

Freedom of Association in Practice

A comparison between factory-based trade unions and worker participation committees in apparel factories in Dhaka, Bangladesh



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(Photo: Sewing department in jeans factory in Dhaka. Source: Author's own.)

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Summary

Bangladesh is known for its enormous apparel industry. The low wages of factory workers attracted foreign brands to move production to Bangladesh. Due to imbalanced power relations in the global apparel value chain, factory workers often suffer from extremely bad working conditions, such as unhealthy workplaces, long hours and harassment. Especially, the implementation of freedom of association rights are a problem as workers are not able to organize properly, to voice their concerns in order to improve working conditions. In order to comply to international standards, the Bangladeshi government mandated worker participation committees (WPCs) that should enhance worker voice. However, academia are afraid that WPCs will substitute the factory-based trade union (FTU), which could have a significant impact on the empowerment of factory workers.

This research aims to assess and compare the actual functioning of WPCs and FTUs in apparel factories in Dhaka, Bangladesh. In this way, this research tries to contribute to the debate whether WPCs, which are mandated by Bangladeshi law, are able to substitute factory-level trade unions, which are a more traditional form of worker representation. This is done through qualitative field work in Dhaka. In-depth interviews were conducted with experts, NGOs, trade union federations, factory union leaders, committee members and general workers. Furthermore, from an assessment of ILO standards, OECD guidelines and field interviews, important dimensions influencing the functioning of the worker platforms were identified: independence, democratic elections, worker-management dialogue, resources, management's attitude, and worker awareness. Based on these dimensions, further analysis was carried out.

Results show that Bangladeshi labour laws do not yet completely comply with international standards. Particularly, barriers in the law that hinder workers in registering a union are impeding attempts to for workers to self-organize. Although, ILO standards are covered in the labour law to a large extent, in practice, these laws are not adequately enforced.

On a factory-level, the assessment showed both committees and unions have weaknesses in all dimensions. Substitution of unions by WPCs is not be possible, especially since committees are not independent but controlled by management and have no collective bargaining power like unions. Interestingly, the specific function of the committee to improve worker-management relationships, which is not a role for the FTU, is also not working better than unions.

Reasons behind the weaknesses of both committees and unions were found to be: poor law enforcement, cultural barriers, the complexity of the apparel value chain and the imbalanced power relations in the chain.

Keywords: Apparel Industry, Worker Representation, Freedom of Association, Factory trade union, worker participation committees

Preface

First, I would like to mention that I have been working on this project with true interest because this thesis study connected my passion and hobby with my education, and hopefully it is a start for my professional career in the sustainable apparel industry. As a teenager I got my first sewing machine and started making my own fashion. Learning about what a fashion item entails, how it is made, and how much time and effort it takes to create one, I started to realize that the cheap fast fashion you could buy at the stores had a dark side. I learnt about the extremely bad working conditions of factory workers in developing countries, their low wages, long hours, unsafe work environments, their powerlessness and the many more challenges factory workers experience on a daily basis. This left me with feelings of unfairness and made me eager to be part of the movement to change the current apparel industry. With this thesis project I tried to gain better insights in one of the major issues factory workers in developing countries deal with, freedom of association and worker voice, in order to provide the industry with recommendations to move forward to decent work for apparel workers.

Secondly, I would like to thank all who made this project possible.

I would like to thank my supervisor, Dr. A.C.M. van Westen, for his patience and feedback.

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Furthermore, I am grateful for all the people of my host organization in Dhaka, Bangladesh: BILS - Bangladesh Institute of Labour Studies. It was a great office to work at and thank you for answering all my questions day in day out, and for me being able to make use of your extended network of interesting and important stakeholders. A special thanks to Nazma Yesmin, for arranging my research visit and making me feel welcome.

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Lastly, I am grateful to have met Tithi, Shemul and Shuvo in Dhaka. They are the sweetest and most welcoming people I have ever met and showed me a great time in the city and taught me a lot about the Bangladeshi culture. Additionally, I want to thank Kuwus from my guesthouse who acted as a father to me and did everything to keep me safe and healthy.

Overall, the project was an interesting, insightful, and also fun experience!

Vicky Kerckhoffs, June 2019

List of abbreviations

| | |
|-------|--|
| BGMEA | Bangladesh Garment Manufacturers Export Association |
| BILS | Bangladesh Institute of Labour Studies (Non-Governmental Organization) |
| BKMEA | Bangladesh Knitwear Manufacturers Export Association |
| BLF | Bangladesh Labour Foundation (Non-Governmental Organization) |
| CBA | Collective Bargaining Agreement |
| CSR | Corporate Social Responsibility |
| DIFE | Department for Inspection of Factories and Establishments |
| EPZ | Export Processing Zone |
| FoA | Freedom of Association |
| FTU | Factory Trade Union |
| FWF | Fair Wear Foundation (Non-Governmental Organization) |
| GDP | Gross Domestic Product |
| IBC | IndustriALL Bangladesh Council (Non-Governmental Organization) |
| ILO | International Labour Organization |
| ITUC | International Trade Union Confederation |
| JSJ | Jatiyo Sramik Jote (Trade Union Federation) |
| Mole | Ministry of Labour and Employment |
| MSI | Multi-Stakeholder Initiative |
| NGO | Non-Governmental Organization |
| NGWF | National Garment Workers Federation (Trade Union Federation) |
| OECD | Organization for Economic Cooperation and Development |
| RMG | Ready-Made Garment |
| SGSF | Sommilito Garments Sramik Federation (Trade Union Federation) |
| SLF | Social Labour Front (Trade Union Federation) |
| TUF | Trade Union Federation |
| UFGW | United Federation of Garment Workers (Trade Union Federation) |
| UN | United Nations |
| UNGP | United Nations Guiding principles |
| WPC | Worker Participation Committee |
| WRC | Worker Rights Consortium (Non-Governmental Organization) |

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1. Introduction

Bangladesh is known for its enormous apparel industry, which contributes significantly to the socio-economic development of the country. However, most often apparel factory workers suffer from extremely bad working conditions, such as low wages, long hours, harassment, and have a weak voice (Ahmed & Nathan, 2014). According to the International Trade Union Confederation (ITUC) (2018) Bangladesh is ranked among the worst countries in the world regarding workers' rights. In particular freedom of association rights are problematic in Bangladesh (ITUC, 2018). Freedom of association (FoA) is the right for workers to organize and collectively take action to improve working conditions and it provides a platform for workers to voice their concerns (Anner, 2012). Workers can organize themselves in different platforms, for example through trade unions or worker committees, to represent the worker's voice in labour relations and addressing labour challenges.

Research shows that there are many cases of worker representatives of trade unions being discriminated, fired or abused, even if they are formally recognized by the Bangladeshi law (Egels-Zanden & Merk, 2014). This led to a lack of unionized apparel factories. As a response, so called workers participation committees (WPCs) were mandated by the government with the aim to increase worker involvement in the factory (Egels-Zanden & Merk, 2014). WPCs are now, however, substituting Factory Trade Unions (FTUs) in Bangladesh, which could have serious impacts on the empowerment of worker voice (Anner, 2018).

There is academic debate about the effectiveness of this relatively new phenomenon of WPCs. On the one hand, scholars claim that such committees do not contribute to the empowerment of workers and undermine the work of trade unions or block the formation of new ones (Anner, 2018; Egels-Zanden & Merk, 2014). On the other hand, participation committees might function as or complement trade unions in case of the absence of (effective) factory-based unions (Anner, 2018; Reinecke, Donaghey & Hoggarth, 2017; Shamsher & Åkerblom, 2018). As WPCs are currently substituting FTUs, more research is necessary on the functioning of these two platforms to understand whether WPCs can substitute FTUs and if this has a positive impact on worker voice.

It is important to assess FoA as it is seen as a fundamental worker right and therefore it is also recorded in the Universal Declaration of Human Rights. Furthermore, the International Labour Organization (ILO), a specialized organization of the United Nations in promoting decent work, formulated conventions on freedom of association rights for all workers, including protection for worker representatives and union members, from employers. These conventions are nowadays incorporated in many national legislations, almost all business guidelines, and brand sourcing policies. Widely used business guidelines are from the OECD, an organization of 36 member governments promoting economic advancement worldwide. Although Bangladesh is not an OECD member, it sources to OECD countries who are eager to follow up on OECD guidelines on responsible business in their supply chain. This way also Bangladesh and their apparel factories are indirectly linked to the OECD guidelines and pressured by brands to implement freedom of association policies. Additionally, the ILO pressures the Bangladeshi government to enhance freedom of association through national legislation and adequate enforcement bodies, however the implementation of these rights remains a challenge in Bangladesh.

The government of Bangladesh has ratified ILO conventions on freedom of association, however the countries' labour laws do not yet completely comply with international standards

(Shamsher & Åkerblom, 2018). Moreover, some labour laws do comply with standards but there is lack of enforcement by the government ensuring these rights. Furthermore, apparel factories have freedom of association policies on paper but take no concrete actions implementing these.

Freedom of association is such a challenge in Bangladesh partly due to the imbalanced power relations in the global apparel supply chain. Big western brands outsource production through global supply chains to the Global South, taking advantage of cheap labour and lack of regulation, while claiming to provide host countries with income, employment and technological development (Gereffi, Fernandez-Stark & Frederick, 2011). This is one of the reasons the apparel industry in Bangladesh grew to its current size of 4500 garment factories in 2017 and the industry is now constituting over 80% of their total export and is therefore of great importance to the economic development of the country (Bangladesh Garment Manufacturers and Exporters Association (BGMEA), 2018). Furthermore, because manufacturers are dependent on the orders of western apparel brands, brands have a great power position to put pressure on factories to produce even faster and cheaper, influencing working conditions, including freedom of association (Gereffi, Fernandez-Stark & Frederick, 2011). Since the rise of the apparel industry, Bangladesh has gone through major socio-economic development and made progress in working conditions; minimum wages for garment workers have increased and occupational health and safety is improved. Nevertheless, the International Trade Union Confederation (ITUC) (2018) ranked Bangladesh among the worst countries in the world to work in, mainly due to the issues with freedom of association.

1.1 Research problem and aim

As outlined above, there are concerns from academia about the implementation of freedom of association rights. In particular, Bangladeshi labour laws do not yet completely comply with international standards and discussion exists about the effective functioning of worker participation committees. Academia and policymakers are afraid that WPCs are substituting FTUs, while questioning if substitution of the two representation platforms would be viable for improving freedom of association rights in Bangladesh. Therefore, the aim of this research is to assess and compare the actual functioning of two platforms (WPCs and FTUs) of worker representation in apparel factories in Dhaka, Bangladesh. In this way, this research tries to contribute to the debate whether worker participation committees, which are mandated by Bangladeshi law, are able to substitute factory-level trade unions, which are a more traditional form of worker representation. This will be done by an assessment of and comparison between the actual functioning of worker participation committees and factory trade unions and their compliance to international standards and national labour laws, through qualitative field work in Dhaka, Bangladesh. The remainder of the report will read as follows: first concepts and theories related to the research problem are discussed in depth, followed by the methodology chapter explaining every phase of the research study, including its limitations. Prior to the presentation of the results to the research questions, a chapter on the Bangladeshi context is presented to better understand the result chapters. The report ends with a discussion, conclusion and finally recommendations for the industry in order to move forward to improved worker voice and better working conditions.

2. Theoretical framework

2.1 The apparel industry and global supply chains

Many developments, both at global and local scale, shaped the apparel supply chain, how power is distributed among actors and how it is governed. In this part an overview is given of how such developments influence the apparel supply chain.

2.1.1 Industry developments

Neoliberal strategies of free trade, privatization and deregulation in the 1970s resulted in an internationalization of trade, where many businesses started to outsource production to the Global South. Export-oriented manufacturing in developing countries increased immensely, especially in East-Asia. One of these industries is the apparel industry. This allowed a change from exclusive *haute couture* to mass production of garments for middle- and low-income markets (Aage & Belussi, 2008).

This shift in global mass production came along with a shift in corporate priority. Businesses started to invest in building a “super brand”, therefore budgets moved from labour to branding, marketing and innovation (Klein, 2009). These brands are mainly located where the main markets are: Europe and the US. They perform high value activities of the apparel supply chain and outsource manufacturing to low-wage countries in the Global South (Gereffi, Fernandez-Stark & Frederick, 2011). This makes the apparel industry a typical ‘buyer-driven value chain’ (Gereffi, 2014). In buyer-driven chains, brands and retailers have the highest power because factories are dependent on the orders of western brands, therefore they are able to control what is produced at what place at what price, despite not owning any factory (Gereffi, Fernandez-Stark & Frederick, 2011). Factories have local owners and often produce for more than one brand at the same time. This power is fueled by fear: local governments are afraid of losing foreign investments, factory owners are afraid of losing buyers, workers are afraid of losing their job (Klein, 2009).

This way western based brands are taking advantage of cheap labour, lack of regulation and tax incentives, while claiming to provide host countries with income, employment and technological development. However, the benefits for developing countries are limited (Gereffi, 2014). Moreover, factories are highly competitive and not leading to higher wages and better working conditions (Milberg & Amengual, 2008). As a result, apparel production is concentrated in areas where labour is cheap. China became the biggest supplier of apparel (Gereffi, 2014). When in 2005 the European Union quota system regulating the industry to protect developed economies was ended, new geographies of the apparel industry emerged, always in search for the most favorable production locations (Gereffi, Fernandez-Stark & Frederick, 2011).

Especially for developing countries such as Bangladesh entering the apparel value chain was a viable decision for achieving economic development because producing garments has low fixed costs, is labor-intensive and require low skills (Gereffi, Fernandez-Stark & Frederick, 2011). To attract foreign businesses, the Global South keeps wages low and invested in Export

Processing Zones (EPZs). EPZs are tax-free zones with no strict enforcement of regulations, existing in isolation from national laws (Milberg & Amengual, 2008). Unfortunately, this comes along with an extremely low bargaining position of factory workers (Gereffi, 2014).

Later, a fast fashion model was introduced by apparel brands, where not just each season a new collection is in store but every few weeks. This model puts more pressure on factories to produce even faster and cheaper, worsening the already bad working conditions for factory workers, such as low wages, long hours, health and safety issues, discrimination and harassment (Gereffi, Fernandez-Stark & Frederick, 2011).

Nowadays, Asian production countries are searching for new vertical integration opportunities to earn more with higher value activities. Apparel suppliers are upgrading from assembly to include full package production and design activities. This shift is embraced by brands because it allows for more flexibility and decreases costs of their own business (Gereffi & Frederick, 2010).

2.1.2 The workforce

Next to power asymmetry at a global level, at the local level power imbalances exist as well between factory management and their employees. Apparel production is a labor-intensive activity. Around 60 million people are working in the textile and apparel sector worldwide, of which 75% is female (ILO, 2015). There are different grades of worker positions from master operator to helper with different wages accordingly. Furthermore, there are mostly male bosses with young female operators at the lower positions (Ahmed & Nathan, 2014). Klein (2009) mentions that factory owners prefer young women from rural areas, because they are mostly uneducated about their rights and do not dare to stand up against management. Also, migrants constitute a substantial part of the workforce in many countries. Workers are lured into these factory jobs by recruiters with the promise of earning a decent salary, even enough to send some of it home to support their families. However, in reality, wages are extremely low, barely enough to sustain themselves. Due to their ignorance of the working conditions, no education, no money and no alternatives, people have no choice but to work in factories (Gereffi, Fernandez-Stark & Frederick, 2011). In countries with high unemployment and because of the relatively easy tasks, current employees are easily replaced, creating a constant fear of losing work leading to fear to voice concerns.

2.1.3 Governance of the apparel supply chain

When looking further than brand-factory relations, we see that the apparel supply chain is long, complex and constantly developing, making it difficult to govern. According to Gereffi & Medovic (2003) the apparel value chain is organized around five main segments (Figure 1). The first segment has the lowest added value of the chain and every step adds higher value.

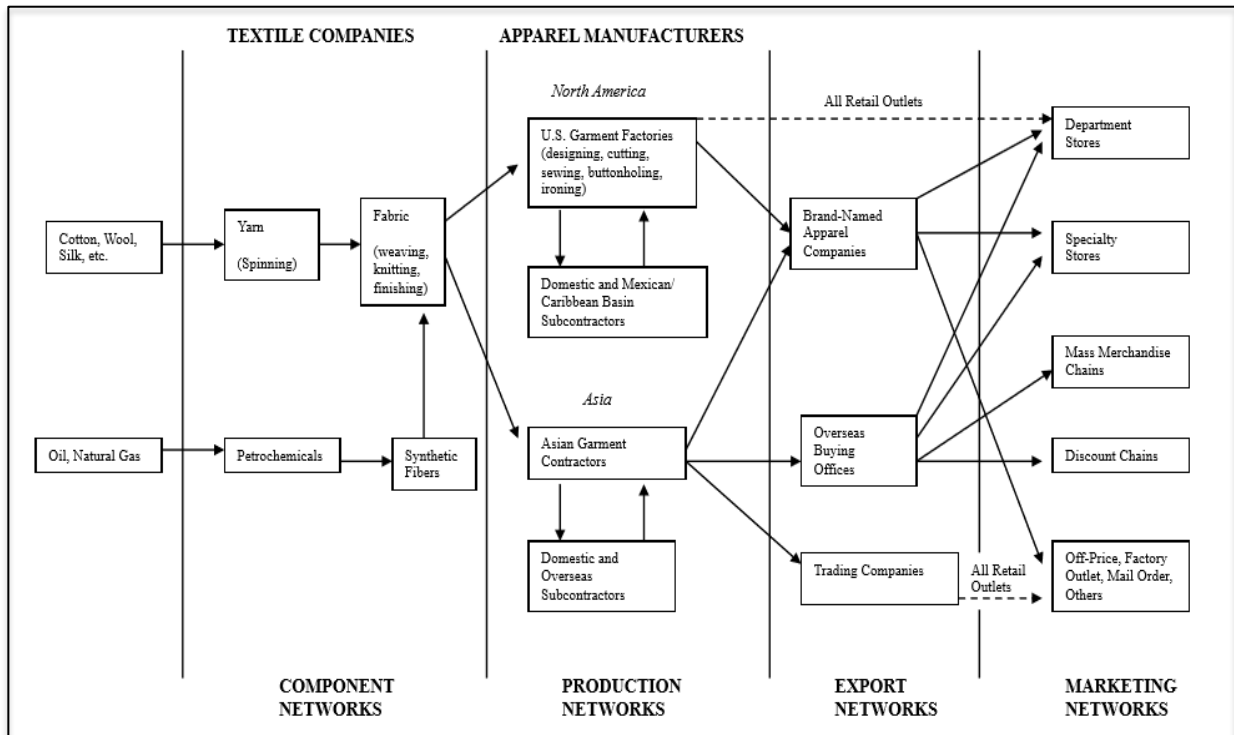


Figure 1: Apparel value chain networks. (Gereffi & Medovic, 2003)

This overview critiqued for being too simplistic. The Fair Wear Foundation (FWF) (2010), an international NGO working on the improvement of conditions for apparel workers, mentions that many more actors are involved such as governments, labour unions and NGOs, and all stakeholder groups have different interest and relations with each other, making it difficult to govern. Their view on the apparel value chain is presented in Figure 2.

Secondly, due to the constant pressure of lowering prices and social compliance, factories subcontract much of the work to smaller work sheds or to homeworkers, avoiding social compliance costs and manage the fluctuating demand by global buyers (Anner, Bair, & Blasi, 2013). However, this makes many workers invisible and therefore difficult to monitor.

