers still have very limited opportunities to advocate for improved working conditions.

The Government claims that WWAs enjoy collective bargaining rights,¹⁵ and the EPZ draft labor law revisions maintain restrictions on freedom of association and collective bargaining. Worker representatives have reported continued difficulty negotiating contracts and retaliatory actions that the Government has not remedied. Workers report negotiating agreements that management subsequently refuse to sign or ignore without consequence. Many report retaliation for trying to organize WWAs or negotiate for increased benefits and wages, including termination of would-be WWA officials and sympathetic workers. Management is required to consult with the BEPZA before terminating a worker, but WWAs do not have the opportunity to present their perspective before management authorizes termination of WWA members.

The draft also severely restricts worker access to legal remedies.¹⁶ The fact that EPZ Labour Courts and Appellate Tribunals have significantly less power than other labor courts does not conform to international standards or honor the Government's commitment to ensure full and equal rights. Workers are not entitled to seek reinstatement when terminated, and can only file criminal cases with prior permission from the BEPZA's Executive Chairman, which effectively prevents aggrieved workers from filing criminal charges for any offense, including unfair labor practices. There is no express provision that allows individuals to appeal cases.

Workers that attempt to exercise their rights continue to be harassed, pressured, terminated and otherwise stymied by employers, with no response from the Government. In February, the BEPZA was contacted regarding cases at Helicon and Chunji Industries Ltd. At Helicon, all members of the Executive Board of a newly elected WWA were forced out of their jobs. Management officials claim that all fifteen left voluntarily, while workers allege they were pressured. Chunji Industries Ltd. gave the newly-elected President of their WWA a "promotion" to a different position, which meant he could no longer represent workers. When he protested the promotion, he was told he could not return to his old job. When these tactics were raised with the BEPZA, there was no response.

Additionally, we note with concern the disturbing recent news that Youngone Corporation, which has its own EPZ in Bangladesh, recently signed a \$20 million agreement with Uzbekengilsanoat, the Uzbek-government controlled association responsible for cotton

¹⁴ "Bangladesh EPZ Labour Act, 2014" (draft), Chapter VII. Government of Bangladesh, July 2014.

¹⁵ "Working Paper for the Meeting on GSP, presided by Hon'ble Commerce Minister." The Ministry of Labour and Employment, 12 February 2014. Web. 26 March 2014.

¹⁶ "Bangladesh EPZ Labour Act, 2014" (draft), Chapter XII: EPZ Labour Court and EPZ Labour Appellate Tribunal. Government of Bangladesh, July 2014.

purchases.¹⁷ In signing the agreement, Youngone Corporation is supporting the notorious forced-labor system in Uzbekistan's cotton industry, itself the subject of a GSP petition by the International Labor Rights Forum. Currently, two companies significantly invested in the Uzbek textile sector, Daewoo International and Indorama Corporation, are under investigation for alleged violations of U.S. law prohibiting a company from importing into the United States any product made with forced labor, following the Cotton Campaign's petition for enforcement of the Tariff Act last year.¹⁸ In light of these reasons, on July 23, 2014, the Cotton Campaign formally wrote to Youngone Corporation and requested that it cease its partnership with Uzbekengilsanoat.¹⁹

IV. Shrimp Processing Sector

While the 2013 Memorandum of Agreement on "Promotion of ILO Core Labor Standards and the BLA 2006 in the Bangladesh Shrimp and Fish Processing Plants" laid out important progressive steps to ensure freedom of association in the shrimp processing sector there remain significant barriers to implementation. Most critically, there has been no progress in enforcing the labor reforms with respect to contract workers, who make up the majority of workers in the sector.

No steps have been taken to comply with the requirement of public reporting on anti-union activities or other unfair labor practice complaints, labor inspections completed, factory information and locations, status of investigations, violations identified, fines and sanctions levied, remediation of violations, or the names of the lead inspectors. This lack of transparency makes it incredibly difficult to assess whether any progress has been made in implementation.

V. Telecommunications

The Government of Bangladesh's general failure to promote internationally recognized worker rights cuts across sectors and industries. Of particular concern are recent developments in the telecommunications sector, where workers attempting to bargain have been met with repeated retaliatory actions from the employer. Far from ensuring internationally recognized worker rights, the company has engaged in a sustained campaign to deny workers' ability to organize and bargain collectively and the Government has not responded.

Employees at Grameenphone, owned by Norwegian company Telenor, have spent the past two years struggling to gain recognition of a union to represent their interests. The Government has repeatedly denied the application on technicalities, frequently claiming information that had been included in the application was absent.

The company's sustained efforts to suppress the union have been supported by Government inaction. The night after the union's initial application was submitted, Grameenphone terminated

¹⁷ Fibre2fashion News Desk-India, "Uzbekistan, Korea Sign Textile Cooperation Agreements." Fibre2fashion, 19 June 2014. Web. 23 July 2014.

¹⁸ M.M. Fischer-Daly (personal communication, July 17, 2014)

¹⁹ Letter to Sung Ki-hak, President and CEO of Youngone Corporation, Ltd. The Cotton Campaign, 23 July 2014. Web. 23 07 2014.

163 employees, including seven union officials. Management issued new employee review policies and began scoring union supporters poorly, and set up a 'participation committee' to blunt organizing efforts. It announced restructuring plans that targeted pro-union workers and those with seniority.²⁰ After an organized international campaign, the company dropped its plans, signed a global framework agreement, and publicly declared it would recognize the union once it gained registration from the state. However, the company continued to fight in court. After prolonged court proceedings, the Labour Appellate Court ordered the Director of Labour to register to union. However, the Government refused to issue formal recognition for the union. In that time, the company reneged on its promises and filed a writ with the High Court to stay the decision, which has since been granted. The continued delays and obstructions demonstrate an unwillingness on the part of the Government to ensure fundamental worker rights in the telecommunication sector, part of a broader lack of concerted effort that cuts across industries and sectors.

Conclusion

The Government of Bangladesh has not made consistent, tangible progress towards affording internationally recognized worker rights, and should not be offered GSP benefits until it has done so.

²⁰ Letter from the International Trade Union Confederation to Jon Fredrik Baksaas, Telenor Group & Tore Johnsen, Grameenphone, regarding Violations of Fundamental Workers' Rights at Grameenphone, July 26, 2012

The entire AFL-CIO submission including the Appendices can be found at:

<http://www.aflcio.org/content/download/144121/3721111/GSP+Bangladesh+Update+2014.pdf>

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April 2, 2014

Ambassador Michael Froman
U.S. Trade Representative
Office of the United States Trade Representative
600 17th St, NW
Washington, DC 20508

Via E-mail

Dear Ambassador Froman:

I write to express my concern with the Government of Bangladesh's continued lack of enforcement of rule of law and its direct, violent impact on workers attempting to organize democratic, independent unions. Bangladesh's GSP benefits were suspended in June 2013 and the Government of Bangladesh received the U.S. Action Plan in July, implementation of which is key to restoration of GSP benefits. And yet, nine months later, we see that the Government of Bangladesh has not only failed to fulfill its obligations but has demonstrated a renewed resistance to respecting worker rights.

While the Government of Bangladesh can claim that union registration in the ready-made garment (RMG) industry has increased, the ability of unions to simply *exist* – much less collectively bargain with management – remains extremely problematic. Union organizers and leaders are routinely threatened by management soon after union formation. When workers respond by attempting to utilize their nation's legal system for protection and accountability, they are ignored. The two recent cases below highlight the struggle of workers at RMG factories sourced by high-profile brands.

Firings, Threats, and Assaults on Taratex (BD) Ltd Workers

On February 4, 2014, workers at Taratex (BD) Ltd. filed for union registration in Gazipur, outside of Dhaka. Since then, a reported 86 union supporters at the factory have been fired, including 12 members of the union's factory-level executive committee. Many workers report being verbally or physically assaulted and factory workers who support the union also report being visited at their homes and threatened and the union's vice president and two union supporters report being detained and physically assaulted as they attempted to enter the factory. The Bangladesh Independent Garment Workers Unions Federation (BIGUF), the union's federation, filed an unfair labor practice on February 24th and contacted the BGMEA, the trade association representing Bangladesh export manufacturers, for assistance in resolving the issue. To this day, the BGMEA has yet to respond. The Ministry of Labor and Employment's Joint Director of Labor and police are reportedly investigating the matter but police continue to refuse to receive an official report from those attacked.

Attacks and Threats on BFWS Organizers at Chunji Knit Ltd.

Chunji Knit Ltd. workers have been trying to organize a union in order to ensure they are paid the legal minimum wage. On February 22nd, organizers with the Bangladesh Federation of Workers Solidarity (BFWS) and activists from the factory visited workers at their homes and signed up approximately 300 workers for a union. Shortly thereafter, one worker leader and four BFWS organizers (including two women) were assaulted as they spoke to workers. Approximately two dozen people beat, kicked and threw them to the ground. The two female organizers were separated from the others and threatened with rape. One male organizer was taken away, beaten unconscious and dumped nearby. All of the signed union authorization cards were stolen. The worker leader's whereabouts remained unknown for several days. Several witnesses report that the attackers were factory managers and other men and women – some of whom worked for the factory. Subsequently 30 workers reported being verbally terminated from their jobs, and while police interviewed two of the attacked organizers, a worker involved with the organizing effort reported receiving death threats from a local politician to discourage her from testifying about the incident; she stated that she would not be deterred.

The harassment, mass firings, threats, and violence as deterrence against worker unionization must cease and the Government of Bangladesh must communicate this in the strongest terms possible to the BGMEA and its members. In addition, the Government of Bangladesh must ensure serious, transparent and accountable investigations at the appropriate levels of law enforcement so that perpetrators are held accountable and workers are protected. The U.S. government should reinforce to the

ADDENDUM

Memorandum of Understanding

Under the Chairmanship of Mr. Amanullah Aman, Hon'ble State Minister, Ministry of Labour and Employment and in presence of Mr. Abdul Mannan Bhuiyan, Hon'ble Minister, Ministry of Local Government, Rural Development and Co-operatives, Mr. Abdulla Al Noman, Hon'ble Minister, Ministry of Fisheries and Livestock and Mr. Hafizuddin Bir Bikram, Hon'ble Minister, Ministry of Commerce and Water Resources, the following decisions have been adopted on the basis of the understanding and consensus with the attendance of Sramik Karmachari Okkaya Parishad (SKOP), representative organizations of Garment Workers, representatives of BGMEA and BKMEA. Today on 12/06/2006, formal memorandum is signed on the said understanding.

1. Severely condemning the unwarranted situations happened in different areas and regretting the loss of the properties, a consensus was reached to end the same immediately.
2. All cases lodged in Gazipur, Tongi, Savar and Asulia Police Stations against the workers concerning the recent agitations in garment industries shall be withdrawn and the arrested persons will be released and cases shall be withdrawn.
3. No agitating worker shall be terminated from service.
4. All factories shall be opened for the sake of normalizing the situation.
5. All workers shall be provided with appointment letters and ID cards.
6. No obstruction will be imposed in the free trade union works and collective bargaining.
7. In accordance with the prevailing labour laws one-day leave in a week shall be provided. All other leaves shall be ensured in accordance with the prevailing labour laws.
8. Overtime allowances shall be paid if regular wage-paid workers are made to work in excess of 8 (eight) hours.
9. In accordance with the prevailing laws maternity leave with pay shall be provided.
10. For re-fixing the wages Minimum Wage Board shall be constituted.

Within three months from the date of constitution of the Board, recommendations shall be declared and implemented. Steps to be taken within one month for the implementation of other matters.

CONCLUSION

The previous petitions filed by the AFL-CIO against the Government of Bangladesh were based primarily on violations of workers' rights in the RMG industry, on child labor, and, most recently, the EPZs. The USTR accepted these petitions for review, and, in the case of the complaints on the EPZs, put pressure on the GOB to enact change in the Zones. These reviews have had a positive impact, as the GOB began to take the EPZ issue seriously and made some modest changes. However, as has been widely documented, while some laws were enacted on paper, the GOB has not implemented these laws in good faith. The GOB, BEPZA, and management continually violate these laws and intimidate and harass workers to keep them from exercising their rights under the law.

For almost two decades, the GOB has refused to in any substantial or meaningful way make real changes to improve worker rights in their country. And by the documentation in this petition, the situation is objectively moving backward. The AFL-CIO urges the USTR to remove GSP benefits from Bangladesh until such time as they can demonstrate real, substantial and good faith improvements in these broad areas of workers' rights.

