

DEWAN AFRINA SULTANA

## Law to Combat Harassment in Bangladesh RMG Industry

### ABSTRACT

In 2014, the apparel sector employed approximately 60 to 75 million people worldwide. It is a significant, expanding sector driven by powerful retailers and marketers. Women account for at least three-quarters of all garment workers worldwide, making the garment industry a significant source of formal employment for women. Workplace harassment against both men and women is a widespread problem that affects all industries and occupations. It is especially prevalent in the garment industry, where many women work in lower-paying, lower-power positions. Bangladesh's Ready-Made Garment (RMG) industry plays a major role in the global apparel industry, ranking as the world's second-largest supplier of ready-made garments. The industry employs over 4 million people, with 80 percent of them being women. Harassment is prevalent in the RMG sector for all workers, with female workers specifically encountering sexual harassment due to their gender. The article will concentrate on the underlying causes of harassment and evaluate the adequacy of labour and national laws, exploring gaps in both legislation and their implementation. It will also provide recommendations for amending existing laws and enacting new legislation to enhance the safety and security of female workers in factory environments.

**Keywords:** harassment ■ sexual harassment ■ Bangladesh RMG ■ female workers

### I. INTRODUCTION

The garment sector is a global and growing industry, driven by large retailers and marketers and employed between 60 to 75 million people worldwide in 2014. The garment industry provides a significant number of formal job opportunities for women. At least 75% of the global workforce in the garment sector are female.<sup>[1]</sup> It is particularly perva-

[1] Morris - Rickard, 2019.

sive in the garment industry, where a large number of women are employed in lower-paid, lower-power positions.<sup>[2]</sup> Both men and women experience harassment in the RMG factories, including verbal and physical violence. Unfortunately, women only experience sexual harassment because of their gender. All sorts of harassment have a negative effect on the personal and professional lives of female RMG workers. This paper aims to identify the reasons why harassment occurs in the RMG factories. The types and forms of harassment experienced by female workers were examined, scrutinising both Bangladesh's national and labour laws aimed at safeguarding female workers from harassment in factories. The research delved into the implementation of these laws and identified gaps in their coverage. Despite the absence of a specific law addressing workplace harassment in Bangladesh, the country is a signatory member of ILO. It is now time for Bangladesh to ratify the ILO Convention No. 190 on harassment in the workplace.

## II. METHODOLOGY

The research was conducted by qualitative methods. First, the analysis involved gathering information from previous research, relevant scholarly articles, and reports of international organisations and NGOs. Such as the Fare Ware Foundation (FWF), Better Work (BW), Manusher Jono Foundation (MJF), Action Aid, Kormojibi Nari (KN) and ILO, as well as newspaper articles on harassment issues in the Bangladesh RMG industry. Additionally, there was a scrutiny of pertinent legislation, regulations, and court rulings concerning sexual harassment in the workplace and associated issues.

## III. ROOT CAUSES OF HARASSMENT IN RMG FACTORIES

Following China, Bangladesh is the world's second-largest exporter of ready garments. Since its journey began in the 1970s, the Bangladesh RMG sector has opened doors for many women in formal employment and changed their socio-economic conditions.<sup>[3]</sup> However, along with women empowerment, the RMG industries exposed women workers to workplace harassment. In contrast, harassment at home and on the street is very significant for women in the male-dominated society in Bangladesh.<sup>[4]</sup> Harassment in the workplace, specifically sexual

[2] FWF (Fair Wear Foundation): Breaking the silence: The FWF violence and harassment prevention programme, 2018.

[3] Mahmud – Kabeer, 2003, 277-289.

[4] Hossen – Osmani, 2018, 277-289.

harassment against women, is a global issue. In Bangladesh RMG industries, verbal, physical and sexual harassment are more significant problems than in other industries. Most of the workforce in the sector are women, and various reasons subject them to sexual harassment. Women in RMG are typically employed in a restricted variety of jobs characterised by significant job instability, low pay, terrible working conditions, low rank, and minimal negotiating power. These characteristics enhance the jeopardy of workers being subjected to harassment.

Moreover, female workers originate from low-income rural families and are underprivileged.<sup>[5]</sup> RMG industries exploited them as a cheap source of labour.<sup>[6]</sup> This relatively young age is partly to blame for harassment by co-workers, the police, and neighbourhood gangs outside the factory.<sup>[7]</sup> A large number of women workers under few male supervisors and managers and a high production target, night shift work exposed the female workers to sexual harassment by supervisors and managers at the factories.<sup>[8]</sup> The level of education and lack of knowledge about their labour rights and laws are also significant causes of harassment female RMG workers face.

#### IV. HARASSMENT AT RMG FACTORIES

Harassment at RMG factories has three different forms: verbal, physical and sexual abuse<sup>[9]</sup>. For both men and women, verbal and physical harassment are common in the industry. As per the ILO report, almost 61.7 percent of workers face harassment at the RMG factories in Bangladesh.<sup>[10]</sup> Among 4 million female workers, 80 percent of them are subject to verbal and physical abuse.<sup>[11]</sup>

##### 1. Verbal Harassment

As it is a common type of harassment, directed by shouting the use of local slang language, specifically on women workers, the use of slang is subject to gender. Suggestions to become a prostitute or calling them prostitutes is very common in the industries.<sup>[12]</sup> Analysing different survey reports, table 1 illustrates the scenario of verbal abuse.

