

3 | Why do garment workers in Bangladesh fail to mobilize?

SIMEEN MAHMUD

The failure of garment workers in Bangladesh to mobilize for their rights as workers and citizens in spite of the intense publicity generated by international campaigns, as well as the unusual visibility of the country's large female workforce, remains poorly understood.¹

The 'resource mobilization' theory of social movement is premised on the existence of the rational 'active citizen' who would overcome the dilemma of participation and be motivated to become involved in collective struggle from self-interest if there were 'selective incentives' (rewards) and a collectivity of social relations and social life with a strong organizational base (Oberschall 1973; Olsen 1965). On the other hand, the 'political process' approach to analysing collective action explains mobilization primarily in relation to the external political and institutional context (the state), so that movements vary in their strategy, structure and outcomes under different political contexts (Tilly 1978; Tarrow 1998). Explanations of collective struggles and mobilizations have also been posed in terms of how the collective action is 'framed' or, in other words, how participants are convinced that their cause is just and important (Tarrow 1998).

While the above frameworks may provide an entry point for exploring mobilization or its absence in countries of the South such as Bangladesh, they cannot capture the entirety of the dynamics behind the political behaviour of citizens in these contexts, for instance the unwillingness of garment workers in Bangladesh to organize and mobilize in order to challenge the structure and the power base.

In Bangladesh research and policy attention on workers' rights and labour relations in the private sector and the informal economy have been scarce; most of the attention has been on labour relations in the formal economy and on public sector workers (Mondal 2002; Khan 2001). The development of informal labour relations within a formal production process is unique to export garment manufacturing and presents barriers to workers' mobilization and other accountability processes that are usually relied upon to safeguard labour rights in the formal sector. This uniqueness of the labour contract reduces the relevance of much

of the existing theory on social mobilization in explaining the inability of garment workers to mobilize.

This chapter seeks to address the empirical question posed in the title from the perspective of garment workers themselves and other actors in the process. The analysis draws upon in-depth interviews with twenty garment workers and interviews with officials of the Department of Labour, officers of the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) and staff of non-governmental organizations (NGOs) (the Bangladesh Legal Aid and Services Trust and Ain o Salish Kendra) that provide rights awareness and legal aid to garment workers, employers and factory managers. There were visits to garment factories in Dhaka and in the export processing zone (EPZ). The chapter also relies upon information collected from a survey of garment workers in 2002 in Dhaka and media reports, especially regarding worker struggles and mobilization, because the workers involved could not be found. (Many had returned to their village homes or had to move out to other areas and other jobs.)

The chapter is arranged as follows. The first section elaborates the institutional context for mobilization. The next section discusses the unique labour contract in export garment manufacturing. The two sections following discuss the role of workers' associations in garment workers' struggles for rights and describe the different types of protests that have evolved over time. The section after that assesses their cost for garment workers. In the final section the chapter tries to draw some conclusions.

The institutional context and political opportunity structures

Labour legislation in Bangladesh harks back to British times and much of it is obsolete and outdated.² After partition in 1947 some of these laws were adapted and twenty-five new laws were passed. Since independence from Pakistan in 1971, thirteen more labour laws have been promulgated (Mondal 2002). In manufacturing and industry, labour relations are currently governed by the Factories Act of 1965 and the Factories Rules of 1979, both of which are designed to protect labour and provide for safe and hygienic workplace conditions in fairly large factory situations. In other words, existing labour legislation and provisions primarily protect skilled and semi-skilled adult male workers who are represented by unions and collective bargaining associations, which in Bangladesh means the so-called privileged working class: mainly the urban, male workforce employed by the public sector and a tiny formal private sector found in

financial services and larger-scale manufacturing. Labour legislation in Bangladesh not only excludes the majority of workers in Bangladesh; it also fails to protect those it does formally include.

Existing labour legislation is therefore inadequate to meet the requirements and challenges of a liberalizing economy that aspires to compete in a globalizing world using flexible and almost unregulated labour relations. In addition, since existing labour legislation assumes a predominantly male workforce, it is often at a loss to deal with the specific needs and concerns of the overwhelmingly female and unskilled workforce employed in garment manufacturing. This is even more critical in the export garment sector, where a highly flexible and fragmented production process exposes workers to new vulnerabilities in a new economic order that can limit even the autonomy of state action within national boundaries.

The blind eye of the state The Bangladesh government, both constitutionally and as signatory to various international conventions, is committed to protecting the rights of workers and ensuring non-exploitative and decent workplace conditions for all workers, whether in the formal or informal sector. Workers in Bangladesh, however, ranging from those in agriculture and in low-productivity cottage industries to those in non-traded service activities in the non-formal sectors, and even to garment factory workers, are exposed to exploitation and the violation of rights and remain unprotected by formal accountability processes. In this general context workers' rights in the export garment manufacturing sector have received relatively more attention internationally because the outsourcing of production processes has brought workers in the poorer countries of the South into direct competition with workers in the richer Northern countries and made the rights and standards that prevail in Southern countries of direct consequence to workers and consumers in the North (Mahmud and Kabeer 2007).

Although theoretically all workers in Bangladesh are supposed to be protected under existing labour legislation (in terms of the constitution), only a negligible fraction actually enjoy the protection of the state. For example, while the constitution of Bangladesh guarantees that the state will 'emancipate the toiling masses ... from all sorts of exploitation', the proportion of total workers protected by the existing legal framework is less than 3 per cent (Mondal 2002: 121). Although this legal framework provides for the fundamental right of all workers to freedom of association and collective bargaining, in reality the state is not able to ensure