



## Existing complaints structures for workers in the export-oriented textile and garment sector in Bangladesh



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## Acronyms

BGMEA	Bangladesh Garment Manufacturers and Exporters Association
BLA	Bangladesh Labor Law
BLR	Bangladesh Labor Rules
BWB	Better Work Bangladesh
CAC	Conciliation-Cum-Arbitration Committee
DIFE	Department of Inspection for Factories and Establishments
FWF	Fair Wear Foundation
IGS	Initiative for Global Solidarity
IRO	Industrial Relations Ordinance
IVR	Interactive Voice Response
OSH	Occupational Safety and Health
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH
PC	Participation Committee
RSC	RMG Sustainability Council
SC	Safety Committee
SIWI	Stockholm International Water Institute
SMS	Short Message Service
SHP	Sexual Harassment Pretension
VOIP	Voice over internet protocol
WO	Welfare Officer

# 1 Introduction

## 1.1 Context of the assignment

Today's business relations and value chains know no boundaries. The involvement and integration into global supply chains open up tremendous opportunities for producing countries to develop and diversify their economy. Though, human rights and social and environmental standards are regularly undermined within these complex supply networks.<sup>1</sup> The German Government is committed to human rights and environmental due diligence and passed an act on Corporate Due Diligence Obligations in Supply Chains in 2021.

The Initiative for Global Solidarity (IGS) has 4 areas of action for the project, where action field (4) is about establishing and further developing effective internal and external complaints mechanisms. The ToR was published by the implementing organisation Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH to review the existing complaints structures for workers in Bangladesh's export-oriented textile and garment sector. This includes an analysis of (legal) national requirements, stakeholder mapping, and detailed analysis of internal and external complaint mechanisms.

## 1.2 Methodology

The methodology for this project was developed in discussion with GIZ IGS team in Bangladesh during the preparatory call. A qualitative research approach was taken for the conduct of this study, involving the collection of primary data through key informant interviews (stakeholder interviews) and secondary data through desk review of relevant literature.

The desk review covered existing academic and grey literature on existing complaint structures for workers, especially in the context of the export-oriented textile and garment sector in Bangladesh, as well as project documents and capacity assessments that have been developed on the topic. Specific sources of data include papers from academia, research paper from development agencies, and different initiatives website. The purpose of this activity was to identify the existing body of knowledge on complaint mechanisms and the relevant resources and tools that were already available (both in English and Bangla) that could serve as potential sources for final report preparation. Further legal analysis of national requirements was conducted, focusing on Bangladesh Labor Law (BLA), Bangladesh Labor Rules (BLR), and Supreme Court guidelines on sexual harassment.

In addition, seven KIIs were conducted involving representatives from three factories, two brands, and one trade union. The interviews helped collect more information on protections under the labor law, existing grievances channels, its effectiveness, sexual harassment prevention committee's functionality. Interviewing factory mid-level management further

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<sup>1</sup> Initiative for Global Solidarity; [Living up to our responsibility](#)

validated our analysis of the strengths and weaknesses of internal grievance mechanisms. The trade union provided workers' perspectives on existing mechanisms, loopholes, and shortcomings.

## 2 Legal analysis of complaint mechanisms

### 2.1 Bangladesh Labor Act, 2006

There are four sections under the Bangladesh Labor Act (BLA), 2006, that address grievance procedures to some extent. Table 1 synthesises the details provided by each of these sections.

Section	Summary
Chapter II, Section 33	Describes the procedure of making a complaint; i.e., the worker submitting a written grievance to the employer, the employer being legally obliged to look into the complaint within 30 days, and providing a decision thereafter. This section also provides the option for the worker to file a complaint to the Labour Court in case of dissatisfaction with, or absence of, a decision from the employer.
Chapter X, Section 124A	This section provides that where there are disputes around payments and wages, complaints can be submitted for mediation to the Chief Inspector, who would discuss with the employer and aim to resolve the issue within 20 days.
Chapter XIV, Sections 209-213	Under this section, industrial disputes should be settled through a meeting between the collective bargaining agent and the employer. If issues are resolved, a memorandum of the settlement will be developed and submitted to the Government, Director of Labour, and Conciliator. In case there is no settlement, conciliation can be requested – and in the extreme case where it fails, arbitration will follow. If the parties do not submit the dispute for Arbitration after conciliation has failed, either party may give the other notice of strike or lockout or submit a complaint to the Labor Court.
Chapter XXI, Section 332	Describes inappropriate behavior, which includes a prohibition on acts that are “indecent, unmannerly, or repugnant to the modesty or honor” of women
Section 307	General penalty for misconduct

Table 1: Summary of legal sections



**Chapter II on Conditions of Employment and Service.** In this chapter, Section 33 describes the procedure of making a complaint.<sup>2</sup> Workers with grievances related to their employment or termination should submit a written grievance to the employer. If the employer does not accept this written grievance, workers can send the grievance by registered post within 30 days of being informed of the cause of the grievance. During this period, the employer must look into the complaint, give the worker an opportunity to be heard, and communicate the decision in writing. If the employer fails to give a decision or if the worker is dissatisfied with it, the worker can submit a complaint to the Labor Court within 30 days of the deadline for the decision or its issuance. Either party can appeal an order of the Labor Court to the Tribunal within 30 days. The decision of the Tribunal is final.

**Chapter X on Wages and Payment.** Complaints related to wages and payment are specifically discussed in section 124A. Payment of wages and other dues through conciliation.<sup>3</sup> Disputes involving outstanding payments (including wages) can be submitted for conciliation/mediation to the chief inspector of the Department of Inspection for Factories and Establishments (DIFE), who should initiate discussions with the employer with an aim to resolve the claim within 20 days. Conciliated decisions are binding on the parties. If the parties do not agree to follow the mediator's decision, they can file a case in the Labor Court.

**Chapter XIV on Settlement of Disputes, Labour Court, Labour Appellate Tribunal, Legal Proceedings, and others.** Under sections 209-213,<sup>4</sup> industrial disputes must be brought forward in writing by either the collective bargaining agent or the employer. Within 15 days, the recipient of the notice of dispute should arrange a meeting for collective bargaining on the issues raised. If the parties resolve the issues, the agreement should be recorded in a memorandum of settlement, which the employer should forward to the government, the director of labor and the conciliator. If there is no settlement, either party can request conciliation. If conciliation fails, the dispute may be referred to an Arbitrator upon joint request by the parties. Arbitration awards are final and binding. If the parties do not submit the dispute for arbitration after conciliation has failed, either party may give the other notice of strike or lockout or submit a complaint to the labor court.

There is no explicit section for submitting or processing sexual harassment-related complaints. However, chapter XXI: Miscellaneous section 332 contains a provision that prohibits behavior that is "indecent or unmannerly or which is repugnant to the modesty or honor" of any woman.<sup>5</sup> This prohibition is enforced by the general penalty of imprisonment for up to three months, or fine of up to BDT 25,000.<sup>6</sup>

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<sup>2</sup> Section 33 of the Bangladesh Labor Act

<sup>3</sup> Section 124A of the Bangladesh Labor Act

<sup>4</sup> Section 209-213 of the Bangladesh Labor Act

<sup>5</sup> Section 332 of the Bangladesh Labor Act

<sup>6</sup> Section 307 of the Bangladesh Labor Act



## 2.2 Bangladesh high court verdict on sexual harassment

An important change in the context of addressing harassment in the garment industry of Bangladesh was the High Court Ruling of May 14th 2009 on violence against women. The guidelines stipulate the installation of complaint centers headed by women, to prevent sexual abuse/harassment of women and girls at education institutions, offices, factories and workplaces.