[5] Mustafa – Islam, M.S. – Islam, S. – Khatun, M., 2016, 1-10.

[6] Halim – Kabir, 2005, 29-44.

[7] Ali – Begum – Salehim – Farid, 2008.

[8] Centre for Policy Dialogue (CPD) report 2004.

[9] ILO: Improving Working Conditions..., 2019.

[10] ILO and UN Women: Understanding the Gender Composition..., 2020.

[11] Fair Wear Foundation: Standing Firm Against Factory Floor Harassment, 2013, 11.

[12] Fair Wear Foundation: Standing Firm Against Factory Floor Harassment, 2013, 9.

Types	FWF 2013 <sup>[13]</sup>	ILO 2020 <sup>[14]</sup>	Kormojibi Nari 2019 <sup>[15]</sup>	Kormojibi Nari 2021 <sup>[16]</sup>
Shouting, threatening, slang	60%	62.8%	72%	93%

*Table 1: Verbal abuse of female workers  
(Source: Made by the Author)*

## 2. Physical Harassment

It consists of acts like biting, shaping, piling hair<sup>[17]</sup> and hitting them with clothes. Some workers mention “remand” punishment, where they have to stand in front of the line for hours or more, and no one is allowed to talk to them.<sup>[18]</sup> The scenario of physical abuse for different survey reports is illustrated in Table 2.

Types	CARE OIKKO 2016 <sup>[19]</sup>	ILO2020 <sup>[20]</sup>	Kormojibi Nari 2019 <sup>[21]</sup>	Kormojibi Nari 2021 <sup>[22]</sup>
Slapping, biting	3.6%	3.4%	21%	27%

*Table 2: Physical Abuse  
(Source: Made by the Author)*

Reasons for verbal and physical abuse are mistakes in work, coming late, taking leave, participating in union and forcing them to meet the production targets. Supervisors and line managers mainly do harassment according to the workers. However, the majority of the female workers remain silent about the harassment because of fear of loss of jobs. If a female worker complains about harassment, both the victim and the accused might lose their job or face more abuse because of the complaint. Female workers also fear that management will support the supervisor rather than them. Most importantly, women workers are not part of a union through which they can file complaints.<sup>[23]</sup>

[13] Fair Wear Foundation: Standing Firm Against Factory Floor Harassment, 2013, 11.

[14] ILO and UN Women: Understanding the Gender Composition..., 2020.

[15] Hossein – Ahmed, 2019.

[16] Hossein – Ahmed – Akhter, 2021.

[17] Hossein – Ahmed – Akhter, 2021.

[18] ILO and UN Women: Understanding the Gender Composition..., 2020.

[19] Habib, 2016.

[20] ILO and UN Women: Understanding the Gender Composition..., 2020.

[21] Hossein – Ahmed, 2019.

[22] Hossein – Ahmed – Akhter, 2021.

[23] ILO: Improving Working Conditions..., 2019.

### 3. Sexual Harassment

Sexual harassment in factories is a concern exclusively for female workers due to their gender. According to a recent study report by Manusher Jonno Foundation (MJF) incorporated with kormojibi Nari (KN), a survey in 22 factories in Dhaka and Chattogram between March and May 2018, revealed that 22.40% of female workers faced sexual harassment at factories.<sup>[24]</sup> Sexual harassment has become a major cause for concern in Bangladesh, with an alarming rise in reports of women and girls being harassed as per a national newspaper report.<sup>[25]</sup> Sexual harassment consists of acts, from insults directed at a person’s gender, suggestive comments or language, and demeaning remarks to unwelcome touching and grabbing and other physical assaults.<sup>[26]</sup> In RMG, industries female workers are subjected to sexual harassment in two ways. First, by way of “*quid pro quo*”, which in Latin means something for something. Where one provides sexual favours in exchange for something else. In RMG factories, a large number of female workers work under a male supervisor, and sometimes, in favour of reducing workload or approval of leave or promotion, the supervisor asks for sex in return. Second, through the hostile work environment, where the behaviour of the supervisors, co-workers and line managers include sexually coloured verbal representation or remarks or indecent gestures, teasing by abusive language, joking, stalking with sexual implications, showing porn, sending SMS or giving phone calls, writing sexual insulting words on the factory walls or in a toilet. These acts make the workplace environment uncomfortable and prone to sexual harassment.<sup>[27]</sup> From different survey reports, Table 3 demonstrates the women’s response to sexual harassment.

Types	CARE OIKKO 2016 <sup>[28]</sup>	ILO 2020 <sup>[29]</sup>	Kormojibi Nari 2019 <sup>[30]</sup>	Kormojibi Nari 2021 <sup>[31]</sup>
Touching, rubbing, asking for sex etc.	3.6%	3.0%	14%	32.6%

*Table 3: Sexual harassment  
(Source: Made by the Author)*

[24] Manusher Jonno Foundation (MJF) Report, 2018.

[25] Report “Workplace sexual harassment remains unreported, ignored”, 2018.

[26] Begum – Ali – Hossain – Shadid, 2010.

