State’s Obligation to Ratify ILO Conventions C155, C161 and C187: A Review of Bangladesh’s RMG Sector

ASM Anam Ullah

ABSTRACT

Bangladesh has ratified several ILO conventions as a developing country, including some fundamental ones. However, in the dearth of adequate enforcement of Bangladesh Labour Act, 2006 (amended in 2013) and ILO conventions, Bangladesh’s Ready-made Garment (RMG) industry has faced appalling working conditions, leading to serious factory accidents like the Rana Plaza building collapse in 2013. Nevertheless, the study’s findings show that Bangladesh needs more political will to ratify the essential ILO Conventions C155, C161 and C187. These essential Occupational Health and Safety (OHS) Conventions mandate states and organisations to follow international standards at the workplace. Therefore, this research study aims to explain why the ILO has significantly failed to persuade the Government of Bangladesh to ratify these three ILO OHS conventions and how this can be achieved through discussing this study and the recommendations derived from the data analysis.

Keywords: Bangladesh Labour Act, Bangladesh RMG, Globalisation and Neoliberalism, ILO conventions.

1. Introduction

As a developing country, Bangladesh has adopted Western and European political and macroeconomic ideologies since the 1980s, i.e., globalisation and neoliberalism (Alamgir & Banerjee, 2019; Kabir et al., 2022a, 2022b; Khan & Milne, 2019; Saxena, 2022; Ullah, 2021a, 2023a, 2023b). As a result, Bangladesh has received massive foreign direct investment from Western and European countries, mainly in the country’s sparsely regulated and low-wage Ready-made Garment (RMG) industry (see Yamagata, 2007). Several international studies have shown that the RMG industry in Bangladesh has grown tremendously over the last 40 years due to Western and European capital investment in the country’s less-regulated informal economic sector, i.e., RMG. Despite being experienced with low industry regulations, the industry has created millions of low-wage jobs, primarily for rural women in Bangladesh who were given hope and dreams for their empowerment. With that hope of capitalists, the nearly 6 million RMG workers in Bangladesh migrated from rural villages to different significant cities in Bangladesh. In nearly seven thousand RMG factories, women’s labour contribution to the industry will be more than 80 per cent, while their socio-economic lives are severely compromised with a scant living standard while factory accidents bring horrific experiences for them and their families (Anner, 2019; Labowitz, 2016; Mottaleb & Sonobe, 2011; Siddiqi, 2019; Ullah, 2021a, 2021b, 2022a, 2023a).

My research suggests that the RMG industry has not only shown phenomenal growth over the past 40 years but has also experienced exponential export earnings for Bangladesh, accounting for more than 80 per cent of the country’s total export earnings. The industry is expected to generate USD 50–60 billion in revenue by 2025 or shortly after (see Haque & Gopalakrishnan, 2019; Rahman & Ishty, 2020). Nevertheless, the minimum wages of RMG workers, social entities, and working places compared to other global RMG-producing countries are a significant concern for scholars, human

International scholars also argue that despite the industry's substantial contribution to the country's employment and macro and microeconomic growth, its crucial stakeholders did not consider the industry's proper regulation. For example, the Government of Bangladesh, the “Bangladesh Garment Manufacturers and Exporters Association (BGMEA)”, the “Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA)”, the “Bangladesh Employers' Federation (BEF)” never paid proper attention to the industry's regulation. Moreover, even their global business partners, mainly capitalists from Western and European countries who own clothing and fashion brands and corporations, have never felt to play a substantial role in adequately regulating the industry. RMG workers are killed and brutally injured due to the poor external and internal infrastructure of buildings used as RMG factories in most urban slums of Bangladesh, mainly Dhaka and its surrounding stations. As a result, RMG workers feel insecure at RMG factories (see Alamgir & Banerjee, 2019; Siddiqi, 2019).

Contemporary scholars such as Ashwin et al. (2020) argue that global clothing brands have links to criminals and Bangladeshi RMG traders who own “Porches, Rolexes and helicopters” while RMG workers are starving and struggling for their basic needs. Moreover, RMG employers in Bangladesh are known as a capitalist class with political power and occupy the state's executive position by offering extensive capital donations to the political, which forms the government at different times (Rahman & Rahman, 2020). As a result, the Government of Bangladesh or political party is always on the side of those greedy RMG employers blessed by globalisation and neoliberalism and known as human rights violators (Gilbert, 2018; Islam & McPhail, 2011; Ullah, 2023a, 2023b).

Most importantly, the Government of Bangladesh recently enacted the Bangladesh Labour Act, 2006, after a long waiting period of almost 35 years of the nation's independence from West Pakistan (Afrin, 2014; Faruque, 2009). The Government of Bangladesh recently enacted the National Labour Act, mainly due to intense pressures from RMG workers’ and trade unions’ demonstrations after a series of RMG factory fires and building collapses in the 1990s. However, the 2006 Labour Act did not bring international standards, although the International Labour Organisation (ILO) worked closely with the Government of Bangladesh to produce the Labour Act draft. The view of trade unions and ILO on the Labour Act draft will be dealt with in the later sections (data presentation and analysis sections) (see also Afrin, 2014; Bair et al., 2020; Human Rights Watch, 2013; Islam, n.d.). Nevertheless, contemporary scholars, e.g., Karanikas and Hasan (2022), found a significant gap in the Bangladesh Labour Act. Reza and Du Plessis (2022) found low enforcement of the Bangladesh Labour Act, 2006 (amended in 2013) against the Labour Act violators (see also Uddin et al., 2022; Ullah, 2022a).