The Bangladesh High Court verdict was important because it served as 'law' until the parliament enacts legislation in this regard. The Supreme Court stated:

*“These directives are aimed at filling up the legislative vacuum in the nature of law declared by the High Court Division under the mandate and within the meaning of article 111 of the Constitution.”<sup>7</sup>*

The garment and textile industry is comprised mainly of young women workers, many of whom migrate from rural areas for their first formal sector job. These workers and factory management have minimal understanding of the meaning of sexual harassment and most of them associate sexual harassment with rape and physical violence. As per the guidelines, sexual harassment acts are defined as:<sup>8</sup>

- a) *unwelcome sexually determined behavior (whether directly or by implication) as physical contact and advances;*
- b) *attempts or efforts to establish physical relation having sexual implication by abuse of administrative, authoritative or professional powers;*
- c) *sexually colored verbal representation;*
- d) *demand or request for sexual favors;*
- e) *showing pornography;*
- f) *sexually colored remark or gesture;*
- g) *indecent gesture, teasing through abusive language, stalking, joking having sexual implication.*
- h) *insult through letters, telephone calls, cell phone calls, SMS, pottering, notice, cartoon, writing on bench, chair, table, notice boards, walls of office, factory, classroom, washroom having sexual implication.*
- i) *taking still or video photographs for the purpose of blackmailing and character assassination;*
- j) *preventing participation in sports, cultural, organisational and academic activities on the ground of sex and/or for the purpose of sexual harassments;*
- k) *making love proposal and exerting pressure or posing threats in case of refusal to love proposal; [and]*

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<sup>7</sup> Bangladesh National Women Lawyers Association vs Government of Bangladesh et al., High Court Verdict on Writ Petition No. 5916 of 2008

<sup>8</sup> [Classification of Acts of Sexual Harassment - Albuero Law](#)

*l) attempt to establish sexual relation by intimidation, deception or false assurance.*

The High Court Division's 2009 guidelines provide a relatively comprehensive list of behaviors and acts which amount to sexual harassment, including both a 'quid pro quo' type and acts that create a 'hostile working environment', without defining the offense of sexual harassment itself. Other existing laws, including criminal laws, do not mention or define the term 'sexual harassment'. Civil society groups are engaged in ongoing advocacy, calling on policy-makers to adopt a draft law against sexual harassment. Thus far, however, their efforts have not yielded tangible results.<sup>9</sup>

Additionally, the high court verdict provides directives in the form of guidelines on the formation of a complaint committee at the workplace and the scope of work. The guideline includes:

- a) In all work places and educational institutions in both public and private sectors, the Concerned Authority will constitute a Complaint Committee in order to receive complaints, and to conduct investigation and make recommendations.*
- b) The Complaint Committee will have minimum five members and majority of the members will be women. The head of the Complaint Committee should be a woman, if available.*
- c) The Complaint Committee should have at least two members from outside the organisation concerned, preferably from organisations working on gender issues and sexual abuse.*
- d) The Complaint Committees will submit annual reports to the Government on the compliance of these guidelines.*

Furthermore, the guidelines direct all institutions to establish a Complaint Committee to receive complaints related to sexual harassment, to conduct investigations and make recommendations. Details on the formation and function of these committees include the fact that:

- a) Each committee must have at least five members, most of whom should be women. If available, a woman should head the committee.*
- b) At least two committee members should not be from the concerned organisation; they should preferably be from organisations that work on gender issues and sexual abuse.*
- c) Each committee will submit annual reports to the Government on compliance with the guidelines.*

The guideline further provides a detailed investigation procedure for the Complaint Committee. Normally the complaint has to be lodged with the Complaint Committee within 30 working days of the occurrence. To verify the complaint, the Complaint Committee will:

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<sup>9</sup> Overview of laws, policies, and practices on gender-based violence and harassment in the world of work in Bangladesh, International Labour Organisation 2020

- a) In case of minor harassment, if it is possible, the Complaint Committee shall dispose of the complaint with the consent of the parties involved and shall report to the Concerned Authority of workplace in the public or private sector, as the case may be.
- b) In all other cases the Complaint Committee shall investigate the matter
- c) The Complaint Committee will have the power to send registered notice by mail to the parties and the witnesses, conduct hearing, gather evidence, and examine all relevant papers. In this type of complaint, apart from oral evidence emphasis should be placed on circumstantial evidence. To conduct the work of the Complaint Committee effectively the related office of the educational institutions and workplaces in both public and private sectors will be bound to extend any cooperation which is requested from them.
- d) The Complaint Committee will keep the identities of the complainant/s confidential. While recording the testimony of the complainant/s any question or behavior which is intentionally base, insulting or harassing should be avoided. The testimony must be recorded in camera. If the complainant wants to withdraw the complaint or stop the investigation then the reason behind this has to be investigated and mentioned in the report.
- e) The Complaint Committee shall submit the investigation report with a recommendation within 30 working days to the Concerned Authority of the educational institution or workplace, as the case may be. The period of 30 days may be extended up to 60 days where it is found necessary.
- f) If it is proved that a false complaint has been filed intentionally then a report will be submitted to the Concerned Authority recommending appropriate action for the complainant/s. The Complaint Committee will take decisions on the basis of the view expressed by the majority of its members.
- g) The guidelines provide that the concerned authority may temporarily suspend the accused person on receiving the Complaint Committee's recommendation. If the accused is found guilty of sexual harassment, the authority will treat this as a case of misconduct and take proper action within 30 days, according to the disciplinary rules of the workplace or institution. Alternatively, or in addition, the authority will refer any offence under penal law to the appropriate court.

### **3 Types of existing complaint mechanisms in the textile and garments sector of Bangladesh**

Based on the literature review, there are four main types of existing complaint mechanisms in the textile and garments sector of Bangladesh:

- a) Internal grievance mechanism
- b) External grievance mechanism of local organisations
- c) External grievance mechanism of international organisations
- d) Government initiatives

An internal grievance mechanism is when factories attempt to solve issues within the companies' own structures and processes. Resolving issues at the factory level often involves mid-level management staff who processes the complaint formally or informally to provide a remedy. Suggestion box and written grievance registers are some of the examples of the internal grievance mechanism.

An external grievance mechanism is when workers seek external support and advice to find a remedy for their grievances. In Bangladesh, both international and local organisations provide such type of support. External grievances can be submitted via phone call, letter, or physically to that organisation's offices. An example of such an initiative is the "Occupational Safety and Health Complaints Mechanism" of RMG Sustainability Council (RSC) formerly known as ACCORD.

The Government of Bangladesh's different regulatory bodies initiated different complaint mechanism systems over the year to serve different sectors. Workers of the textile and garments sector mostly use DIFE toll-free helpline number to submit grievances.

### 3.1 Key differences between types of complaint mechanisms

The following table summarises the key differences among the complaint mechanisms in Bangladesh.

	Internal grievance mechanism	External grievance (local organisation)	External grievance (international organisations)	Government initiatives
Design, structure, and process	Organisations can create their own structure and process guided by local law, brands COC; mostly informal and lacks documentation of cases	Follow national and international best practices; has established formal practices and documentation	Recommendations from ILO R130 and UNGP; has established formal practices and documentation	Follow national Law and internal process and timeline; requires documentation and submission of said documents to the Government
Roles, responsibilities and accountability of workers and stakeholders	Organisation bears the primary responsibility of setting up, investigating, and settling issues	Shared responsibility by workers, factory management and external	Shared responsibility by workers, factory management and external	Government and legal system receive the complaint, investigates, and addresses issue
Acceptance, perception, and usage of	Low acceptance among workers but preferred by	High acceptance among workers and stakeholders	High acceptance among workers, but often face challenges from	Low acceptance among workers and factory management due

<b>grievance mechanisms</b>	factory management	like factory brands, unions	government and employer associations.	to bureaucracy and time required
<b>Accessibility</b>	Highly accessible as workers have multiple channels to submit grievances	Highly accessible for local presence in the form of an office	Limited channels for submitting grievances (i.e., via phone call)	Limited channels for submitting grievances
<b>Example</b>	Suggestion box, grievance committee	Amader Kotha	RSC, Fair Wear complaints helpline	Government hotline number

Table 2: Key differences among complaint mechanisms

### 3.1.1 Design, structure and process

These four types of complaint mechanisms have a similar objective: resolving worker's grievances. However, at the operational level there are some key differences. The internal grievance mechanism mostly emphasises on resolving issues informally and at the minimum level through social dialogue. Conversely, when the same grievance comes from an external source including the Government, a factory will have to take a formal approach considering multiple steps in grievance mechanisms and disciplinary action.

In the internal grievance mechanism, factories do not produce and publish a summary of complaints they received. On the other hand, most external complaint mechanisms produce a periodical summary report of number of complaints received via their channel, the nature of complaint and current status. Through government mechanisms, in the case of industrial disputes, there is a requirement to produce a memorandum of settlement, which is shared with the government and the Department of Labour.

### 3.1.2 Roles, responsibilities and accountability of workers and stakeholders

Across all grievance mechanisms, workers filing the complaint and employers similarly have the primary responsibility of discussing and attempting to settle the issue. The main differences are the level of accountability and the roles of other stakeholders, such as brands, trade unions, and Government. For example, normally in the internal grievance mechanism brands are not involved. Factory managements generally have an internal team comprised of human resource, compliance and administration to resolve issues. However, in most external grievance mechanisms, the brand is made aware of the complaint and is updated throughout the process. Brands engagement in the grievance resolution process makes it more transparent and robust.

In government initiatives, there is limited brand involvement. Government plays a role when mediation, conciliation, and arbitration are required. This usually occurs when internal attempts between the workers and employer have failed.

