

BREAK THE SILENCE STOP THE VIOLENCE

Gender-based violence in the
garment sector of Bangladesh:
A study on cases, causes and cures



BANGLADESH
CENTER FOR
WORKERS
SOLIDARITY (BCWS)



FEMNET

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Abbreviations and Acronyms

BCWS	Bangladesh Center for Workers Solidarity
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
CSO	Civil Society Organization
DIFE	Department of Inspection for Factories and Establishments
FGD	Focus Group Discussion
GBV	Gender-Based Violence
ILO	International Labour Organization
MoP	Member of Parliament
NGO	Non-Governmental Organization

Preface

Women do not talk about sexual harassment or abuse in Bangladesh, it is a taboo-topic. For garment workers the situation is even worse: Without support, they cannot defend themselves against their male superiors because of their economic dependency and the power structures in the factories.

Kalpona Akter
Director of the Bangladesh Center for Workers Solidarity

While neglected for decades, violence and harassment at work have recently become widely discussed issues, especially since in June 2019 the International Labour Organization (ILO) with its centenary International Labour Conference adopted a new Convention and Recommendation to combat violence and harassment in the workplace. Convention 190 is a result of ten years of work on the issue by worker representatives worldwide. While the convention recognizes the right of everyone to a world of work free from violence and harassment and is accompanied by a Recommendation that provides advice and guidance against gender-based violence (GBV), it is still a long way to put these into practice to effectively address and mitigate GBV.

Ratification of the convention and, most importantly, implementation of measures to prevent and reduce GBV at the workplace and beyond are urgently needed. When looking at the garment industry, the importance to address GBV from different angles becomes evident. While both evidence for GBV as well solutions to address abusive behavior at work exist, responsible stakeholders, including governments, brands and retailers as well as factory management, are often still reluctant to address violence and harassment proactively.

The present study is part of the Multi-stakeholder partnership to decrease gender-based violence against women in the garment industry of Bangladesh and India and therefore meant to collect facts and figures on the prevalence of violence and harassment in Bangladeshi garment factories. From this data as well as earlier studies and initiatives to combat GBV, the report analyses the situations in which workers are likely to become a victim of violence and harassment, with case studies that clearly illustrate the practices and structures that are currently fostering abusive behavior against workers.

The report is the outcome of a joint project between the Bangladesh Center for Workers Solidarity (BCWS) and FEMNET in Germany, that set out to bring brands and retailers, suppliers as well as workers' rights organizations in Bangladesh to one table in order to establish a meaningful and sustainable dialogue on how to jointly address GBV in the garment sector of Bangladesh.

We are grateful to all garment workers who generously shared their stories with us in grief and agony, teaching us about the root causes and forms of violence and harassment against women in the ready-made garment (RMG) sector in Bangladesh. Their experiences guide our next steps towards much needed legal reforms and the implementation of structures that protect women at work. We thank the study team who conducted interviews and focus group discussions and the consultant who helped to prepare the report. We protect respondents' confidentiality throughout the report, especially when referring to workers who wish to remain anonymous. In the case studies pseudonyms were used; any resemblance with real names of garment workers is coincidental.

We sincerely hope that the present report will help in improving women workers lives by reducing the violence and harassment that they must face on a daily basis - especially by encouraging governments, multinational buyers as well as factory owners and management to take preventive action.

Kalpona Akter
Executive Director
Bangladesh Center for Workers Solidarity (BCWS)

Sina Marx
Project coordinator
FEMNET

1. Background: Violence and harassment in the garment industry

*"We know that in the garment industry this issue of violence and harassment is happening everywhere, and that it is limiting workers in their daily work and in their lives, has a negative impact on health and safety, and leads to absenteeism."*¹

Catelene Passchier
Chair of the Workers' group in the ILO

Workplace violence and harassment- especially against women - is widespread. The ILO estimates that at least one in three women around the world has been "coerced into sex, physically beaten and/or otherwise abused in her lifetime. For women aged 15 to 44 years, such violence is a major cause of disability and death. Gender-based violence not only causes pain and suffering but also

devastates families, undermines workplace productivity, diminishes national competitiveness, and stalls development."² When violence and harassment are directed at people because of their sex or gender or when it affects those disproportionately, we speak of gender-based violence (GBV). Gender-based violence is often described as the most prevalent human rights violation in the world.



Particularly vulnerable to violence at work are those women who belong to minority groups such as women migrants including women migrant workers who make up a large part of the workforce in Asian garment production. In the garment industry, which employs a high number of women, often in lower-paid, lower-power positions it is particularly persistent. Looking at the root causes of violence and harassment, one can say, that abusive behavior at work is particularly widespread

¹<https://www.fairwear.org/stories/16-days-of-activism-an-interview-with-catelene-passchier-on-the-journey-to-ratifyilo190>

²ILO (2011)

in the garment industry, because it employs a high number of women in lower-paid, lower-power positions: The gendered power imbalances within garment factories (low representation of women workers in supervisory positions, high concentration of women workers in subordinate roles) are deeply rooted in structural inequalities between men and women in most production countries of garments. Where women are mainly employed in lower-paid, lower-power positions they are more likely to become poor while poverty in turn increases the likelihood of becoming a victim of violence and harassment. Therefore, gender-based violence is both a cause and a consequence of poverty and gender inequality³. When looking at the garment sector, the segmentation of work is very much gendered: The further down you go in the supply chain, the more precarious the work; the lower the pay, the greater the share of women workers⁴.