- On April 26, 2007, Mr. Salauddin, in charge of Savar, Ashulia and Damrai Police Stations, went to WEC, Savar and inquired about its activities, the May Day Program, and sought some printed materials.
- On April 29, 2007, Mr. Ismail, Assistant Sub Inspector and unidentified colleague from Rapid Action Battalion (RAB) Headquarters in Dhaka came to BIGUF Mohakhali Office. The officers asked about BIGUF, its activities, its registration, its source of funding, BIGUF leadership, name and address and other personal information of all the office staff, information about the salary they received and topics of training for the workers. They also asked about BIGUF's Mirpur office and WEC, as well as the whereabouts of BLAST's office at Mirpur.
- On May 20, 2007, three RAB Officers came to BIGUF Gazipur office and WEC at 2:00 pm. They took Mr. Monirul Islam, BIGUF Joint Secretary and organizer as well with them. He was taken to the Shimultali Camp under Gazipur District. He was kept there until 10:00 pm. The RAB officers questioned him for about one hour and a half. During this time, 4 or 5 RAB officers questioned him one by one. They asked about BIGUF's activities, information of BIGUF officers and organizers, the source of funding, relations with funders, BIGUF's involvement in the May 2006 unrest in the RMG sector.
- On May 22, 2007, 5-6 Army Officers visited BIGUF Gazipur's office and WEC at 10:30 am. The office was closed at that time. They did not talk to anyone and left the place. On the same afternoon an army jeep and a van stood on the road in front of the office for an hour.
- On May 28, 2007, Mr. Zinnatullah from Ashulia Special Branch came to the WEC, Savar and attended the seminar which was on "Health and Hygiene" conducted by WEC Manager Ronjit Halder. He also talked to some workers and asked some general questions such as how they knew to come to the Center.
- On May 28, 2007, Inspector Kismat Ali from Rajendrapur Cantonment called Ms. Asma, BIGUF President. Ms. Asma was out of the city at that time. The Inspector wanted to know about the WEC activities, address and phone number. Three days later, Inspector Kismat Ali again called Ms. Asma. He told her that he wanted to meet the WEC staff. He also said that he would visit BIGUF Gazipur and WEC offices in the future.
- On June 01, 2007, One Inspector from DGFI (who refused to identify himself) called Ranjit, WEC, Savar Manager at about 11.45 AM over mobile phone and told him that they had information that Solidarity Center's Gazipur Office (BIGUF and WEC office) was responsible for the recent unrest in the Gazipur Area. He also said that although the Savar area is now calm, if any unrest occurs they will take actions are taken against Ranjit. He also reminded Ranjit that he belongs to a minority community, so he should remain careful.

payment of wages have not been addressed on the basis that these complaints revolve around trade union matters, which in the current climate are strictly prohibited. Even prior to the current state of emergency, however, it was clear that the Ministry of Labor was taking measures to ensure that no new trade unions would be registered. The AFL-CIO is aware of more than ten examples in November 2006 alone when this is the case. Offices of unions and labor NGO have been routinely visited and patrolled by Special Branch services, often at the behest of BEPZA. The Bangladesh Garment Manufacturers and Exporters Association (BGMEA), with no objection from the GOB, routinely calls for the removal of international NGOs advocating on behalf of workers. In the EPZs and RMG industry, management, in collusion with police forces, routinely force trade union or worker leaders in a given factory to forcibly resign under threat of violence. Recently, the much-feared Rapid Action Battalion (RAB) actually went into the Chittagong EPZ, entered a peaceful factory, seized leaders of the factory at gunpoint, and forced them to resign under threat of grave physical punishment.

Trade union leaders have been beaten by authorities and kept in overnight detention. Additionally, management in the RMG industry routinely, and with the collusion of government authorities, files complaints against workers in criminal court rather than in labor courts, (the latter being the proper forum for such complaints). The expenses associated with criminal cases are beyond the means of most workers to contest, making it exceedingly difficult to defend themselves. Moreover, the cases often drag on indefinitely, carry heavier sentences than labor court cases, and serve to intimidate workers into opting not to advocate for trade unions, or, in the case of the EPZs, WRWC or Workers Association rights.

The following are just a few of the examples of inquiries, threats and/or intimidation by police, intelligence or other security forces in recent months.

- On March 29, 2007, 8-10 police officers from Ashulia Police Station, came to the Workers Education Center (WEC), Savar to arrest some of the Aysha Fashion Ltd. workers.
- On April 11, 2007, Police, RAB, Army and Intelligence came to the Bangladesh Center for Workers Solidarity (BCWS) at West Rampura, Dhaka to search the BCWS office. As the office was locked, they forcibly entered the premises to conduct a search.
- On April 17, 2007, Mr. Mukta, a DGFI Officer (Intelligence Service) from Tongi, Kaligonj came to the Bangladesh Independent Garment Workers Union Federation (BIGUF) Office & the WEC at Gazipur. The officers asked about BIGUF, its activities, its source of funds, objectives of the donor in giving the funds, BIGUF leadership, name and address and other personal information of all of the office staff. The officers took some booklets and leaflets used in the trainings for the workers. On April 24, Mr. Mukta returned and asked the same questions.

violations. Indeed, the labor conditions in the shrimp industry in Bangladesh are among the worst observed in Asia, including dangerous child labor. Living conditions also resemble the “company towns” of coal miners in the U.S. in the late 19th century, including ownership of workers’ hovels, and debt-bondage of the local stores selling food to the workers.

The roughly twenty cases filed on behalf of workers in Khulna by an international labor rights NGO in Bangladesh demonstrate the wide array of violations of workers’ fundamental rights, including widespread terminations without notice, dismissals following accidents sustained in the workplace, and serious injuries as a result of occupational health and safety violations. However, despite these cases, there is no evidence whatsoever that the GOB has responded to address these violations. Indeed, some labor inspectors have stated that the more proactive they are, the more likely that the Government will transfer them to another industry and/or region.

This industry has no official minimum wage. Appointment letters, proper payment or documentation of overtime, recourse for verbal and physical harassment and proper quality control are almost unheard of.

As recently as May 2007, 13-year old child laborers were discovered to be working in Sobi Fish Processing Ind. Ltd. Workers 14 and older can work in the industry, but only in non-hazardous employment and with certain time restrictions. This has not been the case. Moreover, protective clothing is not provided to workers except in those cases when quality control representatives from the buyers visit the workplace. Several factories in Khulna, Bangladesh, including Sobi Fish Processing, hire children through a labor subcontractor. These workers thus do not appear in the company list of employees, but are providing their services.

Finally, employer groups have told the GOB that they do not believe that domestic law applies to them. Indeed, they believe that they should be considered an EPZ region, for which there is no basis in law.

4. Harassment and Violence by Government Security Forces against Trade Unions, Workers, and Labor Rights NGOs

Since January 11, 2007, the country has been under a state of emergency. This has restricted the exercise of all civil liberties, including, and intentionally, “trade union activities.” However, it is unclear what activities are considered “trade union activities” and thus prohibited. Regardless, the GOB is using the state of emergency as a pretext to violate a labor laws and to commit violence against labor activists. It is important also to note that the restrictions on trade union activities has, in real terms, no corresponding restriction on management’s right to exercise all manner of abuses of power against the workforce.

As of this writing, new trade unions are not being registered by GOB despite unions going through all legally mandated requirements. Even specific inquiries as to the non-

Addendum). However, the agreement has been widely ignored -- by the government's own admission. The provisions of this agreement included a new minimum wage of Tk. 1,662.50, the provision of appointment letters, timely pay, and payment of wage arrears. The Government's own spokespeople acknowledge that anywhere between 30-60% of all factories have not implemented this agreement to date.

Failure to Register Unions

Although the law entitles workers to form unions in their respective establishment, those unions shall not be entitled to function without obtaining registration from the Joint Director of Labor (JDL). The workers of different factories after forming the following unions submitted applications for registrations before the JDL.

	Name of the Union	Date of Submission of Application for Registration.
1	Lufa Garments Workers Union	September 11, 2006
2	Max Ambo Workers Union	September 11, 2006
3	Ashik Dress Design Workers Union	October 18, 2006
4	Dekko Accessories Workers Union	October 18, 2006
5	MN Sweater Workers Union	November 26, 2006

After receiving the applications, the JDL raised several objections. The unions, after satisfying those objections, sent their replies to the JDL. The JDL did not accord registrations to the unions and did not even bother to inform the unions of its decision within the specified time.

Thereafter, as per the advice of the JDL, Lufa Garments Workers Union, Max Ambo Workers Union and Dekko Accessories Workers Union again submitted applications for registration on December 19, 2006, December 19, 2006 and January 07, 2007 respectively. To date, these unions did not receive their registration from the JDL. In all but one example, the application for registration of the trade unions in question occurred prior to the commencement of the State of Emergency. Since the State of Emergency, all trade union activities have been forbidden and the Ministry of Labor has refused to register new trade unions.

The GOB also shown a serious lack of commitment to ensuring that labor laws are being applied in the garment industry. According to the Chief Inspector of Factories in the capital city of Bangladesh, Dhaka, there is only one inspector for roughly every 1,000 factories.

3. Violations in the Shrimp and Fish Processing Industries

This largely unregulated industry, based primarily in Khulna and Chittagong, is the country's second largest in terms of exported goods. It is also known for labor rights

1. WRWC Convener of Shasha Denims Ltd.

This individual, by his letter dated December 24, 2006 requested the BEPZA EC to make available the prescribed form for the workers of EPZs through Official Gazette notification, in order for him and his workers to register their interest in forming Workers Associations.

After receiving the letter, some BEPZA officials, in the early part of January and on different subsequent dates, contacted this Convener and threatened him to be prepared to face dire consequences for sending such a letter. Officials told the Convener that so far BEPZA had spared him but this time BEPZA would make sure that the police arrested him for provoking workers to engage in destructive activities. He also told the Convener that most of the workers in the EPZs were agreeable to continue with the WRWC set up for another year and had no interest in exercising their legal rights to form Workers Associations. He further alleged that the Convener, along with the AFL-CIO's offices, was instigating the workers to form Workers Associations in their factories and thus jeopardizing the peaceful atmosphere of EPZs. He told the Convener that the AFL-CIO office in Savar, just outside of the Dhaka EPZ, had become a place of conspirators and that BEPZA would be required to take action against the AFL-CIO Savar Office in the near future.

2. WRWC Convener of Jeans 2000 Ltd.:

This individual was a WRWC Convener of Jeans 2000 Ltd. On April 05, 2007 the management officials of the company terminated him from his service. He initially refused to receive the letter of termination from the management as it was without merit and issued almost immediately after he had sought prescribed forms from his workplace to register interest in forming a Workers Association at the company. Thereafter, he and other members of the WRWC rushed to the CEPZ office (the body in Chittagong which oversees the administration of that city's EPZ) and raised the matter with CEPZ officials. CEPZ officials refused to interfere in the matter and one CEPZ Industrial Relations Officer informed them that the BEPZA EC had specifically given his permission to terminate the leaders from their services. When the Convener asked CEPZ officials to provide a copy of the BEPZA EC's order they refused to provide one.

Soon after, the paramilitary Rapid Action Battalion (RAB) entered into the factory, which was illegal, and under threat of violence forced two labor leaders to resign, to accept their termination letters and benefits, and not to return to the Chittagong EPZ. The leaders were fearful enough to then accept their terminations. Both leaders had been involved in an attempted formation of a Workers Association in the factory.

2. Violations of Domestic Labor Laws and Internationally Recognized Labor Standards in the Ready Made Garment (RMG) Industry

In 2006, workers, employers and the GOB agreed to a 12-point Tripartite Agreement, following the worst violence in the RMG sector in the history of Bangladesh (see

Wages Improperly Calculated

Under Instruction No. 2 of 1989, Article 4, the wages of the workers should first be calculated in U.S. dollars and then paid in Bangladeshi currency. Also, as BEPZA has provided in a circular dated October 10, 2005, all enterprises of the EPZs should apply the official exchange rate of the first working day of the respective month. Finally, EPZ workers should receive a wage increase of 10% (calculated in US dollars) for each year of service.

In accordance with Instruction No. 2, a worker whose salary was fixed at \$20 ten years ago should now, under the law, be receiving roughly \$50. However, EPZ companies are not following those instructions and workers in most cases are getting a much lower salary than legally prescribed. Thus, workers have been deprived of their due wages under law for years.

