

MATERNITY RIGHTS AND CHILDCARE IN BANGLADESH:

A Study of Workers in the Ready-Made Garment Sector

Study conducted by
the Awaj Foundation
with support from the
Fair Labor Association

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INTRODUCTION

In Bangladesh, women account for 65 percent of the 4.4 million workers that comprise the workforce in the ready-made garment (RMG) sector.¹ Even though access to maternity rights is one of the most important safety-net issues for working women the reality is that in Bangladesh the majority of women workers do not have access to these benefits.

Most women workers face a litany of challenges when it comes to accessing the benefits they are due with regard to pre- and post-partum accommodations which results in a litany of problems including poor breastfeeding practices, unsanitary conditions in the creche (daycare center), or discrimination and harassment of pregnant or nursing workers. These obstacles can lead to high attrition rates for women workers in the factories, thus impacting the stability of the workforce and the growth of the industry.

Maternity benefits in Bangladesh are regulated by the Bangladesh Labor Act, 2006 (subsequently replaced as Bangladesh Labor Act, 2013[amended]) sections 45 to 50 under Chapter IV called Maternity Benefit. According to section 46 of the law, working mothers are to be allotted 4 months of maternity leave, 8 weeks of prenatal leave and 8 weeks of postnatal leave.

This law has been implemented unevenly in Bangladesh resulting in disparate practices in different industry sectors. For example, public sector employees are granted 6 months of maternity leave. In 2012, the Ministry of Education issued orders to non-government educational institutions to provide six months of maternity leave, which was implemented



immediately. In the same year, The Bangladesh Bank also asked government-run and privately-owned banks and other financial institutions to extend maternity leave to six months.

Despite the number of women in the RMG sector, the industry has not issued a directive regarding maternity leave which means there is no unified standard. The Bangladesh Garment Manufacturers and Exporters Association (BGMEA) inspected 3,255 factories (out of 4,200) from January to August 2015 and claimed that 82 percent of the factories were providing maternity leave benefits and allowances to workers. They also stated that 66 percent of the factories were providing childcare accommodation that is aligned with government requirements.²

¹ <http://en.prothomalo.com/bangladesh/news/84739/Discrimination-over-maternity-leave>
² *ibid*



However, according to a 2015 UNICEF report, *"While labour laws in Bangladesh grant relatively comprehensive maternity rights, legal standards are not consistently observed in practice. For example, the law requires employers to provide women with 16 weeks of paid maternity leave (eight weeks prior and eight weeks post-delivery). However, many female garment workers either do not return to the same factory after giving birth or take a significantly shorter amount of maternity leave. — There are also reported cases of pregnant women being led to 'voluntarily' resign rather than being dismissed. Workers state that they sometimes receive an additional month's salary to encourage such resignations."*³

According to the Labor Act of 2013, factories with more than 40 workers are required to provide suitable childcare accommodation for workers' children up to the age of six. However, the same UNICEF report mentioned that *"quality childcare is widely absent in Bangladesh's RMG sector and, where existent, utilization rates are extremely low. Garment factories often view factory-based childcare as a mere compliance requirement. As a result, the quality of childcare rooms is often*

*substandard, and managers have no incentive to ensure workers bring their children to work. Poor supply of adequate child care is both a cause and a consequence of a lack of demand. The absence of trained and qualified caregivers can exacerbate lack of trust among mothers, entrenching social preferences to leave children at home where they are either unattended or with relatives (e.g. grandparents or older siblings). — Other barriers preventing mothers from using factory-based child care can include a lack of transportation possibilities for infants, long and hazardous commutes to work, unfavorable opening hours, and a view that factories may not be safe enough for children."*⁴

The objective of this study was to identify and understand the issues related to maternity rights and provision of childcare in the RMG sector. The areas of inquiry included:

1. Assess women workers' awareness of maternity benefits available to them at work.
2. Examine whether the laws are implemented, and the workers received the benefits during pregnancy.
3. Determine if factory management provides training sessions/awareness programs to workers on maternity benefits, and if so, how often?
4. Identify the barriers to implementing the benefits that workers are entitled to.
5. Understand the current practice of providing childcare for worker's children (up to 6 years of age), especially those who have children between the ages of 2 months to 5 years.