Thirdly, all segments are geographically dispersed over the globe and due to the constant quest for the cheapest product, brands are continuously changing production locations, increasing the complexity of the value chain (Gereffi, Fernandez-Stark & Frederick, 2011).

Awareness about bad working conditions in factories in the Global South was growing and action was taken. Because state governments of producing countries were not enforcing human labour rights through laws, the private sector and societal organizations stepped in to fill this local governance gap (Anner, 2017). International labour conventions were developed by the ILO, the OECD and UN developed guiding principles, companies developed codes of conduct, and multi-stakeholder initiatives (MSIs) emerged to address issues in the value chain through non-governmental regulation.

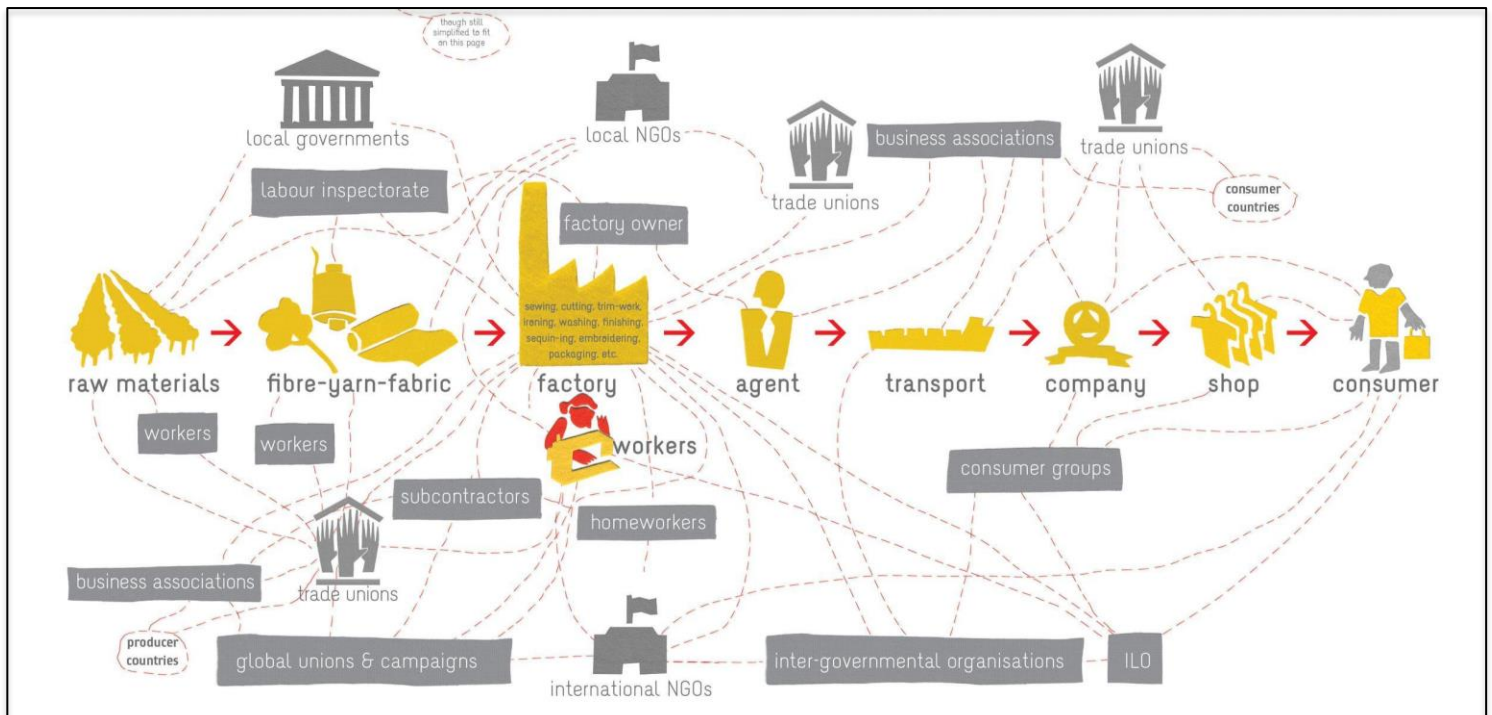


Figure 2: Another representation of the apparel value chain. (Fair Wear Foundation, 2018)

Accordingly, brands started inspecting production locations through third party social auditing. Based on audit outcomes brands rate their suppliers and develop CSR programs. However, their effectiveness in addressing workers' rights remain limited. Barrientos & Smith (2007) argue that the main deficit of social auditing is the measurement of labour rights is based on quantifiable indicators that cannot capture certain labour dynamics, such as FoA rights. Marx & Wouters (2016) add that social auditing is a top-down approach that is compliance-based, information-driven and only sketches a situation at only one point in time from measurable indicators. For these reasons the current social auditing system and MSI programs retrieved much critique (Anner, 2017). However, although much of current private labour governance is voluntary and creating slow change, in cases it could be more effective than traditional forms such as trade unions (Kim & Kim, 2004). This way the discussion on how to effectively achieve FoA includes a discussion on different actors, platforms and power dynamics.

2.1.4 International labour standards

United Nations

An influential framework is the United Nations Guiding Principles on Businesses and Human Rights (UNGPs). The voluntary principles are based on the norms that states have the 'duty to protect human rights', companies have the 'responsibility to respect human rights', and workers should have 'access to appropriate and effective remediation' (Ruggie, 2011).

International Labour Organization

The ILO is an organization from the UN specialized in labour development and created the Decent Work Agenda as their framework for action. This is a development program aiming to set labour standards, develop policies and devise programs, fostering social and economic

development worldwide. Including specifically in the apparel sector the ILO aims to address challenges and opportunities through their Better Work program that intends to improve working conditions in apparel export-factories (Bair, 2017).

Organization of Economic Cooperation and Development

Another widely used framework are the OECD Guidelines for Multinational Enterprises that are voluntary principles set by OECD governments to promote responsible business. These guidelines are aligned with ILO conventions and contains a chapter closely linked to the UNGPs. The OECD is an organization of 36-member countries from democratic and advanced or emerging economies from over the globe. These governments work together towards a common goal to improve economic and social well-being of the world population, by identifying and addressing (global) challenges with sustainable policies. The guidelines reflect the general political commitment of OECD members, therefore member governments encourage their businesses to perform their due diligence (OECD, 2018). In 2017 the OECD developed a guidance specifically for the garment and footwear supply chain. Both OECD and non-OECD countries, businesses, trade unions and NGOs were involved in the development process. This guideline aims to help apparel businesses to address sustainability challenges in their supply chain and to ensure that business activities are in line with government policies (OECD, 2017). Table 1 shows the sector issues of focus of the OECD.

Table 1: Focus areas of issues in apparel industry from OECD guidelines. (Based on: OECD, 2017)

| Apparel sector issues OECD Modules |
|---|
| Child labour |
| Sexual harassment and sexual and gender-based violence in the workplace |
| Forced labour |
| Working Hours |
| Occupational health and safety |
| Freedom of association and collective bargaining |
| (Living) Wages |

2.1.5 Initiatives on labour standards

Accord on fire and building safety in Bangladesh

The Bangladesh Accord was set up to create a safe and healthy working environment specifically for the apparel industry in the country. The country suffered from several factory building collapses in the early 2000s. After the collapse of Rana Plaza in the year 2013, resulting in 1100 deaths and many injured the Bangladesh Accord was signed by many companies from over the globe and supported by all key Bangladeshi stakeholders. A unique difference with other agreements is that the accord is legally binding. The accord is a five-year agreement with independent factory inspections and remediation is ensured by signatory brands (bangladeshaccord.org, 2018).

Currently, after 5 years, a transitioning accord was developed for the Bangladeshi government to prepare to take over responsibilities and activities of the accord. However, the Bangladeshi government is not willing to sign the new accord. The accord sent in an appeal to the High Court, however its hearing is already postponed several times and the future of the accord remains unclear for now (Clean Clothes Campaign, 2018).

Dutch Agreement on Sustainable Garments and Textile

In addition to international initiatives, also in the Netherlands actions are taken to improve working conditions in the apparel industry. In 2016 key actors of the Dutch apparel industry developed and signed the Dutch Agreement on Sustainable Garments and Textile. The agreement is a multi-stakeholder initiative with signatories from Dutch brands, retailers, industry associations, trade unions, NGOs and the national government. These stakeholders are committed to promote and work for safe and healthy work environments, a living wage, freedom of association, and take action against child and forced labour, animal abuse and environmental degradation (Dutch social and economic council, 2016). By acknowledging industry issues and the involvement of Dutch parties in these challenges shows that the impact of Dutch actors internationally and their role in the development in production countries.

2.2 Freedom of association

According to Oka (2016) freedom of association rights remain one of the biggest labour challenges to address. In this trend, the principle of freedom of association gained more attention in the academic and policy domain. Freedom of association rights are rights for workers to establish and join organizations of their own choosing without employer's approval. Representatives and members of such organization should retrieve protection against any form of discrimination and their activities and functions should be enabled if they conform to national laws (ILO, 1948).

Organizing workers is an opportunity to open dialogue between workers and factory management about their working conditions. Thus, implementing association rights enables improvement in other labour issues, such as wage increase. Furthermore, collectively, workers have the ability to strengthen their voice and to influence decision-making, but are also better protected against retaliation (Gammage, Kabeer & van der Meulen-Rodgers, 2016). However, Gammage, Kabeer & van der Meulen-Rodgers (2016) also state that the presumption that any form of collective organization naturally leads to worker empowerment is not necessarily the case and believe that having a voice is 'the ability to articulate practical needs and strategic interests, individually and collectively, but for change to happen, 'voice' must go beyond the capacity to speak, it must be heard, listened to and acted on' (p.6). In order to have an effective voice it needs power to make all workers more empowered.

2.2.1 Freedom of association in the apparel supply chain

Lakhani, Kuruvilla & Avgar (2013) claim that in order to understand the power of worker representation, global value chain theory should be used as a framework for analysis because the way different actors are embedded in a production network result into certain labour relations and policies. Because the apparel value chain is globalized, worker representation should be studied with a global embeddedness perspective and not only focus on local context.

Accordingly, Hyman (2011) argues that due to the economic globalization of production the power of trade unions in developing countries have been weakened. Tapia, Ibsen & Kochan (2015) explain that because the apparel value chain is a buyer-driven chain, power to change FoA depends on the influence from actors in the lead country (brands), whereas in supplier-driven or market-driven value chains the power would lie in the supplier country. However, Tapia, Ibsen & Kochan (2015) also question if current CSR activities by brands are an effective tool for worker representation. They argue the opposite, they believe brands are currently restraining worker voice, undermine trade unions and ignore national laws. Anner (2012) explains that brands CSR programs are focusing on health and safety issues and salary payments, while FoA violations are often ignored. This way brands use CSR to legitimate their performance and still control the value chain. Therefore, Tapia, Ibsen & Kochan (2015) conclude that in a buyer-driven production chain CSR as a tool for worker representation could not substitute trade unions, however CSR could complement them.

At the other end of the global apparel supply chain are the factory workers. Their individual power is extremely weak because they are mostly unskilled and an excessive amount of people who are able to replace their position. Therefore, according to Fine (2005), the political power is greater than economic power of low-wage workers. Thus, Fine argues that workers should organize, for example through trade unions, and their strategy should focus on mobilizing broader moral and social justice, instead of economic intervention in the labour market. Nowadays, many local trade unions are collaborating with NGOs or other organizations with more power to increase their own power and increase improvements in working conditions through lobbying for change in national policies (Tapia, Ibsen & Kochan, 2015). Heery et al. (2010) are cautious about NGOs becoming more prominent in worker representation as they tend to focus more on advocacy and servicing rather than organizing or mobilizing workers, this could have an impact on the effectiveness of trade unions.

Factory workers are able to organize in different platforms, which have different ways of functioning and different forms of power. There exists debate among scholars and policymakers which platform of worker representation is most powerful and effective. Freedom of association is often directly linked to trade unions as platform of worker representation, however nowadays, worker voice comes in different forms, for example, workers could be represented through work councils, online platforms or participation committees. Due to a trend in declining trade union membership in the world, including Bangladesh, new worker platforms are substituting trade unions (Kim & Kim, 2004). In Bangladesh, trade unions are declining due to their negative image by workers due to cases of corruption and many cases of assault towards union leaders and members (Egels-Zanden & Merk, 2014). Due to international pressure to improve the situation on trade unions and worker representation the government of Bangladesh mandated so called workers participation committees (WPCs) for every business with over 50 employees. However, currently, is these WPCs are substituting FTUs in Bangladesh, which led to a discussion on the ability of WPCs to substitute FTUs and the impact on worker voice in Bangladesh. Studies on the functioning of these two platforms and on the different views towards the ability of substitution are elaborated upon in further chapters.

2.2.2 Trade unions

Trade unions are associations of workers with the objective to improve working conditions of its members through collective bargaining. Collective bargaining is a way to negotiate with

different labour relations in order to come to an agreement all stakeholders on the negotiation table agree upon, which improves labour conditions.

Different unions have different strategies and have different forms of power. These are dependent on the economic and political context of the country (Oka, 2016). After world war II, trade unions grew and gained power in the Global North as their importance was recognized and incorporated in welfare state policies. In this part of the world, unions are fairly democratic and independent, and workers are able to voice grievances collectively without retaliation.

On the contrary, in the Global South, the power of trade unions remains limited. National law on this topic is often unsatisfactory or not enforced (Tapia, Ibsen & Kochan, 2015). Trade unions are often fractured along ethnic or political differences. Oka (2016) finds that high fragmentation of many small unions is inefficient and weakens the position of unions. Moreover, trade unions are often banned by factory management because dialogue is seen as a burden. Workers who are union members are discriminated, abused or fired, even if these unions are formally recognized (Egels-Zanden & Merk, 2014). For this reason, most employees are feared to set up a trade union or become a member. Factories also often deceive auditors by claiming to have unions, while these unions are actually formed and controlled by factory management and are repressing actual independent and democratic unions (Anner, 2017). These are the most pressing reasons for the failure of a strong trade union movement in developing countries. Although Oka (2016) highlights the importance of labour unions in improving working conditions by showing that apparel factories in Cambodia with the presence of a union have lower labour right violations than factories who do not allow unions. And at a national level, strong trade unions would contribute to political and social stability in the country, which should attract more brands sourcing from the location (Stiglitz, 2002). However, in practice there currently is an absence of strong independent trade unions. Due to this gap new forms of worker representation emerged. One of these is the worker participation committee.

2.2.3 Worker participation committees

Such committees are groups inside a factory consisting of both workers and management that should provide workers with a voice. It should create dialogue between these two groups to address worker concerns in the factory and is claimed to lead to better worker satisfaction and higher productivity (Shamsher & Åkerblom, 2018).

Like trade unions also WPCs were first mainly active in Europe, however nowadays they are implemented across the world, mostly as an alternative to trade unions. WPCs vary among countries in terms of law, function and structure. In Europe WPCs were set up to increase democracy and voice at the work floor. In Asia, including Bangladesh, the WPC was introduced by the state government in order to return to peace and to weaken the position of unions (Kim & Kim, 2004). In countries with legal restrictions towards trade unions, such as in China, committees are the only way to give workers a voice in the company (Anner, 2018).

WPCs gained more attention because of findings from Egels-zanden & Merk (2014) showing that current social audits in factories have vague and incomplete indicators for measuring FoA rights. This gives factory management an opportunity to set up WPCs without having to allow actual trade unions, but still give the impression that they respect freedom of association. Moreover, western brands themselves suggest factories to set up such committees as a solution

to the unwillingness to accept existing unions of factories, or if local unions are not accepted by western brands due to their corruptness. These findings show that WPCs are more often seen as a substitution of trade unions, however there exist academic debate about whether WPCs could substitute trade unions and if they are effective in addressing labour challenges.

2.2.4 Positive look on WPC

One group of scholars (Anner, 2018; Reinecke, Donaghey & Hoggarth, 2017; Shamsher & Åkerblom, 2018) believe that through a WPC, worker-management relations will be improved. Because it is an internal organization existing of both workers and management, it could provide effective two-way communication and even cooperation between them. They can develop a common understanding and settle grievances together on the work floor instead of being each other's enemy like trade unions and factory owners. Dialogue between workers and management is a way to strengthen worker participation in decision-making. In turn, it will lead to increased loyalty and commitment from employees, benefitting the factory owner. Reinecke, Donaghey & Hoggarth (2017) argue that WPCs are a step towards the acceptance and development of trade unions which will give workers a stronger voice.

Another line of arguments lies in the critique on trade unions. WPCs might function as trade unions in case of absence of (effective) factory-based unions. Unions are often fractured along political or ethnic differences, some unions are not independent, not democratic and not trusted by workers. Moreover, some factories are discriminative against union-members and members are an easy victim for abuse and therefore an alternative form might function better (Shamsher & Åkerblom, 2018).

2.2.5 Critique on WPC

On the other hand, scholars claim that such committees are not strong in representing workers and undermine the work of labour unions or block the formation of new ones (Anner, 2018; Egels-Zanden & Merk, 2014). The main argument explaining the difference in power between trade unions and WPCs is the legal barrier. WPCs often do not have the right to collective bargaining or to strike or benefit from legal protection against discrimination on the basis of union activities or membership. Therefore, agreements made cannot be enforced by labour laws, protesters can face challenges and members are not easily protected from discrimination (Kim & Kim, 2004). Additionally, WPCs might not be independent of factory management, have no democratic representation, have no financial resources or the capacity to effective dialogue with management (Anner, 2018; Egels-Zanden & Merk, 2014). For these reasons, critics argue that WPCs are a weaker form of worker representation and could not substitute trade unions. Furthermore, in places with factory-based trade unions or independent local unions, unions think WPCs are implemented by employers to undermine their work. This way union and committees compete for management attention, commitment and resources, therefore you often see that WPCs are used as a substitute to trade unions (Kim & Kim, 2004).

2.2.6 Worker participation committee as substitution of factory trade union

If WPCs are functioning the same as trade unions do on the work floor they could be good alternative to trade unions. If they are also improving worker-management relations, they could be seen as better alternatives for both workers and factory owners. In this case policies and

NGO programs could focus on implementing and enhancing WPCs at factories, instead of trying to set up trade unions because that requires more effort and difficulty (Kim & Kim, 2004). However, if WPCs are not able to function effectively as a worker representative and it does not lead to a better worker-management relationship, it should not be used as substitute for trade unions. Policies should encourage unionization, for example by making the unionization processes easier, faster, or both (Kim & Kim, 2004).

To assess the substitutability, the functioning of the two platforms should be compared. To date, few academic studies carried out such research in the context of Bangladesh. Previously discussed theories and research show that the functioning of worker participation committees or factory trade unions depend on the specific context they operate in. The power relations in the global apparel value chain determined the weak power position of factory workers and its representatives (Gereffi, 2014). Weak worker power in the chain often coincides with weak negotiation power, an important function of worker representation (Tapia, Ibsen & Kochan, 2015). Furthermore, there are international labour standards and governance initiatives that attempt to deal with the negative impacts of the power imbalances (Anner, 2017). Through the pressure of governments enhancing strong worker representation and through social movements the functioning of the platforms are influenced because the national labour regulation influences FoA and determines the functions and laws of both platforms of worker representation. Therefore, power dynamics and the legal framework should be included in the evaluation of substitution.