For example, an individual working in Hyopshin Co. Ltd. since November 12, 1997 had his wages fixed at Tk. 1130.00 (US\$ 27). Following the widespread workers agitation in the EPZs in May 2006, management, effective July 01, 2006, increased and fixed his wages at Tk. 4250.00 (US\$ 63) from the existing Tk. 2,487.00. Management did not pay him any arrear wages, which he was entitled to covering the period from 1997 to 2006 in accordance with the provisions of Instruction No. 2. Thereafter, on July 20, 2006 the management terminated him from his service and paid him Tk. 47803.00 as termination benefits. On September 06, 2006, he sent a letter to Hyopshin Co. Ltd. (with a copy to BEPZA) to pay him the arrear wages complying with the provisions of Instruction 2. Neither Hyopshin nor BEPZA responded to his request.

Sample Cases of the Violation of Freedom of Association in the EPZs:

Section 12 of the EWAIRA provides a greater level of “protection” from workplace discipline for WRWC Conveners than for other rank and file employees in the EPZs. It reads:

The Convener or any member of a Committee (WRWC) shall not be suspended, removed or otherwise discharged from employment without the prior approval of the Executive Chairman. The employer of a Company/Industrial Unit shall be entitled to suspend the Convener or any elected officer of the Committee or draw up disciplinary proceedings against him/her on allegations of “unfair labor practices” prohibited under this Act, rules or regulations. In that event, however, the Executive Chairman must rule on the legitimacy of any action of the employer so as to uphold or set aside and/or to direct a reinstatement of the officer to his position and to reimburse him his unpaid wages and benefits.

Article 19 of BEPZA Instruction 1 of the EWAIRA also requires that a worker be given a written response regarding the decision to retain or dismiss him/her. Given that BEPZA has not yet met its legal obligations to provide a Labor Tribunal and Labor Appellate Tribunal, this remains the only significant recourse to EPZ workers who have been suspended or terminated.

Additional Concerns:

Unlawful Minimum Age Requirement

The BEPZA EC proclaimed that no one under age 25 could take part in the executive membership of a given Workers Association. This has no basis in law, ignores the demographics of the industry, and restricts the freedom of association of a large portion of the workforce.

Anti-union Dismissals

In the Second Phase of the EWAIIRA, the law provides no protection for workers from being terminated during the formation stage of Workers Associations. Although management is legally entitled to terminate workers at any time by paying them certain benefits, management has already started to terminate workers whom they consider to be 'potential' leaders and not 'loyal' to management.

Legal Institutions not yet Created

Under the EWAIIRA, the GOB is supposed to establish EPZ Labor Tribunals and EPZ Labor Appellate Tribunals to oversee due process in the EPZs. Though almost three years have passed, these institutions have yet to be constituted. The absence of the tribunals means that the workers have been unable to enforce their legal rights against their employers and/or BEPZA. This also means that a vital component relating to Workers Associations has not been implemented, showing the BEPZA/GOB's unwillingness to guarantee the right of freedom of association to workers of EPZs in the manner previously committed to and legally required.

Rejecting Complaints Filed with Assistance of NGOs

In numerous cases, workers in the EPZs have sent complaints to BEPZA using as their address either the Bangladesh Center for Workers Solidarity (BCWS, a worker rights NGO) or of the Savar Workers Education Center (S-WEC). In Chittagong, the address of a lawyer as the 'contact address' was included in their representation. BEPZA, however, has categorically refused to provide any remedy to those workers simply because they have used the addresses of BCWS and S-WEC as their contact address. When the matter was brought before BEPZA, they stated that they would not respond to any request from workers if they were found to be involved with any organization/NGO outside of the EPZs. In many cases, workers do not have a reliable permanent address and, having often moved from rural areas of the country, cannot count on their home address to provide a reliable avenue of communication with BEPZA.

It appears that on a number of occasions BEPZA officials tried to persuade dismissed WRWC members to voluntarily resign. When such efforts failed, the BEPZA EC approved the dismissal of the WRWC members, arbitrarily and without giving them any opportunity for a defense. In only one case, in LSI Industries Ltd., in response to intense international pressure, the BEPZA EC issued a directive to the employer to reinstate the convener. To date, the employer, in violation of the law, has disregarded this order and has not reinstated the employee. The BEPZA EC has acknowledged that the employer has simply ignored his orders, which are legally binding, and no further action has been taken.

Phase II

The second phase started on November 1, 2006. However, contrary to assurances given to the USTR and the international community, there has been no sincere effort on the part of GOB or BEPZA to implement the next stage of workers associational rights in the EPZs.

In accordance with Section 14 of the EWAIRA, workers in an industrial unit intent on forming a Workers Association will require not less than 30% (thirty percent) of the eligible workers of an industrial unit to apply, in a prescribed form, to the EC. In section 2(21) of the Act, "prescribed" means to be prescribed by Rules or Regulations that have the force of law. Section 97A states that the Government or BEPZA (with previous approval from the Government) may, by notification in the Official Gazette, make rules or regulations respectively for carrying out the purposes of this Act.

To date, the 'prescribed form' enabling workers to demand the formation of Workers Associations has not been made available through the Official Gazette as was legally mandated to have taken place by November 1, 2006. BEPZA, after revising the document several times, and only through an internal notification dated April 12, 2007, came up with a "prescribed form" for distribution to the workers of EPZs. However, this form was not the result of the prescribed legal process and thus could be changed unilaterally and at any time by BEPZA.

The initial format for the forms violated the EWAIRA by providing an option for workers to register their opposition to the formation of Workers Associations. The provision of such an option is not permissible anywhere in the EWAIRA itself. Also, the prescribed forms BEPZA drafted also included a "constitution" that all Workers Associations would be required to adopt if they could successfully be formed. The constitution for an individual Workers Association, however, is to be a creation of the workers in a given industrial unit. These unlawful provisions were withdrawn only after substantial pressure was put on BEPZA to remove it.

In December 2004, the AFL-CIO filed a third petition, which highlighted the Bangladesh Export Processing Zones Authority's (BEPZA) decision to review the performance of the Workers Rights and Welfare Committees (WRWCs) in the Export Processing Zones prior to permitting the full exercise of free association and collective bargaining. The AFL-CIO noted that this was inconsistent with the notice in the Official Gazette of January 31, 2004. In 2005, the AFL-CIO again filed a GSP petition as a result of ongoing violations of internationally recognized worker rights in the EPZs.

D. Specific Violations of Workers' Rights

1. Violations of Domestic and Internationally Recognized Worker Rights in EPZs

In 2004, the GOB enacted the EPZ Workers' Association and Industrial Relations Act (EWAIRA) with the objective of guaranteeing the rights of workers in Export Processing Zones (EPZs) to form associations of their own choosing. The Act came into force of law on July 8, 2004. Unfortunately, the EWAIRA provided the workers of Bangladesh's EPZs limited labor rights, which fall well short of international standards.

EPZ workers were allowed to exercise these limited rights in two distinct phases. The first phase, which began on July 18, 2004 and ended on October 31, 2006, allowed workers to elect a Workers Representation and Welfare Committee (WRWC) in their respective enterprises/companies/industrial units. In the second phase, which lasts from October 31, 2006 to November 1, 2008, the workers are entitled to form a Workers Association (roughly equivalent to, though without the full powers of, the trade unions outside of the EPZs). Importantly, the Act sunsets on November 1, 2008, with no guarantee of renewal, making the dilatory tactics of the GOB all the more significant.

Phase I

In the first phase, the establishment of the WRWC in almost all enterprises/companies/industrial units was completed under the supervision of the BEPZA. However, once formed, they were systematically prevented from exercising their legal rights under the EWAIRA. In fact, the AFL-CIO is unaware of a single case where a WRWC was allowed to negotiate with the employer on working conditions, remuneration or payment for productivity enhancements in accordance with EWAIRA.

In addition, the removal of WRWC members from different enterprises made it virtually impossible for the WRWCs to work without fear of persecution. In both the Dhaka and Chittagong EPZs, at least 50 WRWC members who tried to exercise their duties were either dismissed or terminated, in many cases on baseless grounds. The dismissed/suspended WRWC members/workers submitted a series of representations to the BEPZA Executive Chairman (EC) requesting that he exercise his power under Section 12 of EWAIRA to take the necessary measures to reinstate them. However, the EC did not order the reinstatement of any of the WRWC members -- despite overwhelming evidence that the grounds for the dismissals and terminations were without merit.

A. Preliminary Information

1. Party Submitting Petition:

AFL-CIO, 815 16th St., N.W., Washington, D.C. 20006
Contact: Jeff Vogt, ph: (202) 637-3904 / fax: (202) 508-6967

2. Country Subject to Review: Bangladesh

3. Basis for Petition:

Bangladesh, as explained in detail below, is not taking steps to afford internationally recognized worker rights, including 1) the right of association, 2) the right to organize and bargain collectively, 3) freedom from compulsory labor, 4) a minimum age for the employment of children, and 5) acceptable conditions of work with respect to minimum wages, hours of work and occupational safety and health.

4. Previous Petition

Although Bangladesh has been the subject of several prior petitions seeking removal the country from the list of eligible beneficiary developing countries on the basis of serious violations of internationally recognized workers' rights, this request includes substantial new information warranting further consideration.

B. Introductory Note

This petition is divided into four sections; 1) Labor Violations in the Export Processing Zones (EPZs), 2) Labor Violations in the Ready Made Garment (RMG) Industry, 3) Labor Violations in the Shrimp and Fish Processing Industry; and, 4) Harassment by Government and Security Forces of Trade unions, workers, and NGOs. As violations of internationally recognized worker rights are pervasive and endemic to each of these industries, we have documented the information by sector/industry rather than by violation.

C. Background

Since 1990, the AFL-CIO has filed numerous petitions on violations of internationally recognized workers rights, in law and practice, in Bangladesh. Our initial petition was filed in 1990 and called for the withdrawal of GSP preferential treatment because the Government of Bangladesh (GOB) had refused to apply its labor laws to the Export Processing Zones (EPZs). A second petition was filed in 1999, as the GOB had failed to meet established deadlines to adopt and enforce labor rights in the EPZs. In response to the second complaint, the GOB published a notice in the Official Gazette in January 2001 which provided, in part, that all workers in the EPZs "will have their legal rights and related rights in the Zones and that this will be effective from January 1, 2004."

**BEFORE THE UNITED STATES
TRADE REPRESENTATIVE**

**PETITION TO REMOVE BANGLADESH FROM THE LIST OF
ELIGIBLE BENEFICIARY DEVELOPING COUNTRIES PURSUANT TO
19 USC 2462(d) OF THE GENERALIZED SYSTEM OF PREFERENCES (GSP)**

filed by

**THE AMERICAN FEDERATION OF LABOR &
CONGRESS OF INDUSTRIAL ORGANIZATIONS (AFL-CIO)**

June 22, 2007

Petition 2007 AR Case# 001-CP-07
by AFL-CIO
WR Petition on Bangladesh

From: Jeff Vogt [Jvogt@aflcio.org]
Sent: Friday, June 22, 2007 4:13 PM
To: FN-USTR-FR0711
Subject: 2007 Annual GSP Review Petition

Jeff Vogt
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Eng. Khandker Mosharraf Hossain

June 13, 2012

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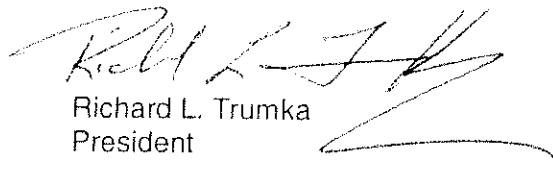
Like you, we are very concerned by the recent spate of worker unrest. We note the events in the Ashulia area sparked by the garment workers at the Hameen Factory compound, which led to closures of more than 35 factories for two days in early May. We are also deeply concerned by the beating of labor leaders by thugs near the Sinha Factory on May 26, that led to the Sinha workers' protests closing the factory the next day. At both incidents, police broke up demonstrations by using bullets and batons.

We draw different conclusions from these events than does the Government of Bangladesh. We believe that the unrest in the industry is due to workers not having any recourse to justice or a voice in their workplaces. Any scheme that management or the government sets up to replace a union, such as these "participatory committees," will always fall short of real freedom of association and be "suspect" to workers.

The AFL-CIO strongly objects to your call for gathering a "list of troublemakers." This call is likely to threaten the safety and reputations of legitimate trade union organizers and worker leaders, and it could lead to arrests whenever there are spontaneous actions of workers, similar to the bogus charges and arrests of labor activists in 2006 and 2010. These cases are still not resolved.

While the "participatory committees" may have a role in the workplace, the AFL-CIO urges the Labor Minister to promote freedom of association and to register legally organized unions so that workers can truly have a voice through their own organizations. Trade union leaders need the opportunity to lead local plant level factory unions in order to develop the skills needed for national leadership roles. Considering there are only 136 registered local plant level unions out of over 5,000 garment factories, there is little opportunity for training skilled trade union leaders in the practice of "healthy trade unionism."

