

WOMEN SITUATION AT WORKPLACE : A CASE STUDY OF BANGLADESH

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Abstract

Women's lives have changed tremendously in Bangladesh over the last 47 years, and in many ways have improved. The RMG industry has provided the first mass formal employment for women in Bangladesh, and growth in the sector is expected to continue to expand employment opportunities. Attitudes inevitably have changed as women working outside the home have gone from being an anomaly to a core part of the Bangladesh economy. Nonetheless, female labor force participation remains very low by international standards and while women's education to higher secondary level and above is now widespread, well-educated women face frighteningly high unemployment rates, much higher than for men with comparable education. Providing full legal economic rights to women, and fully enforcing those rights, is a critical step: it provides a strong signal about the direction of the country and may help to make discrimination against women less socially acceptable. Changing laws is also a low-cost endeavor. Protection of women's employment rights with respect to changes in family status is particularly important. Working women in Bangladesh are mainly being discriminated in payment, being sexually harassed at workplace and they also can not enjoy maternity facilities which they are entitled for by laws. The forms of discriminations and harassment should identify and should be eradicate from workplace to ensure a safe and discrimination free workplace, where they can contribute in the economy.

Keywords: *Women, Workplace, Case Study, Bangladesh, Discrimination, Harassment*

Women's employment at export-oriented industries has narrowed the gender gap in many fields of Bangladesh. Women are directly participating in labor force, gaining social prestige and control over income and decision making. In recent years, the developing countries of the world including Bangladesh have forced attention on the most backward group in the society, the women. Realization has gradually intensified. The society cannot afford to waste half of its human resource by discriminating on the ground of sex. Equality should be established in all spheres particularly in economic activities focusing on their employment development.

A large number of women currently constitute a part of the workforce of Bangladesh. The rate of increase of the female workforce is higher than that of the male workforce. During 1996-2000, the increase for male worker was only 1.2 percent whereas the increase for female worker was 14.4 percent. It is a symbol of change in the social system of Bangladesh. The pitfall of female employment is that about 80 percent of these women workers do not have any formal education and are engaged in unskilled family labour and only about 20 percent of them are engaged in paid jobs.

Women's working mentality and opportunities are increasing gradually in Bangladesh despite challenges and constraints due to the lack of congenial working environment. The term 'environment' includes many factors like physical, chemical and biotic elements which influence life of anything living in the material world. In term of human beings, it is the aggregated social and cultural conditions that have positive and negative impacts on the life of an individual or a group of people. Better working environment encourages the individuals to stay in their organization for a long period

of time. The issue is more important for a woman as she needs some sort of extra care, facilities and protection in their workplace. Working women in Bangladesh are mainly being discriminated for payment, being sexually harassed at workplace and they also can not enjoy maternity facilities which they are entitled for. This paper focused on different forms of discrimination to women at workplace, how these are being practiced and what are the legal tools to eliminate those discriminations.

Equal Pay

The 2006 Bangladesh Labour Act (BLA) was amended in 2013 to align it closer with international labour standards. It incorporated provisions to protect workers' rights including the right to form trade unions without informing employers and improving occupational health and safety conditions. The Bangladesh Labour Rules 2015 were put in place in order to ensure better implementation of the BLA.

In practice, however, Bangladesh ranks among the top 10 worst countries with regards to workers' rights. The Global Rights Index 2017 report by the International Trade Union Confederation cited numerous cases of detention of union leaders and workers' rights advocates and criminal complaints filed against, and suspension of, workers following strikes.

Equally concerning as the lack of workers' voice is the ever-present risk of accidents, injury and deaths at the workplace. A report by the Bangladesh Occupational Safety, Health and Environment (OSHE) Foundation counted 1,242 casualties and 371 injured as a result of accidents in the workplace last year.

Female participation in the workforce currently stands at 29.1 percent, according to World Bank 2017 figures. With female workers dominating certain sectors such as readymade garments and domestic work, we take a look at how well they are protected by the law.

Legal Mechanism

Bangladesh has ratified seven out of the eight fundamental ILO conventions. One of these core labour conventions upholds the rights of female workers to equal remuneration as their male counterparts.

