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Centre (independent NGO), Sudan

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of Trade Unions

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Indonesia

Ozlem Yildirim,
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International Centre for Trade Union Rights
Centro Internacional para los Derechos Sindicales
Centre International pour les Droits Syndicaux

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ICTUR was founded to
defend and extend trade union rights and
to raise awareness of these rights and their violations
around the world

Attn: Sheikh Hasina, Prime Minister of the People's Republic of
Bangladesh
Old Sangsad Bhaban, Bir Uttam Ziaur Rahman Rd, Dhaka
1215, Bangladesh

E-mail: psecy@pmo.gov.bd; secretary@pmo.gov.bd

CC: Dr Kamal Adbul Naser Chowdhury, Principal Secretary, Prime
Ministers' Office

National trade union centres and garment workers' federations
(as listed below)

January 2017

Dear Prime Minister,

The International Centre for Trade Union Rights is writing to express its grave concerns about the rapid deterioration in the trade union rights situation in the garment sector of Bangladesh, specifically around the Ashulia export zone, which erupted in December 2016. ICTUR recalls that the situation over a number of years has been serious, with key problems involving a near total ban on unions in the zone; the lack of any effective industrial relations bargaining or resolution system in the zones; hostile and violent policing of strikes; a lack of protection from retaliation for trade union activists, leaders, organisers, and for workers who participate in strikes; and an extremely serious problem with workplace safety, which resulted in several serious workplace fires, and the internationally notorious collapse of the Rana Plaza factory

Our immediate concern at this time relates to the serious violations of trade union rights that erupted in the period around 21 December, when numerous arrests were made, and when many workers were dismissed, following strike action in support of a demand for increased wages that was expressed by workers from 12 December. Specifically, ICTUR is informed that:

- police detained at least 11 union leaders and workers' rights advocates under the emergency legislation Special Powers Act 1974

- at least 1600 workers have been suspended or dismissed
- criminal cases have been opened against 600 workers and trade union leaders
- further criminal charges against workers have been requested by a number of the factories affected by the dispute
- journalist Nazmul Huda was arrested on 24 December 2016 under section 57 of the Information, Communication & Technology Act because of his coverage of the situation.

In late 2016 ICTUR gave evidence to the British parliamentary Joint Committee on Human Rights, in which – among other serious matters – we expressed grave concern for the lack of respect for trade union rights in the Bangladesh garment sector, and specifically in the export zones, which continue to prevent effective unionisation. We called on the Committee to consider the situation of British companies sourcing from the zone, and insisted that protection of trade union rights must be improved. That evidence is available online:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/human-rights-committee/human-rights-and-business/written/37017.html>

Since we delivered our evidence a factory fire has killed 30 people at Tampoco in September, and this latest dispute in December 2016 has once again been handled poorly; again dismissals and arrests have been the response to what are clearly justified concerns about low pay and poor safety levels, and which have again been expressed on the street precisely because the authorities have failed to adopt effective formal mechanisms for industrial relations within the zones. We will be communicating our concerns on these latest developments to the Committee.

ICTUR is aware of the recent rounds of reforms that have been proposed, and in some cases fully adopted, to the labour law. We recall that none of the reforms that have been actually implemented into law have as yet contained any measures sufficient to improve the situation for trade union rights, freedom of association, and collective bargaining in the export zone garment sector. We are aware also of the draft EPZ law 2016. While we welcome all steps to establish better forms of worker representation and dispute resolution within the zones we note also that

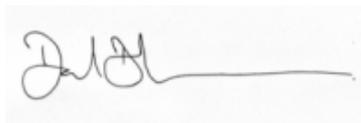
this draft does not adequately address the situation nor has it yet been passed into law. Given the situation in the zones – which we describe as ‘dreadful’ – ICTUR urges the Government of Bangladesh to take steps to bring about the immediate enactment of laws sufficient to establish full trade union rights in the zones, for the protection of trade union organisers, and for the protection from dismissal of those who participate in trade union activities, including strike action.

ICTUR recalls that the arrest and dismissal of striking workers constitute serious violations of the principles of freedom of association, enshrined in the International Labour Organisation Conventions 87 and 98. Following the interpretation of the ILO's Committee on Freedom of Association, “[t]he dismissal of workers because of a strike constitutes serious discrimination in employment on grounds of legitimate trade union activities and is contrary to Convention No. 98” (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth Edition, 2006, para. 661).

The government is responsible for preventing all acts of anti-union discrimination, and for taking suitable measures to remedy such cases brought to their attention, including through reinstatement and the amendment of legislation where no such remedies are available (*ILO Digest*, paras. 817, 835, 837-8). Furthermore, it is "incumbent upon the government" to show that the arrest, detention and sentencing of a trade union official are "in no way occasioned by the trade union activities of the individual concerned"; "no one should be deprived of their freedom or be subject to penal sanctions for the mere fact of organizing or participating in a peaceful strike" (*ILO Digest*, para. 94 and 672).

The latest incidents are a cause for serious concern and ICTUR calls on the government to investigate these reports and undertake all necessary measures to ensure the fundamental freedoms of workers to join and form unions and to take action in defence of their interests. ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D. Blackburn', followed by a horizontal line extending to the right.

Daniel Blackburn, Director, ICTUR

Copies also sent to:

National trade union centres:

Bangladesh Sanjunkta Sramik Federation (BSSF); Jatyo Sramik League (JSL); Bangladesh Jatyatabadi Sramik Dal (BJSD); Bangladesh Trade Union Kendra (BTUK); Bangladesh Free Trade Union Congress (BFTUC); Bangladesh Labour Federation; Bangladesh Mukto Sramik Federation; Jatyo Sramik Jote; Bangladesh Sramik Federation; Bangladesh Jatyo Sramik Jote; Bangladesh Ganotantrik Sramik Federation; Samajtantrik Sramik Front

Garment workers' federations:

Akota Garments Workers Federation – AGWF; Bangladesh Apparels Workers Federation – BAWF; Bangladesh Garment and Industrial Workers Federation – BGIWF; Bangladesh Garments, Textile & Leather Workers' Federation – BGTLWF; Bangladesh Independent Garment Workers Union Federation (BIGUF); Bangladesh Jute Textile Workers Federation (BJTWF); Bangladesh Revolutionary Garment Workers Federation – BRGW; Bangladesh Shoe & Leather Workers Federation (BSLWF); Bangladesh Textile and Garments Workers League (BTGWL), Federation of Garments Workers (FGW), Garments Tailors Workers League – GTWL; National Garments Workers Federation – NGWF; Shadhin Bangla Garments Sramik Karmachari Federation (SBGSKF); Sommilito Garments Sramik Federation – SGSF; United Federation of Garments Workers - UFGW