Sincerely,


Richard L. Trumka
President

cc: William Taylor, U.S. Trade Representative
Ambassador Dan Mozena
Tom Melia, U.S. Department of State/DRL
Barbara Shailor, U.S. Department of State/DRL
President Shafiul Islam Mohiuddin, President, BGMEA

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June 13, 2012

By fax and e-mail

Eng. Khandker Mosharraf Hossain
Honorable Minister
Ministry of Labour and Employment
Govt. of the People's Republic of Bangladesh
Bangladesh Secretariat
Dhaka, Bangladesh

Dear Mr. Khandker Mosharraf Hossain:

As you know, the AFL-CIO has filed a petition under the Generalized System of Preferences (GSP) with the U.S. Trade Representative regarding the lack of enforcement and respect for internationally recognized labor rights in the Ready Made Garment (RMG) industry, as well as in the frozen seafood industry. The GSP petition raised two significant issues with respect to the RMG Sector. One was the "Failure to Allow Unions to Register" and the second was "Detainment, Arrests, and Torture of Bangladesh Center for Workers Solidarity Staff and Other Labor Leaders in the RMG." We stand by the conclusion that GSP benefits should be suspended unless the GoB agrees to a binding, comprehensive work plan to demonstrate evidence of immediate and substantial implementation regarding this complaint.

Although we agree with your recent statement that "...workers do not have any platform to hold talks with the owners to address their problems," we are greatly concerned about the use of "participatory committees" as a pre-requisite or replacement for worker-formed trade unions. Bangladeshi workers need unions, not just "participatory committees."

Making the "participatory committees" an end in and of themselves (in place of or as a requirement for unions) falls far short of the standard of full freedom of association.

APPENDIX

rights. It has in fact shown the opposite, a blatant disregard for worker safety and financial security, as well as the rights of freedom of association, organization, and collective bargaining.

As a result of this repeated and substantial failure to address the very serious issues raised in filings and hearings since 2007 and the GOB's apparent disregard for the lives and livelihoods of the very workers who create the country's wealth, the AFL-CIO respectfully requests the President to suspend GSP benefits for Bangladesh until such time as it demonstrates a commitment to securing fundamental labor rights for all of its workers.

In addition, the AFL-CIO recommends that the President cease all efforts to negotiate a TICFA with Bangladesh. Bangladesh's actions to date have demonstrated that it is unlikely in the extreme to fulfill any commitments to labor rights that would be included in such an agreement. To reward the Government of Bangladesh with any form of trade agreement would send the wrong message to workers—that their human rights are subservient to the right those who wish to profit from commerce.

IV. EXPORT PROCESSING ZONES

All of the problems previously raised regarding failure of the GOB to allow full-fledged labor unions in the EPZs remain. Workers welfare associations continue to be denied the right to effectively collectively bargain, form a federation, or link with political parties, NGOs, or other organizations. Workers at Youngone, the largest employers in the EPZs, reportedly continue to be denied the right to hold an election to create a WWA, despite complying with the law. In addition, as previously reported, the EPZs continue to lack labor conciliators as promised.

Many WWA representatives have reported that WWA officers have been harassed, suspended, dismissed without cause, or subject to other forms of anti-WWA retaliation.

For example, the workers of Rosita Knitwears (Pvt.) Ltd. and M/S Megatex Knitters (Pvt.) Ltd. in Ishwardi EPZ demonstrated at the companies on January 30, 2012 as they had been deprived of their legal rights in a number of areas. As a result of the unrest, 291 workers, including the presidents of WWAs of Rosita and Megatex, were terminated. In negotiation with the buyers, South Ocean Group, the owner, and Rosita and Megatex agreed to reinstate WWA leaders Helal (Rosita) and Belal (Megatex) and the other 289 workers in their services and sought BEPZA's approval to remove them from the EPZ "blacklist." However, the BEPZA refused to give permission to reinstate the workers on the grounds that there is no prior practice, nor are there provisions in BEPZA rules and regulations to allow for the reinstatement of a terminated worker in his former job. Of course, there are no provisions (nor should there be) prohibiting the reinstatement of workers in law or regulation. Further, there is precedent for reinstatement. In 2006, the workers of Ringshine Textiles Ltd. of Dhaka EPZ were reinstated following a major campaign and negotiations between the management of Ringshine, ITGLWF, and the Solidarity Center.

V. SHRIMP

At the time of the January hearing, the AFL-CIO reported some hope that a memorandum of understanding (MOU) among shrimp employers, workers, and NGOs would be signed, creating progress for workers in this sector. Nine months later, despite the willingness of the Solidarity Center and the Bangladesh Frozen Fish Exporters Association to conclude an MOU, the GOB's approval of funding to support the process has been stalled and has yet to be issued.

For the most recent reporting on the state of work and labor rights in this sector, please refer to "The Plight of Shrimp-Processing Workers of Southwestern Bangladesh" (available at: http://www.solidaritycenter.org/Files/pubs_bangladesh_shrimpreport2012.pdf).

VI. CONCLUSION

The Government of Bangladesh has not yet taken sufficient steps to afford internationally recognized worker rights although it has been given more than ample time to make needed changes. In the months since the last hearing, it has failed to agree to a binding, comprehensive work-plan or to demonstrate that it is affording workers their internationally recognized worker

Given that the employers are using the Participation Committees as an alternative to real trade unions, an approach the AFL-CIO has long criticized,² the employers should, at a minimum, follow the legal procedures required to allow the workers to elect their own representatives in the committee. Given the years-long efforts to introduce the exercise *true* freedom of association, organization, and collective bargaining for workers in the RMG sector, the MoLE's failure to require the factories to follow the law regarding Participation Committees represents a clear failure to take steps to afford internationally recognized worker rights.

Workers trying to register unions also report that their efforts continue to be thwarted. Since the January hearing, the following unions were denied registration: Raine Knitwear Ltd., Sramik Union; Maskot App. Ltd. Workers Union; Rastas Apparels Ltd. Workers Union; Tokyo Mood Ltd. Workers Union. In each case, the unions contend they met the requirements and filed an appeal, but have yet to receive a decision.

Workers also report that RMG factories continue to fail to pay profit sharing into a welfare benefit fund as required by Chapter 15 of the Bangladesh Labour Act, which requires all profitable employers to deposit 5% of profits into a welfare benefit fund. This fund represents the only "social security" for many workers; thus, the government's failure to enforce its own law in this area puts workers and their families at deep financial risk.

Fire safety efforts also appear to have been compromised. In September 2011, all RMG factories had been ordered to remove all temporary tin shades from the roof tops of their buildings by December 31, 2011. That deadline was later extended to June 30, 2012, and was apparently entirely rescinded with Memo No. 2012/251 (3) dated July 01, 2012, which allowed "25% of the tin shed's roof towards the road side should remain open. The rest of the areas can be used for miscellaneous purposes keeping easily-removable goods. The deadline to implement this decision is fixed at December 31, 2012." This latest memo seems to indicate that the prohibition on rooftop structures will not be enforced, and that exceptions will continue to be allowed, putting workers at grave risk of their lives.

Finally, the AFL-CIO was disturbed to learn in April 2012 of reports that the GOB was working to secure an agreement with the Government of Uzbekistan to purchase cotton to be used in Bangladesh's RMG sector.³ The U.S. Department of Labor has recognized that cotton in Uzbekistan is produced with forced child labor.⁴ As such, the efforts of the GOB in this regard are particularly telling: they do not indicate even a surface effort to display respect for internationally recognized worker rights.

² Attached as an APPENDIX to this brief is a letter dated June 14, 2012 from AFL-CIO President Richard Trumka to Bangladesh Minister of Labour and Employment Khandker Mosharraf Hossain regarding the misuse of participation committees as a substitute for true unions.

³ See, e.g., Refayet Ullah Mirdha, "Bangladesh Eyes More Cotton from Uzbekistan," *The Daily Star*, April 30, 2012 (available at: <http://www.thedailystar.net/newDesign/news-details.php?nid=232177>).

⁴ 2011 Findings on the Worst Forms of Child Labor by Country, International Labor Affairs Bureau, Department of Labor (available at: <http://www.dol.gov/lab/programs/scfi/2011TDA/Uzbekistan.pdf>).

III. READY-MADE GARMENT (RMG) SECTOR

There has been no significant improvement in the RMG sector since the AFL-CIO filed its initial GSP petition in 2007.

Aminul Islam was a trade union organizer and President of the Bangladesh Garment and Industrial Workers' Federation (BGIWF)'s Savar and Asulia regional committee. Aminul was found dead after being tortured on April 5, 2012. There is some evidence to the effect that the GOB's own security forces had a hand in his torture and murder. However, the ensuing investigation (despite interest by the international press and the personal attention of Secretary of State Hillary Clinton) seems to have completely stalled. The Committee for Justice for Aminul Islam, made up of trade unions, activists (including organizations like the Bangladesh Center for Worker Solidarity) and even Aminul's daughter, has been calling for the case to move up the ranks from the local or district police to the Criminal Investigation Department (CID), which is the highest and most independent investigation department in Bangladesh to handle such a case. In an article published on September 30, 2012 in the *Daily Prothom Alo*, a Home Ministry committee to investigate the murder has also recommended that the case be transferred to the CID. The AFL-CIO is not yet aware that any such transfer has been made, but supports such a move.

Worker rights advocates Kalpona Akter and Babul Akhter remain charged with several criminal violations stemming from incidents occurring on July 30 and 31 of 2010. To date, the government has still produced no evidence to support its allegations, nor made apparent efforts to either pursue the case or drop the charges. Simply letting the case languish without action may be an act of intimidation on the GOB's part. On a related note, the Bangladesh Center for Worker Solidarity has still not been able to re-register and operate freely.

At a July 2012 meeting of the Social Compliance Forum in the RMG sector, the Ministry of Labour and Employment (MoLE), BGMEA and BKMEA all gave reports of visits to RMG factories and examined the workers rights related issues. The MoLE's report found that only 88.09% of the factories comply with the minimum wage law and only 61.11% have formed workers' Participation Committees. Although no union was present at the Forum, one worker advocate questioned the process of constituting the Participation Committees—noting the workers' representatives to the committees had generally not been elected by the workers in accordance with the provisions of law—rather, they had been selected by the management of the various factories.¹

¹ Under Bangladesh Labour Act, 2006, employers of establishments, which have fifty or more workers are normally employed, shall constitute Participation Committees in their respective establishments. Such a committee shall be formed with representatives of the employer and the workers. The representatives of the workers in the committee shall be appointed on the basis of nomination given by the trade unions in the establishment and where there is no trade union, representatives of the workers shall be chosen/elected in the manner prescribed in the Industrial Relations Rules, 1977.

I. INFORMATION REQUIRED PURSUANT TO 15 C.F.R. § 2007

A. Party Submitting Petition:

AFL-CIO, 815 16th Street, NW
Washington, DC 20006

Contact: ph: 202-637-5344 / email: cdrake@afleio.org / fax: 202-508-6967

B. Country Subject to Review:

Bangladesh

C. Basis for Petition:

As explained below, the Government of Bangladesh (GOB) continues to fail to take steps to afford internationally recognized worker rights, including the right to freedom of association and the rights to organize and bargain collectively, as is required by 19 U.S.C. § 2462(c)(7). As it has repeatedly failed to address this shortcoming, GSP benefits should be suspended pursuant to 19 U.S.C. § 2462(d).

II. INTRODUCTION

On June 22, 2007, the AFL-CIO filed a worker rights petition with the Office of the U.S. Trade Representative (USTR) to remove Bangladesh from the list of eligible beneficiary developing countries under the Generalized System of Preferences (GSP) pursuant to 19 U.S.C. § 2462(d). USTR accepted the petition for review on September 6, 2007. USTR subsequently placed Bangladesh under “continuing review” to monitor the progress of the Government of Bangladesh towards a set of worker rights benchmarks elaborated in a 2008 demarche. The decision to place Bangladesh under review, combined with the subsequent engagement of the U.S. Government (USG), has succeeded in pushing the GOB and employers to take some steps forward.

Not only has the GOB failed to take steps to afford internationally recognized worker rights since the last hearing in January 2012, the situation has deteriorated given the beating and murder of worker rights activist Aminul Islam—by report at the hand of GOB agents—and the failure to name, arrest, or prosecute any suspects in connection with the case. Unfortunately, given the GOB’s continued failure to make progress for workers, the AFL-CIO requests that the President take steps to suspend GSP benefits for Bangladesh and also halt negotiations on the proposed Trade and Investment Cooperation Framework Agreement (TICFA).