Despite the limitations of the Labour Act 2006 (amended in 2013), it still raised high hopes to see the RMG industry regulated, which has yet to happen. Industrial accidents continued, resulting in worker deaths and injuries in the RMG sector (see Fig. 3). Due to factory fires and building collapses, the Government of Bangladesh formed the “Tripartite National Health and Safety Council (TNHSC) in 2009” (Bangladesh Institute of Labour Studies, 2015). Nevertheless, the unsatisfactory outcome of industrial regulation and the casualty of the RMG sector led the Government of Bangladesh to a dark side: They were excessively criticised for neglecting industrial regulations (Saxena, 2019, 2022; Ullah, 2022a).

Meanwhile, 112 RMG workers were killed in the Tazrin Fashions fire on 24 November 2012. Then, while the Government of Bangladesh, RMG employers, the ILO and other organisations were in dialogue to change the industry's regulatory framework, another industrial disaster occurred on the 24th of April 2013 was the Rana Plaza building collapse, killed at least 1134 RMG workers and another over 3300 were brutally injured (Siddiqi, 2015, 2019; Ullah, 2020a). The Rana Plaza was illegally built on waterlogged land and with poor raw materials, which were not even designed for industrial work; this was a clear violation of the ILO conventions and the National Labour Act 2006 (amended in 2013) by the RMG employers who never felt to play a substantial role in adequately regulating the industry. RMG workers are killed and brutally injured due to the poor external and internal infrastructure of buildings used as RMG factories in most urban slums of Bangladesh, mainly Dhaka and its surrounding stations. As a result, RMG workers feel insecure at RMG factories (see Alamgir & Banerjee, 2019; Siddiqi, 2019).

The “National Occupational Safety and Health Policy” was published in 2013 to implement the policy in every industrial sector by TNHSC. Later, the TNHSC was replaced by the National Tripartite Action Plan (NTPA) (Galib et al., 2019). Subsequently, the government changed the policy framework of OHS in 2013 by amending the Bangladesh Labour Act of 2006 after the Rana Plaza incident and aimed to implement it in every industrial sector, mainly the RMG sector; however, progress is somewhat slow (Alamgir & Banerjee, 2019; Galib et al., 2019; Ullah, 2022a).

Moreover, scholars such as Ullah (2022a, 2023a, 2023b) portrayed Bangladesh's primary informal economic industry's OHS conditions, such as RMG, leather, transport, shipbuilding, scrap metal, tea plantation, agriculture, and other sectors. For example, one of the leading English newspapers in Bangladesh, the Daily Star, published a report on occupational deaths and injuries in the most precarious industries in Bangladesh. The report indicated that by 2020, 729 workers had died, including 384 in the country's transport sector, 84 in the construction sector and 67 in the agriculture sector (see...
State’s Obligation to Ratify ILO Conventions C155, C161 and C187

Daily Star, 2021). Another report by the Daily Star showed that 1,200 workers were killed and 695 injured in Bangladesh in 2019, which was alarming. International scholars such as Ullah (2022a) have also brought up the issue of the brutal killing of national citizens and workers at various factories and industries, with the number of 12,000 deaths toll another 35,000 or more seriously injured every year, which is shocking (see also Ullah, 2022a).

The surprising story is revealed that the ILO, since 1972, has been engaged with successive governments of Bangladesh while addressing issues to the government through its social dialogue or tripartite approach. The explicit objective of the ILO is to have a dialogue with the government and other stakeholders such as the Bangladeshi RMG factory employers/owners to establish social justice and safe workplaces. However, ILO has yet to show significant results on vital issues, such as improving working conditions for major informal industries, raising the minimum wage, reducing and eliminating child labour and empowering women workers with their collective bargaining rights at the factory level (Human Rights Watch, 2013, 2015, 2017; Ullah, 2022a, 2023b). Meanwhile, since the nation’s independence in 1971, the Government of Bangladesh has ratified 35 ILO conventions, including seven fundamental ones. However, the fundamental convention that has not been ratified yet is “C138-Minimum Age Convention, 1973 (No. 138)” (ILO Minimum Age Convention, C138). Another non-fundamental but significant ILO Convention, “C131-Minimum Wage Fixing Convention, 1970 (No. 131)”, has not been ratified by the Government of Bangladesh yet, which is essential for fixing the minimum wage for workers in the informal economic sector of Bangladesh (Minimum Wage Fixing Convention, C131).

From this reality, it is now a fundamental question for national and international scholars, human rights organisations, national and international consumers and national and international trade union organisations whether Bangladesh will ratify the essential OHS Conventions of the ILO, C155, C161 and C187. Most importantly, it is imperative, as scholars have also expressed high concern for early consideration of these three fundamentals OHS conventions to establish an appropriate OHS framework and culture for the safety and wellbeing of RMG workers (see ILO, n.d.-b, n.d.-c, n.d.-d). Therefore, this article aims to investigate the following important research questions:

1. Why are the ratified conventions not well respected and enforced by the Government of Bangladesh and RMG employers in Bangladesh?
2. What was the role of the ILO in pursuing the Government of Bangladesh to ratify these OHS conventions?
3. Why does the Bangladesh Government need more political will to ratify the three basic ILO’s OHS conventions, i.e., C155, C161 and C187?

After collecting the empirical data (see Fig. 3), the data will be analysed following a triangulation process. Finally, after the discussion, the researcher of the current study shall provide recommendations to the Government of Bangladesh, ILO, and other stakeholders of RMG in Bangladesh to improve working conditions in the sector through the ratification and implementation of crucial ILO OHS Conventions, C155, C161 and C187.