[27] Hossen – Osmani, 2018, 277-289.

[28] Habib, 2016.

[29] ILO and UN Women: Understanding the Gender Composition..., 2020.

[30] Hossein – Ahmed, 2019.

[31] Hossein – Ahmed – Akhter, 2021.

The table shows that previously, female workers were not willing to disclose sexual harassment. In Bangladesh society, talking about sexual harassment is a taboo. Fear of social embarrassment and the potential of facing harassment from their family act as deterrents to revealing instances of sexual harassment. Sadly, these poor, uneducated workers are unaware of what constitutes sexual behaviour. They consider it as a male-dominated behaviour and stay quiet about it. They unwilling to make formal complaints about it, opting to share their grievances with co-workers, supervisors, and managers.<sup>[32]</sup> The silence about sexual harassment is the primary source of stress among female workers, which has an impact on their health and productivity.

## V. NATIONAL LAW FOR WORKPLACE HARASSMENT

In Bangladesh, labour rights are regulated by the Bangladesh Labour Act 2006 (BLA) and the Bangladesh Labour Rule 2015 (BLR). Unfortunately, the BLA 2006 does not provide any protection to female workers against harassment or specifically, against sexual harassment. Until the recent amendment of Bangladesh Labour Rule 2017 on September 1st 2022, there were limited safeguards for female workers. In section 332, of BLA 2006 the act stated, “Nobody in a workplace where women are employed shall act inappropriately toward female employees, that may appear indecent or repugnant to the women’s modesty or honour.” A fine of up to BDT 25,000 or a maximum three-month prison sentence is the standard punishment for violating this rule.<sup>[33]</sup>

Similarly, in the Bangladesh EPZ labour Act 2019, Section 189 states, “Where any female is employed in any work of any enterprise, regardless of her rank, no one in that enterprise shall behave with her in any way that appears indecent or unmannerly, or that is repugnant to the modesty or honour of that female.”<sup>[34]</sup>

To provide a better working environment for employees, the Department of Inspection for Factories and Establishments (DIFE), a division of the Ministry of Labour is in charge of monitoring compliance with the Bangladesh Labour Act of 2006 (BLA 2006), Bangladesh Labour Rules (BLR) 2015 and the Bangladesh Export Processing Zone Labour Act 2019 (EPZ) by establishments. The breach of section 332 also falls within the department’s responsibilities if any female worker complains about harassment. The DIFE does not have administrative authority to take direct action against the accused person or establishment for breach of section 332. The DIFE inspectors can file a complaint about it in a labour court.<sup>[35]</sup> Under section 215 of BLA 2006 “in terms of offence trial, the

[32] ILO: Improving Working Conditions..., 2019.

[33] Bangladesh Labour Act 2006 (BLA). Section 332.

[34] Bangladesh EPZ Labour Act 2019. Section 189.

[35] Taslima, 2020.

labour court shall follow the summary procedure outlined in the criminal procedure and shall have the same powers as a court of the magistrate provided in the criminal procedure.”<sup>[36]</sup>

Bangladesh has other punitive laws to protect women from harassment and operations like rape, murder, assault, and abuse, under the Bangladesh Penal Code 1860. The penal code of 1860 includes all forms of crimes and has provisions to protect women in public and workplaces. For example, section 354 of the Penal Code 1860 states “that whoever assaults or uses unlawful force against any woman with the intention of outraging her modesty or with the knowledge that such an act may outrage her modesty shall be punished with a maximum of two years in jail and a fine”. Furthermore, other sexual offences without physical touch are also prohibited by Section 509. In addition, anyone who uses language or makes a sound that is meant to be heard by a woman displays anything that is intended to be seen by a woman or infiltrates a woman’s privacy is subject to a fine, up to one year in prison, or both, according to the section.<sup>[37]</sup>

Bangladesh’s government passed a law in 2000 to provide more protection for women and children. The Women and Children Repression Prevention Act 2000 (WCRPA) is the primary legislation in Bangladesh that criminalises and imposes punitive punishments for various forms of violence against women, including rape, sexual assault, trafficking, kidnapping, dowry, and domestic violence. However, only Section 10 of the WCRPA 2000 specifies sexual assault or harassment in terms of indecent behaviour, which only includes offensive gestures and words directed at any woman.<sup>[38]</sup> Furthermore, section 10(2) states, “If any person touches the sexual organ or other organs of a woman or a child with any of his body’s organs or with any substance in furtherance of his sexual desire, or he outrages the modesty of a woman, he shall be punished with imprisonment for minimum 2 years and maximum 7 years with fine.”<sup>[39]</sup> The WCRPA 2000 was amended in 2003, and a new provision was inserted under Section 9, subsection (ka) of the act that imposes a punishment of 5–10 years in jail and an unspecified sum of fine for a person who compels a woman to commit suicide as a result of dishonour or sexual harassment or assault.<sup>[40]</sup>

No further Act was enacted in Bangladesh to address the issue of sexual harassment after the WCRPA 2000 was amended in 2003. Later on, the change of time and many forms of sexual assault and their horrific consequences on women in public and workplaces put the spotlight on the lack of legal framework in Bangladesh. The Bangladesh National Female Lawyers’ Association (BNWLA) filed a Writ Petition (No. 5916/2008) in the High Court Division (HCD) of the Supreme Court (SC) in 2008, requesting the adoption of a guideline to address

[36] Bangladesh Labour Act 2006 (BLA), Section 215.