### **3.1.3 Acceptance, perception, and usage of grievance mechanisms**

Workers have low acceptance of the internal grievance management system as it is perceived to be power imbalanced to the advantage of management; therefore, it also seen to be less trustworthy and reliable in managing conflicting interests. Workers often seek support from external grievance mechanism as the system is more robust and objective. However internal grievance procedure is widely used for its cost effectiveness and quick results. Government mechanisms have low acceptance from both workers and factory management because these are perceived to take a long time to conclude and are considered to be highly bureaucratic.

### **3.1.4 Accessibility of external and internal grievance mechanisms**

Under the internal grievance mechanism, workers can raise issues directly with their own employer since they are the most accessible and obvious form of operational grievance mechanism for workers. In most cases, trying to resolve issues where they arise will be the most appropriate and effective way to facilitate access to remedy. It is also the employer's direct responsibility to address labor rights-related or any other grievances of their workforce. Moreover, workers may feel more confident in raising grievances locally, using the channels that they are familiar with. External mechanisms have limited channels to submit grievance which makes it difficult for workers to access.

## **4 Analysis of existing complaint mechanisms in the textile and garments sector of Bangladesh**

### **4.1 Internal grievance mechanism**

#### **4.1.1 Suggestion box/ complaint box**

Bangladesh labor law and rules do not require textile and garment factories to have a suggestion/ complaint box; however, most factories have them due to brand's code of conduct. Now suggestion/ complaint box has become a common compliance requirement for most factories.

Different factories use their internal policy to manage this box. Usually, this box is opened weekly, bi-weekly or monthly by factories welfare office, human resource personnel, admin staff along with worker representatives from Participation Committee (PC) and Safety Committee (SC) or if there is a trade union. Then all the complaints received from the box are documented in a register and discussed in a meeting with responsible persons or with

grievance committee. If the nature of the complaint needs immediate attention, top management is informed. The mid-level management deals with other generic complaints. A suggestion box is a way to submit grievance on a variety of workplace-related issues with or without disclosing their identity. However, in Bangladeshi textile and garments factories the suggestion/ complaint box concept is not well functioning.<sup>10</sup> Not all factories open these regularly, which delays the overall remediation of the grievance and workers lose confidence in this channel. Factories do not offer pen and paper beside these suggestion boxes; hence workers are not able to submit grievances. In addition, most workers are young women migrant workers who can barely read and write, making it a less viable option.

Sometimes factory management intentionally does not document sensitive complaints in the register. There were cases where factory top management was not informed of all the complaints received via the suggestion box.

#### 4.1.2 Grievances through Participation Committee (PC)

Workers in textile and garment factories prefer to express their grievances through Participation Committee (PC). According to Bangladesh's Labor Act of 2006, section 205 (1), each employer of an establishment in which fifty or more workers are employed is under a legal obligation to constitute a Participation Committee in the workplace. The committee essentially acts as a platform for social dialogue and is comprised of the owners' representatives and elected workers' representatives. The number of owners' representatives cannot exceed workers' representatives. The PC's functions are to: (i) promote mutual trust, understanding and cooperation; (ii) ensure application of labor laws; (iii) foster a sense of discipline and to improve and maintain safe and healthy working conditions; (iv) encourage vocational training, workers' education and family welfare training; (v) adopt measures to improve welfare services for the workers and their families; and (vi) meet production targets, improve productivity.<sup>11</sup>

Bangladesh law specifies that the PCs should meet at least once every two months. 2/3 of the members are required for a quorum. Meeting minutes should be submitted to the Director of Labour and the conciliator from the Department of Labour within seven (7) days of the meeting. Worker representatives of the PC committee raise their concerns, grievances and suggestions at those meetings.

Based on interviewees' personal experiences, since workers choose their representatives, they feel more comfortable discussing their grievances with PC members. Thus, PC has become a key channel for management to receive works complaint over the years. The PC committee functions better if the election process was fair and management empowers its members. According to interviewees, however, in most cases, management controls PC

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<sup>10</sup> Blumer, Helene. (2016). Internal Communication in Bangladeshi Ready-Made Garment Factories

<sup>11</sup> Sections 205-208, BLA; Rules 183-201, BLR



election by limiting the number of workers who can stand for election. Moreover, PC members are not given paid time off to talk to general workers to collect their grievances or interact with general workers to understand their needs. For this reason, PC committee members cannot get workers complaints to management during PC meetings.<sup>12</sup>

In other cases, PC members grievances are not properly documented during PC meeting. For example, if PC raises a grievance during the PC meeting, it should be included in the PC meeting minutes. Still, management intentionally skips these points as meeting minutes are sent to the Director of Labor and the Conciliator within 7 days of the meeting to avoid future scrutiny from the labor department.

#### 4.1.3 Grievances through Safety Committee (SC)

Factories with 50 or more workers are required to form a functioning Safety Committee (SC) with an equal number of employer and worker representatives. The SC is overall responsible for the implementation of OSH laws and regulations, identifying OSH risks according to a checklist and recommending remediation to the employer and the Inspector every quarter, meet/communicate with the PC so the PC can fulfill its role of "improving and maintaining OSH" standards in the factory. The committee should meet at least once every three months and keep written minutes.<sup>13</sup>

SC members mostly receive complaints from workers related to OSH, working conditions and other workplace safety issues. Similar to PC committee SC also discusses these issues in the SC meeting and should ideally record them in meeting minutes. However, the management is reluctant to include critical safety complaints raised by workers. This intentional exclusion remains a glaring problem in the grievances recording system.

After the Rana Plaza incident, Alliance and ACCORD/RSC have contributed significantly to technical capacity building and awareness of SC on how to raise safety-related grievances. Still, retaliation from management is a concern for workers in the safety committee to talk about issues in the factory.

#### 4.1.4 Grievance committee

The textile and garment factories created a "Grievance committee"; an internal grievance reporting channel and a committee that can oversee the overall worker grievance situation. A grievance committee is set up with 6-10 members both from management and worker representatives and a factory senior management chair's that committee. It is important to note that the setup of grievance committees is not a requirement by law – but is nevertheless considered a general practice among factories.

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<sup>12</sup> KII informants

<sup>13</sup> Section 90 (a), BLA; Rules 81-85, Schedule IV, BLR

Factory management posts the member's information on the notice board, sometimes along with phone numbers so workers can directly call the member and submit their grievances. This method is effective when workers have a complaint about their direct supervisor, something sensitive in nature and they want some neutral senior management to listen to their complaints. However, a major drawback of this channel is workers are not always aware of this committee because management posts this information on the notice board and workers do not have the time to check the notice board. Also, most workers cannot read and understand the content, so they are unaware of this channel. The effectiveness of this grievance Committee also depends on the management chair of the committee's proactive attitude towards resolving the grievance and factories overall grievance handling approach.

#### 4.1.5 Hotline Number

Over the years, hotlines have become a popular method for submitting grievances. A hotline's purpose is to support effective grievance mechanisms by providing information to factory top management regarding small problems before they become bigger ones.

The hotline number is managed differently by the factory. For example, in most cases, the factory manager and human resources senior personnel number is given on the notice board or printed with the worker's ID. In other cases, a welfare officer or safety officer oversees this hotline number. Some large groups of factories have their central hotline number for all their group factories.

There is no structured approach developed by factories to track and trace complaints received via the hotline number. Factories do not record these complaints and try to resolve them in an informal manner case by case. As a result, there is no analysis possible of what type of complaints are coming through the hotline. When the factory's top management number is provided as a hotline number in many cases, they are not available 24/7 to receive phone calls. Thus, workers fail to place their grievances on time. Since the complaints are not documented there is no follow-up happening after resolving the grievances.

#### 4.1.6 Written grievance register

When workers reach out to management with a complaint, some factory management provides them with a register and asks them to write the complaint in detail to investigate further. Any written complaint provides more legitimacy; hence management can ask for a written complaint.

However, not all workers have the educational background to write a complaint, so in most cases, they do not. Sometimes, after listening to the complaint, if factory management determines the complaint is sensitive in nature, they do not provide a written grievance register to avoid future scrutiny by brands or 3rd party audit firms. The social compliance audits evaluate the factory's grievance management system and examine this register

carefully, so it is in the factory's best interest to avoid complaints related to payment, termination or harassment.

#### 4.1.7 Verbal grievance register

Realising the reality that workers are not comfortable with submitting grievances in a written form factories are keeping a verbal grievance register where workers explain their grievance to the management staff of the factory and that person records that grievance in a register with the date, time, detailed description and signature of the complainant.

