

January 2017

Synthesis Report

Study on Precarious Work on Five Selected Sub-sectors
Scope and Challenges for Trade Union Organisation

Acronym

ADB	Asian Development Bank
BBS	Bangladesh Bureau of Statistics
BCIC	Bangladesh Chemical Industries Corporation
BDT	Bangladeshi Taka
BLA	Bangladesh Labour Act
BNBC	Bangladesh National Building Code
BNSF	Bangladesh Noujan Sramik Federation
BoB	Bay of Bengal
BSOA	Bangladesh Supermarket Owner Association
BWI	Building and Wood Workers' International
CBA	Collective Bargaining Agency
CBSG	Capacity Building Service Group
CCC	Chittagong Chemical Complex
CI	Conservancy Inspector
CS	Conservancy Supervisor
DGDA	Directorate General of Drug Administration
DMSWU	Dhaka Medicine Shop Workers Union
DNCC	Dhaka North City Corporation
DSCC	Dhaka South City Corporation
EC	Executive Committee
EU	European Union
FGD	Focus Group Discussion
FNV	Trade Union Confederation of Netherlands
IDI	In-depth Interview
ILC	International Law Commission
ILO	International Labour Organisation
ITF	International Transport Workers' Federation
JICA	Japan International Cooperation Agency
KCC	Khulna City Corporation
KII	Key Informant Interview
LDO	Lava Destroying Oil
LME	Large Marine Eco Systems
M MT	Million Metric Ton
MBEC	Major Bridge Engineering Corporation
MFD	Marine Fisheries Department

MNC	Multinational Companies
MR	Muster Roll
NGO	Non-Government Organisation
NSEF	National Shop Employees Federation
OHS	Occupational Health and Safety
PCSP	Primary Collection Service Provider
PSI	Public Service International
RW	Retail workers
ToT	Training of Trainers
TSP	Triple Super Phosphate
TU	Trade Union
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNI-GU	UNI Global Union
USA	United States of America

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Foreword

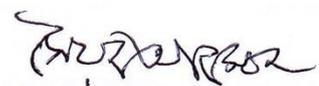
Bangladesh is dominated by informal economy. Precarious work is prevalent in all sectors of the economy, including industry, agriculture, construction and service sector. As the economy is growing fast, so is the precarious work. Existing regulatory framework does not provide adequate protection to the workers involved in the informal economy.

There is growing trend of precarious work resulted from outsourcing of work from formal sector in the informal sector. Globalization and competition are not only forcing organisations to outsource across borders but also within the country. It is anticipated that with the current trend, more than 80% of the country's labour force will be involved in precarious work. This will be an alarming situation. Construction is one sector of the economy, which is almost entirely precarious in nature. Other big employment generating sectors like service and transportation are mainly based on precarious work. Needless to say that agriculture, the largest employment sector of the country is completely precarious.

The main challenges of the precarious work are that they lack the fundamentals of decent work. Hazardous working conditions, absence of occupational health and safety measures, living wage as well as job security remain the main challenge for the precarious worker. This needs to be addressed to improve working conditions of the worker and enhance their productivity.

Bangladesh government is committed to workers right and decent work principle. Sector specific measures are being taken to improve working conditions specifically in the garment and the ship breaking sector. Factory level inspections have been increased to improve compliance and general working conditions. Chemical, plastic, housing & construction sectors will be brought under regular inspection in the near future. Precarious workers associated with these sectors will benefit from the governmental inspection. Given the limited capacity, the government is trying to optimize its resources to address critical challenges on a priority basis.

There is still a lack of data on sector wise precarious work. This study is a very good initiative in developing an information base on precarious work. There is still a need for detail mapping data on sector and sub-sector level so as to address sector/sub-sector wise policy directives to address the challenges. Along these studies and mapping exercises, advocacy and policy dialogues are necessary to develop awareness among the policy makers, employers, labour organisations and the general workers to address precarious workers' needs, rights and entitlements.



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The survey team also recognizes that the findings, including any errors and omissions contained in this report, are of its own.

CBSG Study Team

Table of Contents

Acronym	1
Acknowledgment	4
Abstract	6
Chapter-1: Study Context, Background and Methodology	7
1.1 Context & Background	7
1.2 Objectives of the Study.....	8
1.3 Approach & Methodology	8
Methods.....	8
Approach.....	8
1.4 Limitations.....	9
Chapter-2: Overview of the Study Sub-sectors.	10
2.1 Chemical Industries.....	10
2.2 Deep Sea Fishing Industry in Bangladesh	10
2.3 Construction Sector	10
2.4 Municipal Conservancy Sector.....	11
2.5 Retail Pharmaceuticals Trade	11
Chapter-3: Socioeconomic Profile and Workers’ Hiring Practices	12
3.1 Socio-Economic Profile	12
3.2 Workers' Hiring Practices.....	13
Chapter-4: Working Condition and Precariousness	14
4.1 Wages and Benefit	14
4.2 Working Conditions	14
4.3 Magnitude of Precariousness	15
Chapter-5: Social Protection and Gender Issues	16
Chapter-6: Workers Legal Rights and Unionisation Status	17
6.1 Workers’ Awareness of Rights and Entitlements	17
6.2 Legal Instruments on Labour Issues	17
6.3 Status of Unionisation.....	18
Chapter-7: Conclusions and Ways Forward	20
Chapter-8: Key Findings Sharing and Data Validation	22
Bibliography	23

Abstract

Precarious work, one of the most serious threats to the rights of workers in recent time, has begun to assume the proportions of a global epidemic. All over the world, employers have taken choice for reducing costs by shedding themselves of “permanent” staff and replacing them with “casual workers”. Thus, precarious work shifts risks and responsibilities from employer to worker. The trend of precarious work is on the rise globally, including Bangladesh--mainly due to increased hunger for profit of the employers, use of modern technology and globalization.