[37] The Bangladesh Penal Code 1860, Section 507.

[38] Women and Children Repression Prevention Act 2000 (WCRPA), Section 10.

[39] Women and Children Repression Prevention Act 2000 (WCRPA), Section 10(2).

[40] Women and Children Repression Prevention Act 2000 (WCRPA), (amended 2003), Section 9k.

the issue of sexual harassment<sup>[41]</sup>. In 2009, the HDC released its decision on the petition and directed the government to draft an appropriate legislation to combat harassment in the workplace and educational institutions. The HCD provided a comprehensive list of sexual harassment-causing behaviours or acts, including both “*quid pro quo*” acts and activities that create a “hostile working environment”.<sup>[42]</sup> The list includes the following acts: a) unwelcome sexually determined behaviour (whether directly or by implication) as physical contact and advances; b) attempts or efforts to establish physical relation having sexual implication by abuse of administrative, authoritative or professional powers; c) sexually coloured verbal representation) demand or request for sexual favours; e) showing pornography; f) sexually coloured remark or gesture; g) indecent gesture, teasing through abusive language, stalking, joking having sexual implications. h) insult through letters, telephone calls, cell phone calls, SMS, pottering, notice, cartoon, writing on the bench, chair, table, notice boards, walls of the office, factory, classroom, or washroom having sexual implication. i) taking still or video photographs to blackmail and character assassination; j) preventing participation in sports, cultural, organisational and academic activities on the ground of sex and/or for the purpose of sexual harassment; k) making love proposals and exerting pressure or posing threats in case of refusal to love proposal; and l) attempt to establish sexual relation by intimidation, deception or false assurance.<sup>[43]</sup>

The guidelines’ aims and objectives were to raise awareness about sexual harassment and to make it clear that it is a punishable offence. In the guidelines, the HCD requested that the concerned authorities establish a complaint centre at workplaces, educational institutions, and an anti-harassment committee to investigate charges, with a 5-member majority of women and experts. The guidelines stated that if the accused is found guilty of sexual harassment, the establishments concerned may suspend the accused person upon receiving the anti-harassment Committee’s recommendation. Suppose the concerned establishments treat the accused as guilty of misconduct. In that case, they must take appropriate action in accordance with the disciplinary rules of all workplaces and educational institutions in the public and private sectors. If the act which the complaint refers to constitutes an offence under any penal law, the matter must be resolved within 30 days and/or referred to the appropriate court or tribunal. The victim should complain about the harassment within 30 days.<sup>[44]</sup>

In 2010, another petition was filed in the HCD on harassment in public places. In the new guideline, the court included “stalking” as sexual harassment, and this guideline is directed towards public authorities.<sup>[45]</sup> Female RMG workers, in

[41] Case: BNWLA vs. Government of Bangladesh and Others, 2009.

[42] Taslima, 2020.

[43] Case: BNWLA vs. Government of Bangladesh and Others, 2009.

[44] Taslima, 2020.

[45] Case: BNWLA vs. Government of Bangladesh and Others, 2009.



case of harassment, specifically sexual harassment at factories, can take action under the penal laws mentioned above, as these laws apply to all women.

## VI. LOOPHOLES AND IMPLEMENTATION GAPS IN THE LAW

From the above-mentioned laws, it was clear that Bangladesh lacks specific legislation to combat sexual harassment. Specifically, the BLA 2006 is the only law that protects workers' rights, and this act does not have any provision for sexual harassment in the workplace. Section 332 only states that nobody in an establishment shall behave with female workers in a way that may appear "indecent or repugnant to the women's modesty or honour."<sup>[46]</sup> Here, the law does not clarify what behaviour is considered indecent and repugnant, what modesty and honour mean, and does not provide any strict punishment in case of breach of section 332 of BLA2006. Due to unclear wording and lack of clarity about the provision, the victims do not complain about sexual harassment<sup>[47]</sup>. Also, the limited capacity of the Labour inspections by the Department of Inspection for Factories and Establishments (DIFE) to identify a breach of section 332 is a major issue. According to the ILO report, in order to implement Section 332, inspectors during a factory audit only focus on three points: (i) the availability of a complaint mechanism, (ii) the awareness of women workers regarding the complaint and investigation procedure, and (iii) whether women workers perceive restraints in filing a complaint. This approach proves practically insufficient to identify all types of workplace harassment, not least due to the limited number of inspectors relative to the fact that there are 4000 factories and 4 million workers in the RMG sector.<sup>[48]</sup>

The other two punitive laws, the Bangladesh Penal Code 1860 and the WCRPA 2000, also have some ambiguities. Section 354 of the Bangladesh Penal Code 1860 also stated any assault or criminal force used against a woman which will "outrage her modesty" is a punishable criminal offence, and section 509 also used the same words, modesty of a woman. Still, section 509 only considered acts which are not physical, like saying words, gestures and showing an object to harass women.<sup>[49]</sup>

Whereas section 10(2) of WCRPA 2000 defines sexual assault as involving physical contact between the perpetrator and the victim, with the furtherance of his sexual desire and outraging the modesty of the woman. Here, proof of intention is necessary.<sup>[50]</sup>

[46] Bangladesh Labour Act 2006 (BLA), Section 332.

