

Review

Governing Mechanisms for Controlling Labour: The case of the Ready-Made Garments Industry in Bangladesh

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Dominant discourse of trade led development justifies the treatment of workers by subordinating their needs to the overarching imperatives of development. The official transcript of Ready-Made Garments (RMG) trade induced development is interpreted as progress, while for workers it is associated with the decline in the quality of life and as forms of suffering and even as enslavements. Based on a field survey on workers, in-depth interview on factory owners and observation, this article also provides an account of the political power relations underpinning the “worker/employer” constellation in the RMG sector in Bangladesh by investigating the formal and proto-formal arrangements/provisions. Since labour power is a critical input into RMG Industry (RGI), this article also identified the various modes of labour control in the RGI in Bangladesh. The analysis also shows the efforts in legitimizing those controlling practices. The core of this paper is an exposition of the governance mechanisms through how the new international division of labour (NIDL) was sustained despite the worker's struggles. At the end, it envisages to expose the gap between stated governance objectives and governance as experienced.

Key words: Ready-Made Garment (RMG), International Division of Labour (NIDL), Trade and Governance, Labour Relations, Labour Rights, EPZs.

INTRODUCTION

A number of national as well as international development commentators conceive of ready-made garments industry as an ‘aashirbad’ (blessing) for countries like Bangladesh in general, and for women workers in the RMG industry in particular. For example, Jeffrey Sachs conceives of sweatshops within the RMG sector (and in Bangladesh in particular) as the route to progress; “sweatshops are the first rung on the ladder out of the extreme poverty” (Sachs, 2005; 11). Similarly, Bradsher (2004) has identified this development as advancing a silent revolution in Bangladesh with significant social and cultural benefits for women. This progressive narrative of trade-led development relies on two arguments: competition and development where nation-state is transformed into a competition state in order to streamline development. As such, countries like Bangladesh are competing to register their superiority in

exporting ready-made garments in the world market. It also argued that introducing competitive forces into the economy will accelerate development. Donado and Walde argue that to achieve the associated transformation of the political economy poor countries must reduce and reconfigure labour standards to attract investment and remain competitiveⁱⁱⁱ (Donado and Walde, 2012). Therefore question remains whether workers' rights are respected in ways commensurate with this discourse of development. And hence, the present work contend that dominant discourse justifies the treatment of workers by subordinating their needs to the overarching imperatives of development.

In contrast to the traditional orthodoxy of development notion, Saurin (1996) argued to develop a holistic method of measuring development which would take account of people's perception and understanding of that production

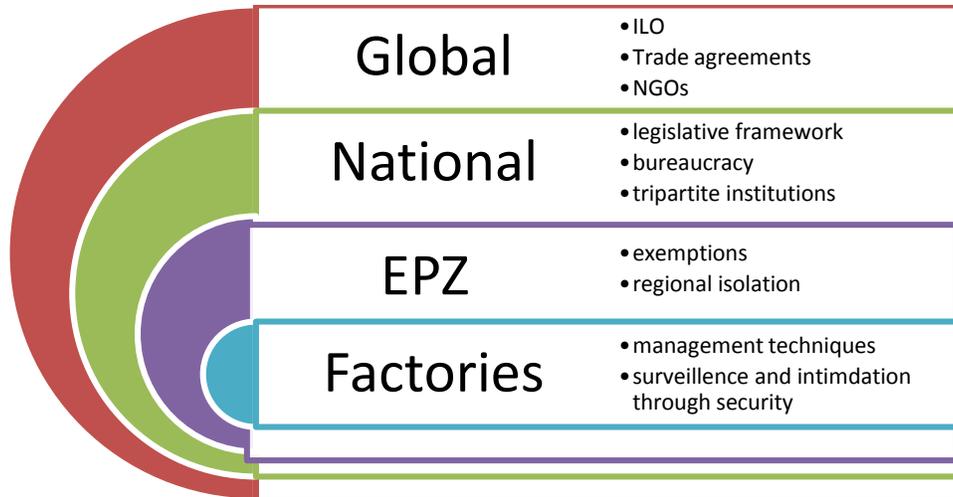


Figure 1: Formal Institutions and mechanisms

and reproduction of their own lives, including the global structuring of production and reproduction (Saurin, 1996; 661). Her approaches aim to track the development or non-development of the lives of 'ordinary people'. She used James Scott's (1990) notion of 'Public and Hidden Transcript' in different way. Official account of development is expressed in broad terms such as economic growth, international competitiveness, expansion of trade and rapid trade liberalisation and regulation of interdependence (Saurin, 1996; 661). However, daily experience of working people, their structural transformations, dislocations and sufferings fails to correspond with official story of development' (Saurin, 1996; 662).

Consequently, the transmission of trade-led modernity is interpreted as development and progress, while for others it is associated with the decline in the quality of life and as forms of suffering and even as enslavement. The persistence of workers suffering as demonstrated through low wages and deprivation from their rights contradicts the putative modernity of this discourse. The present work attempts to illustrate how formal institutions and informal mechanisms interact to produce the working conditions in the RGI in Bangladesh and also articulate how dominant public narrative of 'development blessings' is constructed through using various labour controlling mechanisms. The interactions between these institutions and mechanisms comprise a "governance" structure that effectively disempowers workers, leaving them vulnerable to exploitation and abuse.

Indicators of disempowerment and exploitation include insecure contracts, low wages, excessive hours, and few benefits. However, actors (state and stakeholders that includes private trade association and trade union leaders) concerned with the RGI have tended to refuse to recognize their suffering and instead have resorted to the

use of both force and developing mechanisms to acquire consent from the workers (and within society) to maintain this favourable export situation. Since labour power is a critical input into every commodity chain, the following work also seeks to identify the various modes of labour control in the RGI. The analysis also shows the efforts in legitimizing those controlling practices. At the end, it envisages to expose the gap between stated governance objectives and governance as experienced. In order to do so, this article the present work has adopted a systematic narrative, which comprised with a multi-sited investigation based on in-depth interviewsⁱⁱⁱ and close observations^{iv}.