While the international standard of equal pay for equal work is reflected in the Bangladesh Labour Act (BLA), the gender pay gap continues to flourish, particularly in the informal sector.

The BLA offers limited protection with only the following provisions—women cannot be forced to work between 10 pm at night and 6 am in the morning without their consent and there can be no indecent behavior towards female workers in the workplace.

In 2009, a High Court ruling in response to a petition filed by the Bangladesh National Women Lawyers' Association (BNWLA) set out guidelines for protection against sexual harassment at workplaces and other institutions. It defined what constitutes sexual harassment and asked authorities to set up sexual harassment complaint centers at all workplaces. While this set a legal precedent, this ruling is still not widely implemented.

Maternity protection

Internationally, workplace safety and health standards for pregnant and nursing mothers are high. Under the ILO conventions, they cannot be compelled to do work that poses a significant risk to the mother's and/or child's health.

The domestic scenario is not as comprehensive. The only allowance is that women who will have a child within 10 weeks or had a child in the past 10 weeks (to the knowledge of the employer), are exempt from “arduous” work, work requiring them to be on their feet for a long time or any other work likely to harm their health. The BLA does not make any other specific provisions for female workers with regards to workplace safety and health.

Bangladesh has not signed the ILO convention on maternity protection—which allows for at least 18 weeks of maternity leave and an additional compulsory six weeks’ leave after childbirth or more, in the case of complications.

In comparison, the BLA provides for 16 weeks of maternity leave—eight weeks prior to, and eight weeks following, delivery. Further time off for any complications after birth is not an option for Bangladesh’s working women.

The ILO’s maternity protection convention stipulates that female workers are entitled to a cash benefit that is sufficient to provide for both mother and child. In the Bangladeshi context, female workers are entitled to maternity benefit provided they have been at that job for at least six months before delivery. The amount of payment is an average of their wages, with no scope for assessment as to whether this amount is adequate for both mother and child.

What does stand out in national labour law is that this maternity pay, in the case of the death of the worker, will be paid to her child or child’s carer. In this regard, the BLA goes above and beyond international standards in providing protection to the worker’s child.

New mothers are also entitled to nursing breaks at the workplace under this ILO convention. While the BLA has provisions for a separate room for nursing at the workplace, breaks are not mandated as under international law.

Internationally, employers have a legal responsibility towards not just the female worker but also her family members. Thus, childcare facilities are a must at the workplace according to international labour standards. However, Bangladesh is not signatory to this particular convention on workers with family responsibilities.

Nationally, childcare facilities are only mandatory at relatively larger workplaces, with 40 or a higher number of workers, for children up to six years of age. In comparison, international standards require childcare facilities regardless of the size of the workplace.

Laws & Policies

A comparison of our labour laws and international standards reveals that while national laws generally align with the ILO core conventions, low enforcement leads to limited protection for workers. The law also excludes workers in informal settings from these protections, limited as they are.

How well female workers in particular are protected by the law is shown by the fact that two ILO conventions specific to female workers, those on maternity protection and workers with family responsibilities, are yet to be ratified by Bangladesh.

Where recourse does exist, other problems arise. Labour rights organisations and labour law experts highlight lack of awareness in addition to lack of implementation as major drawbacks.

What little complaints mechanisms exist are not being used by female workers. If the effectiveness of these mechanisms can be demonstrated, female workers will be more confident in approaching authorities to make complaints, as is their right.

Problems arise at court too. The labour courts are backlogged with cases and there is only one labour appeals court in the country. These represent further drawbacks to workers in general from getting justice in the labour courts.

Sexual Harassment at Workplace

Over the last two decades, sexual harassment received much attention as both a social and a legal problem. Rights groups across the globe have mobilised around the issue, pressuring individual governments as well as international institutions to take action. For instance, in 1979, United Nations Convention for the Elimination of all forms of Violence Against Women included sexual harassment in its definition of violence. In 1992, the International Confederation of Trade Unions adopted a resolution recognizing sexual harassment as a legitimate trade union issue.

