



Date: April 21, 2017

Re: **Update on the Labour Rights Crisis in Bangladesh**

In December 2016, the government of Bangladesh and garment manufacturers initiated the most severe crackdown on workers' rights in Bangladesh since the Rana Plaza building collapse. The campaign of repression followed a largely peaceful protest by thousands of Bangladeshi garment workers calling for higher wages, which are the lowest among major garment exporting countries. In response, at least 1,500 workers were dismissed, 38 union leaders and workers were arrested based on unsubstantiated criminal complaints, and trade union and NGO offices were closed or subject to intense harassment and interference by government authorities.

International observers strongly condemned these actions by the government and manufacturers. As reflected in a *New York Times* editorial, the crackdown was widely understood to be an effort by government and manufacturers to “intimidate workers and keep Bangladesh a low-wage country.”¹ Trade unions and labour and human rights organisations around the world swiftly called on brands to press the government of Bangladesh and their suppliers to take action and put an end to the crackdown. In February, global union federations UNI and Industriall, with the support of national level unions and labour rights NGOs, led a global day of action which included protests at Bangladesh Embassies in over 12 major cities around the world. Shortly after, leading apparel companies, accounting for billions of dollars in annual garment purchases from Bangladesh, pulled out as speakers and participants at a high profile annual “summit” organized by the Bangladesh Garment Manufacturers and Exporters Association (BGMEA). The brands’ decision to withdraw from the event was an unprecedented act and was symbolically very powerful, because of the supreme importance of the event to the BGMEA.

As pressure mounted around the world, the government began to release the detainees. By the eve of BGMEA “summit,” in late February, all but five were out of jail and home with their families. Two days before the “summit,” the Bangladesh Ministry of Labour and the BGMEA met with the Industriall Bangladesh Council, an umbrella body for the many of the country’s garment unions. On February 23, the parties reached an agreement aimed at resolving the crisis. The agreement provided for the release of those few still in prison, along with reinstatement for the dismissed workers, an end to harassment of unions, and the dropping of criminal charges, which remained against the workers and leaders, despite their release.

This update comes two months after the signing of the agreement. Below we outline the situation as it stood when the agreement was reached and evaluate the progress that has, and has not, been made since. As the crisis came about as a result of actions by both the Bangladesh authorities and individual employers, we have divided the update into these two parts.

¹ Editorial Board, “Bangladesh’s Crackdown on Labor,” *New York Times* (February 1, 2017), https://www.nytimes.com/2017/02/01/opinion/bangladeshs-crackdown-on-labor.html?ref=opinion&_r=0.



I. The Government of Bangladesh

The government of Bangladesh is responsible for arresting the trade union leaders and workers on charges that international observers have widely accepted to be unfounded and spurious. Human Rights Watch found that the circumstances of many of the arrests point to politically motivated abuse of police powers to retaliate against labour organizers rather than credible allegations of wrongdoing.² Furthermore, while the majority of those arrested worked in Ashulia, where the strike took place, 12 additional union leaders were detained in Gazipur and Chittagong, areas over 40 kilometers away from where the strikes occurred. Security forces are also responsible for a crackdown on the legitimate activities of worker groups, including the closure of union offices and harassment of labour groups.

A) *Harassment of Labour Groups*

The harassment of trade unions and other labour groups by government authorities is not uncommon in Bangladesh, but between December 2016 and February 2017 harassment intensified significantly, making it almost impossible for many groups to carry out their normal activities. By February 23, the government forced many union and NGO offices to close; others were closed by the groups themselves out of fear for the security of their personnel.

Since the agreement was reached in February, labour groups have been able to reopen their offices, although one union federation is reportedly facing eviction following police pressure on their landlord. Furthermore, police continue to frequent union offices. For example, on March 3, a worker training at a union office in Chittagong was interrupted by plain-clothed police who asked participants a series of questions regarding their employment and relationship to the union, forcing the union to end the program and temporarily close the office. Police have also continued to circulate a set of personal questions to union staff and workers visiting their offices. The questions include, for example, the individual's political activities, financial information and detailed descriptions of family members. Despite these incidents of continued harassment, unions have largely been able to resume normal operations.

B) *Criminal Complaints*

A total of 38 union leaders and workers are known to have been arrested in Ashulia, Gazipur and Chittagong between December 21, 2016 and February 10, 2017. Labour rights groups have demonstrated that there was no proof that any criminal acts were committed by workers or unions – indeed, many labour leaders weren't even physically present in Ashulia at the time of the protests.