Despite its prevalence in the garment sector, GBV mostly does not show up in factory audits since the format of classic audits does not involve workers to a degree that would allow them to speak about such sensitive issues - time is short, often interviews with workers happen on-site, sometimes even in the presence of male superiors who are potential perpetrators of GBV. This can be problematic since brands might not be aware of the scope of the problem. However, evidence from this study as well as earlier works on the topic of GBV in the garment sector clearly show that GBV is one of the most prevalent problems regarding workers' rights in the sector. Therefore, the OECD Due Diligence Guidance for Responsible Supply Chains

What is gender-based violence (GBV)? ● ● ●

The term gender-based violence (GBV) refers to any violence directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.

Forms of GBV can be:

- ▶ **Physical**
beating, slapping, pulling hair
- ▶ **Psychological**
mobbing, stalking, coercion, humiliation, assault
- ▶ **Structural**
economic exploitation
- ▶ **Sexualized**
sexual harassment, indecent touch, rape

Source: [ILO Convention 190](#)

in the Garment and Footwear Sector clearly identifies GBV as one of the sector risks and provides recommendations to companies on how to address GBV in the supply chain.

³ United Nations Economic Commission for Latin America and the Caribbean (2004)

⁴ Barrientos, Dolan and Talbot (2003) in Anner, Mark (2019)

2 The garment industry of Bangladesh

The garment industry is the backbone of Bangladesh's economy: It contributed to an impressive six

Addressing GBV - the business case⁵

Negative business outcomes of GBV:

- ▶ negative brand image
- ▶ restricts business productivity
- ▶ reduces profitability
- ▶ victims' absence from work,
- ▶ ill-health, disability or even death
- ▶ reduced work performance
- ▶ low motivation
- ▶ low staff loyalty
- ▶ high workplace conflict
- ▶ high turnover of employees

- ▶ costs of recruitment and re-training
- ▶ costs of sick days, lower productivity and poor concentration

percent growth rate for nearly a decade. More than 5000 garment factories employ more than 4 million workers, mainly women, mainly young; many have internally migrated from rural areas to find work in the city⁶. They are isolated from their families and traditional support networks. These workers are particularly vulnerable to gender-based violence.

The government's goal is to become a middle-income country by next year, 2021 being the 50th anniversary of independence. The country's main strategy to achieve this goal is to further expand apparel exports.

The apparel industry first arrived in Bangladesh in 1978, when Bangladesh was ravaged by floods, political corruption and grinding poverty. That year the new industry exported around US\$12,000 worth of garments. 40 years later, Bangladesh has become the world's second-largest garment

exporter second only to China; its poverty rate has been cut in half, life expectancy as well as literacy rates and per capita food intake increased⁷.

Women play the main role in this economic miracle: It is built on the back of millions of women garment workers whose brutally low wages have attracted international buyers in their quest to find the cheapest products. While the industry provided at least some economic freedom in a society where women typically are housewives, these women have worked in fear of factory fires or collapses while experiencing fierce retaliation when speaking up for their rights. Still today, women endure poverty wages and face violence and harassment at work on a daily basis.

⁵ adapted from Fair Wear Foundation presentation to brands at the German Textile Partnership

⁶ Farole et al (2017)

⁷ ILRF (2015)

3 Violence and harassment in the garment industry of Bangladesh: Evidence on root causes and challenges to address GBV

"Girls from impoverished families come from remote village to the big cities to earn money, to support their families. Not to speak of verbal abuse, they take physical abuse like slapping from their bosses as part of their job."

Mujibul Haque Chunnu,
MoP, Chairman of the Parliamentary Standing Committee to the
Ministry of Labour and Employment

This report is based on semi-structured interviews with 420 garments workers (311 female, 109 male) in the industrial hubs of Ashulia, Rampura, Gazipur and Narayanganj. The results of this baseline study are accompanied by eight Focus Group Discussions with 105 participants and 10 key informant interviews with gender experts, members of trade unions and NGOs, policymakers as well as factory managers and owners to collect detailed information on different stakeholders' perspectives. Also, qualitative sessions, so-called "Breaking the Taboo"-Sessions were conducted in order to facilitate real dialogue with workers on sensitive issues. Since workers are often reluctant to speak about their experiences, especially regarding sexual violence, three sessions were conducted with each group to go in-depth. Therefore, 14 groups were formed, each consisting of 15 garments workers, of which 3 groups were all male and 11 groups were all female. Each of these groups came together for three to four hour-long sessions on three different occasions to break their silence. These sessions covered 210 garments workers in total (165 female, 45 male). Altogether, the data in this report is based on information from 642 garment workers (484 female, 158 male).