The welfare officer is normally the person in charge of maintaining the verbal grievance register. A verbal grievance register is an easy and convenient way of submitting grievances for workers. But again, the problem lies with management's tendency to non-recording of complaints. Moreover, factories do not disseminate the information that they have a system where workers can verbally submit a grievance instead of writing it.

#### 4.1.8 Short Message Service (SMS)

Some factories provide a number on their notice board so workers can send an SMS with their complaints. This grievance submission channel is convenient for workers who do not want to disclose their identities. However, one limitation of the channel is the complaint may not be descriptive enough to investigate further. Similar to other channels the factories use this as a grievance channel do not record the grievances for further analysis.

#### 4.1.9 Sexual harassment prevention committee

The High Court Division's 2009 guidelines made it mandatory for all workplaces, including the textile and garments sector, to have a committee that will work on complaints, prevention and awareness of sexual harassment-related issues in the workplace. Factories call this committee "*Anti-harassment Committee*" or "*Sexual Harassment Prevention (SHP) committee*". Regardless of the name function and scope of the committee remain the same.

The high court division provided the ruling with a vision and tools, expecting each workplace will have a committee of at least five members, primarily led by a woman. The committee will have the power to receive sexual harassment-related complaints, investigate, collect evidence and provide a report with recommendations. However, the reality is after this directive came out, 13 years passed, but only a handful of textile and garment factories formed Sexual Harassment Prevention (SHP) committees. A survey of 1002 workers from 113 ready-made garment factories revealed that "*54.9% are unaware of the availability of such committee.*" At the same time, "*10.8% of workers noticed sexual harassment.*"<sup>14</sup>

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<sup>14</sup> Monitoring work and working condition of women employed in Ready Made Garment industries of Bangladesh, Third Factsheet, Karmojibi Nari, April 2019

One of the main reasons for not forming SHP committees is a lack of a mechanism to enforce the implementation of the Sexual Harassment Prevention Committee. The Government's labor inspectors' checklist-based social audit and regular factory visits did not enforce forming such committees. There is a general lack of awareness that such a high court directive exists among factory management, leading to cause no action from the factory side.

Another challenge of implementing this guideline is the requirement to have a member from outside an organisation – a major challenge to maintaining the confidentiality of internal proceedings. Employers are concerned about finding external members who are not biased and cautious of their company's reputation. Employer's fear of losing buyers' trust if harassment is reported and potential additional compliance costs being imposed by buyers.<sup>15</sup>

#### 4.1.10 Direct supervisor

In a hierarchical structure of a grievance procedure, it is advised to report/ discuss the grievance to the immediate supervisor as the first step. However, in textile and garment sector workers prefer not to approach direct supervisor with their grievances as in most of the cases the grievance originates because of the immediate supervisor. If the grievance is not related to their supervisor, they consider how receptive the supervisor is in receiving grievance, supervisor capabilities and leadership style.

In many cases, supervisors identify the workers who often raise grievances as "problematic workers" and take retaliatory action against those workers in different forms like not approving their leave, not assigning them for overtime work, and verbally abusing them. Another shortcoming of reporting with direct supervisor is the grievance is not informed to the appropriate authority by the supervisor. In some cases, it was observed that when a worker raises a grievance, bypassing the immediate supervisor, that worker is being subject to mental harassment by his/her immediate supervisor.

The first-level supervisor of workers never gets formal training of grievance handling procedures which should have been a mandatory training for all supervisors causing the most critical channel of submitting grievances a complete failure.

#### 4.1.11 Welfare officer

Factories with 500 or more workers must have a Welfare Officer. If the number of workers exceeds 2000, there should be 1 additional officer for every additional 2000 workers and for every fraction of workers after 2000. The welfare officer's key duties include: a) Establish communication and organise meetings between management and workers; b) Assist in resolving grievances and disputes; c) Provide support to workers regarding leave

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<sup>15</sup> Overview of laws, policies and practices on gender-based violence and harassment in the world of work in Bangladesh, International Labour Organisation 2020

entitlements; d) Advise the employer and the workers about implementation of the Labour Act.<sup>16</sup>

The welfare office (WO) is critical in supporting workers and management in resolving grievances. Generally, a welfare officer gets to hear the grievances first as he/she works closely with worker's benefits and entitlements; hence WO is trusted by the workers. WO have the influence to neutralise grievances at the very minimum level by working closely with the management. Despite the importance of this position, a welfare office is not always trained to deal with grievances and fulfill the job responsibility given by the law. The factories that invested in WO's capacity building created an enabling environment for social dialogue.

#### 4.1.12 Exit interview

Exit interview for workers in the textile and garment sector is still a new concept in Bangladesh. Only a handful of factories take exit interviews of workers to determine work culture, ways to retain workers, and exiting workers' main grievances.

A properly conducted exit interview can provide significant information about the worker's grievances and can pave way for further improving the management policies for its labor force. Exit interviews can be intimidating and the HR personnel in the textile and garment sector need soft skills training to conduct these interviews effectively.

## 4.2 External grievance mechanism of local organisations

### 4.2.1 Amader Kotha

Meaning "Our Voice" in Bangla, Amader Kotha is a grievance mechanism for garment factory workers in Bangladesh established in 2014 as a project of the Alliance for Bangladesh Worker Safety. It is a unique collaboration among three project partners; Clear Voice, a project of The Cahn Group that operates hotlines and builds effective grievance mechanisms in supply chains; Phulki, a respected civil society organisation working to improve the lives of workers and their families in Bangladesh; and ELEVATE, the parent company of Laborlink, a leading business risk and sustainability solutions provider.<sup>17</sup> After Alliance left Bangladesh as planned in 2018, Amader Kotha become an independent worker grievance mechanism initiative managed in partnership with credible local partner Phulki and continuing its work in Bangladesh.

Amader Kotha works through a mix of two communications technologies: voice over internet protocol (VoIP) and interactive voice response (IVR) and is available toll-free and 24/7 throughout Bangladesh.<sup>18</sup> Since the Amader Kotha helpline's inception in July 2014, the

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<sup>16</sup> Section 89 (8), BLA; Rules 79, 185 BLR

<sup>17</sup> Amader Kotha Newsletter Vol. 9 No. 1, First Quarter 2022

<sup>18</sup> Amader Kotha Newsletter Vol. 1 No. 1, June 2014

helpline has been launched in more than 1,000 factories reaching greater than 1.5 million workers. Each month, the helpline receives 2,700 calls; among them, 500-600 are reported as sensitive issues. They categorise the issues based on labor and safety-related grievances, then prioritise them by high, medium and low. The below table demonstrates the top 5 grievances they receive via hotline.<sup>19</sup>

Category	Labor	Safety
<b>High</b>	Physical abuse & harassment	Active fire in the factory
	Sexual abuse & harassment	Cracks in beams, columns or wall
	Restriction of movement	Blocked egress route
	Forced labor & withholding documents from workers	Unattended or bare electric wires, sparking or short circuits
	Child labor	Worker injury or fatality at a factory
<b>Medium</b>	Workers unrest/strike (for more than one day)	Inadequate facilities/maintenance of hygiene
	Compensation issues (other illegal and/or unethical practices)	Risk of fire in the factory
	Freedom of association	Unsafe or poorly maintained machinery
	Violations of freedom of association	
	Retaliation, integrity issues and worker rights	
Forced labor & withholding documents from workers		
<b>Low</b>	Compensation – wages	Inadequate facilities/maintenance of hygiene
	Termination and transfer	Health - occupational safety hazards
	Verbal abuse or harassment	Unhealthy and unhygienic working environment
	Leave	Basic infection prevention measures
	Compensation- overtime	

Table 3: Grievances prioritisation category

When a worker reports a safety issue, such as a blocked exit, a fire risk, or structural damage, Amader Kotha dispatches trained engineers to perform on-site inspections. The engineers then report back to Amader Kotha, who follows up with the worker to confirm the issue has been resolved. For non-safety issues, such as compensation, harassment, or termination, Amader Kotha relays worker reports to factory management, who then have two days to

<sup>19</sup> Most Commonly Reported Substantive Issues; [Amader Kotha website](#)



respond satisfactorily and report back to the helpline. After management reports back, Amader Kotha contacts the original caller to learn whether the steps toward resolution have been completed to the worker's satisfaction. If the worker reports that the issue has not been satisfactorily resolved after five attempts at issue resolution, Amader Kotha escalates the issue up to the brand or retailer. The brand or retailer has the opportunity to leverage its influence over the factory's practices through its commercial relationship. For serious issues, such as those involving crimes such as forced labor or sexual violence, workers are not discouraged from reporting violations to police or judicial authorities, though Amader Kotha only notifies factory management and contracting brands.<sup>20</sup>

Amader Kotha measures the success of the helpline in terms of: number of workers served; number of factories covered; proportion of factories where workers used the helpline; number of calls received; and, proportion of reported issues resolved. It also monitored how workers felt about the helpline, tracking the number of workers willing to share their name with the helpline and the factory, and recording caller profiles including age, gender, factory tenure, and worker location, time of call.