In its actions against these workers and leaders, the government utilized the nation's sweeping Special Powers Act, a scandalously broad law that allows virtually any act of protest to be criminalized. In its zeal to jail labour activists, the government even cited in its criminal cases a portion of this law that had been repealed.

² Human Rights Watch, "Bangladesh: Stop Persecuting Unions, Garment Workers" (February 15, 2017), <https://www.hrw.org/news/2017/02/15/bangladesh-stop-persecuting-unions-garment-workers>



In the face of international pressure, the courts granted bail for two of the arrested leaders on February 2, 2017 and, in the ensuing month, released 36 more detainees. Following the signing of the agreement, the remaining arrested leaders received bail; the last worker was released on the March 9, 2017.

As to the pending criminal cases brought based on police charges, there has been no progress to date. All such cases are still pending against the former detainees, who are required to appear in court at least once per month and who still face the prospect of re-arrest and criminal prosecution. This represents a huge strain on the resources of each of those arrested and prevents them from continuing with their normal lives. The government has the power to move quickly to end these cases with the withdrawal or dismissal of all charges, but has yet to act.

II. Progress from the Employers

At least 17 factories suspended and initiated the firing of at least 1,500 workers in retaliation for the wage strikes. Rights groups have demonstrated that the dismissals were indiscriminant and retaliatory in nature. Human Rights Watch observed that none of the suspension notices, initiating the termination provided to workers “was tailored to an individual worker, specifying clearly how they were implicated in the strikes, but included broad, vague allegations addressed to a group of workers.”³ As such, labor groups called for all workers to be offered reinstatement to their former positions with full back pay.

In addition, management of eight factories brought unsubstantiated criminal complaints against workers and union leaders, including leaders who were never anywhere near the factories in question. These complaints, along with the police cases referenced above, were the basis for all detentions in Ashulia.

A) Criminal Complaints and Reinstatement of Dismissed Workers

There have been concrete discussions between union leaders and six factory owners, all of them producers for H&M, concerning reinstatement and withdrawal of criminal complaints. These discussions have happened pursuant to a separate agreement, which H&M required its suppliers to sign on pain of loss of orders, that predated the February 23 agreement and obligated these particular suppliers to effect reinstatement and withdraw complaints.

Under the rubric of a global framework agreement between H&M and Industriall, leaders of Industriall-affiliated unions have been meeting with these factory owners and national-level H&M staff, with assistance from the Solidarity Center, to translate the suppliers’ commitments to H&M into a plan of action. These meetings have produced a near-final agreement, between the Bangladeshi unions and the factory owners, to offer reinstatement to the dismissed workers by a near-term date, with back pay, and to take all steps within each factory’s power to withdraw the complaints they filed. Another buyer, Bestseller, has pressed two of its suppliers agree to these

³ Human Rights Watch, “Bangladesh: Stop Persecuting Unions, Garment Workers” (February 15, 2017), <https://www.hrw.org/news/2017/02/15/bangladesh-stop-persecuting-unions-garment-workers>



commitments.

The agreements being finalized with the H&M and Bestseller suppliers should lead to offers of reinstatement for many workers and further positive action on the criminal complaints. It is important to understand that the agreement will not cover all factories that filed criminal complaints and will cover less than half of the factories that engaged in mass firings. It will be essential, assuming the agreement is finalized, that brands sourcing from the factories that have not signed the agreement move swiftly to require the owners of those factories to make the same commitments, subject to the same deadlines.

III. Conclusion

The release of the detained labor leaders and workers was a critical step. Along with the reopening of union offices, this progress has helped to address the chilling effect of the crackdown on workers' ability to exercise their basic rights. We are further hopeful that the agreement with H&M suppliers will be successfully concluded and will lead promptly to reinstatement offers and the dropping of charges at the relevant factories – and that brands will take action to compel other factories to make the same commitments.

While greater progress is hopefully pending, it is important to note that, at the time of this writing, only one of the eight factories known to have filed criminal complaints in relation to the wage strike has shown proof that it has moved to withdraw the complaint. There has been no action by the government to drop criminal charges against the former detainees, and no offers of reinstatement have been extended to dismissed workers. Given the fact that two months have passed since the BGMEA and the government formally committed to take these steps, the lack of concrete progress to date is cause for serious concern.

In order to ensure that the cases against the labor leaders are dropped and workers are able to return to work, we continue to urge brands, government and international institutions to make clear to suppliers, the BGMEA and the Government of Bangladesh that they must follow through on all of their commitment to resolve this crisis.