2. THEORETICAL FRAMEWORK

Perhaps international scholars, such as Harvey (2007, 2016, 2018, 2020, 2022), Alamgir and Banerjee (2019), and Saxena (2022), have covered discussions of globalisation and neoliberalism and the impact of these macroeconomic forces on this earth, trade, and people’s daily lives. Nevertheless, this study aims to provide specifics on globalisation and neoliberalism and to assess how these macroeconomic market forces have significantly reduced the power of labour in this world and put them in more infamous or critical circumstances (see also Larner, 2003).

More specifically, the current study aims to link up the effect of neoliberal globalisation on developing countries and Bangladesh as a case study to see how its RMG sector has been vulnerable during the phase of globalisation and neoliberalism (Rahman, 2015). Since the 1980s, Bangladesh, like many other developing countries, embraced the neoliberal approach as a central politico-economic policy of the nation. It means that the Government of Bangladesh adopted and followed a free market economic policy in the 1980s and continued in the later years to open its place for Western and European capitalists. As a result, like many developing countries, Bangladesh also significantly lost the power of being potentially self-reliant and responsible for its workers’ well-being (see, for example, Anner, 2019; Howell, 2019; Huq, 2022; Saxena, 2022; Siddiqi, 2019).

The current analysis has also been linked with Harvey’s understanding of neoliberal globalisation, a politico and macroeconomic policy (see also Contractor, 2022). In his view, such policy has integrated international borders, whereby goods, services and ideas move across national and international borders easily and quickly so that capitalism has spread worldwide. Furthermore, Hervey portrayed
globalisation as the transmission of knowledge and culture, which establishes and strengthens the production relationships between developed and developing nations (see also Alamgir & Banerjee, 2019; Harvey, 2007; Risager, 2016, 2017, 2022; Saxena, 2022).

Nevertheless, the power game of Western and European capitalists and their corporations is despicable. They put additional pressure on nation-states to allow low-wage structures to persist towards leveraging the profit of their investment unethically by violating all international business codes and standards. Bangladesh, as a developing nation, is a critical example of labour exploitation during the phase of globalisation and neoliberalism. The international clothing buyer state or corporations may put hidden politico-economic threats to nation-states with a capital flight to increase their power over local suppliers. However, this would require a solid change in the working conditions and livelihoods of RMG workers in Bangladesh, which has been unchanged for long (see Alamgir & Banerjee, 2019; Crinis, 2019; Siddiqi, 2019; Ullah, 2023b).

Scholars argue that Western and European capitalists and their clothing brands/corporations have chosen Bangladesh and other developing countries such as India, Pakistan, Sri Lanka, Indonesia, Vietnam, and Cambodia for low investment but high returns. Several studies have identified the characteristics and behaviour of international apparel brands in the era of neoliberal globalisation and accused them of being greedy criminals (Ashwin et al., 2020). For example, international scholars, such as Crinis (2019), argue that developing states such as Bangladesh are in a real dilemma as the country embraced neoliberal dogma and compromised with low wages and unhealthy working conditions for its millions of RMG workers.

International scholars such as Crinis (2019) also suggest that while the country (Bangladesh) faces a severe reputational problem with the global community for its extreme exploitation of RMG workers, on the other hand, Western and European capitalists, mainly those known as apparel brands outsourcing from Bangladesh have not increased the prices of RMG products in the last month decade or more. As a result, despite having robust tensions of losing lives in precarious factories such as the Rana Plaza, RMG workers still work in RMG factories. Astonishingly, when proper wages matter come to the table for discussions or when Western and European apparel brands face pressure from their internal and external human rights groups, such as the Clean Clothes Campaign or Human Rights Watch, Western and European clothing brands and their corporations blame the Bangladesh government and RMG employers for not enforcing proper labour standards and providing better wages to RMG workers, which is unacceptable (see, for example, Crinis, 2019).

On the other hand, Huq (2022) made it explicit that these macroeconomic market forces, globalisation, and neoliberalism have created an antagonistic milieu in the global south where most apparel manufacturing hubs are situated. In Bangladesh’s RMG industries, gender discrimination is evident. The industry’s exploitation mainly persists due to the pressure of globalisation and neoliberalism (see Huq, 2022; Ullah, 2023a, 2023b).

In addition, trade unionism has faced extreme challenges in raising voices against unhealthy workplaces and income inequalities since the 1980s around the globe (Risager, 2016). The power of trade unionism has declined in the Western and European nations and developing countries since globalisation and neoliberalism emerged, mainly in Bangladesh (see Ashraf & Prentice, 2019; Prentice, 2021). In the 1980s, the Government of Bangladesh moved with the macroeconomic market forces, i.e., globalisation and neoliberalism (e.g., free trade economic system), rather than aforetime policy to control business by the state. Since then, what has happened is that the Bangladesh government and RMG employers have undermined trade unionism to encourage foreign investment. The ILO is happy to provide piecemeal advice to the Government of Bangladesh to assist in forming trade unions in the RMG sector or other industries in Bangladesh.

Research suggests that the ILO and trade unions (both local and international trade union bodies) significantly needed to raise voices against all these issues of the RMG industry in Bangladesh. On the other hand, other international human rights organisations and anti-sweatshop campaigners, such as the Clean Clothes Campaign, fought for RMG workers in Bangladesh and other exploited manufacturing hubs worldwide, mainly in Southeast Asian countries. Such off-trade union arrangements suggest that trade unions weaken in a country like Bangladesh (see Ashraf & Prentice, 2019). However, alternative scholarship (e.g., Anner, 2019) also suggests that the formation of trade unions is not necessarily effective in gaining significant results for higher wages and better working conditions if they cannot collectively raise their voice through the framework of ILO Conventions 87 and 98.