Amader Kotha measures worker satisfaction through surveys conducted by helpline staff using Interactive Voice Response (IVR) technology. These surveys ask workers whether they would recommend the helpline to colleagues, whether they would use the helpline again, and what their levels of overall satisfaction are with the helpline. Amader Kotha reported positive responses to each of these worker satisfactions in excess of 80%, indicating strong satisfaction.<sup>21</sup>

The worker Helpline was a noble step toward empowering garment workers in Bangladesh as it was the first attempt to collect incident data and concerns directly from them. However, the numbers as examined in this report here have been very low compared to the number of factories and size of the workforce that were brought under this initiative. It begs the question about the sincerity, attention and effort of the North American companies and factory owners to make this programme functional. It appears that they went too quickly for volume of coverage with regards to the number of factories and workers rather than emphasising on the quality or substance of calls received.<sup>22</sup>

#### 4.2.2 Bangladesh Garment Manufacturers and Exporters Association (BGMEA) grievance mechanism

BGMEA has undertaken some significant issues for the settlement of industrial disputes. The initiatives include setting up a labour cell comprising of two standing committees: standing committee on labor, education and welfare; standing committee on labor arbitration. Under this cell a BGMEA Conciliation-Cum-Arbitration Committee (CAC) was established on April

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<sup>20</sup> Hudson J.D. and Winters M. NGO Leadership in Grievance Mechanisms and Access to Remedy in Global Supply Chains

<sup>21</sup> [AmaderKothaNewsletter\\_2019\\_Q1.pdf \(amaderkothahelpline.net\)](#)

<sup>22</sup> Alamgir H. The North American Helpline initiative in Bangladesh for garment workers. J Occup Health



26th 1998 CAC in accordance with Industrial Relations Ordinance (IRO)-1969 with equal representation from BGMEA and RMG registered trade unions.<sup>23</sup> The committee tries to solve the disputes between the owner and the employees of the factory before referring the matter to court, which is time-consuming and costly. No financial expenses from the owners or the workers are involved. The CAC settled 1987 out of 2152 complaints in 2019-2020. A total of 7080 workers benefited from the settlements. (Last updated on March 10th 2021).<sup>24</sup>

BGMEA also offers a helpline service (02-955-5555) for workers. However, the detailed procedure of this grievance mechanism was not public.

#### 4.2.3 Grievance submitted to federations

The individual member of a federation can submit his/her grievance to that federation's office in person or via phone call. Generally, federation offices provide informal, formal and legal support to submit grievances and remedies.

When a worker submits a grievance to the federation office; the office contacts the factory to resolve the issue. If the factory is nonresponsive and does not commit to resolving issues, federations try to engage the brand that produces in that factory for leverage. Sometimes federations use other external channels like Amader Kotha, ACCORD/RSC helpline or directly communicate with the Government of Bangladesh's labor office in the region to find a quick solution.

### 4.3 External grievance mechanism of international organisations

#### 4.3.1 Occupational Safety and Health complaints mechanism of RSC

The ACCORD was created following Rana Plaza building collapse to enable a working environment in which no worker needs to fear fires, building collapses, or other accidents that could be prevented with reasonable health and safety measures. One of the key components of the ACCORD agreement was to establish an Occupational Safety and Health Complaints Mechanism. ACCORD monitored the Complaints Mechanism till May 31st 2021 and from June 1<sup>st</sup> the RMG Sustainability Council (RSC) took over the process. RSC is a tripartite initiative to carry forward the significant accomplishments made in workplace safety in Bangladesh. The RSC was set up by three incorporating members representing each of the three constituents from Industry, Global Fashion Brands and Global and Local Trade Unions.<sup>25</sup>

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<sup>23</sup> Nasrullah, N. M., & Rahim, M. M. (2013). CSR in Private Enterprises in Developing Countries: Evidences from the Ready-Made Garments Industry in Bangladesh.

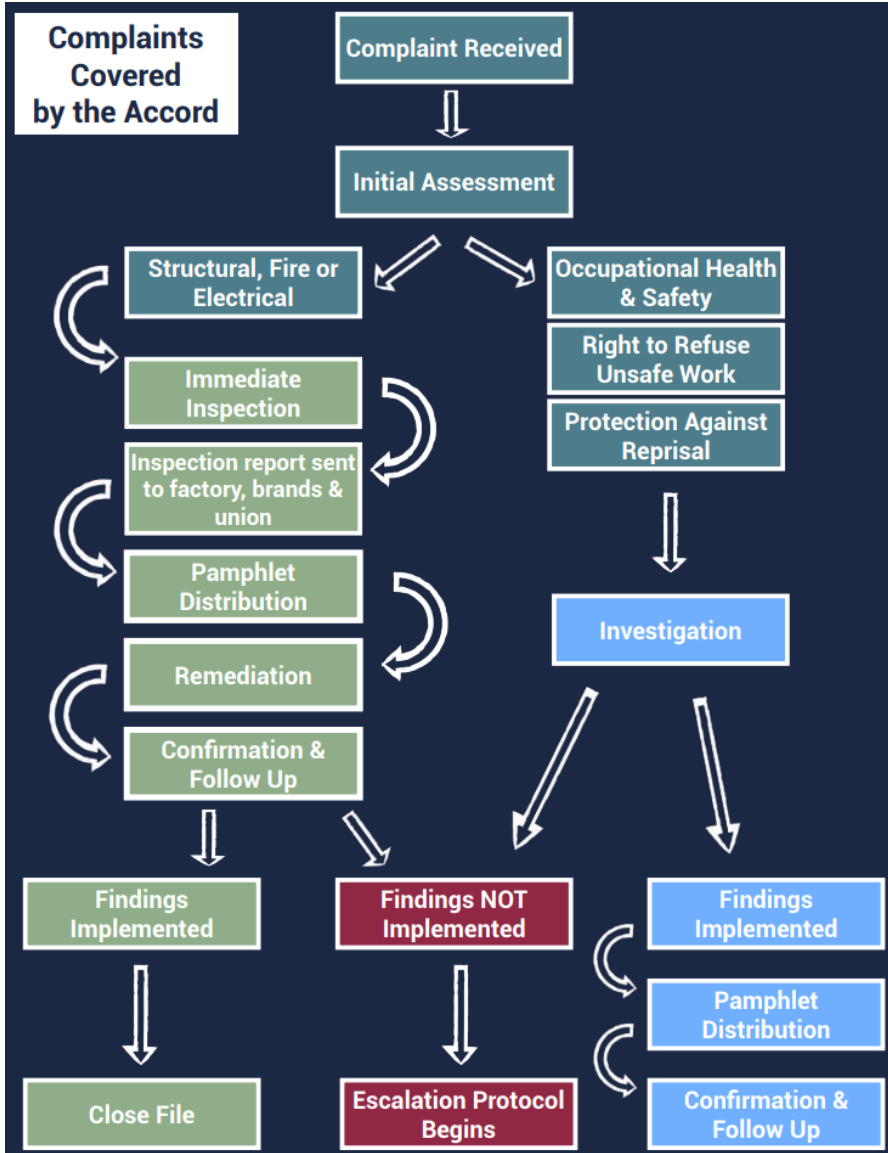
<sup>24</sup> [https://www.bgmea.com.bd/index.php/page/Sustainability\\_Wellbeing\\_Safety](https://www.bgmea.com.bd/index.php/page/Sustainability_Wellbeing_Safety)

<sup>25</sup> <https://rsc-bd.org/en>

The Occupational Safety and Health Complaint Mechanism offers workers in the following rights:<sup>26</sup>

- The right to refuse unsafe work;
- The right to participate in the work of their factory Safety Committee;
- The right file a complaint when they see a safety problem in their factory;
- The right to protection against reprisal for reporting safety-related matters;
- The right to freedom of association in relation to protecting their own safety.

All complaints are initially assessed to determine if they fall under the safety and health remit.



Safety & health complaints are investigated by qualified staff and their findings and remediation requirements are announced to all the employees at the factory. The complaints

<sup>26</sup> <https://www.rsc-bd.org/en/heath-safety>

case handlers work with the plaintiffs and the factory management to ensure that the safety and health requirements are fully implemented.

Graphic 1: ACCORD / RSC complaint process<sup>27</sup>

The complaints outside of the health and safety remit (i.e. Non-OSH complaints) are forwarded to RSC/ACCORD brand & labour signatories and the factory management. Complainants alleging issues at factories not covered by the RSC / ACCORD programme are provided with contact information from DIFE.