Under this background, Mondiaal FNV--has commissioned a series of studies to explore the nature and magnitude of precarious works and map them specifically in five sub-sectors (Chemical, Deep-sea fishing industry, Municipal Conservancy Service, Padma Bridge Construction and Retails-Pharmacy Sector) in Bangladesh strategizing for Trade Union organisations to address the problems to redress it from precarious to decent work.

This synthesis effort is a compilation of a series of five reports on the nature and magnitude of precarious work. The study is based on an exploratory design approached to qualitative probe, including Desk Review, Focus Group Discussion (FGD), Key Informant Interview (KII), Physical Observations and Case Studies.

Precarious workers are without long-term job security, desperately poor, living near or below the poverty line, and find themselves engaged as casual workers because that is all available. Most such workers are between

25 to 35 years old and their monthly income starts from BDT 5,000. They come in these sectors, mainly through personal and family networks, while some are supplied by labour sub-contractors. These workers are mainly undocumented, having no formal letter of appointment and service books (no provision of recording their workdays or absences). They mostly have/get on the job training, no formal or official one. About 80-100%, workers are in precarious condition in terms of; mode of employment, identity, insufficient payment, benefit entitlements, OHS issues, sanitation facilities and, unionisation. With few exceptions, the workers under all sectors have little protection and social security. The workers’ awareness level of rights and entitlements is generally poor. There are no bars to unionisation for government departments or state-owned enterprises in particular and some private enterprises/establishments, as they have CBA (Collective Bargaining Agent), while the practices in the private sector is mixed, some have TU and some not (though as per Bangladesh Labour Law enterprise having 30 or more workers, should have a TU). There are other deficits or gaps in compliance of key provisions of Bangladesh Labour Law 2006.

Hence, Trade Unions should shape up their strategies and actions towards the detailed mapping of all sectors, advocacy for fuller implementation of existing labour laws/rules and introducing specialized cell charged with organizing, educating and mobilizing casual workers, *inter alia*.

Chapter-1: Study Context, Background and Methodology

1.1 Context & Background

Today half of all jobs worldwide is considered as precarious. Precarious work characterized by low or irregular/unstable incomes, long working hours, small or undefined workplaces, unsafe and unhealthy working conditions, and lack of access to information, markets, finance, training and technology (Box 1.1).

Moreover, the shift from relying on a core of permanent or regular staff to hiring “casual” workers or independent specialists working based on back-to-back contracts have devastating consequences for workers’ rights and the wellbeing of their families. Workers and their dependents are forced to live in a state of limbo, not knowing whether there will be enough to pay for the next month’s rent or where the next years’ school expenses/fees for a child is going to come from. The uncertainty in income, the perpetual fear of losing job, robs an individual’s basic rights to dignity, association and self-assertion. Nonstandard employment that is insecure, unprotected, cannot support a living, undermines the right to organize and deteriorates working conditions.

Precarious work is one of the most urgent issues in a country like Bangladesh also as over two-thirds of the total workforce (approx. 85 million, according to BBS) is in some way or other involved with precarious work. The problem is particularly acute in Bangladesh because the size of workers is huge, and it is witnessing a rising, not at an arithmetic rate but at geometric rate.

Under this backdrop, Mondiaal FNV, a part of the Netherlands Trade Union Confederation provides support to trade unions in Africa, Asia, Latin America and Eastern Europe, is concerned to strengthen the efforts of trade unions that are committed to ending precarious work. In this

perspective, Mondiaal FNV has commissioned a study to explore the nature and magnitude of precarious work and map them specifically in five sub-sectors in Bangladesh with a view to strategizing for TU organisations to address the problem and to develop an action plan in order to redress it from precarious to decent work.

Box 1.1: Key Features of Precarious works

- Precarious work shifts risks and responsibilities from employer to worker.
- Little or no job security due to the non-permanent work contract
- Casual form of employment, involuntary part-time contract
- Lack of social protection and employment benefits
- Workers do not have collective representation to bargain their rights
- Working environment with poor safety and health standards
- Lastly, precarious workers are those who fill permanent job needs but are denied permanent employee rights.

The five focused areas of studies are based on the specific work sectors of the five GUFs (BWI, ITF, IndustriAll, PSI, and UNI), namely, Chemical Sector; Deep-sea fishing industry; Municipal Conservancy Service; Padma Bridge Construction and Retails-Pharmacy Sectors, sponsored by Mondiaal FNV.

The Synthesis Report is an attempt towards compilation of the key findings on the nature and magnitude of precarious work in five sub sectors in Bangladesh.

The study Subsector, scope and counterpart, Trade Union are described below:

- I. Chemical Industries (three factories) - State-owned fertilizer factory (Chittagong). A private MNC-owned cement factory (Chittagong) and locally owned Pharmaceutical industry (Dhaka). The counterpart TU is industriALL.

- II. Deep-sea Fishing Industry-Fishing boats and from crews at landing sites prior to their departure and landing (Chittagong& landing sites along surrounding coast). International Transport Workers’ Federation (ITF) is the counterpart TU.
- III. Padma Bridge Construction-the site of Padma Bridge Construction- (Maowa, Munshiganj district in the north); (Kaorakandi, Shariatpur district in the south). In collaboration with Building and Wood Worker’s International (BWI).
- IV. Municipal Conservancy Service- two municipal conservancy departments (Dhaka South City Corporation and Khulna City Corporation). Public Service International (PSI) is the counterpart TU in this connection.
- V. Retails workers in pharmaceutical sector-pharmacy stores in old Dhaka city (the immediate surroundings of Mitford Hospital, Babubazar and Islampur). Here the counterpart TU is UNI-Commerce.
- v. Assess the extent of gender disparities and wage/workload gap
- vi. Find-out the supply chains (workers, hiring practices), extent, and nature of triangular employment under the studied sectors.
- vii. Recommend strategies for trade union organisations

1.3 Approach & Methodology

Methods

All five studies largely followed a combination of qualitative methods like-

- i. Desk Review;
- ii. FGDs, mostly with workers;
- iii. Key Informant Interview (with workers, TU /Workers and Leaders. Worker suppliers and Owners/Managers);
- iv. Physical Observation (Working and Living places, Wash Rooms etc.);
- v. Case Studies

Expect Desk Review, which is mainly based on the reports/documents collected from the sectors as well as searching websites; interview questionnaire/checklists were developed and used for interviewing.