3 https://www.unicef.org/csr/files/CSR_BANGLADESH_RMG_REPORT.PDF

4 https://www.unicef.org/csr/files/CSR_BANGLADESH_RMG_REPORT.PDF

METHODOLOGY

The study was designed as a mixed-method research study combining quantitative and qualitative methods. Research was conducted in 12 factories located in 5 zones of 3 districts. The zones are Badda, Norshingpur, Rasulbagh; Tongi, and Narayanganj. The factories were selected to cover a cross-section of the RMG industry comprised of compliant, moderately compliant, and non-compliant factories.

The quantitative part consisted of a survey and the qualitative part was based on Focus Group Discussion (FGD), one-on-one in-depth interviews, and case studies. The survey scope was 100 women workers from 10 factories, who had children less than 6 years of age, with particular focus on

pregnant women workers and those who joined an RMG factories after childbirth. Ultimately, 88 women were interviewed. Among those workers, 80 percent were between 21 to 30 years of age. More than half had five or less years of experience and 95 percent had less than 10 years of experience. The data was collected using a semi-structured questionnaire and analyzed in SPSS (Statistical Package for Social Sciences). Focus Group Discussions were held with workers from different factories. Twelve female workers participated in each. In addition, several case studies were conducted with female workers having varying knowledge of maternity benefits and childcare in the RMG factories.

Case Study: A WORKER IN BADDA, DHAKA

I have been working in the RMG sector for 6 years now. I am an operator aged 25 years. I am illiterate and I can only sign my name. I have a 2-year old child. My husband is a rickshaw puller. My monthly income is BDT 7150 and our combined monthly household income is approximately BDT 16000 to BDT 17000. There are four members in our household — including my husband, my baby, my mother, and me.

I received a total of 3 months (12 weeks) of maternity leave. I went on maternity leave 6 weeks before the delivery and took the remaining 6 weeks after he was born. I received maternity benefits but not until almost one year after going back to work and it took quite a lot of effort on my part to get the factory to pay me the required amount. I did not receive any benefits while taking pre-natal leave.

We do not have a daycare center in the factory, which means it is very difficult for me to take care of my child. I wasn't able to continue breastfeeding my baby after I returned to work when my baby was just six weeks old. I have been feeding my child with canned powder milk since then, which costs a lot of money, and is not as healthy as breast milk.

I did not receive any special accommodation from the

factory during my pregnancy. I had to work long hours just like the other workers; there was no rest or leave even if I felt unwell. Even after my child was born, I am not granted any leave when he is sick. And to get time off, I have to bring my sick baby to the factory gate and show them that he is really unwell before they believe me and allow me to take time off. My mother takes care of my baby while I work, so if my mother feels unwell, I have to stay at home to look after the baby, which means I am absent from the factory without leave. Sometimes I have to go to the factory despite my mother's illness and depend on the neighbors to take care of the baby for those days. When this happens it's really hard for me to concentrate on work because I'm constantly worried about my child. Because of this stress, I'm unable to meet the production targets and a lot of mistakes occur. The supervisor, line chief, or production managers on the floor yell at me. The room that is supposed to be a daycare center is used as a store. When buyers come to visit the factory, the room is made over as a daycare center with equipment, and it is populated with children hired from the neighborhood.

FINDINGS

KNOWLEDGE OF MATERNITY LEAVE AND BENEFITS

The majority of workers surveyed (92 percent) believe that the factory understands the concept of maternity leave. More than half (56 percent) believe that the duration of maternity leave is 15 weeks and at least one-third do not have a clear idea about the duration. (The minimum duration of maternity leave according to the law is 16 weeks, half prenatal and half postnatal.)

Eighty-three percent of the workers said that their factory management gave maternity leave and 14 percent said there was no such provision in their factory. However, regarding eligibility for the benefit, 26 percent said that workers were eligible for leave after working 3 to 6 months in the factory, while 36 percent said 6 to 12 months and 18 percent said more than 12 months.