The most obvious cause for sexual violence, including harassment, is unequal power relations in society as a whole. However, contemporary forms of harassment have a more proximate cause — the increasing numbers of women who are entering the workforce. A technical report of the ILO compiled in 2001 noted that the scale of sexual harassment increased considerably in the last two decades. During that period, women have come to constitute an increasing share of the world's labor force, at least one-third in all regions except Northern Africa and Western Asia. In most of Asia, the share is even higher.

Workers in Asia are typically employed in a narrow range of occupations, characterised by high job insecurity, low pay, bad working conditions, low status and minimal bargaining power. These characteristics enhance the risk of workers being subjected to sexual harassment. The ILO report further noted that those at particular risk of harassment include women in male-dominated occupations or in situations where a large number of women are supervised by a small number of men.

Workers in temporary, casual or part-time work are also vulnerable. The report, therefore, points to the connections between globalisation and its attendant flexible modes of production and the precarious working conditions associated with sexual harassment. Working women in Bangladesh face a double jeopardy when it comes to sexual harassment. Not only are they vulnerable to physical, verbal and sexual abuse inside the workplace but they are also frequently subjected to harassment in “public” places, as they commute to and from work. Women from impoverished backgrounds are most often subjected to this dual harassment, which derives much of its legitimacy from culturally dominant associations between promiscuity and women's public visibility.

Very little empirical or qualitative data on sexual harassment is available in Bangladesh, although the topic comes up in studies of industrial workers. A survey of health and safety regulations in the garment industry found that sexual harassment likely to be the most dominant source of stress for garment workers (Nazma Begum 2000). Another survey by the Bangladesh Institute of Labour Studies (BILS), based on news reports in 12 national dailies, reveals that at least 51 women working in the

industrial and service sectors were raped in the first six months of the past year. Rape is only the most extreme form of sexual harassment; its frequency an index of generalised attitudes of hostility toward and harassment of women workers. She felt that, statistics drawn from newspapers only capture those incidents that have been reported officially. One can assume that there is considerable under reporting of such incidences.

The Law & Workers' Rights

In theory, unions should be able to provide access to justice for workers subjected to sexual harassment. In reality, neither the electronics nor the apparel sector has viable unions that are willing to negotiate on behalf of women workers. Workers themselves have minimal or no knowledge of labor laws or the law against sexual harassment. Legal provisions in the Employment of Labour (Standing Orders), Act of 1965 should protect workers from unlawful dismissal. However, enforcement of the law is practically non-existent. "The Nari o Shishu Nirjaton Domon Ain" of 2000 also contains a section on sexual harassment although it does not mention harassment in the workplace specifically.

High Court Division of Supreme Court of Bangladesh in Writ Petition No. 5916 of 2008¹ issued a guideline to form a Sexual Harassment Prevention Committee at every work place in Bangladesh. Where court directed that, (a) In all work places and educational institutions in both public and private sectors, the Concerned Authority will constitute a Complaint Committee in order to receive complaints, and to conduct investigation and make recommendations. (b) The Complaint Committee will have minimum five members and majority of the members will be women. The head of the Complaint Committee should be a woman, if available. (c) The Complaint Committee should have at least two members from outside the organization concerned, preferably from organizations working on gender issues and sexual abuse. (d) The Complaint Committees will submit annual reports to the Government on the compliance of these guidelines. But it is very unfortunate that, very few number of industries or factories follow that guideline.

Conclusion

Special provision such as gender equality can help women to overcome these constraints and challenges. The mentality of treating women as weak, dependent, subordinate and emotion must have to avoid. In workplace, gender-friendly and cooperative environment have to be established. Male employers should try to provide suitable working environment to make sure that there is no unfriendly atmosphere for female employees. If at any case she needs to stay longer at office to complete assignments, the office authority should take extra care for their security and safety. On the other hand, higher management should take some steps to make a healthy and conducive working environment for ladies and also ensure equal wages without gender discrimination. Therefore, the government of Bangladesh should have specific policy on gender issues equally applicable to all working sector in order to ensure equal rights for both gender and at the same time they need to ensure protection against any form of discrimination against women.

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(Footnotes)

¹ Bangladesh national women lawyers association (bnwla) vs. Bangladesh and others, 14 blc (2009) 694