Again, non-probability (purposive and snowball) sampling methods were followed, particularly in identifying and interviewing workers.

Approach

In order to maintain a focus on the pragmatic concerns that are of importance to union organisers, each research team paired with one or more trade unions with shared interest in the assigned sector. This pairing with a trade union proved extremely helpful. The TUs not only helped by orientating teams to labour issues in a particular sector, and keeping them focused on implications for union organising, but they also helped by easing entry and with logistical (arranging interviews etc.) support.

1.2 Objectives of the Study

The overall objective of the studies is to explore the magnitude and status of precarious work in the five selected sectors in Bangladesh with a view to providing recommendations for effective strategies for organizing precarious workers, and transforming them into decent workers. The specific objectives of the studies are:

- i. Assess the magnitude and types of precarious work in the concerned sub-sectors and its industrial scale- specifically the challenges and opportunities
- ii. Find out the employment and working conditions of precarious workers irrespective of man and women
- iii. Explore the prevailing legal framework for precarious workers and assess the extent of workers’ awareness of their rights, entitlement and quality of life
- iv. Find the challenges of organizing and unionisation

1.4 Limitations

Field conditions vary widely by sector and industry. There were constraints in accessing workers, and fixing them as well. Lack of suitable space for conducting interviews were compounded by the fear and reluctance of workers to be seen associating with outsiders. Employers or supervisors might misinterpret such association with sharing negative information about an establishment is expected and quite common to workers in the chemical and deep sea fishing industries.

Therefore, it was not always possible to adhere to schedules for interviews and field visits as planned. Consequently, the number of workers and key informant interviewed. The sector study on municipal conservancy workers encountered a relatively calm and orderly situation¹, it was able to collect data from a total of 100 individuals². The sector study on the retail pharmacy trade was based on interviews with 20 workers, 6 shop owners and 4 TU leaders; the findings on the chemical industries sector are based on discussions with 32 casual workers; that on the deep sea fishing industry, 52 individuals, including various categories of workers, union leaders and organisers; the construction industry, 48 workers involved in functions like grading, piling, chiseling blocks out of stone, welding, loading and unloading materials and supplies. The investigators had to visit the workers (most outside the office/enterprise) as it was difficult to conduct interview in presence of managers/ leaders or other staff.

Finally, another problem was the discussions with workers were not always very fruitful. Many workers, especially those in the chemical industry, do not have the basic view of an industry to confidently report on the structure of relations within an industry, and relations obtaining between an industry and agencies external to it (suppliers/contractors).



Labourers are busy with Padma Bridge construction work

¹ Municipal conservancy workers are able to meet for discussion during the day because they work overnight (midnight to 8 A.M.). Also the spatial arrangements around them are more conducive to holding discussions. There is adequate space to hold meetings near the colonies where the workers live. Originally allocated to permanent workers by the government, rights to housing units have passed down to

successive generations of children and grandchildren. The new occupants work as casual labour but continue to retain the right of occupancy

² 10 union leaders; 6 municipality officials; 2 women and 2 men conservancy workers interviewed individually; and 80 workers who participated in focus group interviews, of who 55 were men and 25, women.

Chapter-2: Overview of the Study Sub-sectors.

2.1 Chemical Industries

The chemical industry, a major source of economic activity and employment in Bangladesh, is operated through some 3,367 manufacturing units. Besides basic chemicals, the sector produces fertilizer, cement, pharmaceuticals, plastic goods, packaging, paper, cosmetics and toiletries, paper, glass sheets, hardboard, sanitary ware, and insulation materials. Chemical industries provide employment to an estimated 2.5 million workers, overwhelmingly male dominated (insignificant number of females), as observed in the places/establishments visited. Units in the sector fall under the following broad categories:

- **The Bangladesh Chemical Industries Corporation (BCIC) manages state-owned enterprises.** The number of State-owned enterprises has shrunk over the years and now account for 13 large and medium industries comprising 08 fertilizer factories, 01 paper mills, and 04 other chemicals and allied industrial units for producing cement, glass sheets, sulphuric acid, and sanitary ware.
- **Private sector industries:** Under the control of Multinational Companies (MNCs), these are concentrated in cement and pharmaceuticals (9 units). Moreover, there are approximately 3,332 units managed by individual local entrepreneurs.

2.2 Deep Sea Fishing Industry in Bangladesh

The marine fisheries sector is an important sector of the national economy. In 2013-14, marine fishery accounted for 0.595 M MT or 17% of the total fish production in Bangladesh (3.548 M MT). Deep-sea fishing in Bangladesh is performed through both artisanal and industrial fishing. Artisanal fishing uses manual and motorized wooden boats to fish close to the shore, operating within 100 miles of the coast and at 10 to 25

meters depth. In contrast, industrial fishing relies on large motorized trawlers to harvest fish beyond 100 nautical miles and at depths of 30 to 70 meters. Of the two, the artisanal fishing is more important, accounting for 80 percent of total marine fish production and a majority (95 per cent) of the workers. The deep-sea fishing industry provides employment to an estimated 211,000 workers. About 200,000 workers are in artisanal fishing and only 11,000, in industrial. The sector does not generally hire women.