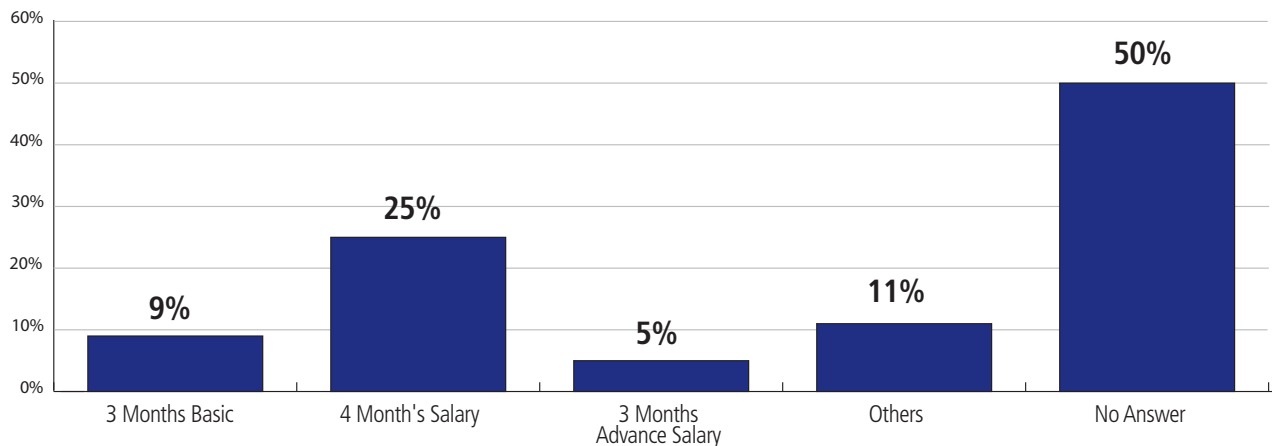
Data suggests that either the workers do not know about the legal provision or the factories do not abide by the law. From the

qualitative data, it can be presumed that factories are not following the law.

Among the workers surveyed, 66 percent said that the factories gave maternity benefits, but 33 percent said the benefits were not provided. When asked about the kinds of benefits provided, 55 percent of the workers said monetary benefits are given, 9 percent said other kinds of benefits⁵ are offered, however more than one-third did not answer the question indicating either that they are not provided benefits, or they do not know about them. When asked about the rules of the benefits, half did not answer, 25 percent said 4 months' salary equivalent, indicating either lack of knowledge, lack of practice, or both.

⁵ Bangladesh labour Law, section 45 and sub section 3
Bangladesh Labour Rules section 37 and 38.

RULES FOR MONETARY BENEFITS



Among those workers, 71 percent said that these benefits could be used for two children and 23 percent said up to one child, further indicating a lack of clarity among the workers.

The survey indicated that workers are confused about the benefits that should be available to them. Workers indicated that maternity leave was granted, but that associated benefits were not. Specifically, payments due to workers before childbirth, as directed by law, are often not paid, or not paid in full.

Workers stated that benefits are given arbitrarily and may depend on the goodwill of the welfare