Methodology

From economic exploitation of women to domestic violence, from sexual harassment by supervisors to rape -violence and harassment are brutal reality for most women in Bangladesh. Earlier studies show that more than 80 per cent of women in Bangladesh faced verbal or physical harassment while running errands or commuting by public transport⁸, over 60 per cent of female garment workers have been intimidated or threatened with violence at work, 75 per cent said that regular verbal abuse occurred in their factory, most of which was sexually explicit⁹.

⁸ Manjoo (2014)

⁹ FWF (2018b)

81%

of the workers had no knowledge about the role and function of AHCs

An overwhelming majority of workers lack knowledge on Anti-Harassment Committees, their function, roles, responsibilities and work areas. Out of the 19% who did have some understanding of AHCs, 23% were female and 6% were male.

Those behaviors that count as GBV range from gendered discrimination such as lack of access to maternity leave and childcare to brutal physical violence such as rape or murder. 76% of all interviewed workers said they had faced some form of GBV at the workplace. When looking at all cases of GBV, sexual harassment is the form of violence that workers experience most often (including "eve-teasing" which is a widely used euphemism in South Asia for public harassment or sexual assault of women by men).

When analyzing physical violence, slapping (80%) is the most common form of physical violence experienced by garment workers. Workers report that getting slapped by supervisors is especially common when production targets are high and / or deadlines are tight (see also Case Study: Nazma's case). The other most common forms of violence are beating (44%), kicking (42%) and punching (11%) (based on multiple responses). While domestic violence is clearly one of the most prevalent forms of sexual violence against women, out of those interviewees who got raped, also a shocking 6% were raped by their supervisor or line chief.

What is sexual harassment?

Sexual harassment is any unwanted, unwelcome or uninvited behavior of a sexual nature, which could be expected to make a person feel humiliated, intimidated or offended. At work, one of the most common forms is quid pro quo, which occurs when a job benefit-such as a pay rise, a promotion, or even continued employment-is linked to a worker submitting to or rejecting sexual advances¹⁰ (see also Arifa's Case).

¹⁰ Reinhart (1999)

Case Study:

Arifa's case: "If you don't do me a favor, why should I do one for you?"

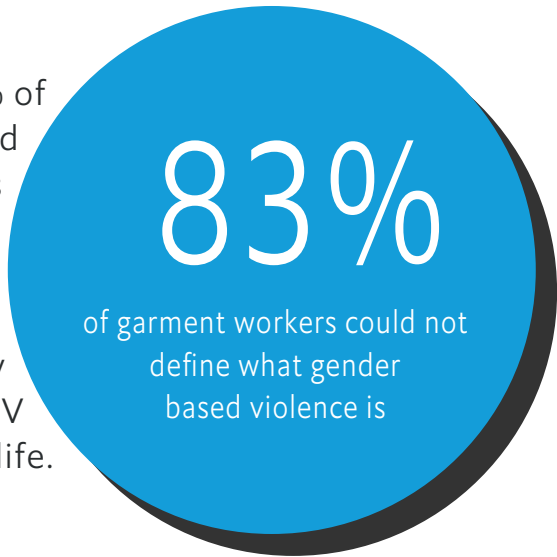
Arifa, 21, grew up in a village in Sirajganj District. She got married when she was 15. Her life at her in-laws' house was tough. Her husband was a drug addict and was not able to keep a job very long so that he could not support the family. So Arifa decided to come to Narayanganj to work in garments factory. One day Arifa needed two days leave quite urgently. She asked the Admin Officer to grant those days off, but he rejected. When she insisted, he told her to come to his office next day. When she did so, he told her that he felt attracted to her and would like to meet her after work. Arifa told him that she was already married and refused. She felt safe, since in the same room, there was a female middle-aged support staff present. However, the woman also insisted that Arifa should comply with the Admin Officer's proposition as he "is a good and rich man". She also told Arifa that if she agreed to his proposal, he would provide anything for her and that getting leave days would not be a problem anymore. Arifa fled from the office room.

When she came back to the factory after two days leave, she was asked by her supervisor where she had been. She described the whole incident that she went to the admin office to ask for her leave but could not do so as admin officer was sexually harassing her. After hearing this, both the factory management and the welfare officer got involved. The Admin Officer was called and interviewed. He neglected the whole incident and blamed everything on Arifa. The female Support Staff was called as well but she took side with her boss and called Arifa a spoilt woman and khanki¹¹. Arifa then was asked by the factory management to apologize to the Admin Officer. "In the end, I had to beg pardon to the one who harassed me. I did it because I am poor. I have come here to work and earn my meals." Arifa still works in that same factory. When she has to ask for leave, the Admin Officer tells her that since she refused to do him a favor by meeting him after work, why he should now do her a favor and refused to grant her the leave.

