

Testimony of Kalpona Akter
Executive Director, Bangladesh Center for Worker Solidarity (BCWS)
Senate Foreign Relations Committee
Labor Issues in Bangladesh
June 6, 2013

I. Introduction

Chairman Menendez and Ranking Member Corker: thank you for the opportunity to submit written testimony on the struggle of garment workers to secure basic labor rights in my home country of Bangladesh. Given the thousands of workers who have recently lost their lives or been severely injured working in Bangladesh's apparel export sector, this hearing could not be more timely.

My name is Kalpona Akter. I went to work in a garment factory in Bangladesh when I was 12 years old. I went to work because my father had a stroke and the family needed money to cover basic living expenses. My mother and I started working in the factory together, but my mother had a two-month-old infant and so had to quit, so my 10-year old brother and I were the ones who had to sustain the family. I was paid \$6 a month back then for working up to 450 hours per month in sweatshop conditions. I worked for eight years at that factory, but I was fired because I began organizing my co-workers to form a union so we could have better wages and conditions. I went to work for another union and then in 2000 I co-founded the Bangladesh Center for Worker Solidarity, a labor rights advocacy organization that conducts research, offers worker training, and works closely with trade unions, such as the Bangladesh Garment Industry Worker Federation, to help workers know how to claim their rights.

II. Background

The garment export industry is a major employer in Bangladesh, with over 4 million workers, more than 80 percent of whom are women, mostly from poor, rural backgrounds. They make clothing for export, mostly to the U.S. and European brands and retailers who have flocked to the country to take advantage of rock-bottom wages. Bangladesh's garment workers are the lowest-paid in the world, with an industry minimum wage of about \$38 a month – due to inflation; this cannot buy any more than the \$6 that I used to earn.

Dangerous Factories

Aside from long hours and low wages, apparel sector workers often work in factories with chronic safety problems. Since 2005, over 1,800 workers have died and thousands more were severely injured in garment factory fires and building collapses. These deaths and injuries could

have been prevented had basic safety measures been in place and had workers' right to refuse dangerous work been respected.

While the recent tragedies at Tazreen Fashions and Rana Plaza, in which at least 1,239 workers died making clothing for export, have understandably attracted international attention and condemnation, the fact is that most of the 5,000 garment factories in Bangladesh are not up to fire and building safety code – they are death traps. Any day more workers could be burned alive or crushed when a building collapses. In fact, since Tazreen, and not counting Rana, there have been at least 44 incidents in the Bangladesh garment industry in which a total of 16 workers were killed and at least 691 workers were injured.¹

Widespread union and worker repression

On paper, Bangladeshi workers do have the legal right to form unions and collectively bargain with factory owners. In reality, attempts to unionize the country's garment workers are ruthlessly suppressed, with activist workers harassed, blacklisted or worse, with tacit government approval.

Last year, my friend and colleague Aminul Islam, a garment worker-turned-labor-organizer who worked for the Bangladesh Garment & Industrial Workers Federation and the Bangladesh Center for Worker Solidarity, was killed, his body — bearing marks of torture — dumped on a highway. The government has failed to find or prosecute his killers, but we believe his murder was intended to create a climate of fear among other labor activists. He had been detained, tortured and jailed on previous occasions by security forces in the two years prior to his disappearance.

III. Beyond the Numbers: Stories from Survivors

While the statistics of death and injury in recent months are astounding and have broken records, the numbers alone may not capture the pain and suffering of families who lost their loved ones and of all the severely injured workers who lost arms and legs, many amputated on site at Rana Plaza in rescue missions to pull workers from the rubble. Let me share just a few stories from workers who survived:

Tazreen Fashions – Fire on November 24, 2012²

- Rehana jumped from the 4th floor window of Tazreen Fashions and was knocked unconscious. She broke her leg. Doctors told her she will need to be on crutches for the rest of her life.

¹ As catalogued by the Solidarity Center, during Nov. 24, 2012 to May 31, 2013; on file with the International Labor Rights Forum.

² As incorporated in U.S. House of Representatives floor statement submitted for the record of June 5, 2013, by U.S. Representative George Miller, Ranking Member of House Committee on Education and the Workforce.