This present article is divided into three sections: the *first* section briefly outlines governance mechanisms in the RGI in relation to both labour rights and investors' protection. This section attempts to show how labour rights and regulation can only be adequately comprehended understood through an appreciation of the national and global transformations. The *second* section delineates how the formal and informal mode of governance plays out as a strategy to manage the contradictions between trade-led development and workers struggles. It shows that this strategy is consisting of both the use of force and consent. The *third* and final section highlights how this governance deficit has been legitimized by various stakeholders despite the workers' suffering.

Section 1: Formal Institutions and mechanisms in the RGI in Bangladesh

Various institutional mechanisms generate the ultimate goals of creating subordinating workers (or rather exercised their limited capacity to address workers

sufferings) for their needs to the overarching imperatives of development. The Figure 1 illustrates these institutional measures addressing workers right operates in global, national, Export Processing Zones (EPZs) and non-EPZ factory level.

While discussing labour rights perspectives, the first global platform for monitoring labour's right is the international labour organisation (ILO). ILO has been using their programmes under the heading 'decent work' which promotes four core labour standards^v. It supervises compliance with global labour conventions and publishes reports on violation on maintaining standards. It provides technical assistance to labour ministries and other agencies. In theory it can punish countries (according to Article 33 of ILO) that do not comply with their commitments. However, in reality there are hardly any examples of such (Elliott, 2003). It provides the only functioning supervisory mechanism which is central to the international legal arrangements for labour standards.

Along with the ILO's supervisory context, the global regulatory regime, particularly the code of conduct and standards manifest the chain prerequisites of the RGI. The origination of buyer's code of conducts was not proactive rather it was reactive. In response to the threat of scandal and to reputation, brands and retailers introducing introduced ethical codes of conduct that specify labour standards that the supplying factories producing their orders ought to maintain. Global buyers fear that trade unions, nongovernmental organizations (NGOs), human rights groups, and consumers' associations in developed countries may accuse them of encouraging their suppliers in developing countries to run sweatshops and use child labour. To avoid such accusations, they urged local suppliers (garments manufacturers) to follow codes of conduct regarding product safety, labour standards, working environments, and child labour issues (Humphrey and Schmitz, 2004). Codes may have had a number of important impacts (like banning child labour or improving factories toilets), but it is not evident based as regard to their role as a sole monitoring agencies of the factories (Brooks, 2007: 173). Since, observation and in-depth interview with the factory owners in Dhaka revealed that both the buyers and local manufacturers are still outsourcing their orders to the sub-contracting factories where those factories lack basic labour standards. Apart from these flexible global initiatives, the national government also introduced a number of private enterprise friendly policies and legislation.

From the 1980s, in order to facilitate the expansion of the private sector led development and attract direct investment (FDI), government adopted a number of policy initiatives. To stimulate investment, framework for FDI policy is based on two legislations; the Foreign Private Investment (Promotion and Protection) Act, of 1980 and the Bangladesh Export Processing Zone Authority (BEPZA) Act^{vi}, 1981. While the first defines the

scope and space for FDI in Bangladesh, the latter specially addresses the provisions for FDI in the EPZs. One of the important features of this policy is to protect the investors both in terms of securing their financial assets and allowing exemptions from a number of certain legal provisions.

Protection against expropriation of foreign investors has been guaranteed in the Foreign Private Investment Act of 1980^{vii} where provisions for adequate compensation was laid down. If a foreign corporation becomes a subject as a legal measure that has the effect of expropriation, provision for adequate compensation has been kept and foreign investors are allowed to repatriate capital to their home country. The policy also includes a number of fiscal incentives. They include tax holidays for the industries located in free trade zones (3 – 7 years, depending on their location); reduced import duties on capital machinery and spare parts; tax exemption on royalties, and on capital gains from the transfer of shares and duty; free storing facilities (bonded warehouse) for imported goods. It also allows for certain infrastructural incentives, which include space in the EPZs and a relatively lower price of land in industrial estates with electricity, gas, water, and sewerage.

EPZ has been characterized from the very beginning due to its dubious legislative framework (the right to freedom of association often do not apply in EPZs^{viii}, isolation from other factories (Dannecker, 2002), reactive rather than proactive (factory visits on ad hoc basis), denial of access (denied access to EPZs when carrying out enforcement visits without prior notice or prior authorization) and low levels of dialogue (since trade unionization is prohibited)^{ix}. To attract^x the foreign direct investment the government had started campaigning to the international community that 'there are no trade unions in EPZs' (EPZ, 2000^{xi}). Even the recent^{xii} EPZ's advertisement under "Why Invest in Bangladesh EPZ?" didn't mention the trade union rather mentioning about the benefits of smooth law and order and low cost production base amongst the Asian region. This also reflects the government campaign to promote EPZs in particular and country's FDI in general as the Minister for Industry was more categorical in saying, "the prime objective of the government is to increase employment opportunities through increased investment. Any issue relating to EPZs of Bangladesh should be considered cautiously" (Siddiqui, 2001; 1^{xiii}).