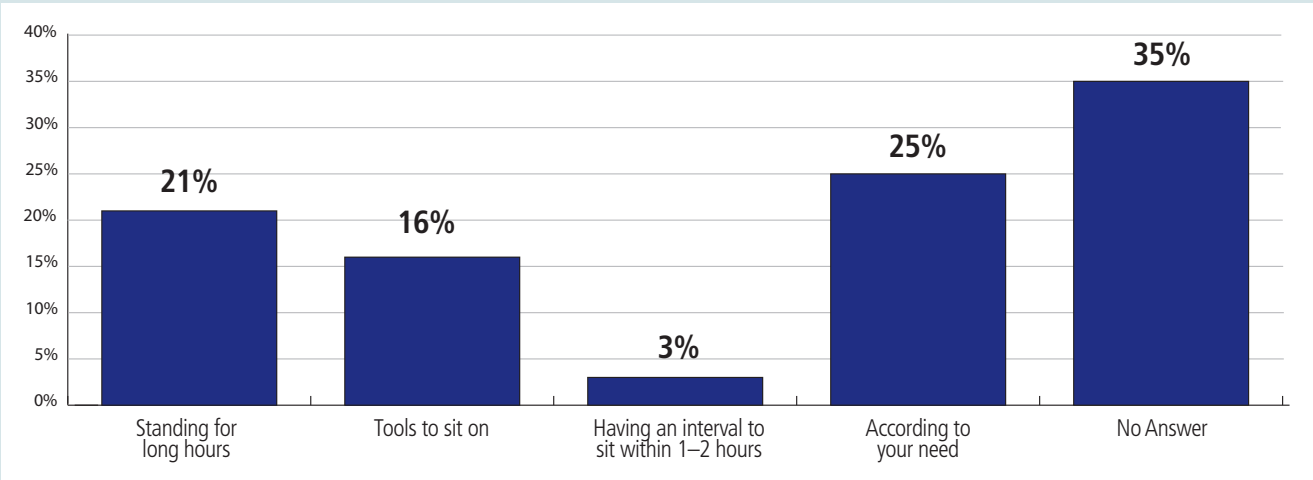
officers, managers, and factory owners. Many workers stated that if a worker is on good terms with the management they are more likely to get the benefits. Many factories have set the eligibility limit for maternity leave and benefit much higher (1 year or higher) than the legal limit (6 months) and therefore deprive a lot of women workers of these benefits. Some workers are forced to leave their job due to non-payment of benefits. While compliance varies by factory, we found that with few exceptions, workers are generally not receiving even the minimum entitlement of leave and benefits guaranteed by the labor law.

MAKING ACCOMMODATIONS FOR FEMALE WORKERS DURING PREGNANCY

Workers surveyed were asked about any special accommodation made for them in the workplace during pregnancy. Twenty-five percent said that they get some accommodation during pregnancy according to their needs and 16 percent said they could sit on a stool. Twenty-one percent said that

the pregnant workers had to stand on the job for long hours and did not receive any accommodation. While the workers noted that they can inform the supervisor or the floor managers if they feel sick or uncomfortable, sometimes the manager’s response was to ask the worker to resign, voluntarily give up their

FEMALE WORKERS ACCOMMODATION DURING PREGNANCY



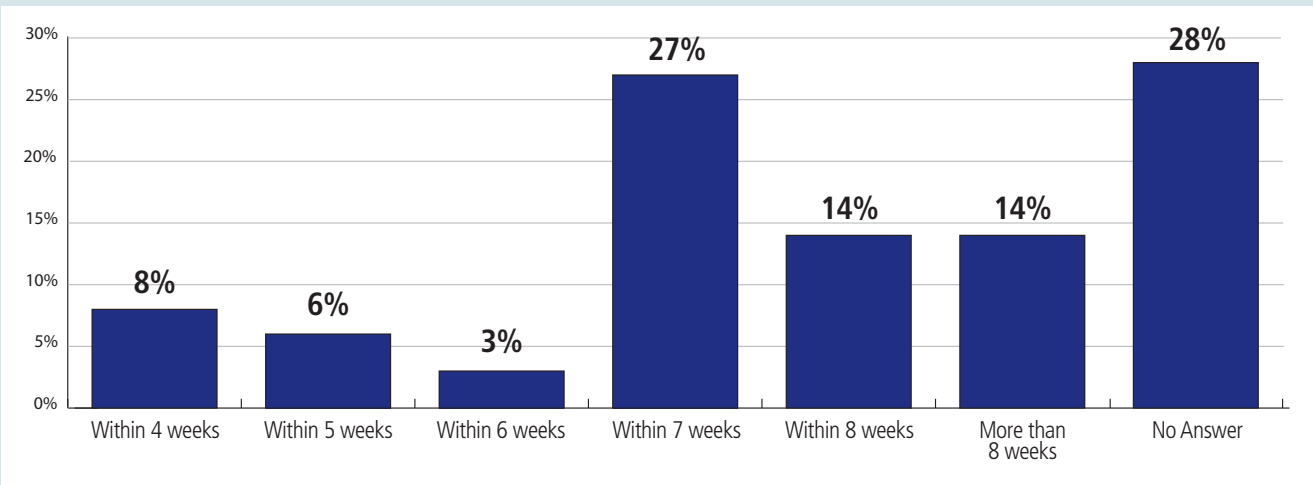
job, or they were pressured in some way that the worker felt she had to leave. There were only a few factories that would provide a stool for pregnant workers to sit on, give them short breaks during work, or grant them leave when they felt unwell.