2.3 Conceptual framework

Although there is academic consensus that the current situation on freedom of association in Bangladesh requires improvements, the aforementioned discussion on whether a WPC could function as an FTU shows that more research is necessary in order to understand the functionality of WPCs and FTUs and the substitutability of the two platforms. This debate arose in Bangladesh due to the current trend of declining trade unions and increasing questions about the effective functioning of WPCs as substitute platform for worker representation.

Substitution is taking place in the context of economic globalization, where western apparel brands outsource production to the Global South, which resulted in major power imbalances between actors in the global value chain. The power imbalances led to inhumane working conditions due to the constant pressure of brands to produce fast and cheap and the fear of producers of losing buyers, decent working conditions suffered from it (Gereffi, 2014). Freedom of association is seen as a burden by factory owners and hampering their goal to offer low prices to buyers. Due to weak governmental regulation in certain countries, increasing power of increasingly large brands and growing demand of civil society organizations, it was clear labour issues in the apparel industry should be addressed (O'Rourke, 2006). Influential work is from the ILO, who holds state governments accountable for their labour law and from the OECD, who developed due diligence guidelines for multinational enterprises. An important theme of labour standards is freedom of association. Freedom of association provides workers with a voice and empowers workers. By enabling effective freedom of association working conditions could be improved. Effective freedom of association includes strong platforms of worker representation. However, factory trade unions, a traditional form of worker representation, have a weak position in Bangladesh. To address the issue, worker participation committees were introduced and are now substituting trade unions. However, this is seen as problematic by certain stakeholders because they think worker participation committees have

even less power to address working conditions. In this research, the actual functioning of the two platforms of worker representation are assessed and compared to establish whether worker participation committees, which are mandated by Bangladeshi law, are able to substitute factory-based trade unions.

The structure and power relations between all actors of the global value chain influence how the platforms function in practice, but also determines how to improve the situation. In turn, by improving the functionality of worker representation and empowering workers it could influence the power positions and relations between actors in the chain. Furthermore, state regulation sets certain working conditions in their labour law and determines the functions of the platforms of worker representation, thereby influencing the strength of worker representation in the country.

The background explaining the industry developments (grey) and the context factory trade unions and worker participation committees are functioning (green) are summarized in the following framework (Figure 3):

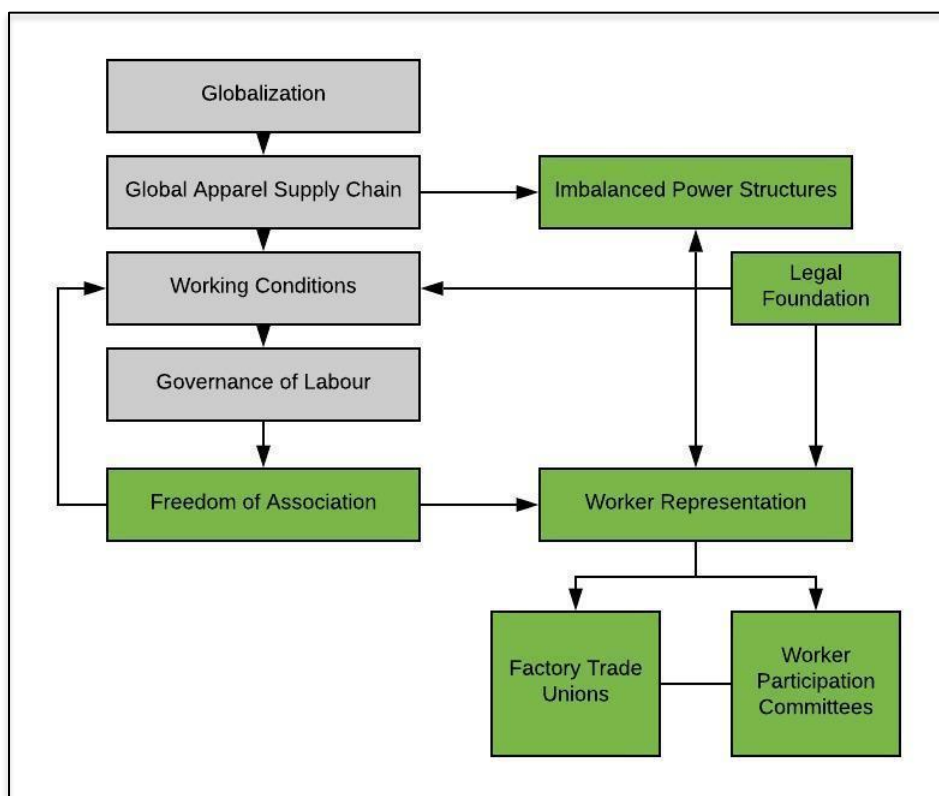


Figure 3: Conceptual framework of research study. (Grey is background, green is topics of research study)

3. Methodology

3.1 Research aim and questions

The aim of this research is to assess and compare the actual functioning of worker participation committees and factory trade unions in apparel factories in Dhaka, Bangladesh. This research will contribute to the debate whether worker participation committees, which are mandated by Bangladeshi law, are able to substitute factory-based trade unions, which are a more traditional form of worker representation. This debate arose in Bangladesh due to the current trend of declining trade unions and raising questions about the effective functioning of WPCs as platform for worker representation. By evaluating how these two platforms of worker representation function in practice and their ability to provide a strong voice for workers, while taking into account the Bangladeshi legal framework and the imbalanced power positions in the global apparel value chain, the extent to which WPCs can replace factory trade unions could be evaluated. Therefore, the following research question is formulated:

To what extent are worker participation committees able to substitute factory-based trade unions in apparel factories in Dhaka, Bangladesh?

To gain an understanding of freedom of association in garment factories, first is to understand the context the two platforms of worker representation operate in. Thus, what is expected from them and what is the legal ability to respect those expectations in the Bangladeshi context. Therefore, first the compliance of national labour law to international standards is assessed. The ILO conventions developed to hold governments accountable and OECD guidelines developed for businesses' due diligence are assessed accordingly.

1. *To what extent are international standards (ILO and OECD) on freedom of association reflected in the Bangladesh labour law?*

After the context is mapped, analysis shifts to the factory-level where the actual functioning and impact of worker representation will be studied. Results from the previous question will make clear how the functioning of WPCs and FTUs are defined by guidelines and laws. The next questions will evaluate how guidelines and laws are implemented and embedded in practice in garment factories.

2. *What is the actual functioning of worker participation committees in developing worker representation?*
3. *What is the actual functioning of factory trade unions in developing worker representation?*
4. *To what extent are factories in compliance with OECD guidelines and national labour laws regarding worker participation committees and factory trade unions?*
5. *What are the barriers and opportunities for improving worker representation?*

Labour scholars assume that WPCs are less effective than factory trade unions because of its different functions (Anner, 2018; Egels-Zanden & Merk, 2014), while others claim that certain proponents of a WPC could enhance labour relations and thereby empower workers in a better way than trade unions do (Anner, 2018; Reinecke, Donaghey & Hoggarth, 2017; Shamsher & Åkerblom, 2018). There is a vast amount of research on worker representation, however unclarity in this debate remains. Many research studies assess unionized versus non-unionized

workplaces (Oka, 2016), while there is less research studying the difference between unions and alternative forms of worker representation in terms of functionality. Furthermore, most research on non-union forms of representation is carried out in developed countries. To date no research has been carried out on the difference in the functioning of different platforms of representation in the context of the Bengali apparel industry. Whereas freedom of association and trade unions are controversial topics overall, due to the many recurring incidents opposing worker representatives.

This research will fill this gap by assessing the current situation on freedom of association rights in Bangladesh, by assessing its labour law and its compliance to international labour standards, followed by a comparison between WPCs and FTUs. This will give a more specific identification of whether one might be more effective in representing garment workers than the other and why.

Furthermore, by gaining more insight in the current functioning of WPCs and FTUs, weaknesses could be identified, and best practices collected. These results could be used for future implementation strategies and the lobby on freedom of association by (international) NGOs, authorities, auditors or other activists. Especially, improving freedom of association is of great importance, because with freedom of association other worker rights could be addressed and better working conditions achieved.

3.2 Research methods

To answer the research questions a qualitative research strategy in the form of a case study was chosen. With qualitative methods an in-depth understanding of the functions of WPCs and factory trade unions could be gained while it allows to explore the holistic context in which these forms of representation function, conforming to the aim of the research. Specifically, the study took place in Dhaka, Bangladesh where data was collected on apparel factories sourcing to OECD countries. Because the study focused on certain factories in a certain area, the results and recommendations are specific to the case of apparel factories of these areas and are not generalizable to a macro level. More specifically, this case study is first split up in two separate cases which were studied independently, namely factory trade unions and WPCs, in a later phase, these two cases were compared. In order to be able to make a fair comparison the separate cases were assessed with an established topic list developed according the international standards of the ILO and OED.

3.2.1 Research framework

According to the developed research questions and chosen research methods, the research framework presented in Figure 4 was used during the research project, explaining the steps taken to carry out the project.

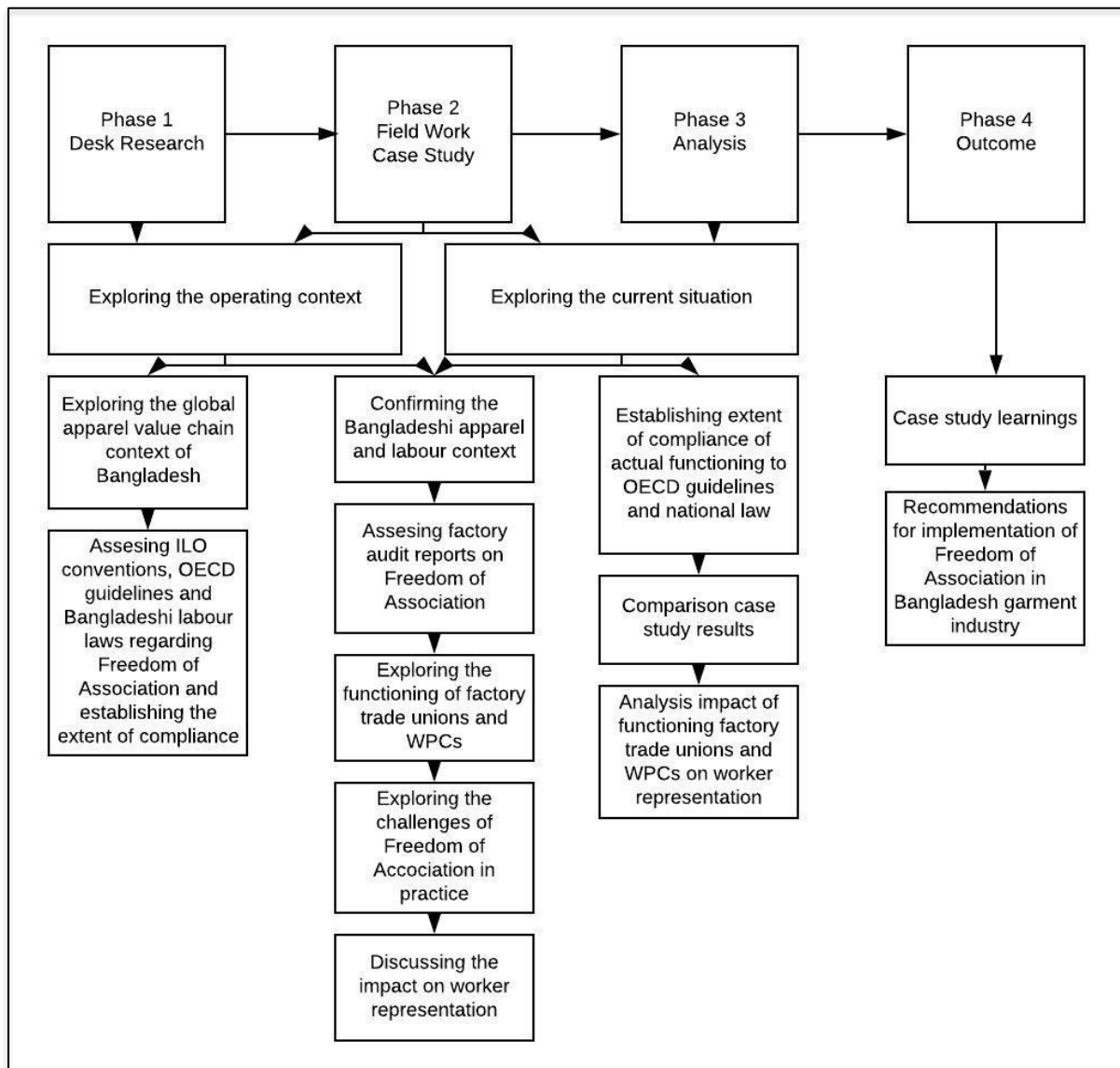


Figure 4: Research framework.

3.2.2 Data collection

As can be seen in the research framework, the first step was a desk research to explore and outline the context of the phenomenon of research. This included a review of academic literature, NGO reports and news articles. After that ILO conventions, OECD guidelines and the Bangladesh Labour Law was assessed in order to answer the first research question on national law compliance to international standards.

To answer the next set of research questions, in-depth face-to-face interviews were conducted with different stakeholders during field work in Dhaka, Bangladesh. First, exploratory interviews were conducted with experts in the field in order to gain an understanding of the Bangladeshi context, its apparel industry structure and its actors. Secondly, semi-structured interviews were conducted with WPC members, factory trade union leaders, and general factory workers to understand the functioning of these platforms of worker representation.

These semi-structured interviews consisted of a pre-established topic list, in order to be able to make a comparison between the cases. Thirdly, gathered information was tested with a second round of expert interviews. These interviews consisted of open-ended interview questions to allow for more depth in understanding why certain variables are functioning the way they do and to understand interviewees' opinions on the phenomenon. A list of all interviews conducted can be found in appendix A. Topic lists of interviews can be found in appendix B.

As part of triangulation of data sources, also information on FoA in factory audit reports were analyzed. Audit reports are a summary of social audits or inspections of a factory that inspects the factory's management system and working conditions on social issues on a regular basis. This retrieved data is about the factory-level. The audits were conducted by a trained audit team of experts and were mainly female to better affiliate with the large female workforce. The auditors inspect multiple sources to check the same topic, such as documents, observations, management interviews and worker interviews. Moreover, they also conduct worker interviews outside the factory to avoid answers satisfying the factory owner rather than giving genuine answers. After issues are identified during an audit, a step approach towards remediation is developed together with the management and worker representatives.

A last research technique used to gather data was participant observation to observe the issue in its natural context. Observations were made during a factory visit that showed the building, production process and involved an introduction to several workers. Attention was given to worker behavior, management and supervisors' attitude, atmosphere on the work floor, communication boards in hallways, facilities for committees and trade unions. Furthermore, short interviews were conducted with WPC members and factory trade union leaders. Additionally, a visit to worker houses near another garment factory was made to observe the quality of life of garment workers to understand the context they live and work in. Moreover, this visit was made to talk to workers about freedom of association rights in a safe environment, away from powerful factory management.

3.2.3 Respondent selection

Interviewees were selected through strategic and snowball sampling. Through a short desk study on organizations in the industry or topic, organizations for interviews were selected and approached. Respondents were selected because they are employees from either international or local NGOs active in the field and on the basis of their specific expert knowledge and development programs. Through the strategic partnership for Garment Supply Chain Transformation, which is a project to improve working conditions in the garment industry from NGO FWF, Mondiaal FNV, CNV Internationaal, the Dutch Ministry of Foreign Affairs, Bangladeshi societal partners were relatively easy to approach and open for interviews and further assistance. Other selected organizations were approached with the help of previously interviewed organizations.

The second group of respondents were leaders from Bangladeshi trade union federations active on national or sectoral level. These respondents were selected because of their direct involvement in the governance of working conditions and factory trade unions.

The third group of respondents, the actors on the factory level such as the committee members, trade union leaders and general factory workers, are the main topic of research. Respondents

were selected and approached by the NGO Awaj Foundation, a contact this stakeholder group already knows and trusts.

3.2.4 Stakeholder interviewees

Among the expert interviews were employers of both international and national NGOs or research institutes with knowledge of issues related to the garment industry or working conditions or both, based in Bangladesh. The Fair Wear Foundation (FWF) is an NGO working together with other actors in the garment supply chain, including member brands towards better working conditions. FWF has developed tools for western brands to improve their due diligence, developed education programs for factories and has its own inspection scheme to control labour standards in factories of member brands. An interview was conducted with the head of the Bangladesh office of the FWF. The Better Work Bangladesh Program is part of the ILO, specifically focusing on improving working conditions in the garment industry on both factory and national level. An interview was conducted with the program officer of a project improving functionality and capacity of WPCs. IndustriALL Global Union is an international organization and together with international partners they have campaigns for better working conditions and trade union rights for all economic sectors around the globe. Together with pressure from international organizations and brands they debate on a national level to justify unfair labour cases. An interview was conducted with the president and financial treasurer of the IndustriALL Bangladesh office.

Next to international organizations, many experts from local organizations were interviewed. Bangladesh Institute of Labour Studies (BILS) served as the host organization of the research, therefore first BILS was interviewed, many follow-up interviews with different employers were conducted, and their previous research reports and data were reviewed extensively. BILS is a rather activist organization affiliated with national trade unions, working mainly on improving trade union rights in all sectors in the country on a national level, mainly through trade union capacity trainings. Because of their intensive involvement with trade union federations, BILS understands what the weaknesses are and have a clear vision on how they want to address the challenges. Furthermore, multiple interviews were conducted with independent academic researcher Shahid Ullah, who works as a consultant for both BILS and Mondiaal FNV, a Dutch organization working on FoA rights. These interviews mainly helped in understanding the Bangladeshi context, information triangulation, tips and warnings for ensuring to retrieve accurate and true information in the Bangladeshi context, and a help in reaching other informants. Awaj Foundation is an NGO that fights for worker empowerment and justice in the garment industry. They are in direct contact with factory workers and have set up their own sectoral trade union. Interviews were conducted with multiple employees of the organization on different times. Furthermore, the head of Karmojibi Nari was interviewed, which is an local NGO focusing on gender equality in all economic sectors but also in society in general. Through women cafes they are in constant conversation with women workers and education programs are carried out. Additionally, a conversation with the executive director of the Bangladesh Labour Foundation (BLF) on their work also contributed to the study. BLF is an NGO defending labour rights and the welfare of workers in all sectors through a wide range of activities, such as lobbying, trainings, communication, and research. Lastly, Narigrantha Prabartana is a women's resource center for women from all backgrounds to meet, organize, learn and advocate. I took part in a Monday "adda", which is a social gathering of women in an informal setting where women can share concerns and knowledge in confidence. These informal conversations with different women helped in shaping and understanding the Bangladeshi culture and the position of female workers.

Furthermore, several leaders of national and sectoral trade union federations were interviewed. In this stakeholder group different kind of federations were interviewed, such as federations with strong political beliefs (SLF) or linked to an NGO (SGSF). All interviewees with trade union federations can be found in appendix A. Some interviews took place in groups and some privately. Interviews with trade union federation leaders clarified the role of trade unions in relation the government and the factory workers. Leaders described the functioning of the union and their activities. Furthermore, they identified the barriers they deal with in developing strong representation for all garment factory workers.

Another stakeholder group is the garment factory workers. This group is subdivided in WPC members, FTU leaders and general workers. These are the main topics of research and therefore of great importance. All groups were interviewed separately, however some interviews consisted of group interviews of the same stakeholder group. In one case, the factory union leader also had the role of WPC member in that factory, she is counted as one respondent. Respondents were from big garment factories ranging from 700 to 5000 employees. Names of respondents are kept confidential due to the sensitive worker-management relationship and to take away the fear of worker respondents scared for consequences of speaking to researchers. Factory names are also not mentioned because of the sensitive relationship with international brands who fear for image damage when negative news on their production locations comes out.