This petition provides an update covering events occurring since the January 2012 hearing and supplements, but does not supplant, all prior petitions and other submissions in the case.

**BEFORE THE UNITED STATES
TRADE REPRESENTATIVE**

UPDATE TO THE 2007-2011 PETITIONS TO REMOVE

BANGLADESH

**FROM THE LIST OF ELIGIBLE BENEFICIARY DEVELOPING COUNTRIES
PURSUANT TO SECTION 19 U.S.C. § 2462(d) OF THE GENERALIZED SYSTEM OF
PREFERENCES (GSP)**

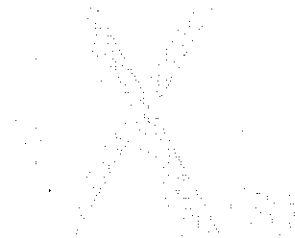
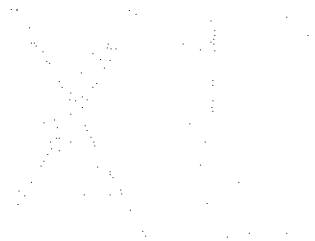
filed by

**THE AMERICAN FEDERATION OF LABOR & CONGRESS OF INDUSTRIAL
ORGANIZATIONS (AFL-CIO)**

OCTOBER 2012

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Ambassador Froman
April 2, 2014
Page 3

Government of Bangladesh that registering unions alone is insufficient. Rather, the Government of Bangladesh has a responsibility to ensure the safety of workers exercising their basic rights and hold employers accountable for violating these rights.

Finally, I also ask that you include this letter as part of the AFL-CIO's submissions regarding Bangladesh's GSP benefits.

Sincerely,


Richard Trumka
President

cc: Department of State
Department of Labor

Employer's Representatives

1. Tipu Munshi, President, BGMEA
2. S M Fazlul Huq, BGMEA
3. Anisul Huq Ex-President, BGMEA
4. Abdus Salam, Vice-President, BGMEA.
5. S A Bast, Director, BGMEA
6. Fazlul Huq, President, BKMEA
7. Vice-President, BGMEA

Worker's Representative.

1. Ray Romesh Chandra, General Secretary, Jatiyo Sramil League.
2. Zafrul Hasan, General Secretary, Bangladesh Jatiyotabadi Sramik Dal.
3. Nurul Islam, President, Bangladesh Trade Union Kendro.
4. Shafiqur Rahman Majumdar, President, Jatiyo Sramik Federation.
5. Abdul Kader Hawlader, President, Jatiyo Sramik Jote Bangladesh.
6. Shafiuddin Ahmend, General Secretary, Jatiyo Sramik Federation Bangladesh.
7. Muklesur Rahman, Sanjukto Sramik Federartion.
8. Mesbauddin Ahmed, President, Jatiyo Sramik Jote.
9. Ashikul Alam Chowdhury, General Secretary, Bangladesh Trade Union Shangho.
10. Shah Md. Abu Jafar, MP, President, Labour Federation.
11. Abdulla Sarkar, President Samajtantric Sramik Front.
12. Majibur Rahman Bhuiyan, General Secretary, Mukto Sramik Federation.
13. Mamunur Rashid Chowdhury, General Secretary, BFTUC.
14. Dr. Wajedul Islam Khan, Coordinator, Sramik Karmochari Okkya Parishad.
15. Jakir Hossain, Bangladesh Jatiyo Sramik Federation.
16. Abul Kashem Chowdhury, Acting President, Bangladesh Jatiyotabadi Sramik Dal.
17. Shahjahan Khan, MP, President, Jatiyo Sramil League.

May be mentioned that the leaders of the following organizations garment were present at the time of reaching consensus:

1. Samnilito Garments Darji Federation
2. Bangladesh Jatiotabadi Garments Sramik Dal.
3. Bangladesh Sanjukto Garments Sramik Federation.
4. Bangladesh Janasadhin Garments Federation.
5. Karanigonj Apparels Workers Union.
6. Jatiyo Poshak Shilpo Sramik Federation.
7. Jatiyo Garments Darji Sramik Karmochari Kendro.
8. Bangladesh Garments Sramik Karmochari Federation.
9. Jatiyo Garments Sramik Federation.
10. Bangladesh Garments Sramik Jote.
11. Bangladesh Textile Garments Workers Federation.
12. Bangladesh Jatiyotabadi Garments Sramik Federation.
13. Jatiyo Garments Sramik Karmochari Federation.
14. Bangladesh Garments Sramik Federation.
15. Bangladesh Poshak Shilpa Sramik Federation.
16. Jatiyo Garments Sramik League.
17. Bangladesh Jatiyo Garments Sramik Karmochari League.
18. Bangladesh Textile and Garments Workers League.
19. Garments Tailors Workers Federation.
20. Bangladesh Mukto Garment Sramik Union Federation (BIGUF).
21. Swadhin Bangla Garments Sramik Karmochari Federation.
22. Samnilito Garments Sramik Federation.
23. Bangladesh Textile and Garments Workers Federation.
24. Bangladesh Garments Sramik Federation.
25. Textile Garments Workers Federation.
26. Jago Bangladesh Garments Sramik Federation.
27. Bangladesh OSK Garments Sramik Federation.
28. Jatiyo Garments Sramik Jote Bangladesh.
29. Ganatantric Garments Sramik Federation.
30. Jatiyo Garments Sramik Jote.
31. Jatiyo Garments Sramik Kalyan Federation.
32. Bangladesh Garments Textile Federation.
33. Jatiyo Garments Karmochari Jote.
34. Jatiyo Garments O Darji Sramik Karmochari Federation.
35. Bangladesh Garments Sramik Tradu Union Kendra.
36. Bangladesh Garments Darji Federation.
37. Garments Sramik Okkyo Forum.
38. Bangladesh Garment and Industrial Federation.
39. Bangladesh Garments Textile Leather Workers.

Amanullah Aman, MP,
State Minister,
Labour and Employment Ministry
Peoples Republic of Bangladesh

American Federation of Labor and Congress of Industrial Organizations



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Ambassador Michael Froman
United States Trade Representative
600 17th Street NW
Washington, DC 20508

Dear Ambassador Froman:

On June 27, 2013, the United States Trade Representative (USTR) announced it would suspend Generalized System of Preferences (GSP) benefits on products imported into the United States from Bangladesh (Docket No. USTR-2012-0036). On July 19, 2013, the USTR publicized its "Bangladesh Action Plan 2013," (Action Plan) outlining "significant actions" the Government of Bangladesh (GOB) was encouraged to take to provide a basis for reinstating GSP benefits. While the entire GSP program is currently on hold unless and until Congress reauthorizes it, USTR has indicated it is willing to accept information regarding Bangladesh's progress toward coming into compliance with the GSP requirement that it take steps to afford workers "internationally recognized worker rights." (19 U.S.C. § 2462(c)(7)).

The AFL-CIO filed its initial petition in this case in 2007 and has updated and supplemented that initial petition several times, including testifying at several GSP Subcommittee hearings. This letter constitutes a further supplement to this petition by the AFL-CIO. It enumerates the AFL-CIO's observations and comments on the actions taken by the GOB toward the goals set forth in the Action Plan. Because the AFL-CIO concludes that the GOB has only begun implementing very few of the actions spelled out in the Action Plan, we strongly encourage the USTR to maintain the suspension, and to increase efforts toward effective protection of internationally recognized worker rights for all of Bangladesh's workers.

To date, the AFL-CIO has not observed any evidence demonstrating that the GOB has taken any action taken in the following areas:

Enforcement of labor laws—

- Increased fines for infractions
- Fines levied

- Remove export licenses from offending companies
- Establish public database to track inspections or enforcement actions

Efforts to promote freedom of association in the ready-made garment sector—

- Pass new labor law amendments that address key concerns related to freedom of association and collective bargaining (while amendments have been passed, the changes were inadequate to resolve existing problems, and in several areas created new problems)
- Effectively protect union officers and activists in new unions
- Publicly report on the number of new unions and collective bargaining agreements
- Conduct a credible investigation of the death of Aminul Islam
- Include in the public database reports on union discrimination and other unfair labor practice complaints, their status, and fines and sanctions levied
- Train industrial police on labor law to prevent intimidation

Export Processing Zones (EPZs)—

- Issue interim regulations to ensure transparency, prevent anti-union discrimination and blacklisting
- Begin process of bringing EPZ law into compliance with ILO standards
- Establish interim regulations that provide an inspection regime similar to the RMG sector

Shrimp processing sector—

- Publicly report on status of anti-union discrimination cases, remediation and fines

In some areas, the AFL-CIO has seen the beginning of some work on Action Plan issues. Some labor inspectors are being identified and trained, but nowhere near the number promised by the GOB (see Appendix 1). There is some progress on dialogue to address building and fire safety, but as yet there is no independent verification of any factories having been assessed, closed, relocated or improved. Union registration has increased (see Appendix 2), but not all of these are independent, worker-led unions. There has also been significant employer retaliation and discrimination, which has not been sanctioned or remediated (see Appendix 3). The Bangladesh Center for Worker Solidarity (BCWS) had its registration restored, but the Social Activities for Environment (SAFE) organization has not. BCWS activists were informed by the government that the trumped-up charges filed against them in 2010 have been dropped, but no court process has occurred to confirm that the case has been closed. Finally, while an MOU was signed by the Bangladesh Frozen Fish Exporters Association (BFFEA), the Bangladesh Shrimp and Fish Foundation (BSFF) and the Solidarity Center, it has not yet been implemented. There is some evidence that the GOB is discussing a tripartite agreement on freedom of association in the shrimp industry.

Despite a few quick, summary announcements in the press in the past 48 hours about progress on some of the actions discussed above, it remains to be seen if or when any of these actions will actually be taken. In sum, the GOB has demonstrated very little progress toward affording its workers their internationally recognized worker rights, and in particular has made little progress

toward fulfilling the Action Plan. The actions to date do not warrant renewed participation in the GSP program. Given the GOB's record of providing incomplete or inaccurate information during the GSP review process, we encourage the USTR to independently verify the information it receives regarding Action Plan implementation. Only real improvements in internationally recognized worker rights will ensure that Bangladeshi workers can act on their own behalf to better their wages and working conditions.

Therefore, the AFL-CIO urges the USTR to continue the suspension of GSP benefits for Bangladesh until substantial and sustainable progress to ensure real improvements in labor rights, standards and enforcement has been made.

Sincerely,

A handwritten signature in cursive script that reads "Celeste Drake".

Celeste Drake
Trade & Globalization Policy Specialist
AFL-CIO

APPENDIX I

.....

The information below is up to date as of October 24, 2013.

Number of the employees under the Department of Labor (DL) dedicated to trade union work:

- Director of Labor: 1
- Joint Directors of Labor (JDL): 4 (One each in Dhaka, Chittagong, Rajshahi, and Khulna)
- Deputy Labor Directors: 11
- Assistant Labor Directors: 24
- Labor Officers: 9

Number of Inspectors employed in the Government's Factory Inspection Department according to an official of the Department:

Number of Inspectors currently employed: 95

Factory Inspectors: 52 (before Tazreen; four were added after Tazreen): 56

Shop Inspectors (retail, non-manufacturing facilities): 39

The GoB has already completed the recruitment process for 38 more factory inspectors, but need to deliver appointment letters. Another 23 factory inspectors' recruitment is in process.

APPENDIX 2

.....