Nevertheless, the long-standing debate can still be identified in scholars’ analysis, such as Prentice (2021), who reveals that workers’ rights have long been under assault in the global garment industry, including Bangladesh. Historically, the state was responsible for looking after workers’ fundamental rights and interests. However, international organisations such as ILO and WHO or WTO conventions work as a supportive force, but they remain piecemeal bodies due to a lack of enforcement strategy. Then the question arises: If the states avoid their responsibilities, who will look after workers’
fundamental rights? Another international scholarship, such as Huq (2022), suggests that, during the phase of globalisation and neoliberalism, global governance is used in diverse voluntary analyses based on ILO standards, the Global Framework Agreement (GFA) and the U.N. Initiatives and agreements such as the Global Compact, which come to be referred to as the world labour regime. Huq’s (2022) study identified that European giant clothing and fashion brand H&M is stepping forward to ensure workers’ and trade unions’ rights at the outsourcing factories in Bangladesh, Cambodia, India, and Turkey.

However, the question is whether such an initiative by an individual brand would bring ultimate success towards changing the working conditions and minimum wage level for millions of RMG workers in Bangladesh. For example, after the Rana Plaza incident in Bangladesh 2013, multiple initiatives by Western and European brands and corporations formed an Alliance and Accord to monitor the RMG sector’s working conditions. However, both these transnational agreements overlooked fundamental issues, such as RMG workers’ empowerment through increasing decent minimum wages and trade unions’ participation in collective bargaining at the factory levels. Moreover, the significant gap was that both ILO as a neutral chair and brands of the several parties’ arrangements in the factory monitoring program overlooked the most critical issues that are ILO’s OHS conventions, i.e., C155, C161 and C187 and their ratification by the Government of Bangladesh. On the other hand, the Accord and Alliance committee also missed the crucial point: how local RMG factory owners and the Government of Bangladesh could respect and enforce the ILO Conventions, i.e., C87 and C98 (see Ahlquist & Mosley, 2020; Anner, 2019).

Hence, from the heuristic theoretical interpretations, modern state personnel are the blunt instrument of the capitalist class or function structurally to reproduce capitalist relations of production. The state ruler plays a crucial role in occupying individual’s freedom and promotes capitalists for using capitalists’ power to exploit RMG workers, as seen in many nations like Bangladesh—where poor workers are victimised by the state’s wrong industrial policy and regulation. Moreover, as a developing and neoliberal nation, Bangladesh established a deep connection between local and international capitalists whose ultimate interest is to exploit workers. So, when ratifying ILO conventions (C155, C161 and C187) comes to the table of the Government of Bangladesh, they ignore their accountabilities as members state of the ILO to ratify, respect, and enforce them. As a result, industry’s severe catastrophe, such as the Rana Plaza, occurs occasionally (see Fig. 3) (see also Alamgir & Banerjee, 2019; Huq, 2022; Saxena, 2022).

So, after collecting data from specific respondents and analysing their data, I will be able to answer why the Government of Bangladesh has yet to ratify the ILO’s OHS, i.e., C155, C161 and C187 Conventions. Furthermore, whether they will do it quickly or global politico and macroeconomic market forces, i.e., globalisation and neoliberalism, are still hindering the Government of Bangladesh from being politically motivated to ratify those important OHS ILO conventions in Bangladesh.

3. Literature Review

3.1. The ILO

By the end of World War I, the ILO was founded under the Treaty of Versailles in 1919. When this labour organisation was formed, the central objective was to achieve universal and long-lasting peace by ensuring social justice in the world. As a labour organisation, the ILO has played a role at critical historical junctures despite limitations in applying and implementing crucial conventions in member states. Thus, for example, in its last 100 years, it has gone through the Great Economic Depression, colonisation and decolonisation, Poland’s solidarity, the ending of South Africa’s apartheid, and a moral and productive framework for globalisation today (ILO, n.d.-a). The ILO tripartite type of social dialogue system is unique in the world, leading to achieving a Nobel Prize in 1969 (Standing, 2008). However, international scholars (e.g., Huq, 2022) debate whether ILO’s tripartite intervention framework effectively halts global exploitation or could protect human rights through the “ILO Declaration on Fundamental Principles and Rights at Work”. Fig. 1 depicts ILO’s basic operation structure (see also Deva, 2012; United Nations, 2011).

3.2. ILO Conventions and Their Relationship with Occupational Health and Safety (OHS)

From 1919 to the present, the ILO has adopted 190 Conventions, 206 Recommendations and six Protocols (see ILO, n.d.-a). Among several important conventions, such as eliminating child labour, forced labour, collective bargaining and freedom of association, minimum wage, gender discrimination, social security, working hours, occupational health and safety conventions are crucial. As a result, being a member state of the ILO, it was also the state’s and nation’s responsibility to ratify those conventions and show proper respect. Their strenuous enforcement was also highly recommended in
Ullah

State’s Obligation to Ratify ILO Conventions C155, C161 and C187

their jurisdictions. However, the ILO has modified some conventions and replaced older ones due to global changes in functions and types. However, due to global changes in work and patterns, the ILO has modified some conventions and replaced older ones (e.g., Baccini & Koenig-Archibugi, 2014). The ILO aims to promote its conventions and recommendations that require state members to adopt and then ratify them in each legal jurisdiction when proper enforcement is encouraged.