3.2.5 Data analysis

All interviews were recorded and transcribed. Together with notes of field observations this comprised an extensive set of information. This document of all gathered information was coded to identify key themes and barriers to FoA. ILO conventions and OECD guidelines together with retrieved information from interviewees on the functioning of the two worker platforms, enabled the identification of keys themes important for the well-functioning of the platforms: independence, democratic elections, worker-management dialogue, resources, management's attitude, and worker awareness. Based on these dimensions, further analysis was carried out.

Gathered information on the functioning of WPCs and FTUs was tested on whether and how these platforms of association have an influence on worker representation by assessing the retrieved information from interviews and comparing these with OECD guidelines and national labour laws.

Afterwards, a comparison was made between WPCs and FTUs to find similarities and differences to establish if WPCs are able to substitute FTUs.

3.3 Limitations in methodology

There are several limitations in the methodology of the study that influence the interpretation and validation of the results. The main limitation lies in the respondents on the factory-level actors. During field work it became clear that it was extremely difficult to reach this stakeholder group, because the sensitivity of the research issue in the country. Workers have the fear that their boss might find out they are talking to researchers and have the risk to get fired or receive

punishment in another way. For this reason, the assistance of an NGO, the Awaj Foundation, was used. This made the research dependent on this organization, while the goal was to be an independent and unbiased researcher. To tackle this issue, more than one NGO was approached for assistance in reaching factory workers, however without success. Unfortunately, they were not able to set up meetings face-to-face with workers and the researcher. Therefore, several organizations with direct contact with workers were interviewed and this way information on worker views and the functioning of their representation was retrieved. The fact that only workers affiliated with a specific NGO were interviewed limits the representation of research results to the wider garment industry.

Although, without the help of the Awaj Foundation it would not have been possible to reach this stakeholder group, their help came with a disadvantage creating a selection bias. First, because respondents work in factories affiliated with the foundation, these conditions were already relatively better than other factories, therefore, the issue of representativeness and transferability of results is kept in mind during data analysis and the conclusion phase. Not all factories in the industry get assistance from NGOs for example and are therefore likely to have different results in the functioning of WPCs and FTUs. The same limitation applies to data from the audit reports from FWF, because also FWF affiliated factories are likely to have relatively better conditions than factories without regular contact with NGOs and producing for brands with no CSR policy. Secondly, although there were some characteristics the interview respondents had to meet, the respondents were selected by the foundation, who could have chosen respondents in favor of the organization. For this reason, a combination of different stakeholder groups was interviewed, different types of data sources were reviewed, and participant observation technique were used as triangulation of retrieved information.

Furthermore, an interpreter was used during worker interviews. This could impact results, due to meanings that are lost in translation or respondents could have given desirable answers because the Awaj Foundation was in the room during interviews. However, in some cases it also had benefits because the interpreter knew the local language, customs and values which made the interviewee feel at ease, which made it easier to gain important data.

Moreover, because of the difficulty to reach factory workers and because of the qualitative nature of the study, only a small number of respondents were interviewed. The research should be complemented with a large quantitative study in order to make industry-wide conclusions.

Another major limitation of the study is the absence of the voice of the garment factory businesses and their business associations. This stakeholder group was extremely difficult to reach in Bangladesh. Due to the power dynamics of the industry this group remains private and careful towards critical researchers, auditors and other outsiders. The goal was to reach this stakeholder group through snowball sampling, however without success. Without the voice of the business world in the study, the results do not show a complete overview of the functioning of worker committees and trade union, thereby impacting the validity of the results. Interviewees have talked about factory owners and the garment business association, however this information could not be validated by the source itself, although it was validated by interviewees in direct contact with business associations.

3.4 Ethics and positionality

Especially while doing field work in another culture than the researcher's own it is important to handle ethically. Freedom of association is a rather controversial topic in Bangladesh and both the respondents and the retrieved information were dealt with care. Interviewees' right to privacy was respected by not using their names in the research report and it was ensured that participation in the research was voluntarily. Furthermore, whenever I was not welcome, I respected that, and no businesses, organizations, or homes were intruded.

The sensitivity of the topic and the tensions in the garment industry in the country became immediately clear when arranging fieldwork in Bangladesh. A few days before my arrival there were mass demonstrations from garment workers along with mass dismissals of these workers causing commotion in the country. My position as a foreign researcher interested in the garment industry was not welcomed by the national government. The government is aware of the flaws in the industry but is not much open for foreign inspecting this. Examples that make it clear are the Bangladesh Accord, that is now managed by foreigners, is not welcome in the country anymore and NGOs working in the field are closely monitored. This shortened my stay in Bangladesh, however other than shortening the research period, the demonstrations and commotion along with it did not impact the data collection. The fact that I am female, made it easier to talk to workers who were almost all female as well.

Furthermore, BILS and Mondiaal FNV, my host organizations, are in general in favor of trade unions, this is kept in mind during analysis and should not impact conclusions and recommendations. The research took on trade union positionality due to it being the topic of research and due to the difficulty in reaching certain stakeholders such as the garment factory owners. To deal with the trade union positionality as much as possible different stakeholder groups were interviewed and many different types of data sources were assessed in order to gain a complete as possible understanding of the topic at hand.

My affiliation with these organizations in some cases helped in reaching certain respondents and that these respondents took me seriously. While in other interviews I purposely left out my relation to these organizations in order to gain unbiased answers.

4. Bangladesh contextual framework

4.1 Socio-economic development

In 1971 Bangladesh became an independent country. During this time Bangladesh was one of the poorest countries in the world, yet, in the next years Bangladesh made significant progress in improving the quality of life (Mahmud et al., 2018). The socio-economic situation of the country is improved, and the economy is nowadays one of the fastest growing of the developing world with a 6 percent GDP growth rate per year. This made the country to a lower middle-income country in 2015 and aspires to achieve a middle-income country status in 2021 (World Bank, 2018). The main challenges of today are inadequate infrastructure, natural disasters, high population density, and weak governance (Mahmud et al., 2018).

The development has been owed to the transformation from a mainly agricultural economy to non-agriculture due to the implementation of agricultural technologies and the development of an industrial sector in the country, which did not yet exist in Bangladesh (Mahmud et al., 2018). Especially the apparel industry became a big contribution to the socio-economic development of Bangladesh. In the early 1980s the first investment in apparel in Bangladesh came from a South-Korean corporation. The corporation built a garment factory and educated young Bangladeshi workers. When the course was finished all had started their own garment business and many others followed them, making the industry dominated by locally owned businesses (Mahmud et al., 2018). Since then, the Bangladeshi garment industry is growing every year and contributing to employment opportunities, export earnings and poverty alleviation. See Table 2 for an overview of the industry in the country. Bangladesh is currently the second largest apparel exporter in the world, next to China, and seen as a big competitor by other countries (Hossen, 2016).

Table 2: Overview of apparel industry in Bangladesh. (Based on: BGMEA, 2018; BILS, 2017)

| | |
|---|--|
| # Garment factories | 4500 |
| # Garment factory workers | 4 million (80% women), 10 million indirect garment industry |
| % of total export | 80 |
| Export markets | Europe: 62,5% North-America: 21% Emerging markets (Russia, China, etc.): 16,5% |
| # factory trade unions | 602 |
| # trade union federation for garment sector | 27 national, 21 divisional |
| % garment workers member of union | < 5 |

Specific for the Bangladeshi apparel industry is its specialization in ready-made garments (RMG). The RMG industry involves mass production and no involvement in the design of the garment by the manufacturer, it has a low profit margin, and requires low skilled workers (Gereffi & Frederick, 2010). Bangladesh produces woven and knit garments, the main product is t-shirts, which are considered as one of the most basic products of the apparel industry (Hossen, 2016). Furthermore, 85% of the materials needed for garment production is imported from China and other Asian countries (Gereffi & Frederick, 2010). This shows the industry is mainly dependent on its cheap labour and not maturely developed, despite the size of the industry. Bangladesh' competitive advantage are the low wages, and the main reason for its growth. The export production for the global apparel supply chain also offers opportunities for Bangladesh. Bangladeshi apparel suppliers could upgrade their products to higher value whole-package products to vertically upgrade in the supply chain (Lee & Gereffi, 2015). The economic upgrading from higher value products could lead to social upgrading, including better working conditions, as well. In the past other Asian countries as China, Malesia, and India took on such opportunities and had success with upgrading activities (Lee & Gereffi, 2015). However, it should be mentioned that also in these countries with higher socio-economic status than Bangladesh, issues with working conditions of factory workers are common practice.

Despite having significantly contributed to the development of the country, the industry is also characterized with bad working conditions. Particularly trade union rights are debatable in Bangladesh (ITUC, 2018). In Bangladesh trade unions are divided along political parties and often corrupt, therefore worker grievances are repressed. Several factory collapses combined with many political mass strikes are expected to have an impact on the current growth of the industry (Mahmud et al., 2018). Although, progress has been made as working conditions are covered in the Bangladesh Labour Act 2006, minimum wages have increased, safety conditions are improved, and many training programs are implemented, worker rights in the RMG industry remain problematic (Hossen, 2016).

4.2 Workforce in the Bangladeshi apparel industry

Garment production in Bangladesh is a labor-intensive activity as most processes are not yet mechanized due to high investment costs, low wages and large workforce. It is estimated that four million people work in one of the 4000 garment factories. Due to the technological transformation of the agricultural sector, traditional work of women made place for factory work in the garment industry. Nowadays, the workforce is predominantly female (80%). This makes gender issues inherent to the industry.

Hossain and Ahmed (2017) pointed out that women garment workers face more difficulties than men; women work more overtime, less promotion opportunities, not always guaranteed maternity leave, no adequate childcare facilities, and higher chance of harassment. Almost 85% of female workers in all sectors experienced verbal abuse, 20% physical harassment and 13 percent sexual harassment, most of these incidents are carried out by their male supervisors. Moreover, the largest religious group in the country is Muslim. In this Bangladeshi Islam culture, the female role is seen as mother and wife and limited to unpaid household chores. Furthermore, men have control over their wife, thus women have no feeling of power and limited opportunities to enter the labour market (Nazneen, 2017). Although this is now

changing as more and more women have paid work. Women employment is now 36% (World Bank, 2019) however, this number is still low, and women still have limited power in decision-making, both at home and on the work floor. There are different grades of worker positions from master operator to helper with different wages accordingly. In Bangladesh, there are mostly male bosses or have other management positions, while most women are operators at the lower positions (Ahmed & Nathan, 2014). In all, most workers have low skilled jobs and it does not happen often that workers upgrade to higher positions.

Most workers come from rural areas where in general people retrieve low quality education, hence most workers are uneducated and unaware of their rights. At first, women moving to the big city and earning a salary on their own for the first time makes them feel empowered, nevertheless how low the wages are (Interview NGO Karmojibi Nari, 2019).

On top of that, the high population and high unemployment numbers of the country and low skilled work makes garment workers extremely vulnerable due to easy replacement. This causes many workers to live in constant fear of losing their job and therefore do not dare to speak up when grievances arise (Klein, 2010).

Child labour is not as a major issue in the garment exporting factories of Bangladesh, like in its neighboring country India. Ahmed & Nathan (2014) explain this is due to the fact that this part of the industry is highly formalized in Bangladesh, this makes it easier to check. However, the informal sector and the issue of subcontracting makes it difficult to estimate exact numbers of child labour.

4.3 Freedom of association in Bangladesh

The current trade union structure and culture is shaped by the country's political history. Unions have strong links with politics, union rivalry exist, they are suspected of having no democracy, being corrupt, being led in personal interest of the union leader, and they are mistrusted by workers due to aforementioned union characteristics (Rahman & Langferd, 2012).

Rahman & Langferd (2012) explain that after independence in 1971, Bangladesh became a military regime and all industries were nationalized. This led to a politicization of trade unions that supported political interest of the ruling party. During this time there was no progressive labour movement. In 1975, a coup was committed, and trade unions were banned under martial law. However, already in 1977 the ban was lifted. Although still with restrictions as it only was possible to register a union by a labour front of a political party. The ruling party also started a union. It was this time that also more neoliberal policies were implemented, and nationalized businesses were privatized, but only sold to supporters of the ruling party. Moreover, in this period many western brands moved production to Bangladesh.

The first changes towards empowerment started in 1990 during a powerful student movement which forced the current regime to resign and the first democratic election of the country was held. Although this was a big win for the voice of the citizen, in the years that followed not much happened regarding labour conditions. Trade unions of the ruling party of the time were the only powerful ones, but mainly worked in the interest of the party and not of the worker. Occasionally a factory union was set up but repressed by powerful factory owners who had

links in politics. Furthermore, an occasional protest, blockade or destruction of production occurred, however always brutally repressed by factory owners or government officials.

A historical moment in worker empowerment was June 2006. After a strike by garment workers due to non-payment of salaries which got violent and out of hand, a collective bargaining agreement (CBA) was signed. It was the first time in Bangladesh a CBA was signed by the government, the factory owners' organization and trade unions. The CBA included wage increase, a weekly day off, female maternity leave, and the right of trade unions to represent workers. However, there is still a lot of progress to be made. Moreover, not all factories implement the agreement nor basic labour laws, the government does not do enough to ensure implementation, and unions that helped in the 2006-strike are still marginalized.

A second event that changed worker empowerment in the garment industry was the collapse of Rana Plaza garment factory in 2013, which led to the dead of 1100 workers. This shocked the country and the whole world and resulted in raised awareness about the issues in the garment industry among many stakeholders. After the Rana-Plaza disaster the Bangladesh Labour Act included amendments that eased up the trade union registration process. This led to an increase in union registration in Bangladesh. Since 2013, the amount of registered trade unions in the whole country increased with 1000 unions, with in total 7800 trade unions and 175 trade union federations in 2017 (ILO, 2017). In the garment industry 430 new factory trade unions and 48 trade union federations were newly registered (BILS, 2018). In 2017 between 490 and 602 factories have a trade union. The exact number varies among sources because it is difficult to estimate because many unions are not functioning well or inactive. Due to the size of the industry, this number is extremely low as this translates to around 10% of the garment factories have a union, representing less than 5% of all garment workers. Moreover, the trend of increasing union application is now declining again because of routine rejection of applications by the government. Around 900 factory unions applied, however only around 400 applications were granted (BILS, 2018).

The trade unions that do exist are still not powerful as could be concluded from data from BILS (2018) on the amount of unrest in the garment industry. Table 3 shows the amount and types of unrest created by workers with feelings of injustice in the year 2018. Workers do not feel trade unions are functioning well and are able to make a difference, therefore they think their only option left is to protest. Since recent events, tensions in the garment industry are even rising. Few worker protests took place since December 2018 due to dissatisfaction with the minimum wage. Since then, at least 65 workers and union leaders have been arrested for protesting, factories have fired 11,600 workers without legal justification, violence by security forces has led to the death of one worker, and union leaders and members are blacklisted, the act of listing these people to be avoided by other factories (WRC, 2019). This illustrates the current situation on worker voices and how brutally this is repressed.

Table 3: Amount and type of labour unrest by apparel workers in Bangladesh 2018. (BILS, 2019)

| Type of unrest | # |
|----------------------|------------|
| Mass gathering | 15 |
| Rally | 4 |
| Roadblock | 23 |
| Strike | 0 |
| Vandalism | 1 |
| Hunger strike | 1 |
| Sit-in demonstration | 1 |
| Objection letter | 1 |
| Mass demonstration | 47 |
| Human chain | 17 |
| Abstain from work | 12 |
| Total | 122 |

4.3.1 Actors

There are many different actors involved in FoA in the garment industry of Bangladesh. The following actors are the main actors that came forward during research.

Ministry of Labour and Employment (Mole)

This ministry of the national government concerns poverty alleviation through employment opportunities. Its task is to implement the labour law and ensure justice through labour court.

Department of Labour (DoL)

DoL is responsible for the application of the labour law by facilitating effective industrial relations, collective bargaining and settlement of labour disputes. Furthermore, DoL is the actor approving and managing trade union applications.

Department of Inspection of Factories and Establishments (DIFE)

DIFE's goal is to ensure labour rights in factories through inspection. After the Rana Plaza collapse, DIFE got assistance from the ILO to grow organizational budget and capacity.

Labour Court

There are seven labour courts in Bangladesh. It deals with disputes related to labour violating the labour law. Therefore, the labour court could have a significant role in tackling anti-union behavior of factory management and protect workers in union activities.

Bangladesh Garment Manufacturers and Exporters Association (BGMEA)

BGMEA is the largest and most powerful association representing garment factory owners. Their goal is to protect the garment industry with sustainable economic growth. Currently, almost all garment factories are associated with the organization, the remaining are associated with the BKMEA, specially for factories producing knitwear.

Trade unions

There are four types of trade unions active in Bangladesh: international trade unions, national trade union federations, sectoral trade union federations and factory-level trade unions. These different unions all have the goal to improve working conditions and have similar roles. In Bangladesh this trade union structure is rather complex as certain unions are linked to each other while others work independently. Furthermore, these unions are complemented with area committees, cluster committees, worker welfare associations, and worker participation committees, who all have a similar goal.

The international union IndustriALL is an important player in Bangladesh in achieving better working conditions and FoA rights. The union negotiates on a global level and exert pressure with the help of its many affiliates, including national trade unions. The international, national and sectoral trade unions have an influence labour policy and law. Their main roles are collective protest, mobilization and settling disputes. If a factory has no union, one of the union federations is able to defend the worker in labour court. Twelve trade union federations are important for the garment sector. The largest one is the National Garment Workers Federation (NGWF), which is active in 12 industrial zones and members 61 factory trade unions. Furthermore, NGWF is a member of IndustriALL, works together with the Accord, and is a member of the Conciliation-cum-Arbitration Committee, where eight garment union federations and the BGMEA comes together.

Societal organizations

Both international and national NGOs working on labour challenges are present in Bangladesh. Some are working in labour issues for all sectors, while others focus on the garment industry or specifically on gender issues.

Brands

Western brands are placing orders at the garment factories in Bangladesh. Their power position over factory owners could be used to convince factory owners to implement FoA policies in order to keep their order. However, some brands find this a difficult role due to the tight competition positions with other apparel brands there is not much room for negotiations.

5.Results: Bangladesh State legislation on Freedom of Association

The Bangladesh government has ratified the ILO's conventions 87 and 98 on freedom of association and collective bargaining, therefore Bangladesh is required to implement these conventions and could be held accountable if implementation is not well enforced. The ILO conventions work as a framework of worker rights to be used by member countries.

In the year 2006 Bangladesh developed and published its first Labour Act. In this act conventions 87 and 98 are supported as sections on FoA are included and laws allow workers to form trade unions. In 2013, the labour law got an amendment which improved certain sections of the law in favor of the right freedom of association. Workers now can form unions without informing their employers, governments are not allowed to share lists of union members with employers' organizations, a lower requirement of votes to strike is included, workers are allowed external assistance in signing collective bargaining agreements, and WPC members should be elected instead of previously stated selected by nomination (Shamsher & Åkerblom, 2018). These amendments made the process to form worker organizations easier.

However, the law is not yet completely complying to international standards. Table 4 gives an overview of the ILO conventions 87 and 98 as a checklist for the Bangladesh labour law. The OECD uses a more risk-based approach stipulating red flags for state laws, which are checked with the Bangladesh labour law in Table 5. It is only checked if international standards are mentioned in the labour act, which does not necessarily mean these laws are enforced in practice. Results are retrieved from a combination of documents analysis and expert interviews in the field.