[47] Taslima, 2019.

[48] Taslima, 2020.

[49] The Bangladesh Penal Code 1860, Section 354, 509.

[50] Women and Children Repression Prevention Act 2000 (WCRPA), Section 10(2).

The provisions share a common concept, which is the “outraging the modesty” of the women. However, it’s a very ambiguous term and difficult to prove in court. Moreover, all sections lack a clear definition of sexual harassment. Another significant issue with the implementation of the laws is that cases filed under the Penal Code 1806 or WCRPA 2000 are processed under the Code of Criminal Procedure, 1898 (CrPC). It is the primary procedural law for almost all criminal trials. The CrPC 1860 lays out the entire procedure, from the preliminary report to the investigation and the arrest of suspects, as well as all stages of the trial, conviction, sentencing, and appeal. In criminal proceedings, the prosecution bears the burden of proof; however, without a legal definition of sexual harassment, it will be difficult for the victim to prove that the defendant’s actions offended her modesty.<sup>[51]</sup>

Since the HCD direction in 2009, all the private and public institutions must follow these directions as law unless the government introduces new specific legislation. But various worker’s organisations’ reports observed that the implementation of the HCD direction on sexual harassment at the workplace is not satisfactory. According to the Action Aid report, one of the reasons for the lack of implementation is an unawareness of the 2009 guidelines among managers and owners.<sup>[52]</sup> The Human Rights Watch survey reported a lack of awareness among the garments workers.<sup>[53]</sup> According to the Kormojibi Nari report in 2019, 54.9 percent of workers were not aware of the existence of the anti-harassment committee in the factory, and 33 percent indicated that no anti-harassment committee existed in the factories. This survey was derived from a survey of 1002 workers across 113 factories, illustrating the awareness situation among the workers.<sup>[54]</sup> The Fair Wear Foundation (FWF) report also identified the same problem, a lack of understanding of the guidelines among workers and factory managements. They do not understand how the guidelines affect their rights and responsibilities.<sup>[55]</sup> FWF also found during their project in Bangladesh that almost 50 percent of the inspected RMG factories have an anti-harassment committee. Still, the majority of the workers do not know of the existence of the Committee. Sometimes members of the Committee are also not aware of their membership. The managers of the factories are also not willing to consider verbal abuse as a form of harassment; to them, it is a normal part of factory management, and they understand only rape or lesser acts as sexual harassment. Other indecent behaviours are not considered sexual harassment.<sup>[56]</sup> However, apart from the awareness issue, another major problem is the lack of a mechanism to enforce and monitor the guidelines’ implementation. The guidelines contain no

[51] Yasmin, 2017, 105.

[52] Yasmin, 2018.

[53] Human Rights Watch: Tackling Sexual Harassment in the Garment Industry, 2017.

[54] Kabmojibi Nari: Factsheet on Monitoring Work and Working Conditions... 2019.

[55] Fair Wear Foundation: Violence and Harassment against Women and Men..., 2018.

[56] Fair Wear Foundation, 2018.

instructions on how ministries and government organisations should collaborate to develop an implementation mechanism or which government organisations will monitor which institutional sector and industries.<sup>[57]</sup>

Furthermore, in the absence of an awareness and enforcement mechanism, the guidelines lack a specific definition of “sexual harassment”, instead of providing a list of actions that can be regarded as sexual harassment. The guidelines were also silent about the complaint committee expiration, membership, quorum and protection of the complainant from the employers. In the case of factory inspection, the lack of training of the inspectors on guidelines is also an obstacle to the implementation of the 2009 guidelines.

Employers’ organisations in the garment industry, such as Bangladesh Garment Manufacturers and Exporters Association (BGMEA) and Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA), recognise the need for a strong mechanism to deal with sexual harassment in the workplace. According to them, factory owners are hesitant to include a committee member from outside the factory as it will be difficult to find someone who will not be biased and will take their company’s reputation into account.<sup>[58]</sup> Considering the reasons mentioned above, the 2009 guidelines are yet to be implemented ten years after their introduction, and the Bangladesh government is still unaware of how many educational institutes and private sectors have an anti-harassment committee and how many complaints have been filed.

## VII. RECOMMENDATION TO ELIMINATE HARASSMENT IN THE RMG INDUSTRY

For the segments above, it is understandable that Bangladesh’s labour laws are insufficient to protect workers from verbal and physical harassment in RMG factories. The BLA 2006 and BLR 2015, and the Bangladesh EPZ Act 2019 make no mention of harassment. Despite the fact that both acts attempt to provide some protection for female workers, they are insufficient to address sexual harassment. Both acts are in need of amendment. A new amendment was introduced to the BRL 2015 in early September 2022 to fill the legislative gap. Further details of this amendment will be discussed in the next segment of this paper.

Section 332 of the BLA 2006 requires more clarification. Concerning the treatment of female employees, what acts should be classified as indecent? A comprehensive list of behaviours must be included in the BLA 2006. For example, a sexual joke may not be offensive to one female worker but may be to another. A complete list of indecent behaviours may assist male workers and management in understanding how they should behave.