- Reba was the breadwinner in her home. She jumped from the 3rd floor of Tazreen Fashions. She cannot work because of the pain. Her husband is sick. She has two sons, one of whom just qualified to get into the military college. She doesn't know how she can afford it.
- Rowshanara jumped from the 3rd floor and still has severe pain in her back and legs. She was visibly in pain after sitting too long with us. She is single and gets by on loans. She has two teenage children in school she doesn't want to force to go to work, but she worries how she'll get by.
- Deepa worked on the 3rd floor. She saw the fire and tried to escape to the 2nd floor. The factory manager padlocked the door and told everyone to keep working. Workers were crying and searching for a way out. A mechanic yelled to come to the east side of the building where he had created an exit. She jumped from the 3rd floor and fell unconscious, breaking her leg. Deepa was four months pregnant and lost her baby.
- Sumi decided to jump from the 3rd floor rather than perish in the factory because she wanted her family to be able to identify her body. She broke her leg and arm and could not move. Her family borrowed money to pay for medical bills before the Association funds arrived. Two weeks before Rana Plaza, she came to the U.S. to urge retailers and brands to join the enforceable and binding Accord on Fire and Building Safety.
- Nazma said she would have died had she waited 10 minutes more to jump. She saw the manager locking the gate to the second set of stairs and grabbed him by the collar to stop him, but he ignored her. She cut her arms trying to get through a window to reach a bamboo scaffolding. She broke her backbone. Now, she can't carry anything or do household work. She has three children. Her stipend was spent on medical care and her children's education. Her 14-year-old son had to leave school to go to work.

Rana Plaza – Building Collapse on April 24, 2013³

- Rabeya was working at New Wave Style Ltd. in Rana Plaza the day it collapsed. She has two sons and two daughters—and works because her husband's income is not sufficient to support the family. "I did not want to go to work. But we were threatened by the owner that we would not get our salary if we didn't show up," she said.

Describing what happened when the building collapsed, she said: "Upstairs, suddenly I saw some workers running. I also tried to save myself. But I could not and fell down. A part of ceiling had fallen on me and my legs were stuck between metal rods. Meanwhile a big wall had fallen on my chest, breaking my sternum. It took two hours to free myself from the trapped condition. After that I could move a little bit. I fell down and screamed, 'Father... save me!' People rescued me when they heard my scream."

³ These worker stories were collected by an outreach committee that the Solidarity Center office in Dhaka organized with its partners, including BCWS.

Still in the hospital, Rabeya is facing a long recovery and an insecure future. Her face and nose have been crushed, her two legs broken and her chest bones broken. “Now, this is the outcome of my decision to support my family. I have become a burden on my husband and my children,” she said.

- Moriom, 28 years old, lost her right hand in the Rana Plaza building collapse and today fumes in anger and concern about her bleak future: “None of us wanted to go to the factory that day. They forced us to go there. It was end of the month; we would not get paid for that day if we were absent. We are very poor, and we cannot bear that loss,” she said. Moriom has a daughter and a son living with her mother in a village. Her husband left her long time ago. They were going to school. She is now uncertain about their future: “I am the only earning family member. How I will work now?” she said very sadly.

IV. The Bangladesh Safety Accord

The Accord on Fire and Building Safety in Bangladesh is a legally-binding, enforceable agreement between companies and unions, created to improve safety in the Bangladesh garment industry.⁴ Negotiations for the Accord began in the months following a fire on December 14, 2010, which killed 29 workers who were trapped inside a factory supplying several US companies: Abercrombie & Fitch, Carters, Gap Inc, Kohl’s, PVH, Target, and VF Corporation. Since then, Abercrombie & Fitch and PVH have signed onto the Accord. All told, the Accord now has 41 companies as signatories including brands and retailers from a dozen countries,⁵ two global unions – UNI and IndustriALL, and Bangladeshi unions.

The Accord includes independent safety inspections with public reports; mandatory repairs and renovations to address all identified hazards; and a central role for workers and unions, including worker-led safety committees in all factories and access to factories for unions to educate workers on how they can protect their rights and their safety, including their right to refuse unsafe work. The heart of the Accord is the commitment by companies to work with their suppliers to secure financing, maintain orders, and ensure renovations and repairs are completed to make factory buildings in Bangladesh safe.

⁴ A copy of the Accord is available at <http://laborrights.org/safetymou>.

⁵ As of June 4, 2013, the companies in the Accord include Abercrombie & Fitch, Aldi, Benetton, Bonmarche, C&A, Carrefour, Charles Vögele, Comtex, El Corte Inglés, Esprit, Fat Cat, G-Star, H&M, Helly Hansen, HEMA, Hess Natur, Inditex (Zara), JBC, John Lewis, KIK, LIDL, Loblaw, Mango, Marks & Spencer, Mothercare, N. Brown group (SimplyBe, High&Mighty etc.), New Look, Next, Otto Group, Primark, PVH, Rewe, Sainsbury's, Sean John Apparel, s.Oliver, Stockmann, Switcher, Tchibo, Tesco, V&D, and WE Group.