National legislation also provides safeguards for the workers and it stipulates the following conditions: wages and benefits, employment condition and workplace safety, working hours. Bangladesh Labour Act (BLA) 2006^{xiv} took effect from October 11, 2006. According to the US Government, the BLA 2006 is the most comprehensive law in place regarding labour^{xv}. This indicates the central progressive narratives and justification that RGI mechanism is adequate in the question of labour rights'. However, a number of the

incidents of labour unrest occurred due to lack of implementation of Bangladesh labour Act 2006^{xvi}. Despite these legal provisions, workers suffered due to non-implementation of these provisions (60 percent workers endorsed^{xvii}) and workers couldn't address their grievances due to non-existence of unions (85 per cent workers endorsed). Unionization efforts in the non-EPZ factories are not that different in practice compared to the EPZ. The Bangladeshi Constitution^{xviii} and the 2006 Bangladesh Labour Act provide for the right to join unions and, with government approval, the right to form a union^{xix}. However, many restrictions apply which effectively undermine rights to freedom of association, to collective bargaining, and the right to strike. This is quite significant and contradicts with spirit of trade unionism and it implies that law itself was created to impede the formation of unions.

Analysis of national governing institutions for implementing and overseeing labour rights is important. Government institutions also suffer from serious under-capacity, particularly the Ministry of Labour (MoL), which is understaffed and lacks the resources to adequately inspect and carry out its mission^{xx}. The Ministry of Commerce (MoC) is also extensively involved in labour governance in the export sector. While the primary function of the MoC is to deal with trade and commerce, both externally and internally, compliance issues have also become an important part of the MoC's portfolio due to its potential impact on exports. In addition to this forum, the government has also created three related groups: a taskforce on labour welfare, a taskforce on occupational safety and health, and a Compliance Monitoring Cell (CMC) which is run out of the Export Promotion Bureau^{xxi}. Therefore lack of inter-ministerial coordination and lack of consensus on working for worker's rights creates problems within the government institutions.

One of the prominent governance processes in the RGI is the creation of the *industrial police (IP)*, which is a specialised police force established to look after industrial areas. It came into operation on 31st October, 2012, with headquarters in Dhaka and four zone offices at Gazipur, Saver, Narayanganj, and Chittagong. The five objectives of the IP state the following:

“(1) to ensure the law and order of the industrial areas; (2) to ensure the safety and security of the property and personnel involved in the industries; (3) oversee the activities of the organized groups working to destabilise the industrial sectors; (4) extend immediate support to any unusual situation/labour unrest; and (5) collect, collate and disseminate information to higher authorities.” (GOB, 2011)

Interestingly, no indication appears in the five objectives of IP that this force aims to safeguard the interest, insecurity, deprivations of the workers, or any sort of violation of labour laws. Even during my fieldwork, especially during a situation of unrest in a factory (that is,

in Tejgaon in Dhaka in August, 2011), the industrial police mostly^{xxii} protected the factory and the owners, rather than the workers. Some of the workers stated that on a number of occasions, just before their payment date, they observed the presence of industrial police, and, subsequently, they heard about the closure of factory^{xxiii}. They narrated that “this is a method by the management so that they could delay payment and could earn interest depositing money in the bank”^{xxiv}. An in-depth interview^{xxv} with an industrial police on the spot also revealed that management instructed them to save or protect the factory first and concern themselves with any issue regarding the workers until later.

Major governing institutions the factory level are the two association, Bangladesh Garments Manufacturer Exporters Association (BGMEA^{xxvi}) and Bangladesh Knit Export Manufacturers Association (BKMEA^{xxvii}). These associations are clearly sensitive to international pressure and to the demands of buyers in the area of labour compliance. The employer association primarily active to respond the buyers concerns rather than the concerns of the workers. Since the proposed Harkin Bill^{xxviii} of the mid-1990s (to eliminate child labour), the BGMEA, BKMEA, have begun to institute a variety of programs designed to improve working conditions in order to burnish their reputation in the international marketplace. The private business houses have their own intelligence units. Both BGMEA and BKMEA are equipped with their own security and intelligence units. Now-a-days factories (a number of big compliant factories) also have their own trained security personnel.

One way of governing inside factories is through the ex-military management. A large number of factories are run retired army, navy or air force officers. According to one of the manager, in a factory in Ashulia (near Dhaka), “since workers are uneducated, unorganised and easily manipulated, they would require the strict rules. These rules and verbal (loud voice commands) control make them equipped with this new working set-up.”^{xxix} These former army personnel often verbally abuse the workers and, a number of them; physically punish the “disobedient” ones^{xxx}. Therefore, RMG employment not only provides employment opportunities, but also rectifies the workers attitudes.

This section outlines various institutional and regulatory measures which operate in global, national, EPZ and factory level. However, analysis shows a number of weaknesses which can be broadly attributed to their weak institutions and cumbersome legal provisions. It also revealed the elements of force in the maintenance of ultimate governance mechanisms in the RGI. It is important to know about implications of those regulatory and institutional measures. I argue that these measures have been governed by management through surveillance and intimidation tactics to disempower workers. The following section outlines these management techniques.

Section 2: Managing Governance Strategies

Managing code of conducts

While discussing the codes of conduct, the buyers' preferences for their own codes of conduct pose a challenge for the suppliers. One supplier usually has more than one buyer. If each buyer has a different set of requirements, it becomes difficult for the local garments manufacturers to ensure compliance with all the requirements simultaneously, although direct suppliers are often in a better position than sub-contractors to meet expectations. Suppliers are regularly monitored to ensure compliance, however, small and medium size factories, which usually include subcontractors, often fail to comply with the code of conduct.

However, the total approach of their monitoring is focussed on industry specific competitiveness or goals (that is, improving competitiveness, fire and safety standards, and so on) rather addressing the workers' grievances or suffering. Moreover, monitoring is generally ad hoc (Rahman et al, 2008). Both NGOs and trade unions have criticised monitoring activities because there have been examples of monitoring agencies certifying factories lack safety standards working facilities (Brooks, 2007). The auditing mechanisms were constructed in such a fashion that both the parties (the garments manufacturer and the audit house) were uninterested in addressing the workers grievances. Buyers cancelling orders placed with manufacturers (with whom they had long standing relations) who had not maintained standards was rather uncommon^{xxx1}. In most cases^{xxxii}, auditing firms) refrained from expressing their dissatisfaction (because of the feared of losing their job) or being trained not to express their dissatisfaction, or the audit firms failed to properly investigate the non-fulfilment of standard requirements.