[57] Taslima, 2020.

[58] Taslima, 2020.

Similarly, female employees will gain a clear understanding of when they should speak up against harassment. Furthermore, „women’s modesty or honour” requires a clear legal definition, as unclear words are difficult to prove in court. Indecent behaviours can have varying effects on women’s modesty and honour, depending on their family, social, and educational backgrounds. The BLA 2006 may include flexible punishment and fines ranging from the minimum to the maximum, based on the type of harassment and its impact on the victim.

Section 189 of the Bangladesh EPZ Labour Act 2019 contains the same ambiguity as the BLA 2006. The law was silent on punishment in case anyone violated Section 189. As EPZ has its own Labour Court, the act should include a complaint mechanism where female workers can file complaints to the welfare association or the factory management.

Following the adoption of the ILO Convention 190 on the Elimination of Violence and Harassment in the Workplace, Bangladesh, as an ILO member, should incorporate ILO conventions into national labour laws to improve working conditions for all.

Raising awareness about sexual harassment and the 2009 HCD guidelines in the community and at work is crucial, particularly in the RMG industries. Both workers and managers in the RMG industry must understand the HCD guidelines and what constitutes sexual harassment.<sup>[59]</sup> At the factory managerial level, managers require training on how to deal with sexual harassment complaints.<sup>[60]</sup> In the absence of specific legislation about sexual harassment in the workplace, the Ministry of Labour and Employment should introduce an effective mechanism to monitor whether the establishments are following the HCD 2009 guidelines or not as the guidelines did not provide a monitoring mechanism. The Department of Inspection for Factories and Establishments (DIFE) must expand its inspection capacity. The DIFE must educate inspectors on sexual harassment, the law, and how to respond effectively to cases of violence and harassment. Forming an active anti-harassment committee in every RMG factory is pivotal with at least one expert member in the Committee.<sup>[61]</sup>

## VIII. CONCLUSION

Any form of harassment in any establishment is unacceptable on a global scale. Due to the absence of law and ongoing workplace management norms, in labour-intensive industries such as the RMG sector, female workers face significant verbal, physical and sexual harassment, as well as major violations of their labour and human rights. The government and factory owner associations such

[59] The Daily Star, Sultan (2018).

[60] Fair Wear Foundation: Violence and Harassment against Women and Men..., 2018.

[61] Taslima, 2020.

as BGMEA and BKMEA must take responsibility for providing a safe and harassment-free factory environment for workers, even if such reforms may initially negatively impact the growth of the RMG industry in Bangladesh in the global competitive market. In the long run, such reforms are necessary for Bangladesh to maintain its position in the global market as the country faces continuous pressure from the European Union (EU) and ILO, with complaints raised under Article 26 of the ILO Constitution. The government amended the Bangladesh Labour Rules 2015 (amendment 2022), which came into force on September 1st 2022. Along with the amendment, the government also introduced the new EPZ Labour Rule 2022 on October 4th for EPZ workers.

The Bangladesh Labour Rule (BLR) 2015 (amendment 2022) added a new rule to protect female workers under rule 361, which balances section 332 of the Bangladesh Labour Act 2006 and defines sexual harassment. In BLR 2015 rule 361(ka), sub-rule 1 stated, „When a woman is employed in any work of any establishment, no one in that establishment shall harass her sexually or behave with her in a manner that is insulting, impolite, and repugnant to the modesty or honour of that woman, or that appears sexually indecent or disrespectful”.<sup>[62]</sup> Furthermore, the rule also provided lists of behaviours which will be considered sexual harassment, in line with the HCD guidelines. Also, rule 361(ka), sub-rule 2, requires employers to form a Complaint Committee to prevent sexual harassment in the workplace. The Complaint Committee will consist of a minimum of five members, with the majority of the members being women; the Committee's head will also be a woman. Sub-rule 3 puts the responsibility to the employer to formulate guidelines to prevent sexual harassment, to circulate them to all the employees, and to put out a complaint box at the establishment. All the complaints should be addressed after recording them on a register. It was observed that the new amendments to tackle sexual harassment in the workplace are a precise adaptation of the HCD 2009 guidelines.<sup>[63]</sup> The new amendments impact on sexual harassment in the workplace needs further research and time to understand its impact. Although the above-mentioned recommendations are based on the law before the amendment takes effect, it is hoped that the government and factory management will seriously consider the law and effective punishment under labour law for sexual harassment at the workplace will provide better protection.

It is important to note that the government should have considered the ILO's new convention No. 190 to eliminate workplace violence and harassment, which defines sexual harassment as gender-based violence. On June 25th 2021, the convention came into effect, and 11 countries ratified the convention. Currently, Bangladeshi labour rights experts, non-governmental organisations, and labour organisations are negotiating with the government to incorporate ILO Convention 190 into the country's labour law. However, simply enacting new legislation

[62] Newagebd.net: Labour rules amended trade unions..., 2022.

[63] The Daily Star, Abrar (2015).

will not suffice. The elimination of workplace harassment will depend on the implementation of the law and the severe punishment of perpetrators. Along with the legal change, an increased social awareness about sexual harassment against women is also required.