How the Accord will save lives

I am confident that had the Accord been operational in the factories before the disasters, workers' lives would have been spared at Tazreen and Rana Plaza.

Mandatory renovations, with brands ensuring financing

First of all, if the Tazreen and Rana factories had been covered by the Accord, the inspections would have revealed major safety problems and resulted in the US and European brands and retailers being required to ensure financing for mandatory renovations. Tazreen would have undergone renovations to make the staircases fireproof, add additional exit doors, and upgrade electrical wiring. Rana Plaza would probably have been closed down due to the illegal construction of the building on top of unstable swampy ground, which was then worsened by the illegal additions of several floors beyond the five permitted floors. The warning signs of a safety hazard had been evident for a long time: workers told me that the building would shake on a regular basis as a result of the three heavy industrial generators in the building. While Rana Plaza would have been closed, under the Accord, the brands would have been required to ensure that the factories continued to pay workers their regular wage or helped them to find employment at neighboring factories, while the factories were either renovated or relocated to safer buildings.

Right to refuse illegal work

Garment workers in my country live in such poverty that they cannot afford to lose even a day of work. So when workers at Rana Plaza were told they would not receive their salary if they didn't show up – some were even told they would lose a month's salary for not returning the day after the cracks appeared – they returned to work. Perhaps some of the workers believed what they heard on the loudspeaker on the morning of April 24, "All the workers of Rana Plaza, go to work. The factory has already been repaired."⁶ Others, while likely skeptical about the safety of the building, perhaps felt at a loss of other options for putting food on the table for their children, and so decided to prioritize their family's survival over concern for their own safety that tragic day. The behavior of management in this case is a blatant denial of workers' right to refuse dangerous work. Under the Accord, workers would not have to choose between such stark options: starve or risk your life. Instead, there is a third way, a path of reason, where workers' are not discriminated against for refusing dangerous work and they receive their regular pay while safety measures are put into place at their worksite, whether that means major building renovations or moving the factory to a new site.

At Tazreen, when the fire started, for workers on some floors their usual sweatshop job became a circumstance of forced labor. Sumi Abedin, a garment worker who worked on the fourth floor,

⁶ As reported by Pintu, 18, and Shilpi, 21, workers at New Wave Bottom Ltd, one of the factories in the Rana Plaza building, recalling the loudspeaker announcement they heard the morning of November 24, 2013. This testimony was collected by an outreach committee that the Solidarity Center office in Dhaka organized with its partners, including BCWS.

said that when the first person on her floor smelled smoke, and she and her coworkers started to move for the stairs, her supervisor said it was a false alarm and ordered them back to work, locking the collapsible metal gate between the floor and the main staircase. The supervisor said to ignore the fire alarm – that it was just a false alarm – and told them to keep working. The factories in my country are under such high production quotas and tight turnaround deadlines from US and European brands that supervisors will sometimes ignore a fire alarm in order to not lose precious production time. This circumstance would have been avoided under the Accord, which requires respect for workers' right to refuse dangerous work and prohibits brands from cutting orders from a supplier that makes repairs or upgrades necessary to protect workers' lives.

Workers in my country are afraid to organize; their legal right to freedom of association and collective bargaining is not guaranteed. Under the Accord, companies are required to allow union access. If workers' at Rana had bargaining rights, perhaps they could have exercised collective action and refused to return to work the day after cracks appeared in the walls.

Public reporting of audit results

After the September 11, 2012, fire at Ali Enterprises factory in Karachi, Pakistan, killed 259 workers who were trapped inside, Social Accountability International (SAI) – a New York based group – came under intense scrutiny by labor rights advocates and the media.⁷ The root of the concern was two-fold: first, auditors accredited under SAI's system had given the factory a clean bill of health only weeks before the fire, and second, SAI refused to disclose any reporting from the audit, citing confidentiality agreements. I ask: how is it that SAI can justify keeping their knowledge of the factory confidential when the case involves the largest factory fire in known history in the global garment industry?