¹¹ Bangla: whore



Out of 420 respondents, only 22% of the women and 5% of the men had an understanding of those incidents that fall under the scope of gender-based violence. This indicates a fivefold higher knowledge among females, possibly because they have faced GBV sometime in their life.



forms of GBV experienced by garment workers

multiple responses | 420 respondents

forms of GBV	number of incidents	%
sexual harassment	1137 "eve teasing" - 420 inappropriate touch - 265 molesting - 107 other - 345	41.9% "eve teasing" - 15.5% inappropriate touch - 9.8% molesting - 3.9% other - 12.7%
dowry-related violence	259	9.5%
battering	234	8.6%
domestic violence	190	7.0%
forced to sex work	178	6.6%
kidnapping with sexual intention	178	6.6%
child marriage	145	5.3%
rape	73	2.7%
online abuse	68	2.5%
suicide/murder	39	1.4%
Total	2716	100.0%

Case Study:

Nazma's case: "I did not know that my supervisors was not allowed to hit me.

This is regarded as normal behavior in most factories."

Nazma*, 22, completed her grade-VIII in a village school in Kazibari, Sirajganj Sadar district. She lived there with her parents and siblings. Then, her father's sudden death put a full stop to her education. Nazma's mother became ill after her husband's death and could not support her family. As Nazma was the eldest with two younger brothers and two younger sisters, she needed to take care of her family. Her uncle suggested that she could find a job in garment factory near Dhaka, where he also worked. So, she left her village and came to Gazipur to work as a helper in a factory. At that time, she was only fifteen years old.

In the beginning, when Nazma was still learning how to do her job, she made some mistakes - for which she paid a high price: Repeatedly, her supervisor beat her so severely that she fell on the floor, grabbed her so violently that her sleeve was torn. He grabbed and pulled her hair to punish her. She said that everyone on her floor saw this happening, but nobody did anything or said something to support her. She said they did not speak up because they all feared for their jobs, too.

Later verbal and physical abuse became a part of her daily routine in her workplace. "The supervisor, line chief or production manager threw whatever they had in their hands - like pants or scissors - onto the workers. This is the usual practice in the factory, especially when production targets had to be met and pressure was there. My supervisor slapped me, patted me, groped me, and pulled my hair or sleeve of my dress. He also shouted at me in front of all using sexually obscene words like maggi, khanki or madarchod¹²."

She did not talk about her miserable situation in the factory with her family member or to her uncle who also worked in the same factory. She said: "I did not even know that my supervisor was not allowed to slap me, it is so common in factories that it seemed normal to me and to everyone else. And for the sexual remarks, I could not talk to anyone about this- not even to my uncle - because I was so ashamed."

Nazma tolerated these kinds of physical and mental abuses because she needed the job. She had to provide for her family as she was the sole earning member of her family.

¹² Bangla; sexually offensive words like whore, motherfucker

Evidence clearly shows that violence and harassment have profoundly negative effects on the health, wellbeing and productivity of workers and that the garment industry is especially affected. Factors that contribute to a hostile working environment and challenges to address this include:

- * brands` purchasing practices
- * a lack of complaint mechanisms
- * a lack of acknowledgement and understanding at management level
- * a lack of legislation to address GBV.

These points will be discussed in more detail below.

where and when garment workers experience GBV	male	female	total	% of total
experienced GBV during childhood	7	20	27	10
experienced GBV inside garment factory	7	70	77	41
experienced GBV while commuting to/ from factory	8	35	43	19
experienced GBV in public places/ community/residence	8	50	58	29
no answer	5	0	5	0
total	35	175	210	100

Causes for GBV in garment factories at a glance

- ▶ Poverty and economic dependence of victims
- ▶ Patriarchal power structures in society and factories
- ▶ Low education, low position of women workers
- ▶ Lack of complaint mechanisms (Anti-Harassment Committees)
- ▶ Lack of dialogue structures in factories
- ▶ Lack of awareness and knowledge about rights and duties
- ▶ Purchasing practices of brands
- ▶ Lack of legislation

Purchasing practices fostering violence and harassment

"Brands and retailers are reluctant to address violence and harassment in their supply chains. As it is a sensitive subject, they are hesitant to look into the matter deeper. But women's rights are human rights and brands have to take action."