Since its formation, the ILO has committed to providing a healthy workplace for all genders. For example, the decent work agenda of the ILO was an example of initiatives for the eradication of poverty and social inequality. In April 2009, the ILO disclosed that the theme of gender equality is at the heart of the decent work agenda, which was also appreciated. Moreover, through tripartite management, the ILO and its other stakeholders in various projects and programs undertake considerable initiatives to eliminate gender discrimination and exploitation in the workplace (Nippierd et al., 2007). The ILO estimates that almost half the total global workforce, 40 per cent, is represented by women. An interesting figure from ILO research also shows 1.2 billion out of 3 billion workers worldwide, mostly from developing countries. This rising proportion of women in the labour force has led to significant tensions, and the ILO is concerned about how it can provide a better workplace for the billions of women workers.

The ILO created comprehensive instruments to regulate its work, especially over OHS. The state members adopt these instruments and are subject to respect and implementation of their jurisdictions. Many of these ILO instruments concern particular sectors’ specific hazards. “The ILO C155-Occupational Safety and Health Convention, 1981 (No. 155) and C187-Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) including Recommendation (No.197)” have given clear instructions about the international standards of WHS or OHS which must be adopted with the management of WHS or OHS in national and organisational level. Therefore, governments, employers and workers must play critical roles in making this happen (see Burton, 2010; ILO, 2009).

The ILO Report on Workplace Framework and Model clarifies in the ILO’s 1981 session that the Occupational Health and Safety Convention of the ILO must require Member States to create national policies. The 1981 report suggests that state and national governments primarily deal with the physical work environment and establish legislative and infrastructure support to enforce workplace health and safety. The convention suggested that state members formulate a policy to prevent accidents and injury to health arising from work by minimising the causes of hazards inherent in the working environment. Nevertheless, up until now, 56 nations have ratified it. Again, this “Promotional Framework for Occupational Health and Safety Convention” was approved at the 95th session of the ILO in 2006 to make it more applicable at the state and organisational levels. ILO strongly urges member states to

Fig. 1. WHS/OHS guidelines for the state members and affiliated organisations. Source: World Health Organization and Burton(2010),
promote an OSH management systems approach with continuous improvement of occupational health and safety, implement a national policy, and promote a national preventive safety and health culture (World Health Organization & Burton, 2010).

As of 1994, these covered four categories of rights: freedom of association and the right to collective bargaining; forced labour; child labour; and employment-related discrimination (including equal remuneration for women and men). These four categories were set as enabling standards. Respecting them was a precondition to others, more detailed standards combined with employment and social policy, occupational safety and health, and wages and conditions of work (the ILO Conventions C155 and C187 are preconditioned of others). Initially, there were seven core labour standards but encompassed four nowadays. In 1999, this list was completed by a new convention to fight against the worst forms of child labour (see Ullah, 2023b). While the ILO created some good OHS conventions, state members inappropriately followed appropriate models for WHS/OHS at national and organisational levels. On the other hand, several states/nations have yet to ratify ILO core and other crucial conventions, leading to tension among workers and citizens worldwide. Furthermore, scholars argue that this requires greater political will on the part of state governments or socio-economic or global political economy policies that can significantly impede the ratification of ILO conventions (see also Rodgers et al., 2009; Standing, 2008; Ullah, 2023a, 2023b). On the other hand, contemporary scholarship, e.g., Molina (2022), argues that ILO’s social dialogue system perhaps needs reconciliation to achieve better results in many social aspects that the ILO meditates. Fig. 2 represents the WHS/OHS guidelines that need to be followed by the state members and their affiliated organisations.

Fig. 2. Number of deceased RMG workers between 2005 and 2013. Source: Ullah (2023b).

Fig. 3. Model of the methodological approach of the study.
3.3. Bangladesh’s Commitment to ILO Conventions and International Labour Standards

Bangladesh’s RMG industry lacks international labour standards (Kabir et al., 2022b; Saxena, 2022). Scholars argue that it was the responsibility of BGMEA, BKMEA, BEF, ILO and most importantly, the Government of Bangladesh to ensure an exemplary workplace for RMG workers for the last 40 years (see Alamgir & Banerjee, 2019; Siddiqi, 2019). Unfortunately, global clothing brands have also seriously neglected their essential responsibilities to ensure a better workplace and decent minimum wage for RMG workers in Bangladesh (Kabir et al., 2022b). As a result, RMG workers in the factory face brutal incidents resulting in unfortunate deaths and severe injuries to their lives and compromise basic needs, such as proper health, education, recreation, food and adequate housing (see Anner, 2019; Hasan, 2022; Kabir et al., 2019, 2022a, 2022b; Rahman, 2019; Siddiqi, 2019; Ullah, 2022a, 2022b).

However, since the industry’s inception, the Government of Bangladesh has not demonstrated significant political or social commitment to respect ILO conventions to protect people from adverse disasters (see Alamgir & Banerjee, 2019; Ullah, 2022a). Furthermore, protecting RMG workers’ fundamental human rights has become a bold concern for scholars, consumers, antisweatshop campaigners, trade unionists and human rights organisations at home and abroad (Ashraf & Prentice, 2019; Uddin et al., 2022). Due to disrespect of the Bangladesh Labour Act, 2006 (amended in 2013) and ILO conventions, factory incidents in the sector are expected. Therefore, while discussing the successes and limitations of the ILO and its various recommendations and OHS conventions in the next section, it is also necessary to look at the casualty of the Bangladesh RMG industry between 2005 and 2013, as this focuses on several RMG factory incidents during this period (see Fig. 2).