2.3 Construction Sector

Bangladesh's construction sector plays a strong role in the economy amid continued urbanisation. Rising urbanisation and building of infrastructures, including roads, bridges and flyovers are the main factors behind the growth of this sector. The sector has generated 3.5 million employment opportunities directly and indirectly, and created several dozens of ancillary industries, namely-steel, cement, tiles and sanitary ware, cable and electric ware, paint, glass and aluminum, brick and other building materials.

The government's development projects have given a big boost to the construction sector, which resulted in higher production and consumption of steel and cement. The government has a number of ongoing flyover and other construction projects in Dhaka and Chittagong. The Padma Bridge is a multipurpose road-rail bridge across the Padma River being constructed in Bangladesh, connecting south and west part of the country, and is the largest construction project. This project provides employment to an estimated 4,500 workers in the form of casual (daily basis) workers. Survey team saw an insignificant number of women workers in the construction sites of the project (i.e. places/sites visited).

2.4 Municipal Conservancy Sector

While relatively small compared to the other industries covered by this five-sector study, municipal conservancy services (hereafter, “conservancy” only), have immense consequences for public both health and *the way future citizens construe human rights and the rights of workers*. With the rapid urbanisation that is now under way³, the municipal sector can only grow in size and importance. Yet, the irony is that this kind of work is severely stigmatised. Consequently, there is a strong possibility that the working conditions and rights of conservancy workers and their children are likely to suffer neglect.

Box 2.1: Dirty Work that Keeps Us Clean

The functions of municipal conservancy are: Street cleaning (sweeping and washing). Removal of carcasses from roads. Waste collection and sorting from parks, households, large institutions and commercial areas. Transportation of waste from points of origin to neighborhood collection sites and landfill sites.

Another issue is that, this sector has a definite presence of ethnic minorities. Traditionally Bangla-speaking workers have gradually replaced dependent on members of Horijon/Dalit and Dom outcast groups, who were brought into the country by the British, descendants belonging to this highly specialized occupation group. As a result, they currently account for 25 percent of workers. Nationally, the municipal conservancy sector employs around 50,000 workers, and is the only sector, under study, to employ women, say around 25%.

³At present around 43 million people live in the urban areas of Bangladesh and the rate at which the urban population is growing is 2.8%. This is more than double the 1.1% annual

2.5 Retail Pharmaceuticals Trade

The retail pharmaceutical trade is a fast-growing sector that has significant possibilities for employment creation. It is also critical to the expansion of a buoyant pharmaceutical industry in Bangladesh, which accounts for 200 manufacturing units that produce, besides common drugs, more complex formulations such as insulin, hormones, and drugs against cancer; and provides for 97% of the total medicinal requirement of the local market.

Local sales of pharmaceutical products are performed through some 106,224 licensed drug stores in the country. However, according to the Directorate General of Drug Administration (DGDA) of Bangladesh, some 200,000 to 250,000 shops operating without trade licenses. On average, including the owner/manager, a medicine shop (pharmacy) employs 04 people. As such: the sector employs an estimated 1.2 million to 1.4 million workers, *none of them is woman*, particularly in the places/shops the survey team visited.

The study was conducted in the Mitford, Islampur and Babubazar areas of old Dhaka city, known as the hub of medicine sales and purchases. The business in the study areas is found sinking for last five years mainly due to:

- Expansion of production of pharmaceuticals in the country, both in the cities and rural areas and due to improvement of transportation and communication, the producers prefer to supply their product to the doorsteps of the sellers (instead of coming to the old and congested Dhaka city) and
- Frequent raid and so called ‘harassment’ of the shops to check storing and selling of expired and contraband (illegal) items.

growth rate of the entire population. At existing growth rates, the country’s urban population will reach 79 million or 42% of the population by 2035.

Chapter-3: Socioeconomic Profile and Workers' Hiring Practices

3.1 Socio-Economic Profile

Precarious work without long-term job security and marked by other related factors is not an option or choice for the unemployed. The desperately poor, living below the poverty line, find them engaged as casual workers because that is all available. In most cases, the workers are the only earning members of the family (with an average size of 5), and majority are from marginalised and very poor families.

Age: Majority workers in the five sectors under the study are between 25 to 35 years. The sector with the highest demand for young workers is the deep sea fishing industry, followed by the pharmacy and construction sector. In Conservancy, there is a concentration of older workers (above the age of 55) —but there too, the majority workers fall within the 30 to 33 years old range⁴. Again, most workers in Deep Sea and Pharmacy enter in early age (18-20), but in case of Pharmacy they always look for other business/employment opportunities mainly because of the precariousness of work.

While the sectors have made laudable progress in avoiding child labour, the accident-prone large-scale infrastructure construction sector in few cases employs boys under 18 years old were found.

Gender: All but handful workers in municipal conservancy are found men, meaning that male workers, at least in the places the survey team visited, overwhelmingly dominate other sectors. It may also be mentioned that there is involvement of female workers in the different stages of

overall cycle (production, processing and sale of the sectors), but not in the part of the cycle we have visited. Again, except municipal conservancy, no other sector provides employment for ethnic/religious minorities (Dalit), neither persons with disability were found working in the sectors.

Economic Status: The majority of the workers under study, as mentioned earlier, come from very poor, often landless, households with an average income ranging from BDT 5,000-to 20,000 a month. Some workers are the sole earner of their household. Many workers (in construction and deep sea fishing in particular) have been forced to migrate to their present place of work because of less job opportunities in their home districts (Rangpur and Dinajpur in the north of Bangladesh and coastal districts respectively). Many join as precarious works principally because of losing their farmland and/or their homesteads to river erosion, mostly in construction, Deep-sea fishing and Chemical sectors. By comparison, workers in pharmacy retail come from lower middle class households, with an average household income of BDT 20,000 to Taka 25,000. They (the pharmacy workers) start out with apprenticeship training for about 03 months, some with food/pocket allowance only during the (apprenticeship) period. In all other sectors, they get only on-job training (but no other formal training).