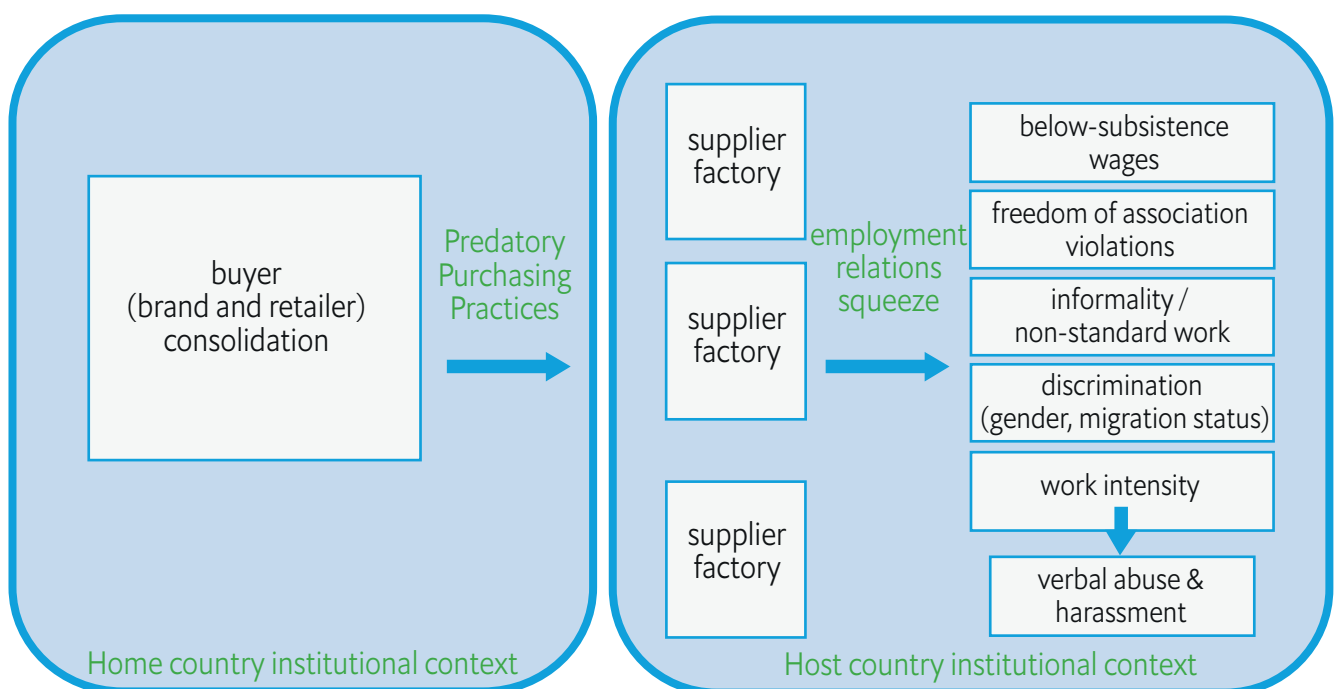
Dr. Gisela Burckhardt, FEMNET

Gender-based violence is deeply rooted in a society's power imbalances between people of different sex and gender but its manifestations in the workplace are also very much interlinked with, exacerbated and sustained by other exploitative practices within the industry. In order to address GBV effectively, it is therefore imperative to understand its linkages with other labor rights issues as well.

To address gender-based violence in the supply chain, brands need to understand and recognize their own role in the dynamics that lead to gender-based violence. Recent studies show that buyers increasingly use their leverage over suppliers to demand lower prices, shorter lead times for higher quotas, and sudden changes to orders. As a result, suppliers increase workers' production targets which lead to an increase in violence and harassment towards workers when targets are not met¹³.

predatory purchasing practices and violence

adapted from Anner (2019), p. 708



¹³ Anner (2019)

hostile work environment



This is confirmed by the evidence from Bangladesh: 64% of the respondents in the present study stated that they were under tremendous pressure to produce garment products and 35% of them stated that they had experienced violence from their supervisors for that reason. Other stakeholders found the same dynamics when analyzing violence and harassment in garment factories, e.g. FWF states that production pressure-including price pressure and lead time pressure-is linked to violence and harassment in several ways: For example, evening overtime hours can make women workers vulnerable to sexual assault, in the factory as well as on the way home. Supervisors who are stressed by high production targets are more likely to abuse workers. Moreover, if bonuses are linked to production outputs, workers are more easily pressurized into sexual favors to supervisors in exchange for approving targets¹⁴.

Where production pressure continues to be unreasonably high, harassment and violence at work cannot be tackled effectively: Factory management will feel that GBV is yet another burden that buyers put on their shoulders as a prerequisite for orders.

¹⁴ FWF (2018a)

Lack of acknowledgement among factory management

One of the main problems regarding GBV on the factory level is that factory management is not sensitized for the issue at all while the problem is rarely documented since workers will not mention GBV-related issues in classical audits. Additionally, factories themselves will not bring up the issue because many brands have a policy of terminating relationships with suppliers when violence or harassment is detected. Factories will not be open and honest about such issues when they fear sanctions from the buyers. It is therefore essential that brands build awareness about GBV amongst top management of their supplier factories while at the same time committing to the process themselves.

However, a growing number of brands and responsible business initiatives start to understand the magnitude of GBV in their supply chains and its detrimental effects on workers and business alike. This, together with the groundbreaking ILO Convention on violence and harassment, brought about several useful hands-on tools and guidelines from different stakeholders that provide those brands who are willing to address the issue with the guidance they need to start the process together with their suppliers.