4. Study Design and Methodology

Social science research design is essential because it structures how a study is conducted, what data is collected, and how it is analysed. When researchers find difficulties in any research context and aim to understand that social context more deeply, researchers, being motivated, try to unearth grounded situations. Case studies and qualitative or semi-structured approaches allow researchers to explore the essential questions, mainly when “why” and “how” questions are involved (see Ghauri, 2004; Yin, 2003). This study investigates why the Government of Bangladesh needs more political will to ratify the three important ILO conventions relating to OHS and industrial regulation. In addition, it is also essential to know what decisive strategy the ILO has been following in persuading the Bangladesh Government to ratify these conventions. The current study also imports the theoretical discourse to understand why the Government of Bangladesh has shown little interest in ratifying ILO’s core OHS Conventions (e.g., C155, C161, C187). Therefore, as inspired by other social sciences researchers, this study, through its preliminary research with the literature review, helped the author create valid research questions. To justify the research aim and answer all the research questions, in the empirical approach, qualitative semi-structured interviews with relevant respondents, such as trade union organisations, ILO officials, NGOs and RMG workers, were completed to seek their views on the subject matter of the study.

4.1. Ethical Issues

The author of this research study has received ethical approval by following all ethical codes. This article de-identifies participants as presenting their opinions and information by ensuring privacy.

4.2. Data Presentation

This section aims to present data from the ethnographic contexts as it is a popular method in qualitative (semi-structured) industrial research (see Jaunzems et al., 2017). The Bangladesh RMG industry, the country’s most significant informal economic sector, reveals inadequate working conditions, resulting in factory incidents that occasionally cause workers to be killed and injured (see Fig. 2). While investigating the working conditions of Bangladesh’s RMG industry, it is evident that the Government of Bangladesh and RMG employers have fallen into the vicious cycle of globalisation and neoliberalism while other domestic issues also contribute significantly to the non-regulation of the industry, which I discussed in the theoretical framework section.

However, to understand why this industry has shown poor regulation since its inception, the initial research question attempted to understand what factors have hindered the industry’s code and whether it has any relationship with the disrespect and non-enforcement motivation of the Government of Bangladesh and RMG employers. Mr Max, a senior trade unionist, who was also a member of the governing body of the ILO, said:
“Since 1972, the governments of Bangladesh have ratified many ILO conventions, including seven fundamental conventions, but they need to be respected and enforced adequately. The government considers the interests of RMG factory owners more than workers.” (Interview, December 3, 2017).

The above excerpt reveals the relationship between the Government of Bangladesh and RMG employers, who jointly favour globalisation and neoliberalism to support Western and European (also Bangladeshi capitalists who are recognised as RMG merchants) capitalists and corporations, mainly clothing brands, to keep their business in Bangladesh as a cheap labour-sourcing country. Then my question to another sectoral trade unionist, Ms Karina, was to clarify or share her views on whether she sees the non-ratification of the three most important OHS Conventions of the ILO, C155, C161 and C187 as political. She added:

“The Government of Bangladesh is not committed because it has some responsibilities to fulfil once ratified, which the government does not want to do now. The government also wants to protect the owners’ interests; hence, C155, C161, and C187 have not yet been approved.” (Interview, December 10, 2021).

The above two quotes from trade union leaders in Bangladesh reflect why the Government of Bangladesh has yet to show much interest in ratifying, respecting, and enforcing ILO OHS-related core conventions, ultimately resulting in a low regulation of the RMG industry. However, I still aimed to learn more from Mr Peter, a well-known NGO activist working for the rights of RMG workers in Bangladesh; then he said:

“...if these conventions are ratified, the Government of Bangladesh must be compelled to ensure the implementation of these conventions so that the government is afraid to ratify these OHS-related conventions. It will take some time for the Government of Bangladesh to ratify these OHS-related conventions. Perhaps the government is looking at the owners’ interests because the ratification will allow the factory owners to maintain international standards, which would be costly. This is another issue why the government is lagging toward ratifying these three OHS conventions.” (Interview, December 11, 2017).

In order to evaluate the position of the Government of Bangladesh in the ILO convention, two essential facts need to be considered for analysis. First, the Government of Bangladesh has ratified some significant conventions, but their implementation needs to be improved. Second, implementation requires the initiative of the state governments to harmonise their Labour Act/s with the guidelines of the ILO conventions. States and agencies will create national OHS policy-making environments and institutional arrangements where ILO conventions can be consolidated for due respect and enforcement (see for example Alli, 2008; Reese, 2017).

I had explicitly three intense questions for the ILO staff in Bangladesh regarding (a) why Bangladesh’s RMG sector is experiencing the worst form of working conditions, Mr Alex stated the first answer to the question in this way:

“The main reason for the casualties of the RMG industry in Bangladesh is the lack of respect for the Bangladesh Labour Act and the ILO conventions.” (Interview, December 24, 2017).

Then, I asked the second question, for example, (b) why the Government of Bangladesh does not intend to respect the National Labour Act and ILO convention. Mr Alex made the answer to the second question thus:

“The Government of Bangladesh makes promises in various forums, such as the ILC, where they face criticism for their low respect for the National Labour Act and the ILO Convention. And then again, they need to remember their promises to ILC or other essential stakeholders that they have made. Therefore, the commitment of the Government of Bangladesh to respect, implement and ratify the ILO Conventions is the biggest issue.” (Interview, December 24, 2017).