Education: Most workers in this group have little education. A majority are limited to, completing a primary school education only, or to attend some years of secondary school

⁴ The average age of the conservancy worker is 30-33 years and more than 30% of the workers are above 60 years and none is under 18 years. The majority of the workers in the chemical industry are between 25 to 35 years. In deep sea fishing, the age of majority of the workers are below the 30 years; and in construction, the age range of the workers is 18 – 50 years, few above 55. During spot visits, it was found

that some boys between 10 –16 years were also involved in construction work on the Padma Bridge construction project. In pharmacy retail, the majority are in age group of 20-35 years, followed by 36 to 50, and few are below 20 and above 50

(construction, deep sea fishing). A smaller number go on to complete secondary school (chemical industries) but they are unable to qualify as “skilled” workers. In pharmacy, the retailers are generally educated (to HSC/A level) as the nature of work suggests/demands educated people.

3.2 Workers' Hiring Practices

There are some common as well as special traits behind the story of becoming a precarious worker in five studied subsectors. Thus, the worker supply chain (sources--from where, by whom and how they come) is discussed below.

- Workers in construction, deep-sea fishing, and pharmacy retail mostly find work through personal (as well as guardian’s) networks. Some construction workers reportedly use local agents (*Sardars*) who charge a small fee paid in a single installment. They mainly come from northern Bangladesh.
- Around a quarter of municipal conservancy workers are self-recruited, i.e., they are descended from members of the Dalit community, which have traditionally borne responsibility for the sector. Others find work in the sector through personal networks and formal recruitment. They come to this sector, mostly from southern and northwestern part of Bangladesh.
- Many of the casual workers in the chemical industry are locals and also rely on personal networks. Chemical sector workers are also managed and supplied by labour supply contractors. Workers of chemical sectors, mostly migrated from rural communities. In deep-sea also most come through personal networks.

- In case of Pharmacy, majority come nearby areas (Keraniganj areas on the other side of Buriganga River) through the personal/guardians’ network with the shop owners.



Workers live in very congested and untidy place

Chapter-4: Working Condition and Precariousness

4.1 Wages and Benefit

The monthly take-home pay of casual workers varies from BDT 5,000 for entry-level workers in pharmacy retail to BDT 10,000 to 12,000 per month and similar in construction and Municipal conservancy workers—inadequate to meet the needs of a family. Workers caught short by sudden emergencies cope by borrowing from co-workers and friends or an advance from the employer. They are required to work very long hours, but do not always qualify for overtime pay because wages are set on a daily rather than hourly basis.

Workers are not paid weekends, or paid sick days, or paid holidays. Women, though few in number, are excluded from the generous provisions for maternity leave (16-weeks) that apply to permanent employees in case of conservancy workers. Healthcare benefits are out of the question as being retirement benefits. Instead, a number of soft social benefits help to consolidate relations between employer and employee. Some employers provide a bonus for one or two major religious celebrations (Eid) a year and/or supply *Iftar* (foods and drinks with which fasts are broken) in the Ramadan month (e.g. Pharmacy retailers). Few numbers in another four sectors have such special benefits/facilities.

4.2 Working Conditions

All the characteristics related to precarious works are manifested in the working conditions of the workers under the study sectors in terms of:

- Unstable employment
- Lower wages
- More hazardous working conditions
- Rarely receive social benefits
- Often denied the right to join a union
- Workers are easily replaceable

Here, workers are not provided with Appointment letters, IDs and Service Books. Other working conditions and occupational safety are very inadequate also.

Sanitation facilities provided/available at the workplaces are unpleasant in all sectors. In deep-sea fishing, for example, trawlers take enough drinking water on board but stint on water for bathing. Consequently, workers have to do without baths for up to four days.

Depending on the sector, workers are exposed to untold hazards from dust, volatile acids, waste, poorly maintained machinery and equipment without adequate attention to providing training in safety measures and without sufficient stocks of protective gear (masks, gloves, eye glasses) to last beyond a few months.



A woman is working in local dumping site

When an industry starts, or it chooses to periodically re-energize itself, safety considerations come to the fore. Soon, however, enthusiasm peters out and things return to normal, with little thought being given to repairing faulty equipment, restocking protective gear or making sure that employees observe rules for safety.

As a technician and union leader in a State-owned fertilizer factory working for 38 years in Chittagong puts it:

“When the industry started (about 10 years ago, the issue of safety was important and there was an adequate supply of clothing and equipment. At present, safety has no place either in thought or in practice”.

The condition of safety and security is similar in all other four sectors except Pharmacy.

Another contributing factor is cost cutting by hiring fewer workers, and stinting on purchasing equipment and supplies needed to protect workers from harm. In the deep-sea fishing sector, e.g., trawlers routinely hire fewer people for voyages than are required. Consequently, workers are forced to remain on call 24 hours a day, catching whatever little sleep they can in the four hours that remain between trawls (casting out and lifting up nets from the sea). Again, while trawlers have first aid supplies, they do not carry enough medicines and medical supplies to cover serious accidents. These typically happen when a worker is thrown overboard by the force of a net as is being cast out into the sea, or when a deep-sea worker is required to untangle the net when it is caught in the equipment used to pull the catch aboard. All that remains for seriously injured worker at sea is to apply cold ice compresses as he is sent back ashore on another boat headed for land.