Twenty percent of the workers said they are required to do difficult tasks during pregnancy. Seventy-one percent said that workers generally return to work within 8 weeks of their delivery. Twenty-seven percent return within 7 weeks and 17 percent return within 6 weeks or less after childbirth.

Case Study: WORKER AT A FACTORY

She is 22 years old. She was an operator and when the supervisor learned that she was pregnant she informed the welfare officer. The welfare officer called her into a meeting and asked her why she did not inform them about it. Then she told her to resign, saying that she would not receive any maternity benefits. She also told her not to return to the factory. Since then, she has been staying at her home back in her home village.

JOINING TIME AFTER DELIVERY



PRENATAL CARE INFORMATION

There is a lack of education, and thus knowledge, among women workers about how to take care of themselves during pregnancy. Among the surveyed workers, 34 percent did not know about prenatal care. Thirty percent said that they know about prenatal care from the welfare officer of the factory, 11 percent from factory doctor, which is much lower than from private doctor (19 percent) and surprisingly

lower proportion know from family (3 percent), indicating a disruption in the traditional mode of knowledge transfer. Thirty-six percent of the workers did not answer about the source of their knowledge on prenatal care.

The study revealed that some factories offer pre-and post-natal training for female workers. According to 52 percent of the surveyed workers, the factory offered prenatal training opportunities, while 47 percent said there are none.

INTERVAL OF PREGNANCY TESTING

Although a high percent of workers did not answer this sensitive question about pregnancy testing in the factory, we did learn that 26 percent of the workers said pregnancy testing was offered in the factory (or that the factory made them go through checkups). Fifty-nine

percent said there was no pregnancy testing done at the factory. In response to the question of how often they had to go through those checkups 18 percent said they occurred at one to two-month intervals. Seventy-six percent did not answer.

NOTIFICATION OF A PREGNANCY

Factories have different methods workers must use to inform their supervisor or factory management about health issues or their pregnancy. Sixty-three percent said there was a

pregnancy register in the factory. When asked about the process of informing management, 35 percent said they had to do it through their supervisor, 15 percent through a co-worker, and 11 percent through a lineman. Thirty-four percent did not answer.

Case Study: WORKER IN TONGI, GAZIPUR

I have been working in this garment factory for 6 years. I joined as a 'helper' (apprentice or the lowest grade) and for the last three years I have been working as an "operator" (the initial working grade). My monthly wage is BDT 7300, which could reach to BDT 8000 to 8500 depending on the overtime. The average overtime used to be 20 to 25 hours monthly but in the last year it has dropped close to zero.

I have a 4-month-old daughter and I live with my husband, my father, and my mother. During pregnancy, there was no accommodation made for me by the factory. The production target was as usual. If I missed the target or my work was defective the supervisors and floor managers verbally abused me. I was not granted any sick leave. If I felt unwell, I had to be absent from work without leave or approval. The next day I would be reprimanded or verbally abused because of my illness.

Later I was granted maternity leave, but it was less than 14 weeks, half before childbirth, and half after childbirth. I wasn't aware of the procedures I needed to follow to receive benefits, I only knew that I had to inform the welfare officer about my pregnancy. Therefore, when I informed the welfare officer, she asked for the pregnancy test report and I submitted it, but I did not get any benefits before childbirth. I received only BDT 7000 as a maternity benefit one month after returning to work after childbirth. I had to keep asking and pleading with the factory management

to get my benefits. I know I have received a much lower amount than I was entitled to. Even the officers said that I should have received a much higher amount (approximately BDT 35000) but they told me that the company was running short of funds and that they would make up the difference later. There are five more workers who like me are waiting for the maternity benefits they are owed. When we ask for it the officers verbally abuse us; they keep saying that orders are low and therefore the factory can't afford to pay us, but we know that there are enough orders. Based on my discussions with other workers, we believe that the factory may be subcontracting orders to other factories in order to make more profit rather than giving us more work. Now that I have gone through this process I know about maternity leave and benefits better than I did before.