As can be seen in Table 4 and 5, the biggest obstacle to freedom of association is union registration. According to the law, a minimum of 30% of all the workers in a factory need to become a member of the union in order to fulfill the requirement to register as a factory trade union. This is an outstanding high percentage, especially in Bangladesh where many factories have more than 1000 workers. After a long time of pressure from TUFs, the minister of labour proposes an amendment to reduce the 30% membership requirement to 25% in factories with up to 5000 workers and 20% for over 5000 workers (FWF, 2018). However, this is being critiqued by multiple NGOs as it only is a minor change which will not have a meaningful impact on FoA. Another obstacle in the registration process is that only permanent workers are allowed to become a union leader. In practice, factory owners could only set up temporary contracts to workers and the Director of Labour could reject a union application on the ground of such contracts. A third reason complicating the registration procedure is that according to the law union members and leaders are required to pass on their national identity number and official membership certificate. However, many workers do not have these documents. It would be much easier if only names and worker ID from the factory would be sufficient.

Another clear noncompliance in the law is the disallowance of union formation in EPZs. Worker in EPZs are allowed to form Worker Welfare Associations, however this contradicts the principle that should allow workers to join an organization of their own choosing. On top of that, Worker Welfare Associations are not allowed to retrieve assistance from NGOs nor to bargain collectively or get involved in political activities. Altogether this limits the power of worker representatives and the functionality of the platform.

Furthermore, a few laws increase the power of factory owners. One law permits factory owners to dismiss workers on the ground of disorderly behavior, without a detailed description what such behavior contains in the law. Therefore, this law could be used to dismiss workers who are involved in trade union activities by factory owners. Additionally, due to the very limited financial penalty for owners not conforming to the law a penalty is not a burden for them and not withstanding them to exceed the law.

The labour law does protect workers against unfair labour practices on the part of employers, such as dismissal from employment or the threat to dismiss, refusal of employment, discrimination of union members on employment or working conditions. Furthermore, regarding women representation, it is incorporated in the law that factories with over 20% female workers of the total workforce, its trade union should have at least 10% female representation in the executive committee. Although, there are many actors that strive for more female representatives because in most factories the majority of the employees are female.

Table 4: National law compliance with ILO conventions.

| ILO Conventions | Labour Act Bangladesh |
|---|------------------------------|
| Freedom of Association Convention 87 | |
| 1.1 Applies to all workers without distinction and no discrimination | No |
| 2.1 Workers are able to join an organization without previous authorization (certain formalities are allowed in the law, but they should not be too complex or lengthy) | No |
| 2.2 Workers can join an organization of their own choosing | No |
| 2.3 Workers can take freely decisions on structure and composition of organization | Yes |
| 3.1 Workers have the right to draw up own rules | Yes |
| 3.2 Workers have the right to elect their representatives in full freedom | Yes |
| 3.3 Workers have the right to organize their activities, programmes, administration | Yes |
| 4.1 Organizations are not liable to be dissolved or suspended by an administrative authority | Yes |
| 5.1 Worker organizations have the right to establish and join federations and confederations | Yes |
| 6.1 The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof | Yes |
| Collective Bargaining Convention 98 | |
| 1. Applies to all workers without distinction whatsoever | Yes |

| | |
|---|-----|
| 2. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment, no discrimination against members or participation in activities and no subject to becoming a union member | Yes |
| 3. Workers' organisations shall enjoy adequate protection against any acts of interference by other agents, members, functioning or administration. No acts of control by employers and no support of financial resources of other means with the objective to control. | Yes |
| 4. the promotion of collective bargaining is of free and voluntary nature | Yes |
| 5. Trade unions and their preferential rights will be recognized | Yes |
| 6. Collective bargaining is free and voluntary | Yes |
| 7. Trade union has the freedom to decide the level of negotiation | Yes |

Table 5: National law compliance with OECD guidelines.

| OECD - Red flags for laws & state regulation | Labour Act Bangladesh |
|---|--|
| Laws that require workers to become members of government-run federations, that place extensive prohibitions on bargaining, or that ban strikes altogether or in “essential” industries so as to support a particular national economic policy are red flags for a lack of commitment to freedom of association and the right to collective bargaining. | No law that requires workers to become members of government-run federations. In EPZ no trade unions allowed. |
| Laws that permit government interference, for example, by allowing the government to dissolve unions without legal recourse, to impose burdensome union registration procedures, limit the formation of national unions, prohibit or limit multiple unions within a single plant (including minority unions), or restrict who may serve as a union member, official or advisor. | The government is not allowed to dissolve unions. The law allows multiple unions in one organization. The law allows everybody to become union member, but only permanent workers to become union leader. The law imposes complex registration of unions such as 30%-member threshold. Identification documents of workers, that not everybody has, are required for registration. DoL must approve union applications. |
| Laws that restrict freedom of association for certain workers, e.g. migrant workers. | The definition in the law includes all workers. In EPZ no trade unions allowed, nor WPC obligated. |
| National laws and constitutions that restrict unions’ political activities, for example by establishing close relationships between unions and political parties. | There are no laws restricting such activities. |

| | |
|--|---|
| | No laws preventing political parties to influence unions. Close relationships are established in practice. |
| Lack of adjudication bodies to support freedom of association rights and provide effective remedy. | There are adjudication bodies. However, with limitations. There are only 7 labour courts in the country, but millions of workers in the country. It is barely used by workers. BGMEA has an arbitration court, but this is an owner's organization, thus likely to be biased. DoL registers unions, but no law that requires DoL to investigate unfair practices regarding union formation and activity. DIFE is responsible for monitoring workplace safety and compliance but has a shortage of manpower to do this properly and DIFE is accused of being corrupt. |
| The extent to which union organizers are jailed or exiled by the government, or fired, injured, or murdered without prompt and effective prosecution on the part of the government / other forms of retaliation. | Laws that disallow the firing or discrimination of union leaders and members in any form. |
| Whether there are defects in the government's complaint process, such as excessive delays or expenses, light penalties, or non-punishment of offenders. | Many delays take place in the process and low punishment for factory owners. |

In review, although Bangladesh has ratified ILO conventions 87 and 98 on freedom of association and collective bargaining, not all principles are covered in the labour law. According to the law garment factory workers are able to represent themselves on the factory floor or they could be represented by sectoral or national trade unions or get help from NGOs. However, due to barriers in the law making it difficult for workers to register a union keeps workers away from organizing and the number of represented workers is limited. Although, ILO standards are covered in the labour law to a large extent as can be seen in Table 4, showing fourteen out of seventeen principles are mentioned in the labour law which should mean that worker representation is quite strong. The fact that the amount of represented workers is limited could mean that the ability to easily register unions is of greater importance than the other principles. Red flags stipulated by the OECD are present to a large extent as can be seen in Table 5. Mainly a lack of support from government bodies seem to be a major reason for not following OECD guidelines.

Moreover, in practice there are many more barriers and non-functional systems that keeps strong worker representation low in Bangladesh. In the coming chapters the functioning and barriers of two forms of representation mentioned in the labour law, WPC and factory trade union, will be explained.

6. Results: Freedom of Association in practice

In Table 6 a summary can be found of fieldwork conclusions whether WPCs and FTUs are functioning as OECD guidelines stipulate they should. Table 7 shows the role of FTUs and WPCs as stipulated by the Bangladeshi labour law compared to how they are functioning in practice, based upon fieldwork findings. In the same table the two platforms of worker representation are compared to each other. The OECD guidelines and labour laws are divided into different dimensions that were considered as influential factors for the well-functioning of the platforms during expert interviews. In the next few subchapters these tables are elaborated upon. Findings show which dimensions are functioning well and where the weaknesses are of both WPCs and FTUs, which is used as basis for the discussion on the substitutability of FTUs by WPCs.

Table 6: FTU and WPC compliance with OECD guidelines for suppliers.

| | OECD guidelines for suppliers | FTU in Practice | WPC in Practice |
|----------------------------|--|------------------------|------------------------|
| Independence | The promotion of employer-dominated structures, worker involvement mechanism and corrupt labour relations practices | Yes | Yes |
| Democratic elections | Democratic elections | Yes | No |
| Worker-management dialogue | Goal is to achieve agreements on working conditions | Yes | Yes |
| | No threats to influence negotiation | Yes | Yes |
| | Enable authorized representatives of their employees to negotiate on collective bargaining or labour-management relations issues | Yes | No |
| | Allow the parties to consult on matters of mutual concern with representatives of management who are authorized to take decisions on these matters | Yes | Yes |
| | Engage in constructive negotiations | No | No |
| | Promotion of cooperation | No | No |
| Resources | Provision of facilities and information | No | No |

| | | | |
|--------------------|--|-----|-----|
| Employers attitude | Intimidation of workers and anti-union behavior | Yes | Yes |
| | Systematic or organized employer opposition and hostility towards workers with a voice | Yes | Yes |
| | The refusal to bargain in good faith | No | Yes |

Table 7: FTU and WPC compliance with national law.

| | Factory Trade Union - Law | Factory Trade Union - Practice | Worker Participation Committee - Law | Worker Participation Committee - Practice |
|----------------------|---|--|--|--|
| Independence | Voluntary, but authorization by labour director needed. | Voluntary. Idea starts from NGO. Many rejections by DoL. | Obligated at organization of 50+ workers. | Most factories have WPC because mandated by law. Exists only on paper. |
| | Worker organization. | Only workers, but linked to TUF and/or NGO. | Workers and management. | WPC members do not know who the management members are. |
| | 5-35 Executive members. | Small group of leaders. | Number of worker members is not less than its management members. | 50/50 Workers and management. |
| | 30% Of factory workers membership required. | Always at least 30%. | NA | NA |
| Democratic elections | Representatives are elected. | Democratic election. | Representatives are selected by election committee of FTU. if no FTU in the factory they are appointed by nomination by workers. | Management selects members. |

| | | | | |
|----------------------------|---|--|--|---|
| | Election every 2 years. | No regular elections. | NA | Every 2 years there are new members. |
| Resources | Allowed to collect membership fees. | No regular payments. | Not allowed. | Not done. |
| | Allowed to hold and dispose property. | No space in factory, often office of NGO is used, sometimes they have money to rent an office. | NA | NA |
| | Not allowed to organize during work hours without permission. | No time to meet and discuss. | Meetings during work hours. | No meetings or no time to meet and discuss among workers only. |
| Worker-management dialogue | Undertake collective bargaining with employer | Demanding, negotiation, collective bargaining. | Not entitled to collective bargaining. | Only information sharing, often only from management to workers. |
| | Legal authority over industrial conflicts. | Present at dispute settlements, but no real voice. | No legal authority. | No representatives in arbitrary settlements. |
| | NA | Management has negative attitude towards FTU. | Promote mutual trust, understanding and cooperation between worker and management. | Worker members have no real voice. Management has more positive attitude about WPC than FTU, because easier to control. |
| | Ensure application of labour law and able to bargain for more than stipulated by law. | Sometimes they get more than law requirement. More financial and social benefits | Ensure application of labour law. | Only small day-to-day issues are discussed. |

| | | | | |
|--------------------|---|--|--|--|
| | Give recommendations to management on any issue. | Place demands and share recommendations | Improve and adopt measures on health and safety issues and welfare services. | Only small day-to-day issues are discussed. |
| | NA | NA | Encourage training and education of new workers. | Not allowed by management. |
| | Only worker issues. | All worker issues | Fulfill production target, improve productivity, reduce production costs, improve quality. | Main topic of meetings. |
| | Meetings every 3 months among union members. | No regular meetings. | Meetings every 2 months. | No regular meetings. Meeting minutes are not shared with general worker. |
| Employers attitude | Trade union leaders are protected from retaliation by factory employers | Often not the case, many incidents happen with trade union leaders and members, and not well supported during dispute settlements. | | Often not the case, many incidents happen with workers who speak up. |

6.1 Actual functioning of factory trade unions

The factory trade union is a solely worker organization on the work floor-level representing workers of that particular factory. As can be seen in Table 6, eight out of twelve OECD guidelines are working in practice as stipulated by the OECD. Furthermore, six out of ten as stipulated in the law also function in practice as the description (see Table 7). According to this assessment on the of compliance with OECD guidelines and national labour laws regarding factory trade unions by apparel factories, are factories compliant to a large extent, which should mean that factory trade unions are of medium strength as worker representation. In the following sub-chapters, the extent of compliance will be discussed per dimension contributing to the functioning of the factory trade union.

6.1.1 Independence

Both the ILO and OECD find it of great importance that a factory trade union is independent from employer control and free from interference of any affiliations. A union affiliated with politics or other influential organizations can impact its legitimacy and thereby the functionality of it. Unions with interference from the outside does not fully represent the workers on the factory work floor, their real needs and wants are not heard this way.

In the Bangladeshi law it is mentioned that a trade union is solely a worker organization. Although they are able to be affiliated with other organizations, these are not allowed to influence elections or persuade members to certain beliefs or activities. It is the responsibility of government organization DIFE to inspect the independence of the FTU during audits.

In practice, the factory trade union is an independent worker organization on paper, however some unions retrieve assistance from NGOs or TUFs. Although only few trade union leaders were interviewed, all of them told they get help from NGOs in different ways. A TUF leader gave one reason for the dependence on external help from FTUs, explaining it is difficult for an independent trade union to survive without external help because unions only have little local resources which is not enough to survive. Moreover, two out of six interviewed FTU leaders said that trade union membership fees are often not paid regularly or not at all, leaving them with even fewer own resources and making them more dependent on the help of others. An example of the assistance of an NGO, is their initiation to set up a union. An NGO who does this type of work explains that they inform workers in the factory, provide trainings and facilities and together with workers develop and register a factory trade union. The NGO claims their work is helpful because without them there would be no unions at all and workers would not be aware of their right to organize. After registration and initial trainings, the NGO stays involved as a last resort if the union and management are not able to work out issues. However, all union interviewees told that in practice they reach out to the NGO for almost every big issue or dispute, because according to them, management never acts upon their raised concerns. Moreover, another NGO's study showed that when the NGO phases out after a few years of assistance, it often happens that unions become inactive because they are not powerful enough without the assistance of a reputational NGOs. This shows that FTUs are dependent on such NGOs from the set up to survival. However, another expert in field thinks that although most NGOs provide good work, it should be noted that these NGOs are often influenced by international organizations where they get their finances from, therefore also the NGOs are not completely independent.

Other FTUs retrieve help from TUFs. However, all interviewed NGOs, experts and even two TUF leaders accuse other TUFs for being affiliated to political parties. The political influence in TUFs also influences the organizational culture and limits the capabilities of the factory union. Due to the political influence, there is no independent worker voice because workers are not powerful enough to speak up against political desires. NGOs working with factory workers also mention that workers do not trust the federation leaders and therefore do not raise their concerns with them.

A positive note is that FTUs are only consisting of workers, therefore free from direct management control in their activities. However, NGOs and TUFs note that factory owners have powerful relations with government officials, including in DoL, who is able to reject union applications or pass down names of union members. News reports show that factory owners use their relations and power to dismisses union members or assaults union members. These incidents create an environment of fear with workers. This way factory owners control union activity and a union is not able to function freely and independently.

In sum, factory trade unions have no full independence, mainly due to their indirect relations with NGOs, TUFs, and factory management.

6.1.2 Democratic elections

According to the ILO and OECD, to ensure independence and legitimacy of the FTU, it is important that worker representatives are freely elected by its members. Bangladesh has set labour rules on how such democratic election should take place.

All interviewed FTU leaders say that they are democratically elected by its members and claim it to be a fair process. The workers related to these FTUs confirm that elections took place. The FTU leaders explain that they are able to use NGO offices to set up an election committee and to use it as voting place as their employers do not allow the election taking place inside the factory. With the control of an NGO, it is likely that the election process is fair and democratic. However, an NGO inspecting factories on social compliance found out that many FTUs have no regular elections due to non-commitment of members or due to corrupt union leaders. Furthermore, due to their dependence on political TUFs, as explained in previous chapter, it is unclear to what extent politics or other outside organizations influence the elections. In general, it seems that many representatives are chosen democratically, however, in some cases elections do take place regularly or might be influenced.

6.1.3 Worker-management dialogue

Dialogue on the factory level is important to enhance the relationship between workers and management. The OECD has set standards on how dialogue should look like: management should engage in constructive negotiations with the trade union, without threats that influence negotiation, with the goal to achieve agreements on working conditions. In the law this is translated into a role description of the FTU to be a CB agent and is able to give recommendations to management on labour decisions, with the main objective to ensure implementation of the national labour law in the factory. It also has legal authority to represent workers in industrial disputes. Furthermore, by law union leaders are protected by the disapproval of forcing the CB agent to sign a settlement by intimidation or threat. Moreover, the factory management requires to reply to the FTU demands in case of a dispute and has to negotiate with union leaders.

Only few FTU leaders mention that they are able to propose demands to their management to take steps to implement laws or solve issues, although this one element of their role description by law and international standards. They acknowledge that they need external help, from for example NGOs or societal upheaval, to put pressure on management because only the law is not enough to convince management, due to neglected enforcement of the law. There are a few success stories by interviewees where FTUs were able to negotiate with their management and sign CBAs, even with better terms than required by law. One leader told:

“We wrote on a paper a list with points of our demands and gave it to management. Because, we of the trade union, have collective bargaining power we were able to bargain for more than law requirements. Now, we get paid annual leave, paid maternity leave, safe drinking water and we are allowed to work 900 hours a year in total on trade union activities.”

However, experts mention that in the whole industry only few CBA are signed between factory unions and factory owners.

Furthermore, all the interviewed union leaders explained that they have an issue-based relationship with management, meaning they only talk to management when issues arise. No regular contact takes place, however, according to the law this is not expected from the role of an FTU.

All FTU leaders said it was easy to talk to management when there was an issue because there is an open-door policy every day and every part of the day. However, NGOs say that this might be true, but the question is if management really listens and acts upon demands. Additionally, there is no established mechanism to report issues to management, therefore worker representatives do not know how to address issues to management.

In sum, dialogue between FTU and management does take place, however equal negotiation is not assured. Only a few factories do have an FTU, and from the few that exist only a small number of leaders, till now, were able to negotiate with management about CBAs, which is the main goal of a union according to the law. In factories without CBAs, FTUs are able to address issues to management, but no negotiation takes place, therefore the questions is if management addresses the issues raised and keep their promises.

6.1.4 Resources

According to the OECD the factory should enhance the union's activities. Without adequate resources a trade union cannot develop into a powerful instrument of worker representation.

According to the law factory trade unions should be provided with office space in the factory and they should be able to ask for membership fees and to retrieve funds from other actors.

Although factories should provide unions a meeting space most factories say they are too small and have no space for them. In these cases, the office of the affiliated NGO is used or sometimes they have money to rent an office.

Three out of six union respondents indicate that a major setback for an effective FTU is time constraints to meet, discuss and learn. Time for meetings and negotiations is not included in the law, therefore, NGOs working with FTUs, focus on vocal and activist personalities who are willing to do this in their free time. An expert on labour relations explains that the limited time of union members for their activities is a downward spiral:

“Workers have no time to discuss issues because they work many overtime hours, which they do because their wages are too low to make a living, but without time for union activities they are not able to ask for higher wages.”

One FTU representative mentions another reason why time is an issue:

“It is a lot of extra work because if there is a problem we have to try to solve it and talk to management during work time. This sometimes takes a few hours. When we are done with this, we still have to reach our production target. In the end we have more workload, which is a bit of a burden.”