Controlling workers' wages and benefit

The RGI is composed of an unseen, intricate, and complex web of supply chains that run like invisible web around the world. These chains have been structured to gain low-cost, low-risk, and flexible production in an increasingly competitive environment. The payment for their work was often below overtime rates, frequently late, and sometimes unpaid. Workers had to work overtime, either because the management wanted them to do so, or because they were slow in finishing on time, or because they would require extra overtime payment for their daily survival. Non-formalisation is another aspect of how manufacturers govern the RGI industry. In Bangladesh, a number of workers had no contract or employment letter. Though a number of factory owners

claimed that they provided with the workers with a contract letter, in-depth interviews of workers revealed a different story where the garments factory authority provided the workers a one page contract letter while joining. However, they took it back that so that they could use the document for other workers.

Without contracts, this meant that they were ineligible for certain legal entitlements. Though popular discourse about formal employment through RMG trading is something very common, in reality they themselves make this employment more in an informal manner in order to create a flexible space for governing the workers.

One of the central pressures that the workers faced is the management of low wages. Common problems surrounding wages were that wages were low, late, incomplete, and sometimes complex to calculate. Wages were often purposely made complex, so that workers could not calculate their wages in advance and did not know if they had been underpaid. Sub-contracting factories usually received lower payment. A number of factories, did not pay the full monthly salary, attendance bonuses (or even festival bonuses), overtime payments altogether in one day. Some of the owners argued, that "if they were given full payment, they might not come back to the factory and would go to another factory, they might misuse the money, or might have face problems carrying this 'huge' sum of money"^{xxxiii}.

Managing workers' protest and unionisation efforts

There have been reports^{xxxiv} with regards to increasing pressure on workers' unionisation efforts. In-depth interviews, anecdotal information, and close observations reveal that that government and employers are becoming increasingly hostile towards trade unions. This has also made workers reluctant to join trade unions where they do exist. Trade unions were under pressure internally because of corruption and workers perceived some unions to be working to support the employers rather than the workers. A number of trade unions also become more affiliated with both ruling and opposition political parties (Majumder, 1997: 49); hence, the political power, rather than the workers, became their primary interest. In Bangladesh, workers involved with trade unions faced redundancy, harassment, and intimidation, as well as being threatened with murder. Very recently, this threat was carried out; Aminul Islam, a prominent trade union leader, was killed^{xxxv}. However, anecdotal evidence suggests that a number of factory management considered him as to be a threat (due to his voice against the factory owners controlling mechanisms) to the industry as a whole. The government is still investigating the matter. Again, all these activities or narrow governance mechanisms focused on creating deterrents so that other workers will not act against factory management.

Section 3: Legitimation of the governance process

The earlier section exposed the governance mechanisms applied through force and consent. However, recognition of regimes of abuse and control in globalised production sites of the RMG has been legitimised by state and non-state actors. There is recognition of justification- even when countering critique and thereafter a range of justification emerged. These examples of abuse are both grounded in and reproduce a large political economy of production, consumption, and image-making.

Construction of workers' social obligation: the use of power and conspiracy theory

The most prominent and common feature of legitimization efforts can be traced through the hyped "conspiracy theory" outlined not only the factory owners and private trade association but also the government. The government's responses to the protests have generally entailed a combination of coercion (for instance, arresting protesters) and attempts to re-vitalize and consolidate the dominant discourse about the benefits of the RGI. In the case of the latter, the fact that the protests could reflect the genuine grievances of the workers was either dismissed out of hand, or deflected by framing the protests as part of a larger (foreign backed) anti-government conspiracy that private business bodies, NGOs, and foreign governments had instigated.

In terms of direct coercion, the government has responded drastically to the workers' protests in an attempt to discipline those labeled "so-called provocateurs"^{xxxvi} with the help of the "industrial police"^{xxxvii}. The "industrial police" force came into existence on July 31, 2010 when the Bangladeshi Prime Minister warned that "the government will not tolerate any anarchy and destructive activities in the garment sector", promising that "tough action would be taken against the people who are creating anarchic situation in the garment sector" (Daily Star, 2010)^{xxxviii}. The coincidence of interests between the government and manufacturers is perhaps, in this case, unsurprising. Irrespective of shared ideological commitments to development as modernization, the government itself has much at stake in the RGI (McMichael, 2010). For example, twenty-nine Members of Parliament (MP)^{xxxix} in Bangladesh are owners in the garments industries (10 per cent of total MPs) and another 25 percent are indirectly involved with this industry^{xl} (Bangladesh Election Commission, 2009^{xli}). This indicates the government-business compact has arguably had the effect of diluting state responsibility for protecting workers from the violation of their rights.

Management consistently discusses workers in disrespectful terms – 'son of a beggar', 'workers would go strike if they would not employ them'. This analysis

suggests that workers are discursively constructed as not deserving of rights, an analysis that could work to further justify working conditions. How *words* become a part of dominance becomes evident through the governance process of the RMG industries. While visiting RMG factories in Narayanganj, one of the factory owners was quite annoyed with the workers (particularly on those who were involved with the protest), because he said "*fakinnir put*" (son of a beggar) would struggle (go strike) if they would not employ them. On a number of occasions, garments owners claimed that "it is the owners who provide bread and butter to the workers and ultimately provide employment and facilitate poverty reduction."^{xlii} This is the justifications for the workers conditions. This section discusses two examples of how the identity of workers as dependent on the largesse of the manufactories and as individuals whose rights ought to be subordinated to more general development goals: 1) re factory shutdown and 2) recent debate over maternity leave provisions.