It is very difficult to raise a child as an RMG worker. I have to keep my baby at home during work hours. My mother and father are there to care for my child, but I cannot breastfeed her. I must buy milk for her, which takes up a huge portion of my income. There is no daycare center for the children of the workers in the factory now. There was one four years ago, but for the last four years, that room has been used as a storeroom for fabrics. The workers have asked the factory management many times to open the center, but they refused, saying workers would often go to breastfeed the baby or just to have a look at their babies and it impacted production.

Case Study: WORKER AT A FACTORY

She has been working as a “polyman”—packing garments in plastic—for 8 years. She has a child. When she became pregnant in 2016, she informed the factory management. She had to submit the sonogram report to the factory as proof. When she was eight and a half months pregnant, she was given 8 weeks leave and BDT 22290 (USD 267) as a maternity benefit. However, she could not return to work after her baby was born, as there was no caregiver in the daycare center of her factory.

As a result, she was given the 8 weeks of postnatal leave but no benefits. Though the factory had a daycare center, there were no children there because there was no one to look after them. Other workers with babies also faced the same situation. When her child was one and a half years old, she returned to the same factory. Now she keeps her child with a neighbor during working hours but she’s not comfortable with this arrangement and worries about her child.

DAYCARE CENTERS

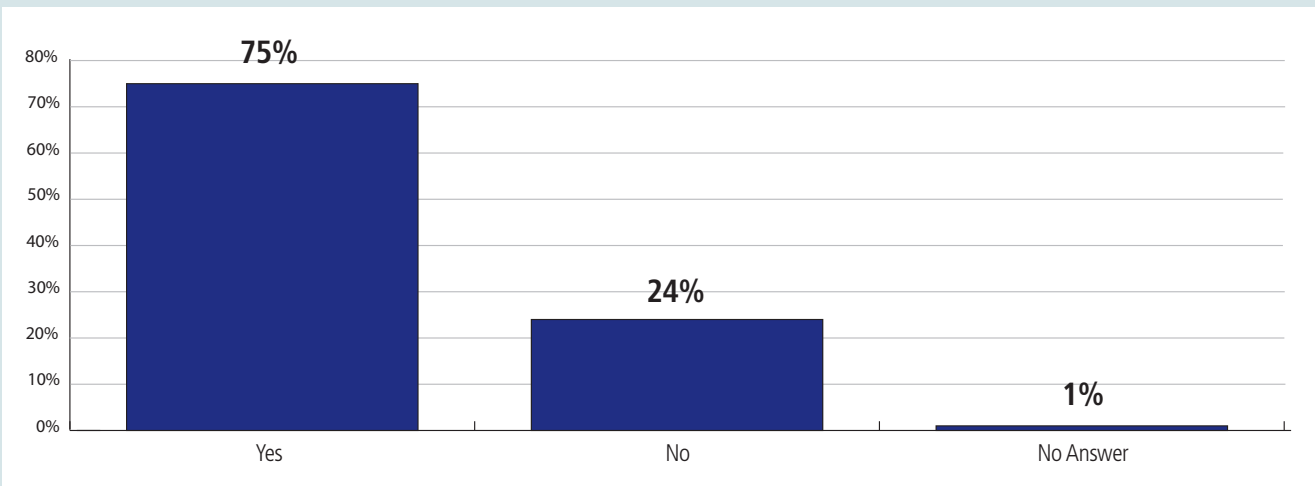
The study revealed that a significant number of daycare centers located in factories are used only during buyer visits to show the factory’s compliance with the law. It was reported that some factories hire local children to populate the center during buyer visits to give the illusion that workers bring their children to the center.