4.3 Magnitude of Precariousness

It is observed that about 80-100% workers are in precarious condition in terms of;

Employment: Because of weakness in governance and regulatory mechanisms, employers is free to ignore official mandates that require them to provide letters of appointment to casual workers.

Identity: Usually, except very few, no IDs are issued to the workers studied. Lacking an identity, casual workers are more vulnerable to police questioning and harassment if they are accidentally caught up in a melee on the streets to and from home.

Economics: As discussed elsewhere, insufficient pay/benefits provisions, thus difficult to survive. In most cases, the workers are the only earning member of the family (averaging 05 members/family) meaning that difficult to survive

Working Hour: Long working hour (from 10 hours to more) is one of the common factors prevailing in all five sectors, mostly without provision of overtime. Generally, they work 10-12 hours a day, excluding overtime. Payment against overtime is minimised, sometimes nothing.

Other Benefits: Lacking the status of a permanent worker, current labour laws do not apply to casual and contract workers, thereby effectively cutting them off, such workers from benefits to sick leave, health cost coverage, provident fund, etc. Other than wages/salary, most of them do not get anything else.

Health: Precarious work is associated with poor physical and mental health as almost no health support is provided apart from first aid arrangements.

Sanitation: The sanitation arrangement is below standard in all sectors, usually too few facilities for too many workers and the condition is simply dirty.

Unionisation: Again, TUs are limited to organising and representing permanent employees only, casual workers and contract workers in Bangladesh have limited or no information/awareness about rights, entitlements and association or unionisation. Denied space under the umbrella TUs stand to provide, a worker who is already beaten down by poverty, debt and self-doubt, is also denied the kind of education TUs are trained to provide---about human rights, worker rights, and the dignity and munificence of the labour that the scavenger undertakes.

Chapter-5: Social Protection and Gender Issues

Largely, with few exceptions, the workers under all sectors have little protection and social security, except Conservancy Departments and TSP factory, who work under government systems (or public sector). Majority workers under the regular payroll in these two subsections are largely permanent staff and enjoy some protection and security like having an employment contract/ID, entitled to leave, fixed salary (with provident fund, gratuity, yearly increment, bonus etc.) but no pension facility, equal employment facility for both men and women. However, except conservancy sector (about 25% female workers), there is no/very limited number of women workers in other sectors.

In recent years, Bangladesh has made some progress on gender equality. New legislation has been introduced, including laws on violence against women, equal pay, maternity leave, and parliamentary quotas etc. The female literacy rate has increased noticeably. However, still there are gaps and discriminations. The females and children are most vulnerable when there are financial crises, disasters, etc. and this is very much applicable to the families of precarious workers. Except Municipal Conservancy, there are no or very insignificant number of female workers in the studied sub-sectors. More specifically, the study team did encounter only men or very few women in the places/sites/establishments visited in all four sectors except conservancy.

The municipal workers' jobs were probably among the first where men and women worked together in public. It is not because of establishing equity or empowering the women, but because of poverty. This system of employment is not contributing to women's empowerment as they are usually not decision makers, neither at the workplace, nor at home/community, often

do not have control over the money they earn. Women here are doubly burdened, performing both official job and unpaid/unrecognized household (unproductive) works.

Harassment of female workers (in conservancy) includes placing them on work sites far from their homes, requiring a long and difficult journey to work. Domestic violence is common among them. Moreover, they find it particularly difficult to get any form of legal support; discriminatory attitudes when filing cases at police stations (which often refuse to take up their cases, referring them instead to local authorities).

The situation with regards workers' social security and protection are described below:

- Most workers do not get any benefit (e.g. provident fund, welfare fund, and retirement benefit) other than his salary/wages.
- Earlier many owners used to hurt/assault the workers for fault, even for minor offenses in pharmacy particularly. However, it is reportedly reducing overtime.
- When the workers get sick, or facing any problem, usually no leave is allowed; or leave without pay is provided. This particularly applies for Pharmacy, Construction and other daily basis/casual workers.
- Conservancy workers are socially excluded and deprived of equal access to the social, political and economic resources.
- The female worker is mostly unprotected because of working nature and time.
- Very limited social safety-net facilities for the casual workers, not even for the conservancy workers who has an earmarked allocation under Safety Net Programs of the Government.
- In case of permanent injury, the compensation package is nil or very low.

Chapter-6: Workers Legal Rights and Unionisation Status

6.1 Workers' Awareness of Rights and Entitlements

The workers generally do not have information on their rights and entitlements; therefore, awareness is generally poor among them. It is also found poor even where TU exists or where the sector/departments are affiliated with TU. They have minimum information about and control over their work environment and schedule.

Most of them lack knowledge/awareness of labour laws, rights and even unaware of other human rights issues. Awareness of OHS is low for both categories of workers (government and private). The public, sector workers have basic awareness about the labour rights like provision of appointment card, ID card and other facilities of permanent workers, but lack awareness about OHS. In case of misconduct, workers make contact with or complain to union office immediately and they are aware about the risk in the work (who works in government offices mainly).

6.2 Legal Instruments on Labour Issues

Precarious work increases employment insecurity as well as polarization and exploitation of labour market. It also denies the fundamental rights of the workers throughout the world. In case of Bangladesh, it remains extremely difficult for such workers exercise their dignity and right.

The following sections describe the key relevant provision of the Bangladesh Labour Law, 2006 and the prevailing practices:

Classification of workers: Workers employed in any establishment shall be classified as an apprentice, badly, casual, temporary, probationary, permanent (*Section 4*). It is seldom done or complied.

Letter of Appointment and Identity Card:

Every worker is provided with an appointment letter and identity card with photograph (*Section 5*). However, in practice, these are not found everywhere.

Working Hour: Not more than eight hours in any day (*Section 100*). However, the worker has to go through the unusual work schedule, mostly exceeding 8 hours.