The third question was to Mr. Alex and the ILO staff in Bangladesh about the limitations of the ILO and why it does not have a firm intervention policy; then he answered me in this way:

“The ILO is an UN-affiliated body that mainly follows the process of collaborating with its social partners for social dialogue to achieve specific results. The ILO is not an enforcement agency, which is an issue.” (Interview, December 24, 2017).

5. Discussions of Findings and Concluding Remarks
Part of the explanation for the remarkable growth of the Bangladeshi RMG industry is globalisation, and the role played by the industry in the world market for clothing is significant (Mottaleb & Sonobe, 2011; Ullah, 2015). Several scholars, such as Hasan (2013), portray Bangladesh’s position as a garment-producing country and suggest that Bangladesh got all the benefits of the Agreement of Clothing and Textile (ACT), Multi Fibre Agreement (MFA) and WTO’s free trade agreement. Moreover, other scholars, along with Hasan (2013), such as Ullah (2015, 2023b) and Alamgir and Banerjee (2019), also see Bangladesh’s RMG growth and its workers’ exploitation with the nexus of globalisation and neoliberalism.
My analysis suggests that the RMG industry in Bangladesh is facing a critical situation due to the low or no regulation of the industry because the Bangladesh Labour Act, 2006 (amended 2013) is inadequately respected and enforced (Afrin, 2014; Alamgir & Banerjee, 2019; Islam, n.d.; Kabir et al., 2022a; Rahman, 2019; Ullah, 2016, 2022a). My further research investigation reflects in the same way that other international scholars also argue that the working condition of the RMG sector in Bangladesh is not up to international standards due to the government’s negligence in respecting and enforcing the ILO conventions (Bair et al., 2020; Siddiqi, 2017; Ullah, 2021b). As inspired by Ullah (2020a, 2022a) and some portrayals from national and international media coverage, it is evident that Bangladesh lacks an OHS culture during the phase of colonialism and West Pakistan’s role. After 16 December 1971, a newly independent nation largely failed to evaluate the necessity of industry regulation.

After a series of factory fires and building collapses in the RMG sector in Bangladesh, more specifically, the Government of Bangladesh enacted even the long-awaited National Labour Act in 2006, which did not stop factory casualties. Moreover, after the Tazreen Fashions fire and the Rana Plaza building collapse, the Government of Bangladesh was expected to be keen to ratify the ILO’s three fundamental OHS conventions. However, they have yet to do so, leading to growing tension among scholars, trade unionists, global RMG consumers and human rights organisations over whether another major industrial disaster like Rana Plaza in Bangladesh is at risk sooner or later.

The Government of Bangladesh has not ratified the OHS Conventions (C155, C161, and C187), which still raises further concerns among the national and international stakeholders of Bangladesh RMG as to whether the Government of Bangladesh lacks the political will to regulate the RMG industry (see Ullah, 2020b). The ILO’s role in convincing the Bangladesh Government to ratify these three OHS conventions also has concerned scholars who critically evaluate the RMG industry’s working conditions. Whether the ILO can pursue the Bangladesh Government has been a big question to them.

As part of considering the relevance of ILO core labour standards to Bangladesh at the level of its specific climate, it is also important to note the extent to which Bangladesh’s changing labour practices and power relations in the garment sector are an essential part of an international reshaping of capital linkages (see Alamgir & Banerjee, 2019; Harvey, 2007; Rahman & Yadlapalli, 2021; Risager, 2016; Saxena, 2022). We should consider that the problems that have arisen in the garment industry in Bangladesh are not simply a “domestic crisis”. It is worth considering whether such issues are coming from the global community, as a result of which Bangladeshi garment workers are currently facing dire consequences. International capital deliberately creates labour classification worldwide (Risager, 2016). However, due to the low power of capital, workers have not yet found space for re-organisation and will protest widely on the issue of labour standards and fundamental human rights, which is principally absent in Bangladesh (Ashraf & Prentice, 2019; Siddiqi, 2016, 2017).

My research also suggests that while ILO lacks an enforcement mechanism and follows a tripartite structure of intervention at the state level, several scholars (see, e.g., Helfer, 2006; Rodgers et al., 2009; Standing, 2008), who predominantly mediate on ILO and suggest how to improve working conditions in the world. Nevertheless, they perhaps ignored one thing: a country like Bangladesh is in a dire situation. At the same time, it embraced globalisation and neoliberalism to boost the nation’s employment industries, such as the RMG, which has seen massive growth by the blessings of globalisation and neoliberalism. Hence, it is hard for a nation like Bangladesh to get ousted from such a dilemma until developing nations, such as Bangladesh, build their economic progress and fight back against capitalism, which exploits workers worldwide, mainly in Bangladesh.

While there is a nexus between developing and developed neoliberal states, where capitalise is better off than workers and trade unions, working conditions are unlikely to be massively changed. Hence, Munck (2010) suggested that ILO be more strategic towards achieving more substantial results during globalisation and neoliberalism as a labour organisation and UN-affiliated body, whose preamble reflects the commitment to workers’ work well-being, fundamental rights, and social justice. For example, Mr Alex told me that ILO had previously undertaken a project to eliminate child labour from Bangladesh’s RMG sector in early 1995. As a result, Bangladesh ratified the “ILO Convention on the “Worst Forms of Child Labour, 1999 (No.182)” on 12 March 2001”. The Government of Bangladesh has also discouraged the worst form of child labour in the Bangladesh Labour Act, 2006 (amended in 2013). Consequently, on their official website, BGMEA, Bangladesh RMG employers’ parent organisation, claimed that they have been able to eliminate child labour from the RMG industry (see BGMEA, n.d.). Still, my research does not support this claim of the BGMEA. Child labour is still apparent in the informal sectors in Bangladesh and the RMG industry (see Ullah, 2023a, 2023b).