	Number of complaints	Description
<b>ACCORD</b>	<p>Total complaints received: nature of the allegations (April 1st, 2021)</p> <p>Total complaints (unique): 3,174</p> <ul style="list-style-type: none"> <li>• Occupational Safety &amp; Health (OSH): 1,475 (46%)</li> <li>• Non-OSH: 1,784 (56%)</li> </ul>	<p>Occupational Safety &amp; Health (OSH) complaints received: nature of the allegations (April 1st, 2021)</p> <p>Total OSH complaints (unique): 1,475</p> <ul style="list-style-type: none"> <li>• Engineering (structural/fire/electrical safety): 180 (12%)</li> <li>• Working environment-related (incl. Covid-19 related, unsafe drinking water supply, excessive heat, workplace violence, forced overtime, denial of maternity pay/leave rights, sexual harassment): 1,283 (87%)</li> <li>• Reprisal for having filed a complaint: 36 (2%)</li> </ul>
<b>RSC</b>	<p>Total complaints received: (June 1st, 2020 – February 28th 2022)</p> <p>Total complaints (unique): 2,145</p> <ul style="list-style-type: none"> <li>• Occupational Safety &amp; Health (OSH): 558 (26%)</li> <li>• Non-OSH: 1,610 (75%)</li> </ul>	<p>Occupational Safety and Health (OSH) complaints received: nature of the allegations (June 1st, 2020 – February 28th, 2022)</p> <p>Total OSH complaints (unique): 558</p> <ul style="list-style-type: none"> <li>• Engineering (structural/fire/electrical safety): 23 (4%)</li> <li>• Working environment-related (incl. COVID-19 related, unsafe drinking water supply, excessive heat, workplace violence, forced overtime, denial of maternity pay/leave rights, denial of sick leave, physical and sexual harassment): 529 (95%)</li> <li>• Reprisal for having filed a complaint: 12 (2%)</li> </ul>

<sup>27</sup> CALLING FOR REMEDY The Bangladesh ACCORD complaint mechanism has saved lives and stopped retaliation across hundreds of factories, INTERNATIONAL LABOR RIGHTS FORUM, May 2019

Table 4: Number and type of complaints received by ACCORD and RSC

### 4.3.2 Fair Wear complaints helpline

Fair Wear Foundation has been active in Bangladesh since 2007. There are currently 23 FWF member brands sourcing from 229 factories across the country.<sup>28</sup> To ensure workers have a voice to raise complaints Fair Wear partner factories workers can use the “Complaints helpline” to raise grievances. The Fair Wear complaints procedure is designed to provide a ‘safety net’ or backup system when factory-level systems for remediation are not working properly.

CONCERNING LABOUR STANDARDS	COUNTRY	STATUS	DATE RECEIVED
Living wage, Safe & healthy working conditions, Legally binding employment relationship	Bangladesh	Remediation	17 July 2022
<p><b>Initial Claim</b></p> <p>The complainant informed that she has been working in the factory for two and half years as junior sewing operator. The complainant is currently pregnant and this is her second issue. The complainant stated that she went on maternity leave on 18/05/2022 and her expected date is in the third week of July 2022. While the complainant was leaving the factory for her maternity leave, the factory management did not pay the first instalment of maternity benefit. However, the factory management provided the complainant with a slip where it is mentioned that the complainant is going for her maternity leave and it will last from 18 May 2022 to 6 September 2022. Now the complainant wants the member brand and Fair Wear’s support to get her maternity benefits as per law.</p> <p><b>Overview of the complaint handling process</b></p> <p><b>27 July 2022 Remediation</b></p> <p>On 27 July 2022 Fair Wear received a payment document from the member brand and learned that the factory management has paid the complainant’s first instalment of maternity benefits.</p> <p>Later, Fair Wear cross-checked with the complainant and confirmed receiving the first instalment of maternity benefit.</p> <p>Fair Wear and the member brand will follow-up the matter until the second instalment of maternity benefit would be cleared after the complainant’s re-joining at the factory.</p>			

Graphic 2: One published grievance resolution example of Fair Wear Foundation

Complaints can be filed with a local Fair Wear complaints handler via telephone, written, verbally, and by email. To ensure the integrity and credibility of the system, Fair Wear conducts a basic check to ensure that the complaints procedure is not being misused for example, lodging false accusations against an employer or an individual at a factory. Once a complaint is deemed admissible, FWF communicates with the complainant and / or involved workers, the member brand(s) is sourcing from the factory, factory, and Worker representatives.

<sup>28</sup> <https://www.fairwear.org/programmes/countries/bangladesh/>

When a complaint is declared admissible, Fair Wear will draw up an investigation plan and consult the member and the complainant for receiving input on the plan. Fair Wear will share the results of the investigation with the complainant and the member, for consultation, and it will later share the final report. As the reporting is in English, a local complaints handler might need to facilitate translation to the complainant. Fair Wear will require the member to share the report with the accused party or factory.

In case a complaint is found to be valid, the conclusion of the investigation will include the full remediation that is needed. Fair Wear will formulate a required action that clearly delineates the role of the Fair Wear member and the factory and will make this public.

The Fair Wear member brand is responsible for ensuring the implementation of the remediation plan agreed upon is carried out. The member brand will periodically, and at agreed times, share information with Fair Wear about the current status of the complaint and will include a description of each complaint and its remediation in its public annual social report.

Fair Wear is responsible for verifying whether a complaint has been fully remediated according to the agreed-upon remediation plan. Fair Wear will verify the implementation of the remediation plan after a period agreed upon with the involved parties. Verification uses Fair Wear's audit procedures, consulting different sources of information, including in those cases where a third party carries out the investigation. Fair Wear shares the verification conclusions with the complainant and the member. Fair Wear collects specific feedback on the complainant's evaluation of the outcome and will include this in its final public reporting. The member brand shares the outcome of the verification process with the factory.

#### 4.3.3 Bands grievance mechanism

Some of the brands established grievance mechanism channels that supplier factory workers can use to report violations of brands ethical code of conduct. Generally, supplier factories are required to display a poster, communicating details of the mechanism in a location that can be seen by all factory workers. Having these posters at factory premises are part of the brands audit checklist. Grievance channels include phone and online reporting.

## 4.4 Government initiatives

### 4.4.1 The Department of Inspections for Factories and Establishments complaint mechanisms

The Government launched toll-free helpline number 16357 to receive worker's complaints. The Department of Inspections for Factories and Establishments is responsible for managing this hotline number. Workers can call between 8 am to 8 pm to file a complaint. DIFE also

instructed all factories to put this hotline number on the notice board. Between 2020 and 2021, DIFE received a total of 68 complaints, of which only 8 were resolved.<sup>29</sup>

Workers can also go online and submit a written complaint. They have to fill up the organisation's information, the complainant's information, and a detailed description of the complaint. Workers can also submit a complaint anonymously. The grievance submission portal has an option to add attachments as well.

However, the success rate for complaint resolution is very low. From its inception, DIFE received 252 complaints; out of that, only 53 complaints were resolved.

<u>Complaint Resolving Efficiency Report</u>			
Reporting Period: 01-05-2018 To: 22-08-2022			
Office Name : All			
Complaint Type : All			
Name of District : All			
Complaint Type	Number of Received Complaints	Number of Resolved Complaints	Average Time of Complaint Resolved (Days)
Abuse	10	2	9
Child and Adolescent Workers	1	1	5
Employment and employment conditions	11	3	344
Other	40	13	45
Sexual Harassment	3	1	33
Wage and wage payment	79	12	209
Working hours and holidays	32	4	185
Workplace Disputes	10	3	297
Wrongful Termination	66	14	478
Grand Total	252	53	

Graphic 3: Number and complaint type received via website of DIFE

Workers can also submit their grievances using the traditional method, where workers can write an application stating their grievances and send it via registered post. In May 2022 DIFE received 179 grievances via post.

From July 2021 to May 2022 the Department of Inspections for Factories and Establishments (DIFE) received combined 3185 complaints from all channels, including hotline numbers, registered posts, and direct complaints. These complaints are not specific to the garments and textile sector, covering all industries and workplaces. During the same period, DIFE resolved 91.37% of the complaints they received. If the DIFE cannot resolve the complaint, they send it to labor court for further proceedings.

However, unions have opposing views regarding the recording of grievances. For example, the ACCORD/RSC has referred many more cases that fell out of its scope to this government institution, which are not reflected on its website and thus appear to have been ignored. Moreover, no straightforward procedure and timeline is mentioned for resolving grievances

<sup>29</sup> Department of Inspection for Factories and Establishment - Ministry of Labor and Employment. (2021). Labour Inspection Report 2020-2021.

submitted to the Government. The DIFE website does not provide a summary of each complaint which makes the process less transparent since we do not know how the complaint was marked as resolved. However, the complainant has the resources to track the progress of the complaint when grievance is submitted via online.