Another major issue influencing the functioning of unions mentioned during expert interviews, is the skills gap of FTU leaders. Leaders have no quality education, are poor and are thereby vulnerable. This is where many NGOs step in, they help representatives with education about their rights, but also give trainings on how to negotiate for example. The skills gap is also mentioned by most FTU leaders when they were asked what could be improved in the union according to them. One female union leader said that she is afraid to ask management for trainings and education programs for all workers in the factory, because she fears to get sacked.

Next to the skills gap, experts mention a capacity gap due to too many different issues to deal with and too many workers they are representatives for.

Furthermore, FTUs are allowed by law to ask for membership fees from their members and retrieve funds from TUFs or other organizations, however in practice, there are no regular payments by its members and in most cases, they do not retrieve funds from a TUF, according to most interviewed union leaders. An expert explains that workers are already struggling to provide a decent living for their family and have no money left for membership fees. TUFs are blamed by NGOs for corruption and not sharing their resources, however, TUFs say they have limited financial resources which is difficult to divide between all FTUs.

In sum, due to time constraints, unskilled leaders, capacity gap, and no structural financial resources, FTUs have no adequate resources to deal with labour issues properly. This impacts the functionality of the union.

6.1.5 Employers' attitude

According to the OECD guidelines, factory owners should respect the right of workers to organize and thereby should not refuse collective bargaining of trade unions and systematic hostility against union members and other anti-union behavior is not accepted.

By the Bangladeshi law union members and leaders are protected from unfair behavior of the employer. Furthermore, the role description of the employer in FoA is limited to being open for negotiation with workers and they should enhance the activities of worker organizations.

However, from FTU, NGO, and expert interviews, it became clear that factory owners have an extremely negative attitude towards trade unions. NGOs told stories about factory owners not accepting their employees to be union members nor leaders. For that reason, there are many cases of many different forms of anti-union behavior by management, such as financial penalties, dismissal or assault. Factory management keep their workers who want to start a union quiet by explaining to them that the factory already has a WPC, and that the WPC is already enough to discuss issues of workers. NGOs think they say this because a WPC is easier to control, as will be explained in a later chapter. When during FTU interviews management relations were discussed, such as the level of dialogue with management, the ability to discuss issues among workers, the fears they have of being a union leader, could be concluded that the mindset and acts of management are opposing trade unions. Additionally, audit information revealed that during worker interviews inside the factory, workers tell auditors that worker organizations are allowed and that they are able to discuss issues with management, while interviews with workers at their homes, outside the eyes of factory management, they explain that this is not the case and are pressured into telling auditors they are allowed to speak up in case of issues while in practice this is not the case.

Furthermore, one TUF and some NGOs said they are not allowed to go inside the factory by factory management, which is another sign of not respecting the right to organize. They want to go inside factories to educate workers and assist them in setting up a union, because after work hours workers have no time, and additionally it is easier to reach all workers inside the factory.

To explain why factory owners have such a negative attitude towards trade unions, an NGO explained that the management feels attacked by the trade union as they force demands, although this is a union's role according to the law. Probably, factory owners are afraid that demands from unions equals extra costs, while brands keep pushing for lower prices. Although, owners are afraid for extra costs from their business perspective, other NGOs say that owners

are not afraid of unions at all, because they are themselves even more powerful, especially through their employer's organization BGMEA.

Thus, although employers might claim to respect the right to associate in written policies, in practice they show a lot of anti-union behavior, such as influencing lawmakers, obstructing the development of strong unions through non-acceptance of NGOs and TUFs inside the factory, creating an environment of fear among workers by discriminating or even assaulting union leaders.

6.1.6 Worker attitude

There are no rules or laws on the roles and behavior of the general worker, however they are of great importance for the functioning of the trade union. At first because of the minimum membership requirement by law, but also for the legitimacy and usability of the platform.

First of all, NGOs mention that their research showed that most workers are not aware of their freedom of association and collective bargaining rights. That explains why most factories have no trade union.

Workers are afraid of trade unions because they fear that if they join a union they will be fired or be discriminated against in some form, such as unpaid overtime, no salary, no labour benefits.

Furthermore, workers have a bad opinion about trade unions because of bad practices by trade union leaders. NGOs and experts explain many leaders are bribed by factory owners or they are investing in good relationships with the BGMEA. One NGO employee does not understand why union leaders go to BGMEA instead of asking for assistance from an NGO for example. According to interviewed NGOs, for this reason, trade unions are not trusted by workers and therefore they do not use it as a platform to file grievances.

6.1.7 Representation

With an FTU all workers of a whole factory should be represented by workers of that factory, meaning that workers are represented by themselves. Experts believe it is easier for workers to voice grievances with their own colleagues. One obstacle keeping workers away from filing their grievances mentioned by both international and local NGOs, might be that currently mainly men have leadership positions in the union, therefore the FTU might not be a good representative of the many female workers in the apparel industry. Additionally, because the union is only factory-based with leaders who are factory workers, power might be limited due to their low levels of education. Furthermore, NGO and audit reports show that in general, only a few factories have a union, therefore not many workers are represented by an FTU.

6.2 Actual functioning of Worker Participation Committees

Factories with more than 50 employees are mandated to have a WPC by the Bangladeshi law. These are committees comprised of both workers and management. In the following sub-chapters, the functioning of WPCs in apparel factories will be discussed per dimension. In Table 6 and 7 a summary is given about the extent of factory compliance with OECD guidelines and the Bangladeshi labour law, regarding WPCs. Only three out of twelve OECD guidelines are working in practice as stipulated by the OECD. Furthermore, five out of eleven elements stipulated in the law function in practice as the law description. According to this assessment

on the of factory compliance with OECD guidelines and national labour laws regarding worker participation committees, factories have low compliance.

6.2.1 Independence

It is important that worker representatives are independent from employer control in order to gain a real understanding of worker voice. Without an independent voice the legitimacy of the platform is questioned by its users and impacting the functionality. The OECD is against the promotion of employer-dominated structures of worker representation or other corrupt labour relations practices. Employers should enable discussion on labour-management relations issues between workers and decision-making bodies of the management.

The WPC consists of both workers and management by law. Because management is part of the organizing body does not necessarily mean that the platform is employer-driven or not independent.

However, all interviewed stakeholders talked about the control of management in WPCs in practice. Most WPC members said that management predominates meetings and or in some cases they have nothing to say at all. Moreover, WPC members themselves find it a burden that they do not have the chance to discuss and strategize independently among themselves. It is difficult to prepare for a meeting and effectively discuss concerns with management. A leader of a socialist TUF discussed the issue of independence:

“It is good that workers and management are brought together, but it should be in another type of organization, not in the WPC in the workplace. Now WPC members are selected by management, therefore we often call it a pocket committee of the owners.”

Because of the mandatory management involvement in the committee, their control in worker voice and selection of members shows that in the case of WPCs, there is no independence at all.

6.2.2 Democratic elections

To increase the legitimacy of the worker members democratic elections should take place. The law has incorporated a section with rules on member election and made democratic elections obligatory to a WPC. Furthermore, the law stipulates that, if there is a union in the factory, union leaders nominate workers to become WPC member. With no union in the factory, as per law, the first phase of the WPC election is to appoint an election commission to organize and manage the election.

NGOs, experts and audit reports say that currently no democratic elections of members take place in factories. In almost all factories WPC members are selected by the factory management, because there is no FTU and workers are not aware of their rights or management is too powerful. Interviewed NGOs accuse factory owners for choosing weak an easy to influence workers to become members. Furthermore, NGOs think that the list of worker members is made up. One NGO working on the enhancement of worker representation such as WPC members told a story that members are not even informed by management they are a WPC member:

“I was recently present at a WPC meeting in a factory. Everybody was sitting at the table; the factory owners, management and a few workers. One of the management staff was introducing the workers by name and their task in the committee, no one was introducing themselves. I thought why can't they do that themselves? They had a blank look in their eyes, thinking what is a WPC? They don't even know what it is. Management just put some names on a paper for the government. This is mainly how it happens in factories.”

Interestingly, also worker WPC members sometimes do not even know they are a member. KN explains that during a meeting with WPC members, management and NGO employees, worker members had a black look in their eyes, they did not know what a WPC committee was and only management was leading the conversation.

The selection of members by management is a major issue for the legitimacy of the committee, however it is difficult to monitor if an election was fair or not. Management can easily write fake documents and force workers to not speak up towards auditors or brands. Although NGOs find it a major issue, it is interesting to note that during worker interviews, the elections or selections were not mentioned as a weakness. This might mean that workers have no clue about their rights or do not understand the importance of democratic elections.

6.2.3 Worker-management dialogue

The OECD has set preconditions for factory owners to enhance dialogue with their workers, such as cooperation, engagement in constructive negotiations, no influence in worker voice. On the other hand, the law has provided a role description of the WPC to set rules on dialogue. WPCs have the objective to promote mutual trust, understanding and cooperation between workers and management. During meetings workers can bring up issues on occupational safety and health and other welfare issues, and topics as improving productivity and quality of products could be discussed. As per law, meetings should occur every two months and meeting minutes should be shared with the DoL.

In practice there are many issues regarding these meetings between workers and management members. Because the WPC is an organization comprising workers and management there should be a set time and place for workers to voice their issues, however, in reality WPC member interviews confirm there are no regular meetings and the relationship is issue-based. They say they only talk to management when an issue occurs. WPC members explain they have to go to the welfare officer from management who deals with worker issues, however WPC members express that the welfare is not good, or they do not like this person and therefore do not want to discuss issues with this person.

Although worker WPC members have a role to give recommendations to management by law, they do not have the ability to bargain and make demands. Four out five interviewed WPC members said that if a meeting is held, it is mostly management who talks to them, not the other way around. Furthermore, one WPC member told that during a meeting only production issues are discussed, no worker welfare issues. Concluding from the way meetings work in practice, it can be said that the WPC works as a sounding board for management to get to all workers of the factory, where meetings are not more than a way to share information.

Furthermore, the OECD appreciates transparency of meetings and the sharing of discussed information towards the general worker. By law, meeting minutes have to be sent to DoL. However, audit reports show that meeting minutes are not shared or even fabricated. This is based on the triangulation methods of the auditors, where in most audited factories meeting documents do not match responses in worker interviews. The general worker has no clue what

is being discussed or what decisions have been made during WPC meetings. However, in some factories, information is written on a notice board hanging on a wall, as said by all interviewed WPC members and three out of four interviewed general workers. Nevertheless, an NGO explains that this does not necessarily mean that workers know about the information board because for example they are not able to read or due to the sheer size of the factory it might be that certain workers never pass this wall.

The fabrication of meeting minutes and the secrecy of management about the functioning of the WPC towards auditors and brands shows that factory owners are actively hiding their flaws. Moreover, with no meeting minutes it cannot be verified if management and workers are telling the truth about having meetings and the content of it to auditors. Audit reports show that even if there are genuine meeting minutes available, it shows that only small issues such as no soap at the toilet or no good snacks available. Moreover, an NGO employee who has read meeting minutes noticed that these small issues are mentioned over and over again, concluding that issues are not being solved. This information is confirmed by all WPC member interviews saying that if they are able to say something during a meeting, it is about small welfare issues. One female WPC member said:

“It depends on the issue if it is easy to talk to management. Mostly, we talk about welfare issues. I also help other workers to arrange maternity leave if they need it. But for example, issues with money I find difficult to talk about with management”

6.2.4 Resources

According to the OECD dialogue should be enhanced by facilities and resources, because that is important for developing a strong voice.

However, WPCs do not get any facilities, offices or time to discuss by law. Nevertheless, by law WPCs require structural meetings with time and attention from management.

The interviewed NGOs and WPC member mention that time is an issue. They explain that it is very difficult for the WPC member to get time to discuss issues with the general worker due to production pressure. A WPC member also mentioned that time is an issue for better worker voice:

“We (WPC worker members) have to better together. We need time to meet among ourselves before an official meeting with management to be better prepared in what and how to discuss issues with management.”

An NGO agrees, because if there is unity among the workers, than the WPC meeting would work better.

Furthermore, NGOs mention there is a skills gap of worker members. They do not know how to complain or how to solve an issue. Experts explain that the skills gap is due to the fact that selected members often have low education level and shyness to speak up.

Lastly, NGO research shows that WPCs have no financial resources to cover time and activities, which likely hinders the development of strong representation.

6.2.5 Employers' attitude

The OECD believes that also towards WPC members factory management should be open for negotiation and no retaliation against people who speak up is tolerated.

The main reason for owners to start a WPC is because it is a law requirement and to satisfy brands with their law compliance. Instead of seeing the positive outcomes of continuous dialogue at the factory level or as an investment, employers think of it as a burden.

Some NGOs think that employers have a more positive outlook towards the WPC than towards unions because it is based on continuous dialogue, instead of feeling attacked by the demands of trade unions. However, from observations it became clear that also WPCs are seen as a burden. Members are selected in order to control them, meeting minutes are made up to keep outsiders away from intervention, and raised issues are neglected. This shows that employers do not have a positive attitude towards a WPC, thereby effecting the functionality of the platform.

6.2.6 Worker attitude

Not only the employer's attitude but also workers themselves contribute to the non-functioning of the committee. The effectiveness of the platform is currently mainly measured by auditors and NGOs through worker understanding of labour laws and their rights regarding worker association.

Audit report showed that many workers are not aware of the existence of the WPC in their factory or do not know the members. Either because it is not publicly known in the factory or members are too distant from the general worker as some factories have over 10.000 employees, workers might never see the WPC members. Therefore, workers rarely share their problems with WPC members. They rather do this with the section leader or production manager who is in much closer contact with them. From three out of five interviews with WPC members and all interviews with general workers it became clear that in their factories a WPC does not really exist as its law description. Although there might be a WPC with appointed WPC members, there are just a few workers that act as a go-to person for other workers. One worker said she goes to someone she personally knows and trusts when she has an issue. Another worker said she prefers going to a person who is nearby.

Moreover, in some cases, an NGO explained, the general worker does not care about WPC members because workers believe members are not giving them the opportunity to raise their voice, because WPC members are not powerful enough to the management.

From both interviews with WPC members and general workers it became clear that they are often not properly aware about the role and responsibilities of the WPC. WPC members sometimes mix up the roles of the WPC and the FTU. One example is that WPC interviews showed that WPC members raise the issue of wage increase, however they do not have the authority to raise this issue according to the law, showing that WPC members do not know about their roles. Another example is that in the law a function description of the WPC is to provide training to newly recruited workers, however none of the interviewed WPC members arranged these trainings.

In sum, on paper there is a WPC in the factory, but when talked to workers they do not know about the existence of it, they do not know how to use, or do not know the roles and responsibilities. These reasons show that worker awareness is important for the functioning of the committee, because, although there might be a platform for workers to voice concerns, if it is not used, it is not giving a real voice to workers.

6.2.7 Representation

Like factory trade unions, WPCs operate on the work floor representing the workers of that specific factory. WPC consists of both workers and management. Audit reports show that both are predominantly male. Only one in ten of the female workers are a WPC member in Bangladesh, all others are male (Interview Karmojibi Nari, 2019). Because a WPC is required by law, all factories have one and all garment workers should be represented. However, close to none are functioning properly and workers are not well represented.

Because unawareness of workers of the existence and the unclear role of the platform, together with the limited enforcement of laws by government bodies, the WPC remains unused and ineffective for both management and workers.

6.3 Substitution?

In order to establish if a WPC is able to substitute an FTU in the current Bangladeshi garment context, the functioning of the two forms of representation are compared.

6.3.1 Independence

The level of independence differs between the two forms. Factory trade unions are dependent on the help of TUFs and NGOs which are in turn dependent on political relations. This way politicians have a major influence on the work of trade unions. The WPC is not independent either due to the inclusion of management members and how management controls worker members. The issue is that instead of cooperation between management and workers in the WPC, workers are being controlled by management. Furthermore, the factory owners are also involved in politics, like TUF leaders. This way it becomes a web of actors with no fully independent body representing workers. Both forms are not independent and thereby questioning their role as representative of the factory workers. A WPC is not independent of management both by law and in practice, therefore it could not replace a factory trade union in terms of independence.

6.3.2 Democratic elections

Because there is no full independence, the level of democracy is questioned as well, as interference in elections from affiliations will likely influence the outcome and the level of democracy. Although trade unions hold democratic elections among its members, in some cases these are not held regularly or accused of being corrupt due to the involvement of politics. Interviewed NGOs mention that the WPC has no democratic elections of members at all, in almost all cases members are selected by management, and otherwise by the factory trade union. For this reason, the FTU seems to have a fairer election process than the WPC. Therefore, regarding this dimension WPCs could not replace FTUs.

6.3.3 Worker-management dialogue

One of the main differences between the WPC and FTU, is their roles stipulated by law. Factory unions have collective bargaining power while the WPC is for smaller welfare and production issues. They have different roles according to the law, however in practice roles are unclear to both workers and members. This became clear from FTU leader and WPC member interviews, where they both described similar roles and activities. This has an impact on strong worker representation because two actors are competing for the same scarce resources, instead of working together and dividing work. While also the law states the FTU and WPC should not

substitute each other but work alongside each other in the factory, in reality this is not the case. They do not know what the other is doing or do not even know the existence of it.

Furthermore, both have an advisory role to management, however that does not mean they have real influence in decision-making. They both are able to give recommendations on decisions management makes. However, the FTU also has the role of collective bargaining where they could go further than recommendations by demanding better working conditions. However, the power of collective bargaining of trade unions is often not powerful at all due to the union's incapacity to negotiate on working conditions, their fear to speak up, or management's power to neglect worker demands. This shows that in practice trade unions do not have more power in management dialogue than a WPC. Although, due to the collaboration of factory trade unions with NGOs, their power is enhanced. Currently, there are not many NGOs involved in assisting WPCs.

Beforehand, it was expected that the element of dialogue would make a major difference in favor of the WPC, due to their role described in the law as improving mutual management-worker cooperation. However, it became clear that both unions and committees have the same challenges in talking to the factory management. Management has no time or is not listening to the workers concerns in general. Furthermore, both have an issue-based relationship with management instead of continuous dialogue taking place. Moreover, from observations during worker interviews, it became clear that WPC members are more shy and less vocal than trade union leaders. However, it still can be said that regarding meetings with management the one is not more powerful or more effective than the other, therefore substitution would make no difference in this perspective.

6.3.4 Resources

A big difference are the facilities the representatives have access to. This has an impact on their further functioning. The factory trade union has more facilities at its disposal than the committee. A well-working FTU has an office to come together and discuss, either at the factory, at the NGO, or rented by themselves. The FTU also retrieves financial credit through membership fees, while the WPC is not allowed to collect money from other workers or outside organizations. However, union leaders expressed that these fees are not paid regularly or not at all and therefore not something they can rely on. Although, in practice an FTU is not able to arrange their own facilities, they are able to get access to it. On the other hand, the WPC has no meeting spaces, no financial credit, or other facilities. Because they do not have any facilities to gather, their capacity to discuss with management is limited. For this reason, FTU is a better platform that at least enables the development of a strong voice.

An issue both platform deal with is time constraints. Representatives of both mention that it takes a lot of extra time trying to solve worker issues. Furthermore, members of both have no time for trainings or education programs to enhance their skills and capacity.

6.3.5 Employer attitude

Employer attitude also plays a role in analyzing the substitution of FTUs by WPCs because the attitude of the factory owner towards unions and committees is related to their way of dialogue and to the confidence of workers to speak up. In general, factory owners are reluctant to and even repressing worker voice. Experts say, in the employer's view, worker voice means costly

investments in working conditions, while being constantly pressured for lower selling prices by brands.