Lacking complaint mechanisms and support for victims

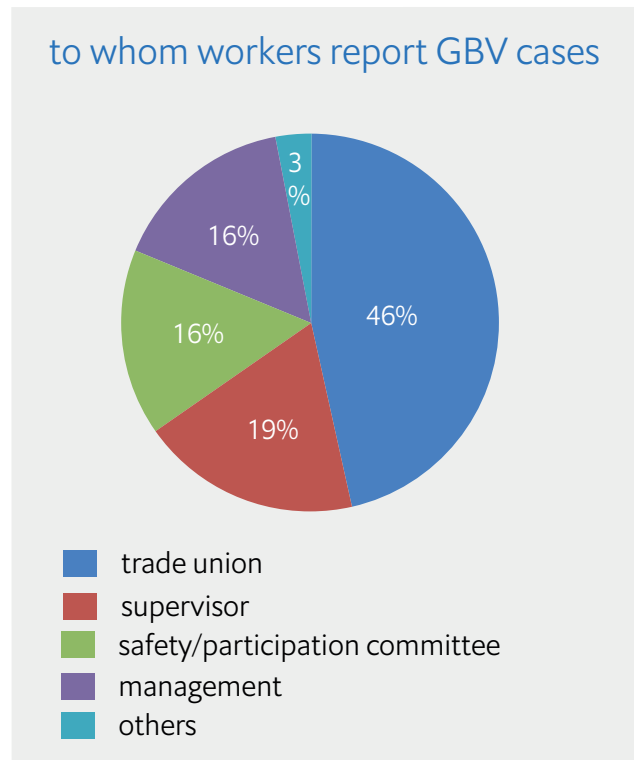
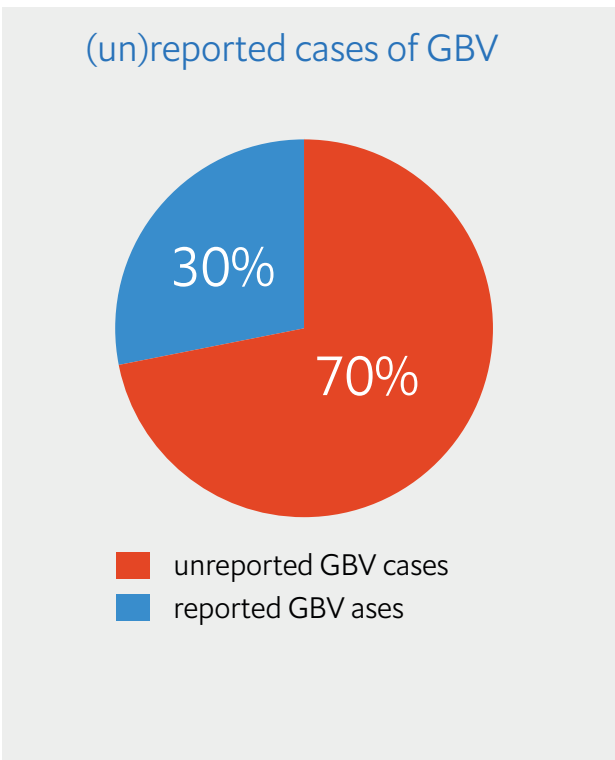
"Workers who face violence and harassment need legal aid and treatment, but they fear coming forward to report about these issues as they are afraid to lose their job for that."

Dr. Mohd. Shahadat Hossain,
Additional Secretary of the Bangladesh Ministry of Health and Family Welfare

With violence and especially sexual violence being a taboo, many victims do not speak about their experiences or - as it was the case in this study - only after several sessions with the same group of women. When looking at the power imbalances in factories, it becomes evident that officially reporting on such cases is almost impossible when female workers have very little opportunities to defend themselves against their male superiors in the factories: When they speak up, harassment often rather intensifies than stops. According to interviewees, forms of retaliation for victims who report incidences (as well as colleagues if they offer support to the victim) include the

following: Supervisors give them especially heavy work, in cases of sexual harassment victims face sexually explicit language from supervisors and co-workers that imply that the blame is put on the victims so that quite often the victims themselves resign their jobs. If they do not resign themselves, many workers who report on GBV issues get dismissed without compensation or explanation. In the absence of trusted complaint procedures, there is no way for affected workers to handle abuse proactively. In this context, silently continuing in the face of abuse might be "a 'strategic indifference' and a rational way to react. Without any system in place that could provide sufficient bargaining power to break through the oppressive structures of social and sexual hierarchy, what could the complaint of the worker possibly lead to, if not to more harassment?"¹⁵

This means that women do not report on violence and harassment when the danger of reporting outweighs the benefits.¹⁶ Hence, the number of unreported cases, especially those of sexual violence, in factories is estimated to be very high. According to the interviewees, 70% of GBV go unreported.



¹⁵ AWAJ Foundation and AMRF Society (2013), p. 50

¹⁶ GLJ, AFWA (2019)

Case Study:

Ripa's case: "The factory manager thought that the rape was my own fault."

Ripa, 22, came from the rural area of Trishal and joined as a helper in a garment factory at Gazipur to support her family. She had two younger sisters and a sick mother so her family was struggling.