November 06, 2013

**Registration Application Status of the RMG Unions
(October 2010 to November 6, 2013)**

List of the Pending Union Application in JDL Office

Bangladesh Garment and Industrial Workers Federation (BGIWFF):
 Bangladesh Independent Workers Union Federation (BIGUF):
 National Garment Workers Federation (NGWF):
 Somnilito Garments Workers Federation (SQWF)
 Akota Garments Worker Federation (AGWF)
 Bangladesh Garments Industrial Sromik Federation (BGISIF)
 Bangladesh Federation of Workers Solidarity (BFWS)
 Bangladesh Revolutionary Garment Workers Federation (BRGWFF)
 National Knit Dying and Garment Workers Federation
 Others:

Total

4 (The information of these union application collected from JDL office. The names of the federations organized the unions are not available)
 30

Sl. No.	Particulars of the Company	Name and Address of the Union	Total No. of Worker (Female)	Number of Members of the Union (Female)	Percentage of the Workers in the Union	Date of Formation of the Union	Date of Election of the Union Officers	Date of filing for Registrati on to the Registrar of Trade Unions.	Registration Status	Name of the Federation Organized the Union.	Comments
1.	Massco Cotton Ltd. Address: Reduwan Complex, 44 Gazipura, Tongl, Gazipur. Buyer: H&M, Kapphal, Next, Indetex etc.	Massco Cotton Ltd. Workers Unity Union. Address: House of Abdul Mozid (Board Bazar, National University, Joydebpur, Gazipur.	1500	678	45%	October 04, 2013	October 25, 2015	November 05, 2013	Application Pending	Bangladesh Independent Garment Union Federation (BIGUF)	
2.	B Brothers Garments Ltd. Address: 380/13/1, Kunjaban Road, East Rampura, Dhaka- 1219	B Brothers Garments Worker Union Address: House-446 (Ground Floor), West Rampura, Dhaka- 1219	800	510	63%	August 23, 2013	August 30, 2013	October 22, 2013	Application Pending	Bangladesh Garment and Industrial Workers Federation (BGIWFF)	

3.	Dress and Dismetic Ltd. Address: 1101, DIT Road, Maitbagh, Chowdhury Para, Dhaka-1219	Dress and Dismetic Ltd. Workers Union Address: House-446 (Ground Floor), West Rampura, Dhaka-1219	900	463	51%	September 20, 2013	October 11, 2013	October 20, 2013	Application Pending	Bangladesh Garment and Industrial Workers Federation (BSIWF)	
4.	TNZ Apparels Ltd. Address: Sha-74, North Badda, Dhaka-1212	TNZ Apparels Ltd. Workers Union				August 23, 2013	September 27, 2013	October 6, 2013	Application Pending	Somnilito Garments Workers Federation (SGWF)	
5.	Shumon Fashion Garments Ltd. Address: Cha-72/1/B, Middle Badda, Holland Centre, Progoth Shoroni-1212, Dhaka.	Shumon Fashion Garments Ltd. Sromik Union	1500	510	34%	August 21, 2013	September 25, 2013	October 6, 2013	Application Pending	Somnilito Garments Workers Federation (SGWF)	
6.	Fashion Knit Wear Ltd. Address: 380/4, East Rampura, Dhaka	Fashion Knit Wear Sromik Shonghott Union Address: 11, Purana Palten, Ibrahim Mension, 5 th Floor, Room No-505, Dhaka	135	91	67%	September 13, 2013	September 20, 2013	October 03, 2013	Application Pending	Bangladesh Federation of Workers Solidarity (BFWWS)	
7.	Tunghai Sweaters Ltd. Address: Mirpur	Tunghai Sweaters Ltd. Workers Union	1300	436	33%			October 7, 2013	Application pending	Bangladesh Revolutionary Garments Worker Federation (BRGWFF)	
8.	Cotton Textile & Apparels Ltd.	Cotton Textile & Apparels Ltd. Workers Union	585	200	34%			October 23, 2013	Application Pending	Akota Garment Workers Federation	
9.	Minimax Ltd. Address: Plot 33, 35, 37 and 39 National University, Gachha, Gazipur	Minimax Ltd. Workers Union Address: House of A. Majid (Rtd. Honorary Captain), Board Bazar, National University, Joydevpur, Gazipur.	600(500)	296	49%	September 06, 2013	September 20, 2013	October 09, 2013	Application pending	Bangladesh Independent Garment Workers Union Federation (BIGUF)	

10.	Ridom Garments Ltd. Address: Chittagong	Ridom Garments Ltd. Workers Union Address: 2 No. Miller Mattha, South Middle Halli Shahar, P/O: Bander, P/S: Bandar, Chittagong	300(250)	124(105)	41%	September 20,2013	September 27,2013	October 08,2013	Application pending	Bangladesh Independent Garment Workers Union Federation (BIGWF)	
11.	Style Fashion Ltd Address: 384, BP Avenue East Rampura, TV Avenue Road	Style Fashion Ltd. Workers Union Address: House-446 (Ground Floor), West Rampura, Dhaka- 1219	150	108	72%	September 29,2013	October 04,2013	October 06,2013	Application Pending	Bangladesh Garment and Industrial Workers Federation (BGIWF)	
12.	BP Garments Ltd. Address: 277 Outer Circular Road Mogbaraz	BP Garments Ltd. Workers Union Address: House-446 (Ground Floor), West Rampura, Dhaka- 1219	350	183	52%	September 15,2013	September 29,2013	October 06,2013	Application Pending	Bangladesh Garment and Industrial Workers Federation (BGIWF)	
13.	Redical Design Ltd. Address: Shibu Market, Kutubai, Fat ulla, NarayanGonj	Redical Design Ltd. Workers Employees Union Address: 31/F Topkhana Road (Ground Floor), Dhaka	950	370	38%	September 28,2013	September 28,2013	October 06,2013	Application pending	National Garment Workers Federation (NGWF)	
14.	Hamim Sportswear Ltd. Address: 71/1, Tejgan I/A, Dhaka-1208	Hamim Sportswear Workers Employees Union Address: 31/F Topkhana Road (Ground Floor), Dhaka	550	296	54%	September 30,2013	September 30,2013	October 02,2013	Application pending	National Garment Workers Federation (NGWF)	
15.	Basic Apparels Ltd. Address: Plot 135-138 (1 st and 2 nd Floor), Abdullahpur, Utara, Dhaka-1230	Basic Apparels Ltd. Workers Employees Union Address: 31/F Topkhana Road (Ground Floor), Dhaka	1650	550	65%	September 20,2013	September 20,2013	September 29,2013	Application pending	National Garment Workers Federation (NGWF)	
16.	Global Specialized Washing Ltd. Address: 11 Kalurghat Heavy	Global Specialized Washing Ltd. Workers Employees Union	28	24	85%	September 13,2013	September 20,2013	Sept 25,2013	Application pending	Bangladesh Independent Garment Workers	

	Industrial Area	Address: 2 No, Miller Matha, South Middle Hall Shahar, P/O: Bandar, P/S: Bandar, Chittagong																Union Federation (BIGUF)	
17.	Sims Fashion Ltd. Address 81, Nasirabad Industrial Area, Baizid Sadak	Sims Fashion Ltd. Workers Employeess union Address: 2 No, Miller Matha, South Middle Hall Shahar, P/O: Bandar, P/S: Bandar, Chittagong	650	242	37%	September 13,2013	September 20,2013	Sept 26,2013	Application pending	Bangladesh Independent Garment Workers Union Federation (BIGUF)									
18.	Winy Apparels Ltd. Address	Winy Apparels Ltd. Workers Union Address House-446 (Ground Floor), West Rampura, Dhaka- 1219	450	210	46%	August 26,2013	August 30,2013	September 04,2013	Application pending	Bangladesh Garment and Industrial Workers Federation (BGIWF)									
19.	East West Fashion Ltd.	East West Fashion Ltd. Workers Union						September 09,2013	Application Pending	Bangladesh Sonnihito Garment Stramik Federation (SSGF)									
20.	Lytic Industry Ltd. Address Rampura	Lytic Industrial Workers Union Address House-446 (Ground Floor), West Rampura, Dhaka- 1219	600	406	67%	July 14,2013	July 28,2013	August 29,2013	Application Pending	Bangladesh Garment and Industrial Workers Federation (BGIWF)									
21.	Rukshana Knit and Composite Ltd.	Rukshana Knit and Composite Workers Union Address House-446 (Ground Floor), West Rampura, Dhaka- 1219	350	201	57%	July 12,2013	July 26,2013	August 29,2013	Application Pending	Bangladesh Garment and Industrial Workers Federation (BGIWF)									
22.	Unitex Knitwear Ltd.	Unitex Knitwear Ltd. Workers Union Address:						August 04,2013	Application pending	Akara Garments Workers Federation									The information collected from JOL office. Post

		Union Fatullah, Narayanganj								15,2013	Pending		collected from JDL office. Rest of the information is not available.
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List of the Registered Unions

Breakdown of the registered union (by Federation)
 Bangladesh Independent Workers Union Federation (BIGUIF): 13
 Bangladesh Garment and Industrial Workers Federation (BGGIWF): 12
 National Garment Workers Federation (NGWF): 10
 United Federation of Garment Workers (UFGW): 9
 Bangladesh Federation of Workers Solidarity (BFWWS): 5
 Sonmilito Garment Workers Federation (SGWF): 2
 Bangladesh National Workers Jote: 2
 Bangladesh National Garment Workers Employees League (BNGWEL): 1
 Akota Garments Workers Federation: 1
 Trade Union Center (TUC): 1
 Management Sponsored Union: 1
 Total: 61

Details:

Sl. No.	Particulars of the Company	Name and Address of the Union	Total No. of Workers	Number of Members of the Union	Percentage of the Workers in the Union	Date of Formation of the Union	Date of Election of the Union Officers	Date of filing for Registration to the Registrar of Trade Unions	Registration Status	Name of the Federation that Organized the Union	Comments
1.	Mf Apparels Ltd. Address 379 East Rampura, Dhaka	Mf Apparels Ltd. Workers Union Address House-446 (Ground Floor), West Rampura, Dhaka-1219	125	70	56%	July 14, 2013	July 28, 2013	July 29, 2013	Application accepted on October 27, 2013	Bangladesh Garment and Industrial Workers Federation (BGGIWF)	No anti-union activity
2.	Dorin Washing Plant Address Savar	Dorin Washing Plant Workers Employees Union Address: 31, Topkhana Road, Dhaka.	850	321	41.29	June 15, 2013	July 19, 2013	August 12, 2013	Application accepted on October 21, 2013	National Garment Worker Federation (NGWF)	No anti-union activity
3.	Fashion Tex Ltd. Address Hemayetpur, Savar	Fashion Tex Workers Employees Union Address: 31, Topkhana Road, Dhaka.	250	96	38%	June 11, 2013	June 20, 2013	August 12, 2013	Application accepted on October 21, 2013	National Garment Worker Federation (NGWF)	No anti-union activity

	B H B Fashion Ltd.	B H B Fashion Ltd. Workers Union	200					September, 2013	October 21, 2013	Akota Garments Workers Federation (AGWF)	
4.	The Weltex Ltd. Address: Muiaid, Moana, Shipur, Gazipur Bangladesh Buyer: H&M	The Weltex Ltd. Workers Union Address: Ka-22, Kurl Bishaw Road, Badda, Dhaka-1219	1200	570	48%	September 12, 2013	September 15, 2013	September 18, 2013	Application accepted on October 2-27, 2013	Bangladesh National Garment Workers Employees League (BNGWEL)	
5.	The Fashion Island Address: 385/1/A East Rampura, Dhaka-1219	The Fashion Island Workers Union Address: House-446 (Ground Floor), West Rampura, Dhaka-1219	1000	550	55%	July 14, 2013	July 21, 2013	July 30, 2013	Application accepted on September 29, 2013	Bangladesh Garment and Industrial Workers Federation (BGIWF)	
6.	Boni Designers Ltd.	Boni Designers Ltd. Workers Union Address: H-61/1 (3 rd Floor), New Airport Road, Amtoli, Mohakhali, Dhaka	250	112	45%			July 18, 2013	Application accepted on September 18, 2013	Somnilito Garments Workers Federation**	
7.	DN Sports Ltd.	DN Sports Ltd. Workers Union Address: H-61/1 (3 rd Floor), New Airport Road, Amtoli, Mohakhali, Dhaka	350	175	50%			July 18, 2013	Application accepted on September 29, 2013	Somnilito Garments Workers Federation**	
8.	Lyric Apparels Ltd. Address: 69/B-1, Malibagh, Chowdhury Para, Mirzapur Building, DIT Road, Police Station, Rampura Dhaka-1219	Lyric Apparels Workers Union Address: House-446 (Ground Floor), West Rampura, Dhaka-1219	700	401	57%	July 14, 2013	July 28, 2013	July 30, 2013	Application accepted on September 25, 2013	Bangladesh Garment and Industrial Workers Federation (BGIWF)	
9.	Lufa Garments Ltd. Address: 476/D DIT Road, Malibagh, Dhaka-1217 Buyer:	Lufa Garments Ltd. Workers Union Address: House-446 (Ground Floor), West Rampura, Dhaka-1219	350	325	92%	July 07, 2013	July 14, 2013	July 18, 2013	Application accepted on September 19, 2013	Bangladesh Garment and Industrial Workers Federation (BGIWF)	
10.	Luman Fashion Ltd. Address: 475/D DIT Road,	Luman Fashion Ltd. Workers Union Address:	1000	866	85%	July 07, 2013	July 14, 2013	July 18, 2013	Application accepted on September	Bangladesh Garment and Industrial	
11.											