Furthermore, many cases in the new show that active members of both WPCs and FTUs are discriminated, harassed or fired.

The WPC is obligated by law. For this reason, employers create one, however they only create one on paper to show to the government and auditors. A leading NGO mentioned that management is more sensitive towards an FTU than a WPC, therefore some experts suggest it is better to invest resources in developing a strong WPC than focusing on the FTU. They suggest starting with the low hanging fruit and incrementally create a culture of dialogue between workers and management. Which in turn, will improve collective bargaining of trade unions. However, everybody agrees with each other that a trade union is necessary for proper social dialogue and that a trade union could be a good support of the WPC, if role division is clear.

6.3.6 Worker attitude

Lastly, the attitude of workers towards their representatives is of major importance for the platform really being used to voice concerns, which is the essence of worker representation. The worker attitude for both forms of representation is similar; workers are either not aware of the existence or who its members are, or they do not trust the mechanisms due to corruption. In the eyes of the worker there is no difference between the two platforms and from their point of view substitution would make no difference.

6.3.7 Is substitution possible?

In sum, the results of this comparison of the FTU and WPC and the functionality of these in practice show that the WPC is not able to substitute the FTU in almost all the dimensions of functioning. Thus, from this perspective the WPC is a weaker form of representation than factory unions if it would be used as substitution. Although it is clear that no interviewed stakeholders think WPCs should be a substitution of FTU, only factory owners might think this way. Interestingly, the specific function of the WPC to improve worker-management relationships, which is not a role for the FTU, is also not working better than unions. Thus, the argument that the two forms have different roles makes no difference for substitution. Although, in assessing the functioning of singular unions and committees, substitution would not be possible. However, aggregated factory audit data on worker FTUs and WPCs (Figure 5), shows that there are more functioning WPCs than FTUs. This means that more workers are represented by a WPC than an FTU, which is a positive sign on the functioning of WPCs. However, these graphs also show that in general there is a lack of both. Furthermore, it should also be noted that this data is based on a relatively small number of factories (28). Because lack of factory-based trade unions and the non-functioning WPCs, currently, national level trade unions and NGOs are the main representatives of workers in Bangladesh, however these are even more involved in politics and function differently.

Although factories comply to a large extent to OECD guidelines on trade unions, they fail on WPCs. In this line of reasoning, it means that trade unions are better worker representatives than WPCs. The Bangladeshi labour law on WPCs should be better aligned with OECD guidelines.

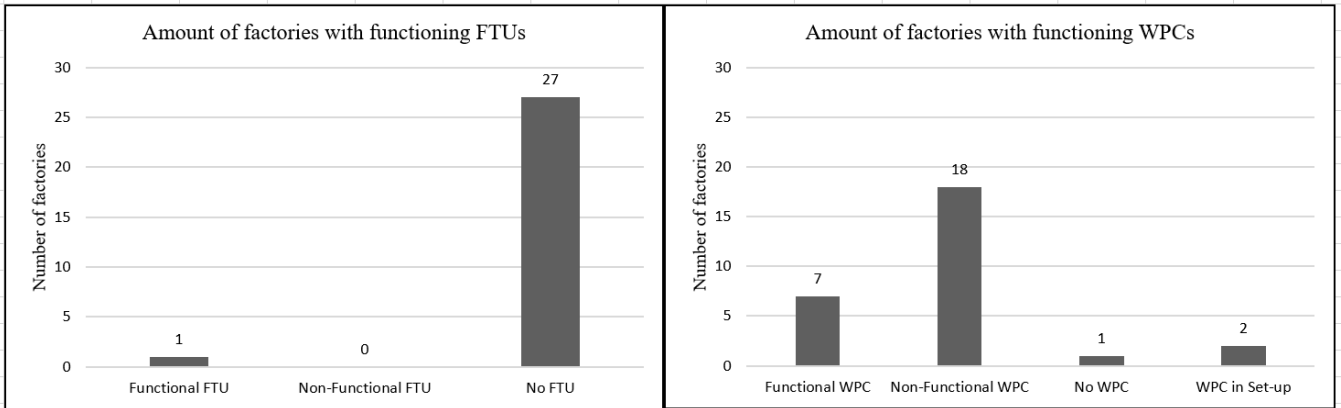


Figure 5: Amount of functioning FTUs and WPCs in apparel factories in Bangladesh producing for Fair Wear Foundation member brands (2016) (Fair Wear Foundation, 2019)

7. Results: Barriers to freedom of association

Previous results show that enforcement of the law is an issue, representation platforms are not working well in practice and have different functions. In this chapter results show the causes underlying these challenges in the complex Bangladeshi operating context. With an overview of the barriers sustainable recommendations could be developed.

7.1 Cultural barriers

At first, it is deeply rooted in the Bangladeshi culture how different actors communicate and work with each other. Worker voice is not only a labour issue or only occurring in the apparel industry, but a challenge in the wider culture of Bangladesh. A leader from a women-oriented NGO explained that most female garment workers come from remote rural areas and Islamic families where they are being discriminated and suppressed from the beginning of their life, therefore they never learnt to have a voice, but also they do not have dreams of a better future because they never learnt that it is possible to dream and to improve the current situation. Due to the way women are raised, they are not willing to fight, not even when an NGO is encouraging them. This culture is reflected in the number of female representatives in the industry. While 80% of garments workers is female, males are dominating leadership roles in WPCs and trade unions, leaving women without a voice. For these rural women it already is a major step and feeling of independence to earn their own salary. There are a few NGOs that focus on this topic by organizing events and games where women learn to dream and learn that they are allowed to have a voice. After that, they learn how to speak up and negotiate with management, however it is thought by female oriented NGOs that first female workers need a sense of their own identity. Incremental change is happening due to (international) NGOs promoting female leadership.

An expert on WPCs adds that also specifically in the workplace a cultural change is necessary in order to improve the functionality of worker representation. He believes that change comes from the inside of people, so in order to make a WPC functional the mindset of the management needs to change. If factory owners only set up a WPC to obey the law, they will never be effective. He believes that the functionality of a worker organization fully depends on the mindset and actions of the management. He mentions that a downside is that it is not easy to change a mindset and it will take a long time with incremental steps forwards.

7.2 Poor law enforcement

The labour law should be a strong legal framework for workers to fall back on. The national government is being blamed to hold back FoA in different ways. All NGOs claim that there are many businessmen, including garment factory owners, in every level of the government. Because many garment factory owners are major financial donors to different political parties, they are able to convince politicians to implement their wishes. A leader from the socialist TUF adds that it is the only way to get things done if you know someone in the government. The further away you are from the government the more you are 'tortured'. Although, distancing his organization from this, he explains that therefore many TUFs are affiliated with politics, because without them they have no power. However this way trade unions' primary goal to stand up for workers vanishes. On the other hand, an NGO mentions that the people in trade unions are 'two-faced' because they only want money and status, which is a cultural issue in Bangladesh, therefore they are not really there for the workers.

Next to getting involved in businesses and trade unions, the national government is also holding back FoA through legal barriers or by not implementing the law properly. The reason for this is lack of adequate training of staff, lack of incentives and lack of manpower to monitor implementation. It is the responsibility of DIFE to inspect and ensure implementation, however by not increasing manpower to carry out the job correctly it looks like the government is protecting the factory owners this way. Due to weak law and no strong monitoring of factories it is relatively easy for factory management to fire their employees, this makes management extremely powerful as it makes employees increasingly fear to get fired.

TUFs claim that in dispute settlement the government often takes the side of the businessmen. Moreover, labour court is not really used because of its lengthy and corrupt processes. Workers instead say they are satisfied with what they have, although it is less than lawfully required. And if workers are not satisfied they go to the street for a demonstration. What happens next is that the police acts brutally to shut down the demonstration, society reacts sorrow, and only after that, actors sit down together to make a decision to solve the issue, however the questions remains if it really will be implemented properly. Most disputes are settled in the street instead of in the factory or in court because WPCs and FTUs have no capacity to settle an issue and employers are too powerful. What should be settled inside the factory happens outside the factory.

7.3 Complexity of the apparel industry

Many research reports show how unstructured and dynamic the RMG industry is where transparency is a major issue. A lot is happening outside the sight of brands, auditors and the government, mainly due to subcontracting. Without a good view of the industry it is difficult to map the industry's workforce and their challenges and therefore difficult to represent all garment workers. Moreover, the sheer size of the industry makes worker representation difficult; it is major challenge to cover the 4 million workers in nearly 5000 factories which are publicly known because it time consuming to teach all workers about their rights and to develop strong worker voice.

Also new trends in the apparel industry of Bangladesh challenges even more the principle of FoA. While the Bangladeshi garment industry was highly formalized, is the sector becoming more and more informalized, making it more difficult to govern and to reach workers. Furthermore, the mechanization of garment factories is pushing back women from working as it is generally thought that machines should be operated by men, although no real reason is given for that. This makes workers even more vulnerable and they do not dare to set up a union.

All local actors blame brands for the bad situation of the Bangladeshi apparel industry. According to them, brands keep pushing prices down and their CSR commitments are not really implemented. They say that brands have to change and should have a major responsibility in changing the situation. Although, international NGOs agree that brands play a major role in working conditions of the apparel industry, they see that also the national government and factory owners need to change their attitude as well and act accordingly.

7.4 Imbalanced power relationship

The many report of union leader assaults and discrimination show the challenge of the attitude and power of factory management.

Factory owners have a joint organization for garment factory employers, the BGMEA. Everybody in the field agrees that this organization is extremely powerful, and because workers do not have such organized joint organization, the lack powerful trade unions, and lack of lobbyist, workers are not able to go against this powerful organization. A TUF leader explains that the BGMEA is extremely powerful in dispute settlement due their involvement in the government and assistance from industrial police in case of conflicts. This makes dialogue difficult as they are always able to get things done their way.

A specific example of the tight relationship between employers and the government is that as soon a factory trade union application is submitted at the DoL, this is communicated to the factory owner and within a week there will be reports on worker harassment or dismissal. Furthermore, these workers will be blacklisted and not able to find a new job.

The BGMEA sometimes also functions as labour court as they have their own arbitration tribunal. However, interestingly, this tribunal does not use the national labour law but it has its own guidelines, although based on the law it is not exactly the same. The amount of power of the BGMEA together with the fact that they able to settle disputes which are against themselves has a serious impact on the enforcement of the FoA principle.

Furthermore, factory management uses the WPC as a substitute of factory trade unions. They explain to their workers that a FTU is not necessary as there already is a WPC. This hampers the development of trade unions. However, this is not lawful as in the labour act there are separate sections on WPC and FTU describing the different roles and rules and explicitly stating that WPCs should not substitute FTUs.

Also, the attitude from factory management towards outside organizations is negative. NGOs are not allowed inside or only for 15 minutes, which is not enough to educate workers, and this way TUFs are not capable of forming unions inside the factory.

7.5 Incapacity of workers

All interviewed NGOs and TUFs mention that the main barrier towards improved FoA is the ignorance of rights and the incapacity of workers to negotiate. Workers need more awareness of the possibilities and benefits of organizing. Especially new workers are not taught about their rights and possibilities of worker organizations. Furthermore, workers are unaware of the different roles of different committees in the factory. Many NGOs give trainings to educate workers and increase their awareness, prepare them to fight against powerful factory owners and. It is questioned if trainings are the best way to increase worker representation in size and quality. Some pitfalls for NGOs are the fact that there is an incredible amount of workers making it difficult to reach all of them because local NGOs are small with limited resources. Another issue is that workers are currently not able to organize properly, so their trainings cannot be utilized without the organization of workers.

In practice, it is only a few people in a factory that are vocal and trusted by others, who is becoming a go-to person for all issues of all workers. There is no use of the committee members

or union leaders. Furthermore, the nature of the workforce is mainly female, who have no strong voice in general in the Bangladeshi culture. Moreover, workers are afraid of factory management and fear losing their job, therefore workers fear to have a voice.

Another reason for workers having and remaining to have a weak position is because they have no time for meetings and trainings. They have tight targets during work and after their work at the factory they have to go home to do house chores.

In sum, the identified barriers in the external context influence how the factory-based trade union and worker participation committee are functioning in practice. The barriers influence all dimensions of a well-functioning platform for worker voice. In turn, the how these platform function has an impact on freedom of association in Bangladesh. Results showed that it is not possible to substitute the FTU with a WPC in its current form. Furthermore, the weaknesses in the functioning of both FTUs and WPCs has led to weak worker voice and a low amount of workers that are represented. An overview of this summary is given in Figure 6.

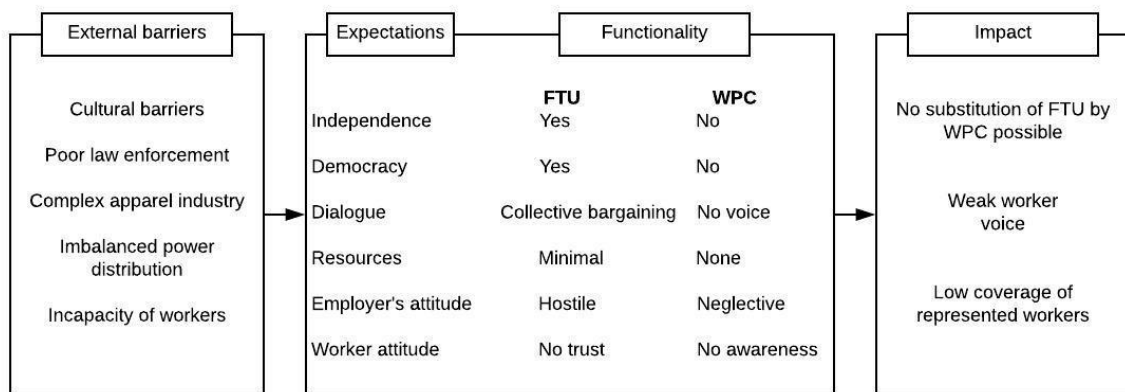


Figure 6: Overview of research results.

8. Conclusion & discussion

This research assessed and compared the functioning of worker participation committees, which are mandated by Bangladeshi law, and factory-based trade unions, which are voluntary. This research was carried out to contribute to the discussion if WPCs can substitute FTUs. Furthermore, this study placed the debate in the context of the global apparel value chain and the Bangladeshi legal framework, in order to gain a full understanding of the functioning of the two worker representation platforms. This way, accurate conclusions could be retrieved and feasible recommendations developed. To answer the research questions qualitative field work was conducted in the apparel industry of Dhaka, Bangladesh, consisting of in-depth interviews with various stakeholders in the field.

8.1 Answers to the research questions and analysis

The first sub-question evaluated the extent of Bangladeshi labour law compliance with international standards. The national labour law sets a framework where WPCs and FTUs and associated actors are able to function in. However, the question is raised by prominent NGOs if the Bangladeshi labour law is following international standards. A review and comparison of international standards and national labour law showed that Bangladesh has ratified ILO conventions on freedom of association and collective bargaining and that the labour law follows the ILO standard to a large extent. However, only written laws are not enough, laws should be implemented and enforced in such a way the workers feel the impact of it. Mainly complex laws on trade union registration hamper worker organization. Furthermore, the research showed that law enforcement and government commitment are major drawbacks for compliance with OECD guidelines. For example, the political involvement in trade union activities and the inadequate government bodies supporting workers in dispute settlement. However, it is important to follow international standards because it improves working conditions of factory workers, which will increase international trade due to increases attractiveness to brands.

Reinecke et al. (2017) agree that the law is an important foundation of the functioning of worker representation, but mentions that other factors, such as management behavior and worker awareness are important factors as well. In this study, these factors are included in the assessment of the actual functioning of WPCs and FTUs.

The second sub-question evaluated how the WPC functions as worker representative in practice. Results show that although WPCs are obligatory by law, most committees are either not active at all or not functioning well. The main issue is that the WPC is not independent but, in many cases, controlled by management. For this reason, the committee is not used by workers to voice concerns, but only exists for management purposes. These results correspond to conclusions from a study from Donaghey et al. (2011), which studied non-union forms of worker representation, similar to WPCs consisting of both management and workers, in companies in the UK. Donaghey et al. (2011) show that the dependence on management and the dominance of management lead to minimal dialogue because the committee was only used for the sharing of information sharing from the management side. For this reason, they concluded that a management-worker platform could never have a positive effect on worker empowerment. Another similar study by Gollan (2003) corresponds to these findings. Gollan

(2013) concludes that non-union platforms are only used for information sharing without actual discussion or collective bargaining taking place, therefore they could not replace the work of trade unions. Although, these studies were carried out in western countries, conclusions are similar in a developing country as Bangladesh.

However, in the third-sub question, this study demonstrates that the power of factory-based trade unions is limited as well. A major issue is that they are basically not existing, therefore their lawful collective bargaining power cannot be utilized in improving working conditions. The report from Shamsheer & Åkerblom (2018) on social dialogue on the national level in Bangladesh show similar results. Their study recognizes that only few independent trade unions exist, and even less collective bargaining agreements are signed, due to the lack of actual negotiation power of trade unions. It is important that more workers set up unions because that will bring organizational strength and better resources, that in turn will improve the functioning of the unions.

In order to establish the strength of the functioning WPCs and FTUs, the extent of factories following OECD guidelines and national laws, regarding freedom of association, is evaluated to answer sub-question four. Both platforms show weaknesses in all dimensions, regarding both OECD guidelines and national laws. However, FTUs are in general more in compliance with guidelines and laws, which should mean they are better representatives than WPCs. The fact that both platforms have many weaknesses shows that the organizing the provision of a platform for workers is not enough to improve worker voice. If the platform is not functioning well or cannot be used properly, the voice of workers is still not heard. Instead of being an opportunity for dialogue, these platforms create hostility from management personnel.

The last sub-question of the research investigated the barriers underlying the weaknesses of WPCs and FTUs and searched for opportunities to improve the weaknesses. Interviews with experts and workers revealed the following external barriers that influence the functioning of current worker representation platforms in Bangladesh: cultural barriers, poor law enforcement, complexity in the apparel supply chain, imbalanced power relations in the whole value chain and the weak capacity of worker representatives. Reinecke et al. (2017) found similar findings in their study on social dialogue in Bangladesh, such as flaws in labour legislation and poor government enforcement of decent working conditions, the nature of the workforce, powerlessness of trade unions and lack of coherent voice of trade unions. They add that these barriers make up the immature labour relations of the Bangladeshi apparel industry that uphold the bad working conditions of factory workers.

It can be concluded from all research results that together answer to the main research question on the extent of worker participation committees being able to substitute factory trade unions in apparel factories in Bangladesh, that WPCs are not able to substitute FTUs. First of all, fieldwork confirmed that the trend of WPCs substituting FTUs indicated by scholars and societal organizations, is indeed happening in apparel factories in Bangladesh. The comparison of the two platforms showed that in almost all identified dimensions of the functioning, the WPC scores lower than the FTU. However, interestingly, in many dimensions both are functioning equally poor. The analysis also showed that WPC and FTUs both have different role descriptions by law. This also influences how the platform is functioning, and therefore WPCs are not able to replace the other.

This result relates to pro trade unionists who lobby for policies encouraging unionization and amendments in the law to make union registration easier and faster (Kim & Kim, 2004).