For example, Anjum (2021) published a report in The Diplomat, revealing that on 8 July 2021, a massive fire broke out on the ground floor of the famous Hashem Food and Beverage factory in Rupganj, an industrial district on the outskirts of the capital of Bangladesh. Illegal stockpiling
of chemicals and plastics was the cause of the factory fires. This incident killed 50 workers, and several under-aged children and young workers were employed in that factory. According to the report published by The Diplomat, the ages of some of these children were: (12), Takiya (14), Munna (14), Nazmul (15), Mahmud (15), Kompa (16), Himu (16), Ripon (17), and Taslima (17), in addition to many more who were not even identified (Anjum, 2021 cited in The Diplomat). Therefore, from that tragic factory incident, it was again exposed that what the ILO, BGMEA, and the Government of Bangladesh claim about child labour elimination in Bangladesh is an utter lie. Hence, whether ratifying any ILO conventions is enough to stop any exploitation, injuries and death of a worker in Bangladesh is a question. Most importantly, the Government of Bangladesh has yet to develop a strong political motivation to respect the National Labour Act 2006 (amended in 2013) and the ILO conventions.

While the Government of Bangladesh, RMG employers and global clothing brands are in scholarly and public criticism, the ILO as a labour organisation could not avoid their negligence and failures to ensure the workplace safety for millions of RMG workers in Bangladesh. However, my academic question for ILO is whether this organisation could avoid the influence of globalisation and neoliberalism, which drastically weakens the aim of the ILO to eradicate workers’ exploitation (see Munck, 2010). The reason why I am pointing this fundamental question is straightforward: ILO is funded by the major Western and European countries, and these countries’ clothing, fashion and corporations have invested money in Bangladesh’s low-regulated RMG sector, where minimum wages are lowest in the world with no or very limited trade unionism that was the agenda of Western and European capitalist since the 1980s that we already understood in the theoretical underpinnings (Helfer, 2006; Rodgers et al., 2009; Standing, 2008).

ILO has continuously witnessed this in the last 48 years of its journey with Bangladesh. My further argument reflects that ILO has no strong intervention strategy. At the same time, the International Labour Conference (ILC) is also ineffective as many states like Bangladesh participate in the forum and commit to regulating the informal sectors, such as the RMG sector and will show respect to the ILO conventions and enforce them correctly. However, it never happens (Ullah, 2021b). However, scholars such as Baccini and Koenig-Archibugi (2014) discussed international socialisation when several advocacy groups could put extra pressure on or do counselling to ratify the ILO conventions in the states. This might positively impact changing states’ behaviour towards ratifying ILO conventions. However, it is challenging in Bangladesh to achieve anything without a solid political will, as many trade unionists and ILO staff opined during interviews with them. For example, as inspired by Mr. Alex, an ILO staff of my study respondent, every time Bangladesh promised in the ILC to respect and enforce the ILO conventions and ratify the C155, C161 and C187 Conventions, but finally, they broke their promises. Furthermore, Bangladesh ratified “C087—“Freedom of Association and Protection of the Right to Organise Convention”, 1948 (No. 87)” on 22 June 1972. Nevertheless, trade unionism is still discouraged in the RMG sector, while workers are given a low scope for collective bargaining (see Ahsan, 2018; Anner, 2019; Ashraf & Prentice, 2019; Human Rights Watch, 2013).

Notably, while describing Bangladesh’s position as a neoliberal and developing country, which requires mass employment for its abundance of low-skilled or unskilled citizens, globalisation and neoliberalism have been seen as a blessing for them (see Alamgir & Banerjee, 2019). Despite strong criticism of the massive exploitation of RMG workers in the last 40 years, the government has been silent on industrial regulation in Bangladesh for an extended period. They wanted to maintain their RMG business relationship with most Western and European clothing brands and corporations by not increasing production costs and improving working conditions according to ILO conventions. Suppose Bangladesh increases RMG production prices and improves working conditions according to ILO conventions. Suppose Bangladesh increases RMG production prices and improves working conditions of the RMG sector by ratifying C155, C161 and C187 and respecting and enforcing them adequately; what will happen? In that case, most brands might leave the country to avoid extra costs, resulting in massive unemployment. My research and observation suggest that it will be unbearable for the Government of Bangladesh to have massive socio-economic and employment problems.

Nevertheless, here then, at the climax of globalisation and neoliberalism, countries like Bangladesh, despite its current socio-economic status and global position as a producer of cheap clothing, have yet to ratify three of the ILO’s OHS Conventions (C155, C161 and C187). Therefore, to make the industry more sustainable in the future, the political will of the Government of Bangladesh is essential to ratify these ILO conventions, respect them, and enforce them adequately. Otherwise, the industry will keep experiencing severe catastrophes where workers will still lose their lives and continue to work in unsafe factories, such as the Rana Plaza or Tazreen Fashions.

REFERENCES
State’s Obligation to Ratify ILO Conventions C155, C161 and C187

Ullah


Ullah, A. A. (2021b). Child labour-is it a curse or a reality: Role of government of Bangladesh and ILO in the elimination of child labour from dangerous industries in Bangladesh. Middle East Journal of Business, 16(2), 20–36.


Ullah, A. A. (2023b). Assessing the factors which determine the effectiveness of OHS regulation in the era of globalisation and neoliberalism: A case study of Bangladesh’s ready-made garment (RMG) industry.