	Maitbagh, Dhaka-1217	House-446 (Ground Floor), West Rampura, Dhaka-1219								22, 2013	Workers Federation (BGIWF)	
12.	Four S Apparels Ltd. Address: 381,384 East Rampura, Dhaka	Four S Apparels Ltd. Workers Union Address: House-446 (Ground Floor), West Rampura, Dhaka-1219	125	73	58%	June 14, 2013	June 28, 2013	July 15, 2013	Application accepted on September 22, 2013		Bangladesh Garment and Industrial Workers Federation (BGIWF)	
13.	Vobs Apparels Ltd. Address: Hemayetpur, Saver	Vobs Apparels Workers Employees Union Address: 31, Topkhana Road, Dhaka.	420	154	36%	May 24, 2013	June 28, 2013	July 14, 2013	Application accepted on September 12, 2013		National Garment Workers Federation (NGWF)	
14.	Rumana Fashion Ltd. East West Group Address: Choydana National University, Joydevpur, Gazipur BUYER H&M	Rumana Fashion Ltd. Workers Union Address: House of A. Majid (Rtd. Honorary Captain), Board Bazar, National University, Joydevpur, Gazipur.	550	185	36%	May 24, 2013	June 07, 2013	June 27, 2013	Application was accepted and the union received its registration on August 25, 2013		Bangladesh Independent Garment Workers Union Federation (BIGUF)	
15.	Fashion Suit Ltd. East West Group Address: Choydana National University, Joydevpur, Gazipur BUYER H&M	Fashion Suit Ltd. Address: House of A. Majid (Rtd. Honorary Captain), Board Bazar, National University, Joydevpur, Gazipur.	600	208	34%	May 31, 2013	June 14, 2013	June 27, 2013	Application was accepted and the union received its registration on August 25, 2013		Bangladesh Independent Garment Workers Union Federation (BIGUF)	
15.	Han Embroidery Ltd. Address: Saver	Han Embroidery Ltd. Workers Union	180	94	52%	May 07, 2013	June 05, 2013	June 11, 2013	Application was accepted on August, 2013		National Garment Workers Federation (NGWF)	
17.	Anowara Apparels Ltd. Address: 220 Eastern Road, Chittagong BUYER: Wal Mart	Anowara Apparels Ltd. Workers Union Address: 2 No, Miller Matha, South Middle Hall, Shahr, P/O: Bandar, P/S: Bandar, Chittagong.	490	241	49%	July 12, 2013	July 19, 2013	July 30, 2013	Application was accepted and the union received its registration on August 14, 2013		Bangladesh Independent Garment Workers Union Federation (BIGUF)	
18.	Shirina Garments and Textile Ltd.	Shirina Garments and Textile Ltd. Workers	2400	1036	43%	June 07, 2013	June 14, 2013	June 17, 2013	Application was accepted and		Bangladesh Independent	

24.	Naas Apparels Ltd. Address: 343, TV Avenue, East Rampura, Rampura, Dhaka-1219	Naas Apparels Ltd. Workers Union Address: House-446 (Ground Floor), West Rampura, Dhaka-1219	150	120	80%	May 05,2013	May 12,2013	June 04,2013	Application was accepted and the union received its registration on July 30,2013	Bangladesh Garment and Industrial Workers Federation (BGIWf)	Management sponsored union.
25.	Sadia Garments Ltd. Address: 380/1-3, East Rampura,Dhaka-1219 Buyer: Terranova, OZONO, French Connection	Sadia Garments Ltd. Workers Employees Union Address: 390/3/C, West Rampura,Dhaka						July,2013	Application was accepted and the union received its registration on July 30,2013		Management sponsored union.
26.	Rupa Sweater Ltd. Address: 380/1-3, East Rampura,Dhaka-1219 Buyer: Terranova, OZONO, French Connection	Rupa Sweater Ltd. Workers Union Address: 11, Purana Pallan, Ibrahim Mansion, Fifth Floor, Room No-505, Dhaka-1000).	350	234	69%	May 08,2013	May 15,2013	May 28,2013	Application was accepted and the union received its registration on July 24,2013	Bangladesh Federation of Workers Solidarity (BfWS)	
27.	Valiant Garments Ltd. Address: 3520/A, Kakrhat Road, Chandgoan, Chittagong Buyer: Wal Mart	Valiant Garments Ltd. Workers Union Address: 2 No. Miller Matha, South Middle Halli Shahar, P/O: Bandar, P/S: Bandar, Chittagong	280	130	46%	May 31,2013	June 07,2013	June 12,2013	Application was accepted and the union received its registration on July 15,2013	Bangladesh Independent Garment Workers Union Federation (BIGUF) Chittagong	
28.	Success Fashion Ltd. Address: 1/Ga Middle Bashabo, PO-Subjbag,Dhaka	Success Fashion Ltd. Workers Union Address: 31, Topkhana Road, Dhaka.	300	140	46%	April 10,2013	May 03,2013	May 13,2013	Application was accepted and the union received its registration on July 14,2013	National Garment Workers Federation (NGWF)	
29.	Eagle Eyes Design Ltd. Address: 807, Kalameshawr, Board Bazar, Joydebpur, Gazipur	Eagle Eyes Design Ltd. Workers Union Address: House of A. Majid (Rtd. Honorary Captain), Board Bazar, National University, Joydevpur, Gazipur.	250	134	54%	March 15,2013	March 29,2013	April 11, 2013	Application was accepted and the union received its registration on June 23,2013	Bangladesh Independent Garment Workers Union Federation (BIGUF)	
30.	Apcot Apparels Ltd. Address: Dhaka	Apcot Apparels Ltd. Workers Employees Union						April,2013	Application was accepted and the union received its registration on	United Federation of Garment Workers (UFGW) **	

	Inter Link Accessories Ltd. Address Dhaka	Inter Link Accessories Ltd. Workers Employees Union					April, 2013	May 07, 2013	United Federation of Garment Workers (UFGW)*4	
31.	Jessica Apparels Ltd. (Faham Group) Address: 2/1, East Rampura, D.I.T Road, Dhaka-1219 Buyer: Spring Field	Jessica Apparels Ltd. Workers Union	574	282	49%	April 07, 2013	April 14, 2013	April 22, 2013	Application was accepted and the union received its registration on May 05, 2013	Bangladesh Federation of Workers Solidarity (BFWs)
32.	Massco Industries Ltd. (Massco Group) Resubmitted Address: Kharaili, Sataish Road, Tongi, Gazipur. Buyer: Auto, C&A, H&M, Tchibo	Massco Industries Ltd. Workers Unity Union Address: House of A. Majid (Rtd. Honorary Captain), Board Bazar, National University, Joydevpur, Gazipur.	650	280	43%	April 14, 2013	April 19, 2013	April 21, 2013	Application was accepted and the union received its registration on June 05, 2013	Bangladesh Independent Garment Workers Union Federation (BIGUF)
33.	Massco G-01 Industries Ltd. Gazipura, Tongi, Gazipur	Massco G-01 Workers Union		269				May, 2013	The application was accepted and the Union received its registration on June 27, 2013	
34.	Pandora Fashion Ltd.	Pandora Fashion Ltd. Workers Welfare Union Board Bazar		579				June, 2013	The application was accepted and the Union received its registration on June 27, 2013	
35.										Management sponsored union and the president of National Workers League (NSL) persuaded ICL to get the registration. The information collected from JDL. Rest of the information is not available. Management sponsored union and one management official Mr. A Rahim has taken the initiatives to register this union so that workers will not

	Pandora Sweaters Ltd. Unit-2	Pandora Sweaters Ltd. Unit-2 Labor Union		610				May, 2013	The application was accepted and the Union received its registration on June 27, 2013	have the opportunity in future to form their own independent unions in any of the companies. The information collected from JDL. Rest of the information is not available.
36.										Management sponsored union and one management official Mr. A Rahim has taken the initiatives to register the union so that workers will not have the opportunity in future to form their own independent unions in any of the companies.
37.	Pandora Sweaters Ltd.	Pandora Sweaters Ltd. Workers & Employees Union		681				May, 2013	The application was accepted and the Union received its registration on June 27, 2013	Management sponsored union and one management official Mr. A Rahim has taken the initiatives to register this union so that workers will not have the opportunity in future to form their own independent unions in any of the companies.

44.	Glory Fashion Ltd. H-79, Block-L, New Airport Road, Dhaka	Glory Fashion Ltd. Workers Employees Union	198				March 07, 2013	The application was accepted and the Union received its registration on March 21, 2013.	United Federation of Garment Workers (UFGW)**	
45.	Invent Clothing Ltd, Chittagong	Invent Clothing Ltd. Workers Union					March, 2013	The application was accepted and the Union received its registration on March, 2013.	United Federation of Garment Workers (UFGW)**	
46.	Natural Apparels Ltd. (Natural Group) Address: 464 West Rampura, Mollah Tower Buyer H & M	Natural Apparels Ltd. Workers Union Address: House-446 (Ground Floor), West Rampura, Dhaka-1219	1050	451	43%	February 03, 2013	February 17, 2013	February 25, 2013	The application was accepted and the Union received its registration on April 29, 2013.	Bangladesh Garment and Industrial Workers Federation (BGIWF)
47.	Essex Ltd. Address: 384, Rampura, Dhaka- 1219 Buyers:	Essex Ltd. Ltd. Workers Union Address: House-446 (Ground Floor), West Rampura, Dhaka-1219	260	121	47%	February 03, 2013	February 13, 2013	The application was accepted and the Union received its registration on March 21, 2013.	Bangladesh Garment and Industrial Workers Federation (BGIWF)	
48.	Nor West Industries Ltd. Address: 517/2, Road-10, DOHS (WEST), Baridhara, Dhaka. Buyers: Union Works, North Point, Laguna Vintage, Boston Crew, Essential Clothing Wear	Nor West Industries Sramik Kamachari Union. Address: 31, Topkhana Road, Dhaka.	110	51	46%	January 15, 2013	February 11, 2013	The application was accepted and the Union received its registration on March 20, 2013.	National Garments Workers Federation (NGWF)	
49.	Stage II Ltd. (Lucky Group) Managing Director Mr. Emdadul Haque Chowdhury	Stage II Ltd. Workers/Sramik Union, Address: 2 No, Mier Matha, South	362	152	42%	February 01, 13	February 10, 2013	The application was accepted and the Union received its registration on	Bangladesh Independent Garment Workers Union	

	<p>Address of the Establishment: Rifel Club Complex, K.C. Dey Road, Chittagong.</p> <p>Address of the Corporate Office: Juke Shopping Complex (2nd Floor) 316, SK Mujib Road, Agrabad, Chittagong</p> <p>Buyers: LI & Fung</p>	Middle Halli Shahar, P/O: Bandar, P/S: Bandar, Chittagong.									March 11, 2013.	Federation, (BIGUF)- Chittagong	
	<p>Ware and Style Ltd.</p> <p>Address: 137/A, Tejgaon I/A, Dhaka.</p> <p>Buyers:</p>	Ware and Style Ltd. Sramik Karmachari Union, Dhaka. <p>Address: 31, Topkhana Road, Dhaka.</p>	268	111	41%	January 20, 2013	February 10, 2013	The application was accepted and the Union received its registration on March 20, 2013.	National Garments Workers Federation (NGWF)				
50.	<p>New Morning Apparels Ltd. (Choice Group)</p> <p>Address: 38, Panchalash R/A, Chittagong.</p> <p>Chairman: SM Fazlul Haque</p> <p>Buyers: Sunman Apparel Ltd (Sunman Group)</p>	New Morning Apparels Ltd. Sromik Union/ New Morning Apparels Ltd. Workers Union <p>Address: 283 D.T Road, Dewan Hat, Post Office: Pathan Tuli, Thana: Double Morning, Chittagong)</p>	120	81	67%	December 08, 2012	February 03, 2013	The application was accepted and the Union received its registration on March 03, 2013.	Bangladesh Garment and Industrial Workers Federation (BIGWI)- Chittagong				
51.	<p>Buyers: Sunman Apparel Ltd (Sunman Group)</p> <p>Address: 103, Dewan Hat, Doublenooring, Chittagong.</p> <p>Buyers: Carter (LI&Fung), Deluxe</p> <p>Group Buyer: LI&Fung, H&M, GAP, PVH.</p>	2 No. Miller Matha, South Middle Halli Shahar, P.O: Bandar, P.S: Bandar, Chittagong	466	248	53%	January 11, 2013	January 19, 2013	Application accepted on March 19, 2013 as Sunflower Garments Ltd. Employees Union. P/S. see the highlighted for explanation.	Bangladesh Independent Garment Workers Federation, (BIGUF) - Chittagong			After the submission of registration application by Sunman Apparel Ltd. Workers Union, the management of Sunman Group transferred the workers of Sunman Apparels Ltd. and Quasam Saywone Co. Ltd to its other company	
52.													