Research from Kim & Kim (2004) add that also from the worker perspective committees are not replaceable by unions. Their quantitative study on unions versus non-union representations in Korean companies showed that workers have higher expectations of trade unions, but also higher satisfaction levels with trade unions than worker committees. The study also concluded that the employer's attitude towards both platforms is the same. While according to the results of this report, management attitude towards WPC members is less aggressive than towards FTU leaders. This is likely because the WPC has less power by law and they are easier to control. Because, in general, management has a negative attitude towards worker voice, from any worker organization.

A prominent NGO explained during an interview that because factory trade unions are barely existing, WPCs are a step towards increased unionization. Therefore, according to the NGO, policies should focus on enhancing the WPC, which already is a legal requirement for factories. The NGO claims that because WPCs are not able to replace FTUs, it does not mean that WPCs can be ignored in policy development and NGO programs. WPCs could be a means to improved dialogue with management and better acceptance of worker voice by factory management. Furthermore, results from worker interviews show that the different roles are not clear. If the difference in roles is clear than WPCs could complement the activities of FTUs. Therefore, instead of focusing on substitution, the debate should shift to how these two platforms could complement and enhance each other. Patmore (2013) studied German worker councils, similar to worker participation committees, and concluded that trade unions and work council are able to both be present in labour relations and even could enhance each other. Patmore (2013) shows that if a country has clear laws and regulations on the roles of both unions and non-union representation, it is possible that together they can improve working conditions of workers, as opposition to countries with no meaningful legislative foundation on the different roles. Bangladesh does have separate law sections and role descriptions on both platforms, however in practice the difference is not clear and WPCs and FTUs are currently not complementing each other's work.

The external context and the different dimensions of the functioning of worker platforms are all interrelated and a change in one dimension will have an effect on the overall functionality of the platform. For example, a slight change in the attitude of management that allows TUFs and NGOs inside the factory, means that workers learn about their rights and are trained how to negotiate with management, in turn they will use their rights and new skills to discuss issues with management. Because worker representatives now have a stronger voice they are able to come to an agreement. In turn, the trust in the representatives will increase due to its success and will be used more by the general worker and they will back up representatives making the worker voice even stronger.

Overall, it can be concluded that worker participation committees cannot substitute factory-based trade unions in apparel factories in Dhaka, Bangladesh. Furthermore, multiple weaknesses and barriers impacting worker representation were identified. Therefore, improvements are necessary. Although, the current working conditions in apparel factories in Bangladesh are from good, it should be mentioned that labour movement is not standing still in the country. Agreements between workers and factory management have been signed, amendments in the law have been made, negotiations are taking place between important players, more and more brands are playing a role in changing working conditions. Only when freedom of association rights are well implemented, workers are able to develop a powerful voice and decent working conditions for apparel factory workers can be achieved.

8.2 Future research

This research compared a factory trade union with a non-union form of worker representation in the apparel sector of Bangladesh. The research retrieved information from interviews with worker from few factories and combined this information with industry-wide information from experts in the field. However, to gain a better overview of the phenomenon in the industry, this study should be complemented with a quantitative study, including a large set of factories and workers. Another meaningful addition to this study to acquire a better understanding of the research topic, would be a study on the perspective of the factory owners and business associations. This perspective is not well represented in this study, because of the difficulty to reach this important stakeholder group. Therefore, this study has a more trade union positionality.

The study showed the availability of a worker platform does not necessarily mean that workers do have a powerful voice. An evaluation of the functioning of WPCs and FTUs in practice, identified many weaknesses. Future research should focus on how these issues could be solved and how to make unions and committees well-functioning platforms for powerful worker voices.

Furthermore, the study results discussed that a WPC cannot substitute an FTU. However, they might be able to enhance each other. Future research should focus on how these two prominent worker platforms in Bangladesh could best complement each other and what the impacts would be of an improved relation between the two.

The apparel industry is of great importance for the economy of Bangladesh, which partly explains the power relations in the sector influencing the functioning of unions and committees. Although the legislative framework is the same for other economic sectors, the functioning of FTUs and WPCs might vary across different sectors in the country. More research on this topic in different sectors and different types of businesses would give a better overview of the weaknesses to better prioritize issues to tackle by governments and societal organizations.

Additionally, to date many research studies comparing unions to non-union platforms in the workplace focus on European countries, however these results are not always applicable to developing countries. As this research shows, not only the organizational structure is determining the functioning of the platform, but also the political climate, the power relations in the global value chain, cultural factors are important. More research on the context of the developing world as working environment for unions and other forms of worker representation will give a better understanding of why worker organizations might not function properly.

Lastly, the study results could be used for future implementation strategies and the lobby on freedom of association by (international) NGOs, government authorities, auditors or activists. In the next chapter, recommendations are given to improve the functioning of WPCs and FTUs, based on found weaknesses and barriers. Improving these platforms of worker voice is of great importance, because with the freedom of association and a meaningful platform, other worker rights could be addressed and better working conditions achieved.

9. Recommendations

There already exist many remediation schemes for improving freedom of association in Bangladesh, initiated by different kinds of (international) organizations. Current programs mainly focus on capacity building, such as trainings for factory workers about their rights and labour laws and trainings in negotiation and communication for worker representatives. Capacity building is of great importance in order to improve dialogue between workers and management and will presumably improve the functioning of the worker platform. Besides continuing with these education programs and trainings, the following recommendations will improve freedom of association in Bangladesh. These recommendations are developed in response to the main weaknesses in the functioning of WPCs and FTUs and the barriers in the context of the Bangladeshi apparel industry obstructing the well-functioning of these worker platforms.

Improvements in labour law

Based on the analysis of the Bangladeshi labour law regarding FoA, it was concluded that there are gaps in the law restricting the registration of newly formed trade unions, but also that an easy registration process will increase the number of factory trade unions. Furthermore, from field work interviews with experts it became clear that factory trade unions are currently practically non-existent. Laws and processes making it easier to register trade unions will increase the number of represented workers and more representatives will be able to use collective bargaining power to improve working conditions. This will enhance the labour movement. Factory owners will also benefit, since they will become more attractive for brands. Furthermore, the national government will be in compliance with international standards, which will release international pressure. Although, it will have major impacts due to its reinforcing character, it is difficult to achieve. Currently, the labour movement lobbying for amendments in the law is weak in opposition of the government and businessmen. To achieve amendments in the law, strong negotiation power is required. Assistance from international NGOs and pressure groups are necessary to make this recommendation reality.

Improvements in law enforcement

One of the barriers mentioned during discussions with trade union federation leaders and NGO staff is the weak enforcement of labour law by the government. Lack of manpower and lack of quality staff of government authorities, such as DoL, DIFE and labour courts are few reasons mentioned, hindering law enforcement. By increasing staff of DIFE, more factories will be monitored. By strengthening DoL and labour courts, through incentives to work for workers instead of businessmen, workers will feel more empowered. Furthermore, transparency of activities and decision-making processes of these government authorities will reduce corruption and clarify where further improvements are necessary to. These recommendations require government commitment and budget to expand and improve the organizations in the ministry of labour. Furthermore, these recommendations are relatively easy to implement, however the willingness of the Bangladeshi government is a major challenge to achieve, therefore (international) pressure is required.

Improve the relationship between WPC and FTU

The conclusion to the question if WPCs are able to substitute FTUs, is that it is not possible. Furthermore, the two platforms have different role descriptions by law, however interviews with worker representatives and general workers showed that the difference is not clear and both WPCs and FTUs take on similar roles in practice. First, the different roles and tasks should

become clearer to all actors: representatives of either WPC and FTU do not know the difference, the general worker does not where to go to for which issues, and also some NGOs do not make use of the difference of the platforms. Secondly, the difference between the two platforms could be an enhancement of worker voice. If roles are clear, the WPC could complement the FTU, instead of substituting it. Therefore, both the policy and academic debate should change from the ability to substitute to how the two could complement and enhance each other. An improved relationship between WPCs and FTUs will reduce unclarity and rivalry for resources and management attention, thereby improving the power of worker representation.

Increase legitimacy of the worker participation committee

The study on the functioning of WPCs in practice showed that illegitimacy explained the non-functioning of the platform. Due to control of management and selection of members by management, most committees are not independent and have no democratic elections, impacting the legitimacy of the platform and trust of the workers. To increase the legitimacy a change in management attitude towards the committee and worker voice in general is of great importance. One of the barriers mentioned by a prominent NGO is the mindset of management and the associated lack of dialogue in the workplace, therefore a culture of dialogue in the workplace needs to be created. This is a challenging task, but a solution for the long-term. To change the mindset of management, NGOs or brands should have conversations with factory management about the benefits of having worker-management dialogue. Furthermore, best practices among factory owners should be shared to inspire other factory owners. Additionally, factories should establish specific procedures on communication and grievance handling to improve dialogue. These recommendations will increase trust of workers in the committee and more workers will make use of the platform.

Promote female leadership

An analysis of the apparel industry in Bangladesh showed that the majority of the workforce of factory workers is female. Furthermore, these female workers often have no voice and low levels of education. However, more female worker representatives likely attract more female workers to voice their concerns. NGOs should give trainings empowering and encouraging women to become representatives of the worker voice. This is relatively easy to implement. Some NGOs already focus on female empowerment in their development programs, however drawbacks are the limited time workers have and the refusal of management to let NGOs inside the factory to talk to workers. A push in the right direction would be to implement a law requiring proportional female and male leaders to the workforce of the factory.

Built alliances

A major issue raised by all interviewees of this study, is the immense power of the employers' organization BGMEA. The challenge is to counter the power of the BGMEA. Factory workers do not have such a joint organization, the opposite is true, the many factory trade unions, committees, sectoral and national unions led to high fragmentation and uncoordinated worker voice. By providing a platform where all these worker voices could come together, a united and stronger worker voice is created. Working together and building alliances with powerful NGOs improves the political power of the worker and thereby improves the position in negotiation with the BGMEA.

Improve job security

The functionality analysis of WPCs and FTUs showed that workers have major feelings of fear, fear to speak up and fear to lose their job because management does not accept workers with a

voice. Furthermore, the many news reports describing mass dismissals of union leaders or unfair dispute trials, show that laws protecting worker representatives are not enforced. One way of limiting the fear of workers is to increase job security. Because the apparel industry in Bangladesh produces mainly low value products, which requires a low skill-set by workers, which makes them relatively easy to replace, but also has a low profit margin for factory owners. By upgrading to higher value products, higher profits are gained, leading to more money for the implementation of better working conditions. Moreover, because workers are more skilled, they are less easy to replace and have higher job security. This recommendation requires a broad set of trainings to management and workers, but on the long term this will increase the overall socio-economic status of the country.

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Appendix A: Interviewees

Table 8: Interviewees.

| |
|---|
| International organizations |
| Fair Wear Foundation (FWF) - Bangladesh office: Bablur Rahman |
| International Labour Organization (ILO) - Better Work Program: Md. Maruf Hassan Khan |
| IndustriALL - Bangladesh Council (IBC): Salauddin Shopan |
| Local organizations |
| Bangladesh Institute of Labour Studies (BILS): Nazma Yesmin, Kamruzzaman Fahim |
| Independent researcher sociology & labour: Shahid Ullah |
| Awaj Foundation: Nazma Akter, Khadiza Akter, Nahidul Hasan Nayan |
| Karmojibi Nari: Sunzida Sultana |
| Narigrantha Prabartana: informal conversations with women |
| Bangladesh Labour Foundation (BLF): Ashraf Uddin |
| Trade union federations |
| United Federation of Garments Workers (UFGW): Roy Ramesh Chandra |
| Socialist Labour Front (SLF) (all sectors): Razequzzaman Ratan |
| Jatiyo Sramik Jote (JSJ) (all sectors): Md. Abdul Wahed |
| Sommilito Garments Sramik Federation (SGSF) (garment sector): Khadiza Akter |
| Factory workers |
| WPC member, male, Mirpur industrial area WPC member, female, Mirpur industrial area WPC member, female, Tongi industrial area WPC member, female, Tongi industrial area WPC member, male Ashulia industrial area |
| Factory trade union leader, female, Mirpur industrial area Factory trade union leader, female, Mirpur industrial area Factory trade union leader, female, Mirpur industrial area Factory trade union leader, male, Tongi industrial area Factory trade union leader, female, Tongi industrial area Factory trade union leader, female, Ashulia industrial area |

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|---|
| General worker, female, Mirpur industrial area General worker, female, Mirpur industrial area General worker, female, Mirpur industrial area General worker, male, Ashulia industrial area |
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|---|
| Manager, HR & Compliance, male, Ashulia industrial area |
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|-----------------|
| 1 Factory visit |
|-----------------|

Appendix B: Interview guide

TUFs, NGOs, other societal organizations

(exact questions are adapted to every interviewee)

Structure

Introduction questions on organization itself.

Structure and functioning of organization - actors, dependency etc.

Link to garment workers - direct/indirect? How connected? How are workers involved?

Role of organization in worker representation and in WPC/FTU?

Trends

Trends of worker representation, unions, WPCs (past, present, future)

How many WPC/FTU, how many members, perceptions towards their activities change over time?

To what extent do they function in practice?

To what extent does negotiation take place?

Trend towards more WPCs instead of unions: How come?

What does that mean for worker representation and empowerment? How does it impact existing trade unions? and the formation of new ones?

Is the implementation of functional WPCs a sustainable solution/ lead to durable/continuous empowerment? Or is it moving an issue somewhere else?

Who is benefitting from WPCs?

Recent news on garment demonstrations - how will this impact worker representation?

Legal framework and worker rights

Functioning of institutional mechanisms

Who are the stakeholders in enforcing and monitoring labour practices?

How do these function in practice?

To what extent is the labour law improving worker lives?

To what extent does the labour law conform to international standards?

Functioning of WPC and FTU

What is the role of WPC/FTU? What is expected from them? How do they relate to each other/cooperate?

How important are they for worker empowerment? Does it lead to worker empowerment according to you?

Do workers benefit from it? (vs. negative side effects such as any form of discrimination)

To what extent is it risky to form or join a WPC/FTU?

What have they achieved so far?

Is the government involved in formation/dismissal/activities/resources/other?

To what extent are these organizations influenced or controlled by politics?

What is your perception on the current role of wpc/fbu? How are WPC/FTU perceived by the government? by workers?

Future

What role should they have?

How do you envision the future of WPCs and FTUs?

What are the barriers to functioning effectively? Why are these barriers? Why do these barriers impact the effectiveness?

What do you recommend/how should the situation be improved and issues addressed? Why this way? Who should be involved? Who responsible? How monitored?

WPC & FBU representatives

Introduction questions: who are you, current position, for how long etc.

Structure

Form of organization?

Can workers choose own organization? decide on structure and composition of own organization?

Formation procedure?

Who initiated it?

How long does it exist already?

Who is involved: workers, management, ngos, government parties, other? How related to each other?

How many members? How many women, men, migrants? worker/management? How many workers in factory?

Can everybody join? women/migrants/short-term contracts. Without previous authorization?

Functioning

Goal?

Role?

Activities - general + in case of issue, follow up. restrictions of certain activities?

Resources - material and financial - where are they coming from?

Where do meetings take place, when, how often, structural or issue-based, how, by whom, for who?

When was the last meeting/action?

Who is taking a leadership role? male/female? elected? hierarchy or horizontal relationships?

Who selected/elected representative? Process?

How do worker representatives contribute to union/committee, to factory?

Interference of government, management, other actors in formation/current activities/administration/formulation of programs.

Recording/documentation of meetings, of rules and policies etc. shared with whom and how?

Level of dialogue: retrieve info, able to voice their side, negotiation, able to give advice, mutual decision-making?

Is management involved in meetings and implementing solutions? Do they take you seriously? (able to bargain in good faith)

Who is accountable for keeping committee/union in function, for solutions to issues?

Issues and dispute resolution process, how long to resolve issues, excessive delays?

What platform(s) are in place to address concerns at factory?

Effectiveness: achievements how + who+why is this an achievement?

What benefits do you experience since you formed/joined the committee/union? Also benefits beyond the factory floor?

How is the relationship between WPC and FTU? (if both in factory)

Is the committee/union promoted in any way to workers? inside the factory?

Is time and place facilitated by management?

What is the goal of management of the WPC/during negotiation?

After formation/joining/becoming representative did attitude of management change towards you or the WPC/FTU in general?

Did any form of retaliation take place since the formation of WPC/FTU: dismissal/discrimination/intimidation (less wage, less favourable assignment, no extension contract, no training)

Do you feel safe to voice worker concerns to management? Do you feel you have protection when management does not respond well to your demands?

Future

What impact did the organization make on the factory since you joined? on your life outside the factory?

What could be improved about the organization?

What could be improved about the way issues are raised and dialogue takes place?

What is going well in the organization?

What do you think the role of WPC/FTU should be? What should be improved? how do you think this could be achieved?

If help from outside (eg. NGO): are you able to be self sufficient in the future? Do you want to be independent of help? What kind of relation would you like to have with NGOs/ TUFs/ other organizations? With management?

What kind of help do you need?

Do you believe that a WPC is a barrier to form a union inside the factory?

General workers

Introduction questions: who are you, current position, for how long etc.

Do you know what a WPC or FTU is?

Do you know if your factory has one?

Do you know who the WPC members/FTU leaders are?

What do they do?

What are the benefits of having a WPC/FTU in the factory?

Would you like to be a member? What would you do if you are a member?

What do you do when you have an issue?

Who do you go to?

What happens after you raised an issue?

Are you able to have a say in how it should be solved?

What could be improved?

How/where would you like to voice concerns?

Appendix C: Field work research schedule

Table 9: Research schedule of fieldwork.

| | |
|------------|---|
| 10-03-2019 | Arrival Dhaka, Bangladesh |
| 11-03-2019 | Morning: Meet BILS organization & discuss plans Evening: Meet Mr. Ullah (FNV local consultant) |
| 12-03-2019 | Interview FWF |
| 13-03-2019 | Morning: Interview Awaj Foundation Evening: Meet FNV partners |
| 14-03-2019 | Interviews WPC members and factory union leaders |
| 15-03-2019 | Weekend |
| 16-03-2019 | Afternoon: Interview Awaj Foundation Evening: Interviews WPC members and factory union leaders |
| 17-03-2019 | Public holiday |
| 18-03-2019 | Interview TUF leaders |
| 19-03-2019 | Morning: Meeting Mr. Ullah to discuss retrieved information and further plan Afternoon: Narigrantha Prabartana women meeting place |
| 20-03-2019 | Interview Mr. Chandra from TUF |
| 21-03-2019 | Review BILS research reports |
| 22-03-2019 | Weekend |
| 23-03-2019 | Weekend |
| 24-03-2019 | Transcribing interviews Discuss findings and further plan with BILS |
| 25-03-2019 | Transcribing interviews Discuss findings and further plan with BILS |
| 26-03-2019 | Public holiday |
| 27-03-2019 | Morning: Immigration office to extend visa Evening: Meet Mr. Ullah to discuss retrieved information |
| 28-03-2019 | Interview Karmojibi Nari |
| 29-03-2019 | Weekend |
| 30-03-2019 | Interviews workers |

| | |
|------------|---|
| 31-03-2019 | Review BILS research reports Transcribing interviews |
| 01-04-2019 | Interview ILO BetterWork |
| 02-04-2019 | Visit Ashulia industrial zone and garment factory Interviews factory trade union leaders and workers |
| 03-04-2019 | Transcribing interviews Discuss findings with BILS |
| 04-04-2019 | Meet FWF intern to discuss audit reports |
| 05-04-2019 | Weekend |
| 06-04-2019 | Interview IndustriALL |
| 07-04-2019 | Last day at BILS office |
| 08-04-2019 | Flight to Netherlands |