## 5 Examples of existing initiatives to strengthen in-factory complaints mechanisms

### 5.1 Better Work Bangladesh

Better Work is a collaboration between the ILO and IFC. The Better Work programme aims to improve working conditions and promote competitiveness in the global garment industry. It does so by promoting compliance with international labor standards and national law in global supply chains as a basis for building socially responsible export strategies and enhancing enterprise-level economic and social performance. The Better Work programme commenced its operations in Bangladesh in late 2014 and, during 2015, became fully operational.

Better Work Bangladesh (BWB) provides extensive training on grievance management with the purpose of ensuring that workers' complaints are addressed systematically and quickly, relatively minor issues and problems do not escalate into wider conflicts, disruptions to production flow and work arrangements are minimal and problems are resolved whenever possible within the enterprise. BWB also offers multiple training on violence and harassment in the workplace.

Training name and days	Summary
Sexual harassment prevention training for managers (1 day)	Supports middle or human resource managers to prevent and address sexual harassment, including information on conducting interviews, impartial investigations, and confidentiality. Topics include: <ul style="list-style-type: none"> <li>• Defining sexual harassment, forms of sexual harassment and how to identify it</li> <li>• Why it is common in the garment sector, how it impacts workers and the steps to take when dealing with it.</li> </ul>
Sexual harassment prevention training for supervisors (1 day)	Supports supervisors to protect themselves and workers from sexual harassment. Topics include: <ul style="list-style-type: none"> <li>• Rights and responsibilities</li> <li>• What sexual harassment is, forms of sexual harassment and how to identify it</li> </ul>



	<ul style="list-style-type: none"> <li>• Sexual harassment policy and the steps to take when dealing with it</li> </ul>
Sexual harassment prevention training for workers (.5 day)	<p>Focusing on rights and responsibilities regarding sexual harassment, workers learn what sexual harassment is, how to prevent and address it, as well as contacts for local referrals and hotlines for help in such matters. Topics include:</p> <ul style="list-style-type: none"> <li>• Understanding what sexual harassment is, forms of sexual harassment and how to identify</li> <li>• Sexual harassment policy and the steps to take when dealing with it</li> </ul>
Violence and harassment in the workplace (2 days)	<p>Supports middle or human resource managers to prevent and address workplace violence and harassment. Topics include:</p> <ul style="list-style-type: none"> <li>• Definitions of violence and harassment, gender based violence and sexual harassment</li> <li>• It's causes and impact on victims, bystanders, perpetrators and workplaces</li> <li>• How to build a trusting and open environment to encourage transparency</li> <li>• The difference between prevention, immediate action, and redressal, and the factory's role in this</li> <li>• Effective policies and processes</li> </ul>
Sexual harassment prevention seminar (1 day)	<p>This seminar is intended to support middle managers or human resource managers prevent and address sexual harassment, including information on how to conduct interviews, impartial investigation tactics, and confidentiality issues. Topics include:</p> <ul style="list-style-type: none"> <li>• Understand what sexual harassment is, the forms of sexual harassment and how to identify it</li> <li>• Understand how sexual harassment impacts workers</li> <li>• Understand the High Court Verdict on Sexual Harassment Prevention</li> <li>• Know the steps to take in case of sexual harassment</li> </ul>

Table 5: Sexual harassment prevention related training summary

## 5.2 Learning Hub

The learning hub, initiated in mid-2020 during the COVID-19 pandemic, provides workers and factory managements training on social dialogue, workplace cooperation and grievance mechanisms in responding to the pandemic. BWB intends to expand the learning center to other types of training on working conditions and social dialogue. It provides a promising model for expansion under BWB.

### 5.3 GIZ Bangladesh

The project 'Programme for Sustainability in the Textile and Leather Sector' (STILE), implemented by GIZ on behalf of the Federal Ministry for Economic Cooperation and Development (BMZ) in cooperation with the Ministry of Commerce, Government of Bangladesh, has been working with associations (BGMEA, BKMEA and LFMEAB) to strengthen the capacity of factory committees (PC, SC and AHC) so that they function more effectively, among other interventions. Every committee needs to develop their skills on social dialogue in order to resolve any complaint, proposals or conflicts in a win-win negotiation. STILE trains especially master trainers, focusing on communication, negotiation, conflict resolution and leadership skills. Moreover, the composition and functions of each committee are strengthened so that they can carry out their responsibilities more effectively.

The trainings offered are on:

- a) Social dialogue
- b) Communication in the workplace & levels of workers participation
- c) Participation Committees
- d) Leadership
- e) Safety Committee: formation, functions & responsibilities
- f) Conflict escalation & resolution
- g) Anti-Harassment Committee: formation, functions, roles & responsibilities

The GIZ STILE project is working with 12 Women Cafes under 4 NGOs, which are: 1) Karmojibi Nari, 2) Organisation for Women's Development in Bangladesh (OWDEB), 3) Safety and Rights Society (SRS) and 4) Songshoptaque.

### 5.4 Stockholm International Water Institute (SIWI)

The Stockholm International Water Institute (SIWI) conducts trainings to improve social dialogue to equip factory committee members with necessary knowledge, skills and practical solutions. One of the key components of the trainings is establishing grievance and remediation mechanisms to appropriately manage labor relation issues that arose due to the COVID-19 pandemic, i.e. reduced payment, delayed payment, retrenchment, delayed/non-settlement of mandatory wage and benefits etc. and to ensure compliance of applicable labor laws in Bangladesh.

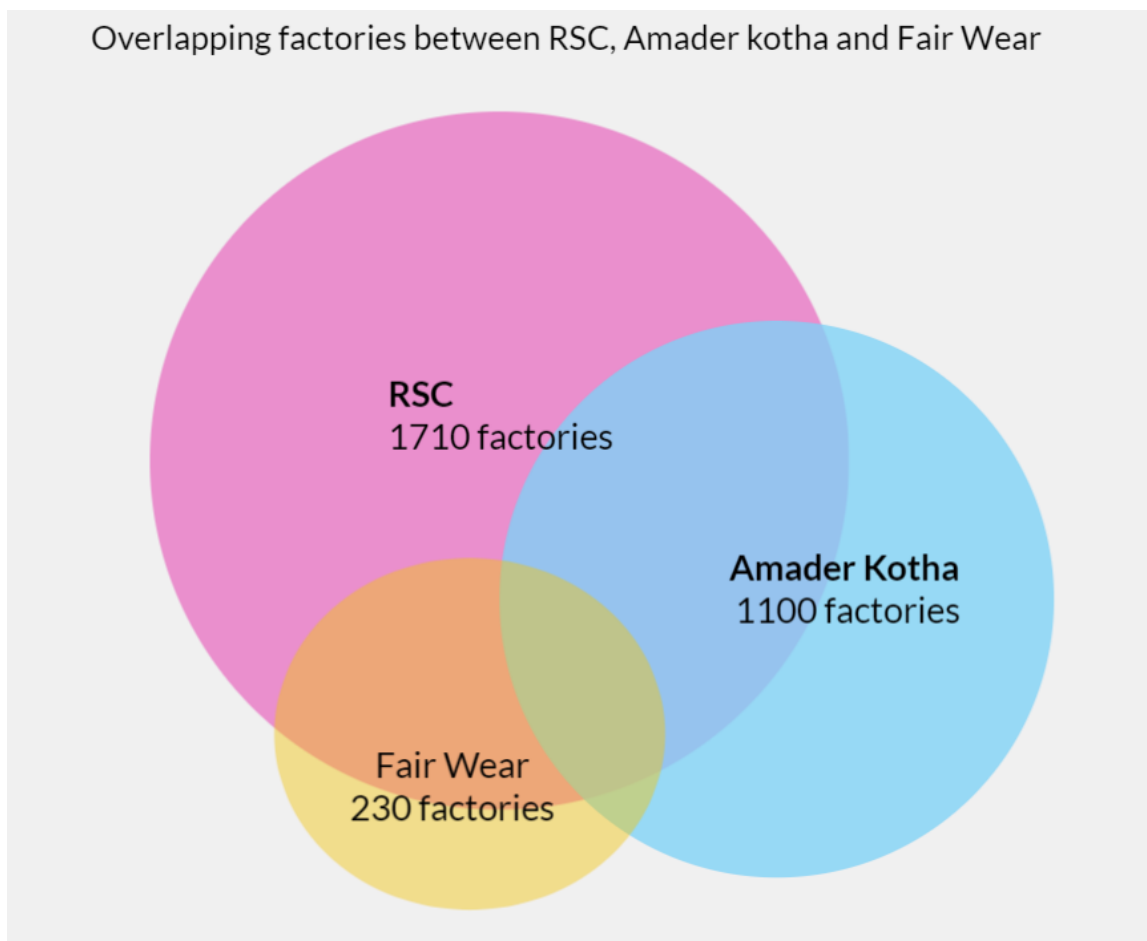
### 5.5 Individual brands initiative

Few brands are initiating their own grievance management training and implementation programme. However, these brands are only piloting in their key strategic factories to ensure an uninterrupted supply chain which is only 10% - 20% of their total factories.