There are other ways that factories find to get around their requirement to provide a daycare

center. Sometimes a factory may open a center, but not hire caregivers (or a sufficient number of caregivers), rendering the center inoperable or unreliable. Some reported that there were functional daycare centers but those were later closed on the grounds that the workers visited the babies too often. Another example given was that the factory claimed it was running a loss and thus unable to fund the daycare center.

Among the workers covered by this survey, 75 percent said there are day care centers in the factory and 24 percent said there are none.

AVAILABILITY OF DAY CARE CENTER



While that number implies a high compliance rate among factories, the interviews with workers told a different story. Even with 68 percent of workers declining to answer, we found that 15 percent said the child care facility was only used when a brand buyer was visiting the factory. Thirteen percent said that the facility was functional and had the proper provisions to care for children.

AGE OF CHILDREN PERMITTED IN THE DAY CARE CENTER

If a factory does have a day care center, it may limit the age of the children allowed to attend in contradiction of the law. Often the age limit is 3 months, 6 months, or one year. The survey results corresponded with the qualitative data that though there are daycare centers in the majority of RMG factories, only a few are functional. In a large number of factories, it is seen as a buyer compliance requirement rather than a legal obligation or worker welfare initiative that can boost productivity.

When workers were asked if their colleagues kept their children in the day care centers, 75 percent said no, and 13 percent said yes.

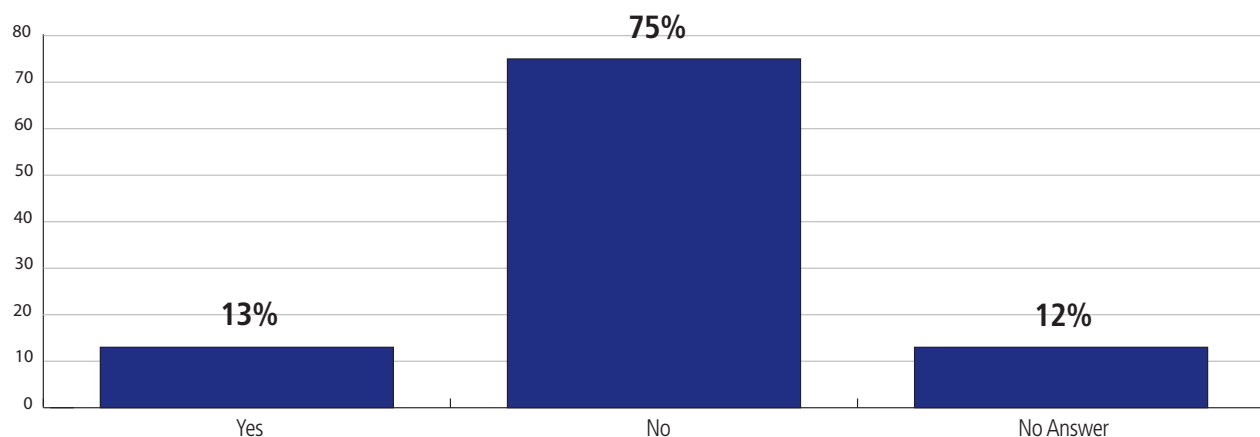
Case Study: WORKER IN NORSHINGHAPUR, DHAKA

I was an operator at the factory, and I am 28 years old. I have a 2-year-old son. I received maternity benefits and I was allowed to sit on a stool during my pregnancy, but my production targets and work hours stayed the same.

There is a daycare center in the factory and an Aya is also employed to take care of the children but she, alone, is not able to take care of all the children kept there. The factory management does not allow women time to breastfeed their children that are in the daycare center; even if they are allowed, they are verbally abused for doing it.

The factory daycare center only allows children up to 6 months of age, so I cannot keep my son there. I don't have any other childcare options for my son, so I had to leave my job at the factory and look for a new job.

COLLEAGUES WHO KEEP THEIR CHILDREN IN DAY CARE CENTER



CONCLUSION AND RECOMMENDATIONS

The study provides important insights

about the experiences of women workers in Bangladesh RMG factories. The study results show that worker's knowledge and awareness about maternity leave and benefits is inadequate. The research showed that factory compliance with the law is low, and that the factories do not provide the benefits required by law. If benefits are provided, it is often below the legally-mandated amount, or is given arbitrarily.