Another auditing firm, the Business Social Compliance Initiative (BSCI), had certified two factories in Rana Plaza, New Wave Style and Phantom Apparel. The website of another factory in the building, Ether Tex Ltd, advertised a BSCI audit as well, and that it had also passed inspection for the Service Organization for Compliance Audit Management (SOCAM). Clearly, we can't count on these auditing firms to ensure safety for our workers, particularly when BSCI (despite having health and safety requirements in its code) disclaims any responsibility for worker deaths in the premises it had certified by saying: "The reasons for the collapse of the factories seem to be related to the poor infrastructure of the Rana Plaza building. BSCI focuses on monitoring and improving labour issues within factories and relies on local authorities to ensure the construction and infrastructure is secure."⁸

In my country, where the majority of garment factories are not in compliance with fire and building safety code, it is unacceptable for an auditor to ignore construction and infrastructure

⁷ See for example, this December 7, 2012, *New York Times* article:

<http://www.nytimes.com/2012/12/08/world/asia/pakistan-factory-fire-shows-flaws-in-monitoring.html>

⁸ As printed on BSCI website; retrieved on June 5, 2013: <http://www.bsci-intl.org/news-events/news>

issues. Under the Accord, independent inspections will be conducted by experts in fire and building safety, and compiled audit results will be made publicly accessible as well as available to the union signatories, which can in turn inform workers on any hazards identified. At the same time, as signatories to a legally-binding agreement, the companies that are part of the Accord must ensure that the factory buildings are brought up to code.

Why industry alternatives won't help.

Facing mounting international criticism for refusing to join the Bangladesh Safety Accord, a group of North American brands, led by Gap and Walmart, have indicated they will launch their own scheme purporting to address fire and building safety issues in the Bangladesh garment industry.

While the full details have yet to be released, the companies haven't given us any reason to believe that their program will include the core elements of the Accord which are so essential to preventing more tragic deaths: transparency of audit results, union involvement, and real respect for workers' right to refuse dangerous work – all in a legally-binding and enforceable agreement in which brands ensure that factories have the financial wherewithal to carry out needed fire and building safety repairs. And it's telling that Gap and Walmart didn't even bother to meet with workers' representatives while developing this new public relations stunt.

There is no credible reason why retailers like Gap and Walmart should not join the 41 companies that have already signed the Accord on Fire and Building Safety in Bangladesh and make a real commitment to worker safety. Instead, they continue to barrage the public with new programs and initiatives that simply repackage the failed programs of the past that led to the deaths and injuries of workers in hundreds of incidents in Bangladesh's garment industry in recent years.

Under the Gap/Walmart scheme, even if companies agree to remediate and finance repairs, we have no guarantee that they will actually do so and we cannot hold them accountable because they refuse to make contractual commitments to worker safety.

Walmart routinely violates their voluntary, non-binding code of conduct and breaks their promises to workers for safe and decent working conditions. Why should workers trust any new voluntary, non-binding commitment by Walmart?

V. Recommendations to the U.S. Government

In order to improve safety conditions in factories in my country supplying the U.S. market, and to protect workers lives, with this testimony I urge the U.S. government to:

- 1) Urge all US brands and retailers whose clothing was made at Tazreen and Rana Plaza to pay the full and fair compensation they owe to the injured workers and to the families of the workers who were killed.
- 2) Call on all US brands and retailers that source clothing from Bangladesh to sign onto the Bangladesh Safety Accord, joining with 41 other companies, including three U.S. companies: Abercrombie & Fitch, PVH, and Sean John Apparel.
- 3) Mandate the U.S. Joint Military Exchanges to join the Bangladesh Safety Accord, and to mandate all other apparel brands sold in the Exchanges to do the same.
- 4) Require all US brands and retailers to publicly disclose the locations of their supplier factories as well as make available a copy of all current and future audit reports.
- 5) Call on US companies to provide fair commercial terms, including adequate prices and delivery schedules, to make possible factory investment in safe conditions and higher wages, and urge the Bangladesh government to respect workers' right to freedom of association so it is possible for garment workers to negotiate for higher wages.
- 6) Help provide support for mental health services for garment workers dealing with long-term trauma as a result of factory fires and building collapses.
- 7) Join with the United Kingdom in taking a new approach to export-led development programs by not only providing significant financing to ensure the Bangladeshi apparel industry is made safe and decent for workers, but also publicly acknowledging, as Minister Duncan did this week, the responsibility US brands and retailers have to workers making the products they sell.⁹

⁹ As reported on June 4, 2013, by the BBC: <http://www.bbc.co.uk/news/uk-22777071>