Extra-allowance for over time: Worker works in an establishment more than the hours fixed shall be entitled to overtime allowance (*Section 108*). Usually many employers do not provide it, some provide but the amount is low.

Leave and Holidays: Every worker shall be entitled to all kinds of leave with full wages (*Section 115,116 & 118*). However, in practice workers cannot enjoy such benefits in the fullest extent.

Cleanliness: Dirty works are being done by the daily basis workers supplied by the contractor, which somehow violates the labour law provision relating to cleanliness (*Section 51*).

First Aid Appliances: There should have first aid appliances (*Section 89*). Thus, the workers are entitled to get such, but in reality, there is deficient in such arrangements.

Dangerous operations: The labour law clearly guides to specify the operation having a serious risk of bodily injury, poisoning, or disease (*Section 79*). The danger is part and parcel for many agencies, but both the parties care a little.

Dusty Environment: In terms of dust and dirty environment, the law has directed to take effective measures for the establishment to prevent dust accumulation in any workroom and inhaled it by the workers (*Section 53*).

Responsibility for payment of wages: Every employer, contractor (contract basis work), the chief executive officer, the manager or any other person responsible to the employer shall be responsible for wages payment (*Section 121*).

Maternity welfare facilities: Every employer shall be liable for the payment of maternity benefit in respect of the period of eight weeks preceding the expected day of her delivery and eight weeks immediately following the day of her delivery (*Section 46*).

Latrines and urinals: Every employer shall provide sufficient latrines separately for male and female workers (*Section 59*). Inadequate, dirty and poorly maintained in all cases.

Time of payment of wages: Before the expiry of the seventh working day after the last day of the wage period (*Section 123*). Most sector follow this provision.

Punishment for conviction & misconduct: A worker guilty of misconduct may, instead of being dismissed-removal, reduction to a lower post, stoppage of promotion, withholding of increment for a period, fine, suspension without wages, censure & warning (*Section 23*).

Service Benefit: Every establishment or employer shall be entitled to provide service benefit to the workers, which includes wages and benefits for certain period of employment (*Section 14, 26 & 27*).

Trade unions of workers and employers: Workers and employers have the right to form trade unions, they also have right to form and join federations (*Section 176*). But in reality, there is no (or limited) practice of organizing or joining trade unions.

Shelter: Establishment working more than 50 workers shall have adequate and suitable shelters or restrooms, lunch room, with provision of drinking water, first aid facilities

where workers can eat meals brought with them (*Section 93*). No such practices were found.

Group Insurance: As per the provision of labour law, the workers are entitled to get group insurance (*Section 99*); but in reality, there is no such practice for the workers.

Special provisions for safety: *Section 263* deals with the safety issues of the dockworker; the competent authority shall be entitled to provide safety measures to the workers. However, in reality it was not found (or very limited) such arrangement.

6.3 Status of Unionisation

Trade unions are in place in most of study areas/sectors--in government agencies like Collective Bargaining Agency (CBA) by - Municipal Corporations and TSP factory by default. There is little evidence of organizing in the private sector and is limited to MNCs, which are required to allow TU activity. In case of deep-sea fishing industry, the artisanal fishing accounts for the vast majority of workers, however trade union organizing is limited to only industrial fishing. There are unions in construction and Pharmacy sectors, but both found not that active. Most workers in all sectors are not aware about any union/bargaining activities. Other problems and challenges of TU in Bangladesh is highlighted in Box 6.1.

However, most of the Trade Unions work mainly on the case - basis, act usually, except less, like a welfare association, rather than a collective bargaining agent (instead of following or pursuing rights based approach; they mostly work on case basis following welfare approach). Most of the workers did not have the opportunity to participate in training, neither formal nor informal. Emphasizing on outsourcing policy (increased 'informalisation' or outsourcing) by government agencies under this study seemed a threat to unionisation. Another problem that restricts their activities is

resource constraints. The summarized scenario is as follows:

- The aspirations of CBA are limited to continue with the existing wages and

Box-6.1: Why TUs in Bangladesh are failing to address problems of Precarious—opinions of Mr. Kutub Uddin Ahmed, General Secretary-IndustriALL, Bangladesh Chapter.

The TUs in Bangladesh are weak and facing many challenges. It is not only facing organisational problems but also financial problems to run the activities. In many sectors/enterprises, there are more than one Unions as most workers want to be leader. Furthermore, there is nonexistence of united movements. There is also problems of not having legendary leaders in TU sector. Furthermore, the TU organisations in Bangladesh are party-based.

Our economy depends on three major sectors- agriculture, remittance, and RMG. Among these three, in former two, there is no rights of workers. Besides, the labor laws of the country are not favourable to form trade union; in most cases the uphold the interest of the owners, not the workers. According to labor law, for registration of union, it needs to be checked by the owner; which is a big obstacle for TU registration. The condition of 30% workers for TU registration is also a problem, where workers are weak and vulnerable to lose the job. The owners usually do not follow any law. They sack the worker anytime without providing the benefits.

For addressing these problems, the TUs have to raise awareness of workers; provide training on OHS, and about the necessity of the TU. Workers have to be motivated to pay subscription to run the TU organisation. And most importantly have to develop leadership among the workers.

benefits; have nothing to do for the casual workers

- The permanent staff/workers are beneficiaries of *casualisation* or *informalisation* process (commonly called as outsourcing) and are part of it
- There is some level of solidarity and cooperation among the unions.
- There are separate associations of captain/officer and workers in industrial trawler, portraying conflict of interest between officers' association and workers' union.
- Some Union organisers regularly contact with the workers and discuss types of benefits and entitlements.
- Almost all conservancy workers of the DSCC and KCC are unionised.
- Regular elections are held and representative committees are functioning in case of a municipality and TSP.
- Most of the workers do not have training on unionisation etc.
- A good number of existing workers do not participate in trade union activities due to fear of losing the job.
- Some leaders- turned-into owners are members of the TU Executive Committee, particularly in pharmacy.
- Very few (or no) dialogues held between owners and workers (or with their representatives);
- Some TUs have some plans/demands to pursue in the coming days, namely: introduction of appointment card, ID card, service book, welfare fund and for increasing the benefits and allowances.