Further, the accommodations provided for pregnant workers are inadequate, as is information dissemination and training on prenatal care. Overall, women and their families are not provided the information they need for a healthy pregnancy and childcare. The study authors documented instances where daycare centers are non-existent or are being used improperly. A few factories comply with the law, others do not, and still others were found to be somewhere in between.

The following recommendations to ensure maternal health and childcare for workers in the RMG sector reflect the findings of this research project.

1. Ensure that factory management is fully compliant with the labor law in its provision of maternity leave and payment of benefits.
2. Provide training for workers on the law and benefits that they should be provided so that they can advocate on their own behalf.
3. Ensure appropriate accommodations are made for pregnant workers, including periodic sitting and rest; decrease overtime hours; and eliminate tasks that require lifting or carrying heavy objects.
4. Organize awareness sessions on pre- and postnatal care for workers.
5. Provide regular health checkups in the factory and advise on care for pregnant women.
6. Ensure that factories are compliant with the law and provide fully-equipped daycare centers with an adequate number of trained caregivers and sufficient care hours to accommodate workers' schedule.
7. Offer daycare facilities for children of workers until they reach the primary school age.
8. Respect worker's freedom of association and rights to form trade unions so that the union can advocate on behalf of the workers when factory management is not compliant.





Discussion and Recommendations from ROUNDTABLE ON MATERNITY RIGHTS

The Awaj Foundation and the Fair Labor Association organized a roundtable discussion in Dhaka among civil society (CSOs), brands, and suppliers in August 2018, to share the study findings. Sixty-seven participants from various CSOs, including union federations, factory-level trade union leaders, brands, suppliers, and other stakeholders participated and shared their views.

The following recommendations came from stakeholders in the meeting:

- It is important for brands to fully engage and work with the government at the policy level and at the factory level, particularly since Bangladesh has a male-dominated factory management system with a majority female workforce.
- Effective and direct communication should be developed between brands and suppliers, and brands and workers. For example, annual or semi-annual brand-led stakeholder meetings provide an opportunity for communication.
- Awareness training on maternity issues must be offered to workers, staff, and management. All committees (formal and informal) in the factory should have knowledge about maternity leave and benefits and can work together to establish the proper procedures within the factory
- Worker committees should be formed through a fair election process, rather than via management selection. Brands should conduct regular meetings and interactions with the unions, workers committees, and other relevant committees.

- Encourage the formation and participation of trade unions, working toward collective bargaining. Regular meetings with the union should be encouraged. More unions should be allowed to be established and they should be given space in the factories. More awareness among workers can be established through training sessions that are facilitated by the union.
- Complaint boxes should be installed in every factory with strict monitoring from the brand's side on the complaints. The complaints should be addressed in a timely and positive manner. Small booklets and signboards with information can be disseminated in the factory. Worker hotlines can also be established to hear directly in the case of grievances.
- Thought should be given to creative ways to teach and raise awareness among workers, including organization of recreation and cultural activities for the workers.
- There should be collaboration between government departments to better enforce the legal requirement and to inform workers about their rights and suppliers about their obligations.
- Training should be organized for workers on their rights and how to advocate for themselves
- There should be transparency between buyers and manufacturers. The manufacturers should not mislead buyers, or the buyer's auditors, about the true conditions in the factory
- Brand audits should encompass issues like maternity rights, breastfeeding practices, overtime for women workers, issues of verbal abuse etc. Brands should evaluate their internal audits for effectiveness on gender-specific issues.
- Brands can take a more pro-active role in working with their suppliers to promote functional child care centers, including ensuring there is adequate space, hygiene, food, medical care etc.
- CSOs can provide community-based training sessions to the workers on their rights, and provide community-based support for working mothers, including community-based daycare centers.
- International alliances/association such as the FLA and FWF should consider how to more effectively use their stakeholder platform to monitor labor rights, particularly women rights issues, through their member brands and suppliers, and support capacity building and communication. ■