Her line chief used to flirt with good-looking girls in his line. He talked with them softly, inquired about their family's wellbeing, granted them leave easily. After working for three or four months, the line chief started to flirt with Ripa as well. He said things like "You are such a good-looking girl, why are you doing such hard work? I feel for you, I like you".

He also touched her inappropriately in excuse of teaching her work. But she did not know how to protest about it. She felt powerless in her position and that made her feel miserable.

"One day while saying these things, suddenly he touched my breasts. I got really afraid and did not know where I would complain about it. I wondered if anyone would understand me. I became ashamed and thought people would think badly of me if I tell this incident to anyone."

One day, Ripa had to go to his office after her shift. He was touching her again and again and when Ripa tried to leave his office, he grabbed Ripa and raped her. After some time, Ripa's co-workers got suspicious as she was not coming, and it was getting late. They were searching for her and ultimately rescued her. The next day Ripa went to the factory management to report the incident. However, the production manager said to her, "You are a girl. Why are you making noise about this incident? It will stain your reputation in society. It is better for you to take your salary and leave this area."

The factory management did not investigate further about the accusation of rape. Ripa left the factory without payment and tried to find a job in another factory. Until today, the most horrible memory for Ripa is the way the manager looked at her and treated her when she was trying to get help. "He thought that the rape was my fault and most people would think that he is right about that."

Out of those cases that get reported, 47% are reported to trade unions, 19% are reported to supervisors and 16% to the safety or participation committees. Also, out of 176 respondents who tried to report GBV cases to the police, 50% said that the latter refused to take their case. The police tend to suggest to the victims that they should seek family help rather than making it an official case. Due to this situation, many "victims of gender-based violence do not get any support, although they may need counseling, legal aid or medical treatment." ¹⁷

Case Study:

Asma's case: "We do not have any chance to protest."

Asma, 19, failed her secondary school in 2009. As she did not have a good education, she joined as a helper in a garment factory. In the factory, her admin officer constantly harassed her. He promised her more money and benefits for sexual favors, said that he would lower production targets for her, give her leave and other benefits. When she did not respond to his proposals, her workload was increased. At one point, Asma complained to the Production Manager about this issue. As a result, a meeting was called where both the Admin Officer and Asma as well as management and the Welfare Officer were present. There, the Admin Officer refused all allegations. In the meeting, the Admin Officer and manager forced Asma to sign in a blank paper. The next day when Asma came to the factory she was denied access to the factory. When she called the Welfare Officer, she told her she was terminated. When asking in more detail, she came to know that her signature was turned into a resignation letter.

"Supervisors and management of the factories collude with each other so that we do not have any chance to protest. They have so much more power!" Though she later joined another factory, she could not forget that though she was a victim, it was she who had to suffer.

Internal Complaint Mechanisms: Anti-Harassment Committees

Due to the devastating situation for victims of GBV incidents, already in 2009, the Bangladeshi Supreme Court passed a milestone judgment in response to a Public Interest Litigation filed by the Bangladesh National Women Lawyers Association (BNWLA). The Writ Petition No. 5916 reacted to the lack of complaint and investigation procedures for victims of GBV by recommending procedures and instruments to protect women from sexual harassment in the workplace and in educational institutions.

¹⁷ Interview with Mujibul Haque Chunnun, Member of Parliament and Honorable Chairman of the Parliamentary Standing Committee on Ministry of Labour and Employment

It instructs employers to set up Anti-Harassment Committees (AHC) to investigate grievances around sexual harassment. Such workplace harassment committees are meant to listen to grievances from workers who have experienced or witnessed violence or harassment, keep the grievance cases confidential and work with relevant factory management to ensure that the cases are resolved appropriately. According to the verdict, AHC members should be mostly women, with at least two members from outside the organization, preferably individuals with deep knowledge of gender issues and sexual abuse.

However, ten years after the High Court directive only around 4% of garment factories had AHCs in workplace¹⁸. Although many factories officially have other committees, such as Participation Committees or Safety Committees, on the one hand these often do not have effective activities or meetings in factories and on the other hand they are not equipped to handle incidents of violence and harassment: "Therefore, if a worker faces violence in her factory, she does not know where she can complain."¹⁹

This is why workers' rights organizations in Bangladesh are lobbying towards more effective legislation to address GBV that would also make the formation of AHCs mandatory - as it is already the case in India.

Lack of effective legislation

While the High Court Rule of 2009 was a step in the right direction, the recommendations of the Supreme Court are mostly not enforceable and accordingly patchily implemented. Also, the guidelines have several pitfalls, e.g. lack of a provision that would protect AHC members against retaliation from company management. The experiences from stakeholders who have worked with AHCs show that due to this reason many AHC members resigned their position in the committee for fear of losing their jobs²⁰. As a consequence, several Bangladeshi workers' rights organizations worked on a draft law on the Prevention of Sexual Harassment in the Workplace, which has been submitted to the relevant ministries and are currently campaigning towards adoption.