Buyers should also monitor the safety measures in the factories of their suppliers, especially those concerning female workers. It is critical for owners and buyers to eliminate harassment in the RMG industry because harassment causes mental stress and insecurity in female workers, which, in turn, affects their performance and productivity. To achieve high performance and produce high quality output, harassment must be eliminated.

## BIBLIOGRAPHY

- Ali, RN – Begum, Flora – Salehin, Mohammad – Farid, K.S. (2008): Livelihood Pattern of Rural Women Garment Workers at Dhaka City. In: *Journal of the Bangladesh Agricultural University*. 6(452-2016-35506). DOI: <https://doi.org/10.3329/jbau.v6i2.4846>.
- Bangladesh Export Processing Zone (EPZ) Labour Act 2019, Section 189.
- Bangladesh Labour Act 2006 (BLA), Section 215.
- Bangladesh Labour Act 2006 (BLA), Section 332. (Available at: <https://compliancebangladesh.com/wp-content/uploads/2022/08/bangladesh-labour-act-2006-english.pdf>).
- Bangladesh Labour Rule 2015 (amendment 2022). (Available at: [https://compliancebangladesh.com/wp-content/uploads/2022/09/Bangladesh-Labour-Rules-Amendment-2022-Shared-by-Compliance-Bangladesh-.com\\_.pdf](https://compliancebangladesh.com/wp-content/uploads/2022/09/Bangladesh-Labour-Rules-Amendment-2022-Shared-by-Compliance-Bangladesh-.com_.pdf)).
- Bangladesh National Women Lawyers Association (BNWLA) vs. Government of Bangladesh and Others (2009). Writ Petition (No. 5916/2008). (Available at: [http://www.supremecourt.gov.bd/resources/documents/276907\\_Writ\\_Petition\\_5916\\_08.pdf](http://www.supremecourt.gov.bd/resources/documents/276907_Writ_Petition_5916_08.pdf)).
- Bangladesh National Women Lawyers Association (BNWLA) vs. Government of Bangladesh. Writ Petition no 8769 of 2010. (Available at: <https://puc.ac.bd/Content/Downloads/Sexual%20harassment%20given%20by%20the%20High%20Court%20Division.pdf>).
- Begum, Flora – Ali, RN – Hossain, M.A. – Shahid, Sonia B. (2010): Harassment of women garment workers in Bangladesh. In: *Journal of the Bangladesh Agricultural University*. 8(452-2016-35685). DOI: <https://doi.org/10.3329/jbau.v8i2.7940>.
- Centre for Policy Dialogue (CPD) report: Workplace Environment for Women: Issues of Harassment and Need for Interventions, 2004. (Available at: [https://www.cpd.org.bd/pub\\_attach/DR-65.pdf](https://www.cpd.org.bd/pub_attach/DR-65.pdf)).
- Dhaka Tribune: Workplace sexual harassment remains unreported, ignored, 2018.. (Available at: <https://archive.dhakatribune.com/opinion/special/2018/05/21/workplace-sexual-harassment-remains-unreported-ignored>).
- Fair Wear Foundation (2018): Breaking the Silence: The FWF Violence and Harassment Prevention Programme. Amsterdam: Fair Wear Foundation. RMG sector. In: *Social Science Review*. 22(1).
- Fair Wear Foundation: Violence and Harassment against Women and Men in the Global Garment Supply Chain. Contribution to the standard setting discussions at the 107th International Labour Conference, 2018.