The latest show of power and domination was by the garment factory owners who at first threatened (on June 03, The Daily Star, 2012) to shut down their factories (subject to sustained worker protest) and, later on, shut down the factories of the entire Ashulia region (which has more than 300 factories) for five consecutive days. Anecdotal information suggests that the owners lost 20 million dollars (USD)^{xliii} (Ahmed Salahuddin, 2004) during this closure, which would be the equivalent to giving the workers, had they wished to do so, a five per cent salary increase. This appears (or should be) a quite depressing scenario for both the owners and the workers. However, the owners were quite happy to give the workers a lesson and the workers suffered quite a lot—especially those working in piece-rate basis. One of the garment factory owners who visited Australia^{xliiv} in June 2012 (during five day factory shut down) said the following:

"I am not worried about my loss that occurred during this shut down, as I have got other businesses. It is a good way to teach workers and in future they will think twice before going into another round of protest." (Interview with an owner of RMG factory)

The second example regards maternity leave, which further revealed the factory owners' perception. This as a structural phenomenon (socially constructed knowledge) linked with the patriarchal cultural construction. Bangladesh Garments Manufacturers and Exporters' Association (BGMEA) has argued that the proposed 24-week maternity leave instead of 16 weeks, will encourage a higher birth rate, negating population control efforts in the country. The association also proposed introducing 12 weeks or 84 days of maternity leave for female workers in the garments industries to keep pace with production in the sector. In a statement, BGMEA said that

the industry had been contributing to birth control in the country since the 1980s because female workers felt discouraged from having children in order to keep their jobs. They further proposed that because 80 per cent of workers in the garments industry are women, their long leave would greatly hamper production and increase administrative complexity if recruiting the new workers to fill the vacant position. In addition, a long absence decreases workers' skills and workers could also not return to work if they found a better opportunity elsewhere^{xlv}. The BGMEA's stance of reducing maternity leave from a commercial viewpoint defames Bangladesh's women (Nazneen et al, 2011), children, and the community and disgraces future generations. However, this sort of structural construction has been intuited with other institutional force.

Educating responsible behaviour of the workers

Garments manufacturers^{xlvi} often assumed that people who work in factories lack basic intelligence, because they lack a proper education and have insufficient mental capacity. Therefore, in the RGI, a principle of combining standardization of production practices, such as the break-down of work task on the assembly lines, has been very prominent. Further to these production strategies and after a series of protest during 2010 and 2011, a number of programmes to teach "responsible behaviour of the workers" have been inaugurated in Bangladesh in collaboration with the donors, NGOs, and business bodies. The basic aim of these programmes is to make them disciplined (or bring them under control), because a number of them become agitated when they were dire deprived. GiZ (German Development Cooperation Agency), with the collaboration of two local partners, the Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA) and Bangladesh garments Manufacturers and Exporters Association (BGMEA),^{xlvii} has funded one of these programmes, Promotion of Social, Environmental and Production Standards (PSES). The programme aims to introduce social and environmental standards, and *models of arbitration*. The programme's ultimate aims has been designed in a manner as "the only way for the industry to remain competitive in the long term, while maintaining humane social standards and environmentally sound production methods" (GiZ, 2011^{xlviii}). Two of the national NGOs, *Awaj Foundation* and *Karmajibi Nari* acted as local partners by organising awareness-raising workshops and distributing information in the factories. PSES claims that women received higher wages and BKMEA member factories have improved their productivity by around 33 per cent on average. It also claims that in some cases labour productivity has doubled. However, an in-depth interviews^{xlix} with both with the project coordination officer and beneficiaries' (workers) reveals a different perspective. The design of their model of arbitration

programmes is such that they trained workers about their behaviour during protests. This includes, not stopping work, not being involved any sort of destructive activities, and not getting out of factories. This illustrates the ultimate intention of the controlling mechanisms of the RGI.

Legitimation through cultural modernisation loops

Over the last couple of years there have been renewed attempts to promote cordial relations between workers and management through participation in staged events and television programming. Reports in the Bangladeshi press suggest that the purpose of such events and activities is to encourage factory workers to consider themselves part of the mainstream workforce, even though they still do not share the same rightsⁱ (The Daily Star, 2011).

As an annual event, BKMEA arranged the largest knitwear show, the "5th Bangladesh Knitwear Exposition" on 2-4 October, 2010, at Dhaka Sheraton Hotel. One of the conspicuous aspects of the three daylong events was the unique fashion show by the workers. Wearing the attractive outfits they made, the workers, according to the BKMEA took part in the catwalk "with pride and pleasure" and it was expected that the unique fashion show would set a new trend among the workers and the buyers from both home and abroad to expand the industry.ⁱⁱ

Furthermore, in 2012, the Bangladesh Garments Manufacturers and Exporters Association introduced a television "Idol" competition (a stage reality TV show) named '*Gorbo 2012*' (literally 'proud'). It was screened on Bangla Vision, a private Bangladeshi television channel intending to find music talent from a particular section (people working with RMG) of the urban poor of Dhaka, Savar, Gazipur, Narayanganj, and Chittagongⁱⁱⁱ.

The impact of the activities described above can be interpreted in different ways. I, however, wish to draw attention to the way that in this context the fashion show and television productions contribute to a discursive construction of workers that excludes representing hardship and exploitation. The *Gorbo- 2012* story is an interesting case of how the culture industry operates through multiple agencies and individuals, even irrespective of their own affiliations, and how it promotes the hidden governance manuscript of the RGI. It provides an example of the alliance between media houses and the garments factories, where the media inevitably snaps up and brands individual innovations. The objectives of such education is quite clear: to present poor garments workers in such a manner so that they can no longer be identified as exotic.