## 6 Harmonisation of identified complaints mechanisms

From the above discussion, we can observe that multiple channels are available along with initiatives that improve the textile and garment sector's grievance procedures. However, a closer analysis reveals that all the initiatives are working in silos and there is no synchronisation among initiatives.

Our analysis shows that external grievance mechanism initiatives are providing service to the same set of factories. For example, RSC, Amader Kotha and Fair Wear are the three biggest grievance mechanism service providers. While they respectively support 1710, 1100 and 230 factories, several factories participate in at least 2 if not all these initiatives. If we account for unique factories of these three initiatives, there would be approximately 2300 unique factories. According to 2021 data, there are 4,500 factories that export garments and textiles from Bangladesh, meaning only half of the exporting factories get some kind of external grievance mechanism support from local or international organisations. The other half of the exporting factories work for European, Japanese and Indian brands. These small brands are generally not part of any of the initiatives and producing factories are not getting external support.



Graphic 4: Overlapping factories between RSC, Amader Kotha and Fair Wear Foundation

For sexual harassment prevention, only the Better Work Bangladesh programme of the ILO is working directly in the factory to provide capacity building and helping factories form SHP committees as per the High Court Division's 2009 guidelines. Some brands conducted individual initiatives to train workers and mid-level management on SHP on pilot base. Other than that, no actionable large-scale project was rolled out on SHP. The civil society organisations are conducting research on sexual harassment in the garment industry, but none of these research papers recommendations is turning into projects.

There is also a lack of alignment on brand's Code of Conduct (CoC) for resolving grievances. For this reason, factories working with multiple brands are maintaining numerous types of grievance policies and procedures to satisfy and pass brand audits.

## **7 Good practices of existing complaint mechanism in garments and textile sector in Bangladesh**

### **7.1 Engaging more workers in the process**

The more compliant factories in Bangladesh are now engaging worker representatives in each step of the grievance mechanism process, from receiving complaints to final resolution, compared to a couple of years ago. This ensures the process is fair and transparent. In turn, management also gets additional intel from workers on the root cause of the grievance. For example, factory grievance committees have members from the elected participation and safety committee members, who play an essential role along with management in reviewing the grievances received from the workers. Having a worker's representative in the committee gives workers more confidence in the system.

### **7.2 Accessible and innovative ways of collecting grievances**

Instead of trying traditional methods of getting worker's grievances, management is trying to devise innovative ways to collect grievances. For example, management in one factory piloted a mobile application named "Kutumbita" where workers can access their pay slips and other information related to employment. In the same app, workers can also submit their grievances and get updates on the status of the complaint and final resolution.

### **7.3 Transparency and follow-up approach to complaints by ACCORD / RSC**

One of the significant shortcomings of existing complaint mechanisms in the textile and garments sector is that workers were not made aware of the resolution of the complaint. ACCORD/RSC follows a robust complaint mechanism process during and after the grievance is resolved. For example, ACCORD/RSC distributes pamphlets to factory workers explaining what type of complaint it received and its outcome. It provides investigation reports to all

concerned parties along with recommendations. Furthermore, ACCORD/RSC made follow-up visits, provided additional training for factory management, and worked because of the original complaint.

## **8 Recommendations for strengthening complaint mechanism for Bangladesh's garments and textile sector**

- **Strengthen the existing internal grievance mechanism and work towards increasing the scope, collaboration and resource sharing of external initiatives.** GIZ should not focus on creating its own grievance mechanism channel as there are existing channels available and familiarising the new grievance channel to the workers will take years and a lot of resources. Rather, GIZ can mobilise its resources to strengthen the existing factory grievance mechanism and create a platform to harmonise and create synergies among external grievance initiatives and stakeholders such as Government, brands and trade unions.
- **Design the grievance mechanism policy considering the bottom-up approach.** Brands' code of conduct and social compliance audits requires factories to have a grievance management policy that is signed by the top management. Most factories' human resource personnel and top management prepare a generic grievance policy for their factory, taking a "top-down-down" approach rather than a "bottom-up" approach, without any input from workers. As a result, the end user of this grievance mechanism system often feels that company policies towards resolving grievances are not worker friendly and tend to look for violent tactics to express their grievances. A grievance policy and procedure should be put into practice in alignment with national laws and regulations, collective agreements, company rules, and most importantly in consultation of workers' representatives. GIZ leading from the front with the Department of Labor (DoL), employers association and ILO can play a critical role in formulating a grievance mechanism policy that is acceptable industry-wide.
- **Define individual specific roles and responsibilities for managing and handling complaints at all levels and provide training.** The grievance policy procedure should clearly mention the role of the supervisor to head of the organisation when they receive a complaint. The garment factory context supervisor, line chief and floor in-charge are the key individuals who receive the initial complaint. Organisations should emphasise that these personnel get extensive training on dealing with complaints in accordance with the law to find resolution at the minimum level.
- **Bands and social compliance audits should not penalise factories for self-recording/disclosing sensitive workers' complaints and properly resolving them.** One of the major reasons for grievance mechanism failure is not documenting grievance for its sensitive nature. On the surface, factories seem reluctant to record grievances because if an external party reviews them, it reflects poorly for the factory. But the root cause lies somewhere else. Third-party audit and brand's visit to factories involve checking the grievance mechanism system. When auditors observe some

sensitive grievances in nature, they include them in the audit report, which impacts the factory's rating for bands and may result in getting lower or no order in the future. Hence to avoid the problem altogether, factories do not record sensitive grievances.

- **Strengthen workers', supervisors, mid and top-level managements understanding of labor laws, especially on sexual harassment and gender-based violence.** A lack of awareness of protections, rights under the labor law, disciplinary action procedure and the High Court Division's 2009 guidelines, their legal implications at all levels of the organisation makes it difficult to enforce proper grievance management system. Thus, training and awareness raising are required to ensure that workers can raise their voices against harassment and that employers from supervisors to top management, recognise incidents of gender-based violence, including sexual harassment.
- **Government initiatives follow multiple systems to receive grievances without central database, coordination and follow-up mechanism.** At present, workers can submit grievances in at least four different ways, but there is no coordination among these channels to track duplication, follow up and investigation. A centralised approach to record and track progress is required to properly resolve grievances.
- **Create awareness and promote raising environmental issues through grievance mechanism.** A lack of understanding of environmental compliance and miss interpretation of grievance mechanism that it can be used only for salary and wages are prohibiting workers from surfacing grievances and concerns related to environment. Here safety committee can play a critical role incorporating environmental issues.

## Annex


### KII informants

Category	Respondent	Role	Description
Factory	KII respondent 1	Manager HR, admin & compliance.	Have 15 years' experience working and leading the compliance drive of a large factory with ten thousand workers.
	KII respondent 2	Manager HR	Extensive factory operation knowledge and collaborated with ILO on complaint mechanism-related issues.
Brand	KII respondent 3	Manager ethical responsibility & sustainability department	Engaged in social dialogue project where complaint mechanism was a critical part.
	KII respondent 4	Ethical trade department	Actively working with factories on complaint mechanisms and provide brands perspective.
Subject matter expert	KII respondent 5	Former consultant for ACCORD and ILO	Worked on complaint mechanism for ACCORD and ILO's Remediation Coordination Cell (RCC)
Union	KII respondent 6	Federation president	As a labor leader provided critical input on the existing mechanism and what's needed to be changed

### Questions for KII

1. Do you think the legal provision in BLA and BLR adequately addresses workers' complaints, including SHP complaints?
  - 1.1 How effective and independent are these SHP committees?
2. Factories developed multiple grievance-raising channels over the years. In your experience, how effective are these channels?
3. What are the weaknesses and strengths in the current complaints network (Both internal and external) in the Bangladesh textile and garment sector?
4. Do you see any good practices of existing complaint mechanisms in Bangladesh's garments and textile sector?
5. Any recommendations to set up/strengthen the complaint mechanism for Bangladesh's garments and textile sector?





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