- Fair Wear Foundation: Bangladesh Country Study 2018, 2018. (Available at: <https://api.fairwear.org/wp-content/uploads/2019/03/Fair-Wear-country-study-Bangladesh-2018-new.pdf>).
- Fair Wear Foundation: Standing Firm Against Factory Floor Harassment: preventing violence against women garment workers in Bangladesh and India, 2013. (Available at: [http://www.fairwear.org/ul/cms/fckuploaded/documents/FaiWearFoundationpublications\\_reports/StandingFirmReportFAIR WEAR FOUNDATION2013.pdf](http://www.fairwear.org/ul/cms/fckuploaded/documents/FaiWearFoundationpublications_reports/StandingFirmReportFAIR WEAR FOUNDATION2013.pdf)).
- Habib (2016, April). Care Oikko (Unity) Project Baseline Study Report. <https://www.care.at/wp-content/uploads/2017/05/OIKKO-Baseline>.
- Halim, Sadeka – Kabir, Ariful Haq (2005): Globalisation, gender and labour market: Some evidence from RMG sector. In: *Social Science Review*. 22(1).
- Hossein, Jakir – Ahmed, Mostafiz – Akhter, Afroza (2021): Right Implementations Status of Women Workers in Bangladesh Readymade Garments Industries. In: *Kormojibi Nari watch report 2021*. (Available at: <https://www.karmojibinari.org/wp-content/uploads/2021/11/Watch-Report-on-Rights-Implementation-Status-of-Women-Workers-in-Bangladeshs-Ready-Made-Garment-Industries.pdf>).
- Hossein, Jakir – Ahmed, Mostafiz (2019): Work and Working Condition of Women Employed in Ready-Made Garment Industry of Bangladesh. In: *Kormojibi Nari watch report 2019*. (Available at: [https://www.karmojibinari.org/wp-content/uploads/2021/08/Work-and-Working-Condition-of-Women-Employed-in-Ready\\_-Revised.pdf](https://www.karmojibinari.org/wp-content/uploads/2021/08/Work-and-Working-Condition-of-Women-Employed-in-Ready_-Revised.pdf)).
- Hossen, Belayet – Osmani, Noor Mohammad (2018): Empowering Women in Bangladesh: A Study on the Problems of Working Women in Garments Industries. In: *European Journal of Social Sciences*. 57(3).
- Human Rights Watch: Ending violence and harassment at work – The Case for Global Standards. (Available at: [https://www.hrw.org/sites/default/files/news\\_attachments/2018\\_hrw\\_ilo\\_brochure.pdf](https://www.hrw.org/sites/default/files/news_attachments/2018_hrw_ilo_brochure.pdf)).
- ILO and UN Women: Understanding the Gender Composition and Experience of Ready-Made Garment (RMG) Workers in Bangladesh, 2020. (Available at: [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms\\_754669.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_754669.pdf)).
- ILO: Convention 190 on the Elimination of Violence and Harassment in the Workplace. (Available at: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190)).
- ILO: Improving Working Conditions in the Ready-Made Garment Sector: Bangladesh Baseline Study (January – May 2017). (Available at: [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms\\_735614.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_735614.pdf)).
- Karmojibinari. org: Fact sheet on monitoring work and working condition of women employed in ready-made garment industries of Bangladesh. (Available at: <https://www.karmojibinari.org/wp-content/uploads/2019/02/RMG-FactSheet2019.pdf>).
- Kashyap, Aruna (2017): Tackling Sexual Harassment in the Garment Industry. In: *Human Rights Watch*. December 11, 2017. (Available at: <https://www.hrw.org/news/2017/12/11/tackling-sexual-harassment-garment-industry>).
- Mahmud, Simeen – Kabeer, Naila (2003): Compliance versus accountability: Struggles for dignity and daily bread in the Bangladesh garment industry. In: *The Bangladesh Development Studies*. Vol. XXIX/2003. pp. 21-46.
- Manusher Jonno Foundation Report (2018): Sexual Harassment against female workers at Workplace: Strategy to Combat and Way Forward. (Available at: [http://www.manusher-jonno.org/wp-content/uploads/2020/11/Study-Report-on-Sexual-Harassment-Update-24-09-19\\_printed-version.pdf](http://www.manusher-jonno.org/wp-content/uploads/2020/11/Study-Report-on-Sexual-Harassment-Update-24-09-19_printed-version.pdf)).

- Morris, Jo – Richard, Sophie (2019): Violence and harassment, including sexual harassment, in garment factories and supply chains. In: *UKaid & Work and Opportunities for Women*. (Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/876230/Query-22-Sexual-Harassment-Garment-Factories.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876230/Query-22-Sexual-Harassment-Garment-Factories.pdf)).
- Mustafa, Afsana – Islam, M.Serajul – Islam, Saiful – Khatun, Mufhaja (2016): Impact of RMG sector on livelihood change of women employees of Bangladesh. In: *Social and Economic Geography*. 2(1).
- New Age: Labour rules amended trade unions, sexual harassment prevention get more focus. In: *New Age*. September 6 2022. (Available at: <https://www.newagebd.net/article/180397/labour-rules-amended>).
- Siddiqi, Dina (2003): The sexual harassment of industrial workers: strategies for intervention in the workplace and beyond. In: *CPD-UNFPA publication series*. No. 26.
- Taslima, Yasmin (2017): Sexual Violence in Bangladesh: Addressing Gaps in the Legal Framework. In: *Dhaka University Law Journal*. Vol. 28/2017.
- Taslima, Yasmin (2018): *Sexual Harassment at Educational Institutions and Workplaces: A Study on the Implementation Status of the 2009 Supreme Court Guideline*. ActionAid, Bangladesh.
- The Daily Star, Abrar, Barrister M. Syeed (2022): *Amendment to the Labour Rules 2015: Safer Workplace for Women*. September 16, 2022. (Available at: <https://www.thedailystar.net/law-our-rights/news/amendment-the-labour-rules-2015-safer-workplace-women-3120696>).
- The Daily Star, Maheen, Sultan (2018): *Sexual harassment of RMG workers*. December 14, 2018. (Available at: <https://www.thedailystar.net/opinion/editorial/news/investigate-sexual-violence-against-rmg-workers-3402956>).
- Taslima, Yasmin (2020): *Overview of Laws, Policies and Practices on Gender-based Violence and Harassment in the World of Work in Bangladesh*. International Labour Organization. (Available at [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms\\_757149.pdf?cv=1](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_757149.pdf?cv=1)).
- Taslima, Yasmin (2021): Laws against Sexual Harassment: Analysing the legal framework of Bangladesh. In: *Dhaka University Law Journal*. 32(2). (Available at: <https://heinonline.org/HOL/LandingPage?handle=hein.journals/dkauvylw32&div=27&id=&page=>).
- The Bangladesh Penal Code 1860, Sections 354, 375, 376, 507.
- Women and Children Repression Prevention Act 2000 (WCRPA) (amended 2003), Section 9k.
- Women and Children Repression Prevention Act 2000 (WCRPA), Section 10.