CONCLUSION

The foregoing analysis has explained the modes of

labour governance in the RMG industry in Bangladesh. Formal and informal practices have been distinguished to demonstrate that even where legislation allows certain rights to organise and bargain collectively these are difficult to assert in situation. This analysis bears testimony to workers' sufferings and violation of various rights including right to form union. These governance mechanisms also provide financial incentives for retailers and manufacturers to invest and manufacturers in the EZPs are exempt from labour laws.

The analysis has also examined relationships between key institutions responsible for governing the implementation of law and maintaining order in the factories; that is between the government and its bureaucratic apparatus (i.e., ministries, agencies, and police force), manufacturers, global retailers, trade associations and NGOs. It depicts that how these actors attempt to make RGI competitive without addressing workers' sufferings. These controlling mechanisms is quite unique as the use of force and consent creates hegemonic order. Apparently, the consensus appeared to be an indirect force, to accept their sufferings and decline of their living standards. These examples (of workers sufferings) are reflective of the disjuncture between dominant transcript and actual experiences. Though a number of agencies discussed are involved in direct control and thereby limit the articulation of rights, whereas others are engaged in monitoring and advocacy. Scott's notion of 'hidden and public transcripts' is useful to locate particular actors in particular social settings, whether they are dominant or they are oppressed. According to Scott, these methods are effective in situations where domination and violence is used to legitimise actions and maintenance of the status quo (Scott, 1985: 137). Therefore, in the present article we can see a unique governance mechanisms of force and consent in one side and legitimization of those mechanism from the other side.

The article also provides an account of the political power relations underpinning the "worker/employer" constellation in the RMG sector by investigating the formal and proto-formal arrangements/provisions underpinning these relations. These arrangements have been derived from broader institutional provisions which include securing labour rights, regulatory provisions, code of conducts and progressive narratives and lead to accounts of the agents involved in promoting these, or detracting from them by situating all of this in a broader (political) enabling context.

The buying decisions of global retailers are rarely effected by the working conditions in garment factories unless supply is disrupted. Changes in buying decisions, along with shifting their import destinations, do not change or affect the local manufacturers, but jeopardise the dependent workers who enter in this employment field with the notion of development for themselves and for the country. My analysis of the intersection of the

formal and informal modes of governance that produce working conditions in the RMG industry in Bangladesh indicates that it is very difficult for workers to organise and pursue claims for improved conditions and wages. Despite the rhetoric of economic development, workers are exploited and this exposes the fault lines of globalization and showing the contingency of hegemony^{liii}.

REFERENCES

- Ahmed S (2004). Bangladesh: Past and Present; APH Publishing, 2004.
- Bradsher K (2004) 'Bangladesh is surviving to export another day' The New York Times, 14 December 2004, <http://www.nytimes.com/2004/12/14/business/worldbusiness/14bangla.html>
- Brooks EC (2007). Unraveling the Garment Industry: Transnational organizing and Women's Work, University of Minnesota Press.
- Dannecker P (2002). Between Conformity and Resistance: Women Garment Workers in Bangladesh, Dhaka: University Press.
- Donado A, Wälde K (2012). Globalization, Trade Unions and Labour Standards in the North, Employment Sector Employment Working Paper No. 119, Published by the ILO, Geneva.
- Elliott KA (2003). Labor Standards, Development, and CAFTA in International Economics Policy Briefs, March 2004; Number PB04-2 published by Institute for International Economics and the Center for Global Development.
- Enloe C (2012). "The Mundane Matters", in International Political Ecology, Volume 6, Number 1, 1 March 2012.
- GoB (2011). Bangladesh Labour Act, 2006, Ministry of labour, Government of Bangladesh.
- Gramsci A (1971). Selections from the prison notebooks of Antonio Gramsci. London: Lawrence & Wishart
- Granovetter M (1992). "The Sociological and Economic Approaches to Labour Market Analysis: A social Structural View", in Granovetter, M; Richard Swedberg (eds.): The Sociology of Economic Life, Boulder: Westview Press, pp. 233-264.
- Humphrey J, Schmitz H (2004). "Governance in Global Value Chains." In Local Enterprises in the Global Economy: Issues of Governance and Upgrading, ed. Hubert Schmitz. Cheltenham: Edward Elgar.
- Hugill P (2006). The Geostrategy of Global Business: Wal-Mart and its Historical Forbears. In Stanley R. Brunn, ed., Wal-Mart in the World Economy Routledge, pp. 3-14.
- McMichael P (2010), 'Changing the Subject of Development' in P McMichael (ed). Contesting Development: Critical Struggles for Social Change, Routledge.
- Majumder P, Zohir SC (1996). Garment Workers in