Chapter-7: Conclusions and Ways Forward

Attempting to improve the conditions of precarious workers in Bangladesh is a daunting challenge because custom and practice find nothing wrong with precarious work. The following theme based discussion would be possible to address difficulties among all the sectors. The important conclusions of the study are:

- There are many precarious workers in Bangladesh and the number is increasing at a geometric rate, which is a national concern. Not only the workers themselves, but all three parties (workers, employers and government) are not aware about it, and measures to address this is visible.
- Social gaps between rich and poor, the benefits we continue to gain for the working of a highly inventive but exploitative informal sector, the frequency with which industrial accidents occur to blunt our senses, all attest to the immensity of the task ahead. However, precarious work and worker relations are not limited to the poor or workers only.
- The focus of TUs and CBAs in Bangladesh is unstructured and diffused because they are under conflicting pressures of political parties, local power holders, and their own interests. As such, many of the progressive initiatives that sponsor rights-based approaches do not have a chance to filter down. Even national TU federations complain that local TUs ignored their recommendations and suggestions. As such, trying to stop precarious work is a major challenge.

The way forward: The way forward or more specially the recommendations are related to the TUs.

- A detailed mapping of all sectors needs to take place so as to identify and assess

the prevalence of casual and contract workers.

- Also, a clear mapping of existing labour laws, how they affect the rights of casual workers and contract workers needs to be undertaken so as to prepare the ground for advocating legal reform.
- Before suggesting on effective strategy/method to organise casual workers on their own, it is more important to change public acceptance of precarious work as acceptable, meaning that a concerted, well-organised advocacy campaign be carried out through not only international and national convention and conferences, but schools, institutions of higher learning and the media.
- To be effective, TUs need to be placed in the same room and interact with precarious workers and with members of human rights groups and those sponsoring rights-based approaches.
- More attention needs to be given to engage local TUs below the national federations from the very start.
- TUs and precarious workers should be asked to join the effort to develop the conversation about precarious work rather than being asked to merely respond to a conversation prepared for them by others.
- A separate cell specifically charged with organising, educating and mobilising casual/precarious workers should be set up in trade unions and trade union federations.
- Where there are female workers, there needs to identify and develop more women leaders.

- Maintaining regular intra-communication among the secretariats of GUF members, and conduct different seminar and workshop for making the scope of the common ground of understanding and work.
- Analyse the far-reaching impacts of the outsourcing practices and commencing advocacy in different levels for supporting workers' interest in maintaining the ratified conventions of the ILO. While developing any action or strategy for such workers, this factor should be taken into consideration.
- Conduct intensive research on the Bangladesh Labour Law and advocacy for reviewing the current regulatory framework in place, keeping in mind the precarious works.



A street cleaner of KCC is loading garbage into a pickup van

Chapter-8: Key Findings Sharing and Data Validation

The study has a built-in provision of sharing of key findings and data validation. This has been done through a daylong workshop on key findings sharing and data validation. This data validation workshop was held on 28 January at CIRDAP auditorium and attended by representatives and leaders of five GUFs namely ITF, BWI, PSI, UNI, IndustriALL, and their affiliated trade unions and federations leaders. Besides, officials of relevant government departments, Leaders of TU – national centers, civil society representatives participated in the workshop. This workshop was envisaged to share key findings with the multi-level stakeholders, further analyse the findings and prepare a joint declaration towards the further plan of actions.

Mr. Syed Ahmed, Inspector General (Additional Secretary), Department of Inspection for Factories and Establishments, Ministry of Labour and Employment were present as the Chief Guest while Ms. Wilma Roos and Mr. Prabhu Rajendran from FNV made their comments on the study findings.

The chief guest has largely endorsed the study findings and urged concerned organisations to conduct sector wise detail mapping on precarious work. He appreciated the data validation process as it provided an opportunity to validate the findings with the sectoral leaders and representatives and gain insights to further improve the study.

The validation process begun with a PowerPoint presentation of synthesis and key findings of five sectoral studies, thereafter detailed findings and data presentations were made in five subgroups. These technical sessions were organised to share, discuss each of the sub-sector findings with the related participants, and develop strategies to address sector specific issues and challenges. This allowed adequate scope to validate sub-sector findings.

Each group analysed the study findings and prepared recommendations to address sector specific strategies to address precariousness.

The last league of the sharing workshop adopted a declaration. Five local GUF leaders, namely Mr. Kutubuddin Ahmed, Secretary General, IGU, Mr. AKM Mostafa Kamal, Executive Secretary, UNI BLC Mr. Shahidul Alam, General Secretary, BSBWWF on behalf of BWI, Mr. Md. Yousuf Ali Bhuiyan on behalf of PSI, Mr. Chowdhury Ashiqul Alam, General Secretary, BTUS/ ITU jointly reviewed the study findings, analysed workshop recommendations and finally adopted the following declarations.

1. GUF members will continue to organise and strengthen Unions and integrate precarious workers in the Union as well as a Labour Support Organisation's agenda and activities
2. Develop a comprehensive database through a further mapping of precarious work that provides of a true and complete picture of sub-sector precariousness and use the mapping findings for national advocacy and awareness development
3. Conduct research on concurrent employment and recruitment practices in public and private sector highlight outsourcing regular jobs
4. Strengthen communication among GUF members and undertake joint program to develop awareness on precarious work



Joint declaration in data validation workshop

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