Such legislation should follow the new international labour standard on violence and harassment as adopted by the ILO and therefore "include domestic and informal workers as well as provision of remedy."²¹

¹⁸ Dhaka Tribune (2019)

¹⁹ Mujibur Haque Chunnun, Member of Parliament and Honorable Chairman of the Parliamentary Standing Committee on Ministry of Labour and Employment

²⁰ FWF (2018a), (2018b)

²¹ Interview with Mujibur Haque Chunnun, Member of Parliament and Honorable Chairman of the Parliamentary Standing Committee on Ministry of Labour and Employment

Legislation to combat GBV - the case of India

In India, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013 is meant to "provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment". It outlines the different forms of harassment and how to seek help in event of harassment at work. Employers are required to provide education and training programs, develop policies against sexual harassment and constitute an Internal Complaints Committee to receive and address sexual harassment complaints. While the law is still not fully enforced, it nevertheless provides labour-rights organizations with an enforceable instrument to call for the protection against GBV at work.



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4 Tackling violence and harassment: Recommendations

The study confirms the prevalence of GBV in the garment sector of Bangladesh in line with earlier studies and experiences from different stakeholders in the garment industry of Bangladesh. It also underlines the importance of a timely and effective ratification as well as implementation of the ILO Convention 190 - showing that both legislative reforms as well as new workplace procedures are needed to prevent and respond to GBV in the world of work. Besides the clear mandate of governments to protect workers from violence and harassment through meaningful legislation, GBV in the garment sector cannot be addressed without effective systems that address violence in the factories themselves. This includes a meaningful involvement of workers and their representatives as well as awareness and commitment from employers as well as the brands who source from those.

Based on this, we recommend the following to the:

Government of Bangladesh:

Effective legislation and monitoring to prevent and protect

- ▶ Ratify ILO convention 190 and implement the accompanying Recommendation 206
 - Strengthen existing laws (such as WaCR Act 2000²²) and enforce their implementation
 - Pay special attention to GBV in the RMG sector and to the formation of anti-harassment committees
 - Formulate comprehensive legislation on GBV that goes beyond the workplace
- Provide legal aid and health care for victims
- ▶ Enable the Department of Inspection for Factories and Establishments (DIFE) to
- ▶ better monitor GBV issues in factories

²² Prevention of Women and Children Repression Act 2000 (amended in 2003)

Top factory management:

Addressing instead of hiding GBV

- ▶ Acknowledge the existence and prevalence of GBV
- ▶ Formulate a workplace policy on GBV that protects workers and provides incentives for reporting.
- ▶ Create "harassment-free factories" and make that a selling point to buyers
- ▶ Establish Anti-Harassment Committees with elected members in every factory and support their functioning (regular meetings during working hours)
- ▶ Provide trainings to explain the roles and responsibilities of different committees (Participation, Safety, Welfare and Anti-Harassment) thoroughly to workers
- ▶ Provide legal aid and health care for victims
- ▶ Involve external experts on gender and / or workers` representatives
- ▶ Establish a trustworthy complaint system at factory level backed up by external supporters

Brands and retailers:

Prevention is better than reaction

- ▶ Proactively make GBV a preference in the Due Diligence process
- ▶ Adopt a workplace policy on GBV that includes the formation of Anti-Harassment Committees with external expert and make sure that your suppliers implement it
- ▶ Analyze risk factors for GBV and take appropriate action to mitigate these risks (including risk factors related to purchasing practices and factory-level supervisory and employment practices)
- ▶ Provide incentives that promote reporting by workers without fear of retaliation
- ▶ Provide information and training on the identified hazards and risks of GBV and the associated prevention and protection measures both to workers and management
- ▶ Support the victims of GBV
- ▶ Involve trade unions, especially women-led unions, as well as membership-based women's rights organizations in all of the above-mentioned processes as well as in social audits and the formulation of corrective action plans



Responsible Business Initiatives:

Become part of the solution

- ▶ Make GBV a mandatory field of action for members` Due Diligence processes and offer support for doing so
- ▶ Publish a statement that acknowledges the prevalence of GBV in the sector that asks for ratification and implementation of the ILO Convention 190 and commits to addressing GBV within the initiative and its members
- ▶ Facilitate joint action of brands in addressing GBV on factory level

Workers' Rights Organizations:

Do more to ensure GBV-free workplaces

- ▶ Run campaigns to raise awareness for the topic and to support women and men who are speaking about GBV as victims and perpetrators
- ▶ Work towards the establishment of AHCs as external third party to the committee
- ▶ Include GBV explicitly into social dialogue and CBAs
- ▶ Practice what you preach: Adopt internal gender policies and strengthen women leadership in top positions

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BCWS is workers` rights organization based in Dhaka, Bangladesh. FEMNET is a women`s rights organization based in Bonn, Germany. Both work towards improving the situation of women workers in the garment industry.

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NO GBV AT WORK
BREAK THE SILENCE