- Bangladesh. Economic, Social and Health Condition, Research Monograph 18, Bangladesh Institute of Development Studies (BIDS).
- Nazneen S, Naomi H, Maheen S. (2011). National Discourses on Women's Empowerment in Bangladesh: Continuities and Change, IDS Working Paper 368, published by the Institute of Development Studies, UK.
- Rahman M, Bhattacharya D, Moazzem KG (2008). Bangladesh Apparel Sector in Post MFA Era: A study on the Ongoing Restructuring Process, Centre for Policy Dialogue, Dhaka 2008.
- Sachs J (2005). *The End of Poverty: How we can make it Happen in our Lifetime?* Penguin Press, 2005.
- Saurin J (1996). Globalisation, Poverty, and the Promises of Modernity, in *Millennium – J. Inter. Stud.*, 1996 25: 657
- Siddiqui A (2001). Bangladesh: Human rights in Export Processing Zones. *Asian Labour Update*, Issue: 38 on Export Processing Zones (January - March 2001).
- Scott J (1990). *Domination and the Arts of Resistance: Hidden Transcript* (London and New Haven). Yale University Press.
- Scott J (1985). *Weapons of the Weak: Everyday Forms of Peasant Resistance*, Yale University Press.
- USAID (2008). *The Labour Sector and US Foreign Assistance Goals: Bangladesh Labour Sector Assessment*, USAID, 2008.
- http://www.nytimes.com/2012/04/10/world/asia/bangladesh-labor-organizer-is-found-killed.html?_r=0, accessed on May, 2012
- http://www.sweatfree.org/docs/BCWS_update.pdf. Accessed on November, 2011
- http://www.amrc.org.hk/alu_article/export_processing_zones/bangladesh_human_rights_in_export_processing_zones. Accessed on November, 2012
- <http://www.bgmea.com.bd/home/pages/aboutus#.UjnFjr5-IU>, Accessed on January, 2013
- http://www.amrc.org.hk/alu_article/export_processing_zones/bangladesh_human_rights_in_export_processing_zones, Accessed on September, 2013
- http://bdlaws.minlaw.gov.bd/pdf_part.php?id=608, Accessed on November, 2012
- http://www.boi.gov.bd/index.php/component/businesslaws/?view=lawdetails&law_id=705, Accessed on November, 2012
- http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/, Accessed on December, 2012
- http://www.epzbangladesh.org.bd/bepza.php?id=why_inv_bd_EPZ, Accessed on September, 2013
- http://www.amrc.org.hk/alu_article/export_processing_zones/bangladesh_human_rights_in_export_processing_zones, Accessed on November, 2012
- http://www.boi.gov.bd/index.php/component/businesslaws/?view=lawdetails&law_id=24, Accessed on November, 2012
- <http://www.pmo.gov.bd/pmolib/constitution/part3.htm>, Accessed on September, 2013
- http://www.ecs.gov.bd/English/MenuTemplate1.php?Parameter_MenuID=69, Accessed on November, 2012
- <http://www.giz.de/themen/en/20176.htm>, Accessed on November, 2012

ⁱTo secure the second position after China in exporting apparel/garments products in the world

ⁱⁱ“Wal-Mart’s corporate culture developing in the relatively un-zoned, unregulated, “right-to-work” states of the American South, and the company has had problems expanding into zoned, regulated, and unionized places elsewhere in American and internationally” (Hugill, 2006; 13). This suggests that Wal-Mart’s success may rely as much on a particular confluence of government regulation that favors capital vis-à-vis labor. In the context of the United States, and the U.S. South in particular, anti-trust legislation is weakly enforced, as are labor laws, creating an environment conducive to Wal-Mart’s growth. Hugill writes that “where there is effective retail competition and tough labour laws, such as in Japan and Germany, Wal-Mart has been a weak player” (ibid; 12).

ⁱⁱⁱField research was carried out primarily in Dhaka, Gazipur, Sripur, Savar, Narayanganj and Ashulia, Bangladesh (these are nearest cities of Capital of Bangladesh, Dhaka). The workers in the Garments industry are mostly located within and surrounding of two of the major cities in Bangladesh, Dhaka, the capital and Chittagong, the port city. Sample enterprises were randomly selected from Dhaka, taking cognizance of the heavy concentration of RMG population in greater Dhaka (80 per cent) and to a limited extent, in Chittagong (20 percent). With regard to samples for Dhaka areas, about 90 per cent of the sample was taken from Dhaka city and rest 10 percent from adjacent areas such as Savar, Gazipur, Sripur, Asulia and Narayanganj. Considering implications in terms of ownership and the special facilities offered in various specialized areas, enterprises were selected from the Dhaka EPZs. Workers are mostly resides nearby their respective factories where they used to work. Hence, in-depth interview and a number of focus group discussion was held in their residence and on Jahangirnagar University Campus (on the way to the workers residents).

^{iv}Field work was carried during July-November, 2011 in Bangladesh. It comprises with a semi-structure questionnaire based survey on 240 workers of 70 factories located in Dhaka and around Dhaka, Bangladesh, in-depth interviews with factory owners and workers and 5 Focused Group Discussions (FGDs). However, findings of this article mostly derived mostly from the FGDs, in-depth interviews and close observations.

^vThis includes. (i) freedom of association and the effective recognition of the right to collective bargaining, (ii) elimination of all forms of forced or compulsory labour, (iii) effective abolition of child labour, and (iv) elimination of discrimination in respect of employment and occupation. But ILO has a number of mechanisms for working out the aforesaid objectives.

^{vi}http://bdlaws.minlaw.gov.bd/pdf_part.php?id=608

^{vii}http://www.boi.gov.bd/index.php/component/businesslaws/?view=lawdetails&law_id=705

^{viii} <http://actrav.itcilo.org/actrav-english/telearn/global/ilo/frame/epzicftu.htm>

^{ix}http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/lab_admin/documents/instructionalmaterial/wcms_183021.pdf

^xMinister for Industry was more categorical in saying, “The prime objective of the government is to increase employment opportunities through increased investment. Any issue relating to EPZs of Bangladesh should be considered cautiously.”

http://www.amrc.org.hk/alu_article/export_processing_zones/bangladesh_human_rights_in_export_processing_zones

^{xi}EPZ Flyer, published on

^{xii}http://www.epzbangladesh.org.bd/bepza.php?id=why_inv_bd_EPZ

^{xiii}http://www.amrc.org.hk/alu_article/export_processing_zones/bangladesh_human_rights_in_export_processing_zones

^{xiv}http://www.boi.gov.bd/index.php/component/businesslaws/?view=lawdetails&law_id=24

^{xv} The Labour Sector and US Foreign Assistance Goals: Bangladesh Labour Sector Assessment (USAID, 2008; 16).

^{xvi}From secondary sources and derived from the previous chapter based on field work.