	Address: 473, North Ibrahimpur (5 th & 6 th floor), Kafurl, Dhaka-1216. Buyers: Wal Mart	Address: House #3, Avenue #2, Block #A, Section #11, Mirpur, Pallabi, Dhaka-1216.	300	180	60%	November 04, 2012	December 18, 2012	The application was accepted and the Union received its registration on February 14, 2013	Garment Workers Union Federation- (BIGUF)	permanently closed the factory after September 15, 2013.	
56.	Address: Lucid Apparel's Ltd. (Luman Group) Address: 13, D.I.T Road, Mallbagh Chowdhury Para, Dhaka-1219 Buyers: Charming Shop, Amerex	Address: House-446 (Ground Floor), West Rampura, Dhaka-1219	300	160	53%	November 30, 2012	December 07, 2012	December 17, 2012	The application was accepted and the Union received its registration on Feb 03, 2013.	Bangladesh Independent Garment Workers Union Federation- (BIGUF)- Chittagong	
57.	Address: Valiant Fashion Wear Ltd. Buyers: WAL MART	Address: 2 Mailer Matha (Opposite to New Mosque) P.O: Bandar, P.S: Bandar, District: Chittagong.	300	150	45%	November 02, 2012	November 23, 2012	December 02, 2012	The application was accepted and the Union received its registration on January 30, 2013	Bangladesh Independent Garment Workers Union Federation- (BIGUF)	The factory management issued notice that they will not operate factory after January, 2014 as H & M pulled their order from the factory citing the problems of shared building.
58.	Address: Joy Auto Printing and Garments Ltd. Address: Plot No. 14, Road No. 03, Block-A, Section-11, Pallabi, Dhaka. Buyers: H & M, OK (Okaidi), Bigbee	Address: Plot No. 03, Avenue-2, Block-A, Section-11, Mirpur, Pallabi, Dhaka	150	70	48%	August 31, 2012	September 16, 2012	September 23, 2012	The application was accepted and the Union received its registration on November 27, 2012	Bangladesh Federation of Workers Solidarity (BFWs).	
59.	Address: Nice Apparel's Inds. Ltd. Address: 385/5/1-C, East Rampura, Banasri, Dhaka 1219. Address of the Corporate Office: House No.08, Road No.13, Sector No. 03,	Address: Nice Apparel's Inds. Ltd. Stromik Union/ Nice Apparel's Inds. Ltd. Workers Union Address: 11, Purana Paltan, Ibrahim Mansion, Fifth Floor, Room No-505, Dhaka-1000.	222	107		August 31, 2012	September 16, 2012	September 23, 2012	The application was accepted and the Union received its registration on November 27, 2012	Bangladesh Federation of Workers Solidarity (BFWs).	

	Urrara, Dhaka-1230, Bangladesh Phone : (+88 02) 8923670 (Hot Line) Fax : (+88 02) 8913701, 891648																			
	BUYERS: H & M, Hema, LDLE, George, ZARA, Trutex, and Tesco																			
60.	Address: Gaus Apparels Ltd.																			
	Address: Global Trousers Ltd. (Azim Group)	Global Trousers Ltd. Workers Union.	1200	428	35.66%	June 24, 2011	July 20, 2011	The application was accepted and the Union received its registration in January 2013.	Bangladesh Trade Union Center (TUCC) ** Chittagong	Management has filed a writ Petition No. 5158 before the High Court. High Court on September 28, 2012 stayed the operation of the union for a period of three months, which was later extended for another six months.										
61.	Address: 1/1, Kalurghat Heavy Industrial Area, Mohora, Chandgaon, Chittagong)	Address: 2 Maler Matha (Opposite to New Mosque) P. O: Bandar, P.S. Bandar, District: Chittagong.																		
	BUYERS: Kohls																			

** Not SC/BGD Partners.

APPENDIX 3

List of Registered Unions Experiencing Anti-Union Campaigns

Sl. NO	Particulars of the Company	Name and Address of the Union	Total No. of Workers	Number of Members of the Union	Percentage of the Workers in the Union	Registration Status	Name of the Federation Organized the Union.	Comments
1.	Redical Design Ltd. <u>Address:</u> Shibu Market, Kutubail, Farulla, NarayanGonj	Redical Design Ltd. Workers Employees Union <u>Address:</u> 31/F, Topkhana Road (Ground Floor), Dhaka	930	370	38%	Application pending	National Garment Workers Federation (NGWF)	On November 04, 2013, the management temporarily suspended 11 union members, including committee members. On November 05, 2013, the workers stopped work after knowing this and demanded the reinstatement of the workers. Management closed the factory for an indefinite period because of the workers' strike.
2	Basic Apparels Ltd. <u>Address:</u> Plot 135-138 (1 st and 2 nd Floor), Abulhabpur, Thar a, Dhaka-1230	Basic Apparels Ltd. Workers Employees Union <u>Address:</u> 31/F, Topkhana Road (Ground Floor), Dhaka	1650	550	65%	Application pending, submitted application on September 29, 2013	National Garment Workers Federation (NGWF)	After the union submitted for registration, management terminated 72 workers/members, including the three executive committee members of the union on October 06, 2013. The management called and instructed them to go an office in Gazipur. In that office, some people paid them three months' salary and had them sign salary sheets. Local goons were present during the payment.
3	The Wellex Ltd. <u>Address:</u> Mulaid, Moana, Stripur, Gazipur Bangladesh <u>Buyer</u> H&M	The Wellex Ltd. Workers Union <u>Address:</u> Ka-22, Kuril Bishaw Road, Badda, Dhaka-1219	1200	570	48%	Application was accepted and the union received its registration on October 27, 2013	Bangladesh National Garment Workers Employees League (BNGWEL)	The factory authority was provoking workers to refrain from union activities since the union submitted for registration. In this situation, management took forced signatures from about 16 workers on blank paper in September, 2013 (these signed papers are used to write false documents, like resignation letters). Some of the workers were also forced to resign. The union informed the JDL and requested to file an unfair labor practice case. On October 23, 2013, on the opening day of the factory after Eid, ██████████ General Secretary of the union and three other active union members went to work, but they were

							<p>obstructed by the factory authority. Their photos were hung on the factory gate and they were not allowed to join work because of they helped form the union. A letter was sent BGMFA on October 24, 2013 informing them of this incident.</p> <p>After that, the factory management issued a letter to [redacted] village address, which he received on October 27, 2013, where they mentioned that he was terminated by the factory and to collect payment as soon as he received the letter, which is violation of section 195 Bangladesh Labor Law-2006. A complaint was filed at the JDL office.</p> <p>On November 09, 2013, the management forced the President of the union to sign a blank paper and terminated her.</p>
<p>4. Vobs Apparels Ltd. <u>Address:</u> Hemayetpur, Savar</p>	<p>Vobs Apparels Workers Employees Union <u>Address:</u> 31, Topkhana Road, Dhaka.</p>	420	154	36%	<p>Application accepted on September 12, 2013</p>	<p>National Garment Workers Federation (NGWF)</p>	<p>On October 10, 2013, management terminated five committee members of the union by taking forced signatures on resignation letters and other papers after paying only their due salaries in the presence of local goons.</p>
<p>5. Rumana Fashion Ltd. <u>Address:</u> Choydana National University, Joydebpur, Gozipur Buyer</p>	<p>Rumana Fashion Ltd. Workers Union <u>Address:</u> House of A. Majid (Rtd. Honorary Captain), Board Bazar, National University, Joydebpur, Gazipur.</p>	550	185	36%	<p>Application was accepted and the union received its registration on August 25, 2013</p>	<p>Bangladesh Independent Garment Workers Union Federation (BIGUF)</p>	<p>Fashion Suit and Trousers Ltd. Workers Union (FSTLU) and Rumana Fashion Ltd Workers Union (RFLWU) are the concerns of East West Group located in the same building. The management of Fashion Suit and Trousers Ltd. and Rumana Fashion Ltd. have started harassing the leaders and members of the union after coming to know about the submission of union registration applications by increasing the work pressure, fining so-called fault in work without any reason, verbal harassment etc. When the workers refused to refrain from union activities despite these harassments, the management suspended a committee member of RFLWU and transferred six committee member of both unions to another factory. BIGUF informed the buyers of the factory, H&M, Sainsbury and Next, and IndusriAll. After that, management agreed to sit with BIGUF and meet on September 26, 2013. According to the discussion</p>

	H&M							and decision, management took following steps: 1. The management reinstated Panama on September 27, 2013. 2. The six workers who were transferred to Aliza while the union application was pending were rehired by the management at Rumana and Fashion suit and started work from September 28, 2013. They also agreed that they will discuss with BIGUF if any problems arise and will solve the problems mutually. In the meantime BIGUF came to know that management filed a case against nine workers (from different units—one each from Rumana Fashion and Fashion Suit Ltd.) on September 03, 2013 for a case incident which took place last June 12, 2013 in which they complained workers vandalized the factory. Again, BIGUF talked with management regarding the case and management informed them that they will withdraw the case, but it would take some time as they filed the case for insurance purposes. The charged workers are still working in the factory. The management filed the case after both unions received registration. BIGUF assumed that management filed the case to keep the workers in fear, as BIGUF is organizing other units of the group.
6.	Fashion Suit Ltd. East West Group <u>Address:</u> Choydana National University, Joydebpur, Gozipur	Fashion Suit Ltd. <u>Address:</u> House of A. Majid (Rtd. Honorary Captain), Board Bazar, National University, Joydevpur, Gazipur.	600	208	34%	Application was accepted and the union received its registration on August 25, 2013	Bangladesh Independent Workers Union Federation. (BIGUF)	
7.	Massee Industries Ltd.(Massee Group) Resubmitted <u>Address:</u> Kharail, Satish Road, Tongi, Gazipur. <u>Byer</u> Auto, C&A, H&M, Taltbo	Massee Industries Ltd. Workers Union <u>Address:</u> House of A. Majid (Rtd. Honorary Captain), Board Bazar, National University, Joydevpur, Gazipur.	650	280	43%	Application was accepted and the union received its registration on June 05, 2013	Bangladesh Independent Garment Workers Union Federation. (BIGUF)	The workers/union members are facing problems (supervisors misbehaving, imposing excessive quota pressures on the workers, threatening workers, etc.) from management almost every day. The committee and active union members are under surveillance by management. For example, if any of the members goes to the toilet, a supervisor or line chief follows them. The management supported another group of workers to form a union and is using that union and participation committee against this union. Management prefers the participation committee to solve the workers' problems despite of having a union.
8.	Eagle Eyes Design Ltd.	Eagle Eyes Design Ltd. Workers	250	134	54%	Application was accepted and the union	Bangladesh Independent Garment	Four of the committee members were illegally terminated on May, 2013. BIGUF is working nationally and internationally to reinstate them, such as informing the IDL about the termination

	Address: 807, Kolomeshawer, Board Bazar, Joydebpur, Gazipur	Address: Union House of A. Majid (Rtd. Honorary Captain), Board Bazar, National University, Joydevpur, Gazipur.					received its registration on June 23, 2013	Workers Union Federation (BIGUF)	and requesting to file an unfair labor practice case against management on May 26, 2013. The JDL conducted an investigation, but they did not file the case yet. The management again suspended 15 workers/union members on June 07, 2013. BIGUF also informed IndusriAll and sent a letter to the buyer (a Turkish buyer) but has not received any response yet.
9.	Sadia Garments Ltd. Address: 391, DIF Road, West Rampura, Rampura, Dhaka- 1219 Buyers: Wal Mart, Collins	Sadia Garments Ltd. Workers Union Address: H. Purana Palhan, Ibrahim Mansion, Fifth Floor, Room No-505, Dhaka- 1000.	672	337	50%		Application was accepted and the union received its registration on May 16, 2013	Bangladesh Federation of Workers Solidarity (BFWSS)	The GS of the union was beaten and ousted from the factory, and most of the committee members were forced to sign resignation papers. The union is inactive and was harassed by management. Management formed another union.
10.	Global Trousers Ltd. (Azim Group) Address: 11, Kalurghat Heavy Industrial Area, Mohora, Chandgaon.	Global Trousers Ltd. Workers Union. Address: 2 Mahter Matha (Opposite to New Mosque) P.O: Bandar, P.S: Bandar, District:	1200	428	35.66%		The application was accepted and the Union received its registration on August 18, 2011	Bangladesh Independent Garment workers Union Federation (BIGUF)- Chittagong	Management has filed a Writ Petition No. 8168 before the High Court. The High Court on September 28, 2012 stayed the operation of the union for a period of three months, which was later extended for another six months. Update: The case is still pending in the court. The union cannot run any activities in the factory.