^{xvii}Derived from a semi-structured questionnaire based interview with 240 workers from 70 garments industry which was carried during July-October 2011

^{xviii}<http://www.pmo.gov.bd/pmolib/constitution/part3.htm>

^{xix}However, in law and in practice, trade unions are not allowed in the EPZs. Hence, this is a violation of the Bangladeshi constitution itself.

^{xx}There are only 200 inspectors country-wide, and only 27 inspectors working in the RMG sector for approximately 5,000 factories. There are 15 teams made up of three to four members per team which conduct random inspections.

^{xxi}An Ordinance to provide for the establishment of a Bureau for promotion of export in 1977 (http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=554)

^{xxii}Derived from my field observation.

^{xxiii}There is no definitive number of factory closures. But anecdotal information collected during my field work in 2011 estimated about 50 in 2011.

^{xxiv}Based on closed observation and a quick interview with a workers was carried as a part of my field survey during July-October, 2011 in Dhaka.

^{xxv}Based on an in-depth interview with an officer of Industrial Police (who was on duty on that particular garment factory), was carried as a part of my field survey during October, 2011 in Tejgaon, Dhaka.

^{xxvi}The Bangladesh Garment Manufacturers and Exporters Association (BGMEA) is the apex trade body that represents the export oriented woven, knit and sweater garment manufacturers and exporters of the country”-
<http://www.bgmea.com.bd/home/pages/aboutus#.UjnFjr5-IU>

^{xxvii}“Bangladesh Knitwear Manufacturers & Exporters Association (BKMEA) was formed in 1996 by the all-out efforts of few knitwear manufacturers”,
<http://www.bkmea.com/BKMEA-at-a-glance.html>

^{xxviii}in the US Congress in August 1992 of the Child Labour Deterrence Act (also referred to as the Harkin Bill) to ban the importation into the United States of products manufactured using child labour. Congressional Record, ‘Introduction of the Child Labor Deterrence Act of 1991—Hon. Donald J. Pease’ (Extension of Remarks, House of Representatives, 15 Nov. 1991) cited in Nielsen, Michael E (2005). The politics of corporate responsibility and child labour in the Bangladeshi garment industry, *International Affairs* 81, 3 (559-580).

^{xxix}Based on an in-depth interview with a deputy general manager of a garment factory which was carried as a part of field survey during July-October, 2011 in Dhaka.

^{xxx}Based on field survey, observation and in-depth interview with factory owners.

^{xxxi}In certain cases they warned factories by putting standard color code (green, orange and red).

^{xxxii}Based on an in-depth interview was carried as a part of field survey during July-October, 2011 in Dhaka.

^{xxxiii}Based on an in-depth interview was carried as a part of field survey during July-October, 2011 in Dhaka.

^{xxxiv}BILS, 2011

^{xxxv}http://www.nytimes.com/2012/04/10/world/asia/bangladeshi-labor-organizer-is-found-killed.html?_r=0

^{xxxvi}Official government claim about the workers who protested

^{xxxvii}http://www.sweatfree.org/docs/BCWS_update.pdf. Formally started operation on October 31, 2010.
<http://www.bdnews24.com/details.php?cid=2&id=177651>

^{xxxviii}“PM warns against anarchy, violence,” *The Daily Star*, August 1, 2010, thedailystar.net.

^{xxxix}<http://www.votebd.org/>

^{xl}Through with various forward and backward linkages sectors associated with garments industry which includes transportation, C&F, storage, packaging, and so on. <http://123.49.39.5/asset/index.php?lang=bn>

^{xli}9th Parliament Election 2008 (Candidates disclosure & Results)-
http://www.ecs.gov.bd/English/MenuTemplate1.php?Parameter_MenuID=69

^{xlii}Derived from in-depth interview

^{xliii}Authors calculation based on Ahmed, Salahuddin (2004). *Bangladesh Past and Present*, APH Publishing.

^{xliiv}During the course of conducting the present study in Australia

^{xliiv}([http://www.newagebd.com/detail.php?date=2012-05-](http://www.newagebd.com/detail.php?date=2012-05-21&nid=11002#.UGMOho0ge0g)

21&nid=11002#.UGMOho0ge0g)

^{xliiv}This information has been derived from Field survey carried during July-November 2011.

^{xliiv}The Promotion of Social, Environmental and Production Standards in the Readymade Garment Sector (PSES), in short, is a joint program of the Bangladesh Ministry of Commerce and the German Federal Ministry of Economic Cooperation and Development (BMZ), which the German International Corporation (GIZ) is implementing. PSES aims to contribute to poverty alleviation through economic development. As such, the program’s ultimate aim is to enhance sector competitiveness and, at the same time, to help establish decent working and living conditions. PSES supports a multilevel and multi-stakeholder approach, cooperating with local suppliers, international buyers, government, non-government organizations, and trade unions in order to foster market compatible instruments that have rapid effects in markets and workplaces. PSES looks for constructive ways to implement social and environmental standards and to establish mechanisms for settling grievances and arbitration disputes. Moreover, PSES helps Bangladeshi suppliers for trade promotion, market development, improve productivity and eco-efficiency through skills development and promotion of innovation. PSES has been a working as a partner of BKMEA for the last 6 years

^{xliiviii}<http://www.giz.de/themen/en/20176.htm>

^{xlix}Carried out during September 2011 in Dhaka, Bangladesh in conjunction to field survey

^lThe Daily Star, November 2011.

^{li}(http://sitesone.com/bkmea/index.php?option=com_content&view=article&id=49%3Abkmea-arranges-fashion-show-by-garment-workers&catid=34%3Ademo1&Itemid=46)

^{lii}<http://www.bgmea.com.bd/home/pages/CDofsongssungbyRMGworkerslaunched>

^{liii}For details of constellation of hegemony and role of the civil society, see Gramsci, A. (1971)