



**Tripartite Meeting on ILO Code of Practice
Workplace Violence in Service Sectors and
Measures to Combat This Phenomenon**

30th September 2012
Conference Hall, Chamber Building, Dhaka

Organized by:

Promoting Gender Equality and
Preventing Violence Against Women at Workplace Project

Supported by:

Ministry of Labour & Employment, Government of Bangladesh
and
International Labour Organization (ILO)

On 30th September 2012, ‘Promoting Gender Equality and Preventing Violence Against Women at Workplace Project’, supported by the Government of Bangladesh and International Labour Organization (ILO), organized a ‘Tripartite Meeting on ILO Code of Practice – Workplace Violence in Service Sectors and Measures to Combat This Phenomenon’ at the Conference Hall of the Chamber Building in Dhaka. Government officials, representatives from different trade unions and employers’ associations attended the meeting and shared their views about the ILO Code of Conduct addressing violence against women at workplaces in Bangladesh perspective.

Inauguration

Mr. Md. Mojibur Rahman, NPD and Joint Secretary (Planning and Admin), Ministry of Labour, chaired the tripartite meeting. Mr. Mesbahuddin Ahmed, Member Secretary, NCCWE, Mr. Niaz Rahim, Vice President, Bangladesh Employers’ Federation, and Mr. Mikail Shipar, Secretary, MoLE, were present as the Chief Guests.

The meeting started with the welcome speech by Mr. Gagan Rajbhandari, Deputy Director, ILO Bangladesh, who spoke about the background and objectives of this meeting. It was moderated by Ms. –Rabeya Sultana, Director Training and Matril Development, Dhaka Ahsania Mission. Ms. Soma Islam, Component Leader, Advocacy & Communication, Maxwell Stamp PLC, made a PowerPoint presentation of ‘Overview of the ILO Code of Practice in Bangladesh Context’.

Ms. Rowshan Jahan Sathi MP graced the program with her presence at the closing session. In her speech, she stressed on the need for both amendment of laws and changing the mindset of people to combat the situation.



Mr. Gagan Rajbhandari , Deputy Director, ILO country office in Bangladesh said, today’s meeting has been organized to get an overview and reach a common understanding of the ILO Code of Practice to address workplace violence; also to initiate a dialogue for exchanging views between the government, employers and workers representatives regarding the code and identify some key actions which can be implemented by the MoLE, BEF and NCCWE. This code is not a legally binding instrument and is not intended to replace national laws and regulations. It identifies the roles and responsibilities of governments, employers and workers. The code promotes a proactive approach to prevention, based on occupational safety and health management systems. For the ILO, any form of Gender based violence or harassment against women, in particular sexual harassment, is a serious violation of human rights and a clear form of gender discrimination which seriously undermines gender equality at the workplace. This, of course, has a negative impact on women’s life and effect on work performance and productivity. We hope that this important tripartite meeting will give us an overview on ILO code of practice and as to how it could be used in Bangladesh context and help us to identify some key strategies and roles of stakeholders to address VAW at workplace. I strongly believe our joint efforts will certainly contribute to promote gender equality and prevent violence against women at workplace.

Mr. Mesbahuddin Ahmed, Member Secretary of NCCWE said, we see and use many modern instruments in our society, but in mentality and social behaviour we are far back in a feudal era. Good conduct is absent from our families, society and workplaces. Not only women, workers in factories are treated like servants. Domestic workers become victim of violence in houses of some doctors, engineers and justices. But all these problems cannot be removed at a time. But we can start from the ILO Code of Conduct. We have already made some progress because of activities by many organizations and persons regarding this. Also we need to work more for economic empowerment of women. Many organizations have set up ‘complaints box’ thanks to ILO’s initiatives.

Mr. Niaz Rahim , Vice President , BEF, said, violence against women in the form of sexual harassment is an issue of concern at the work places. As such, BEF feels that awareness should be developed on the issue and necessary steps to be taken for motivating people to change those types of attitude and behaviour which are tantamount to violence against women and sexual harassment. Administrative programmes, policies and training should be organized to maintain a safe working environment. Staffs should be trained to recognize and respond for preventing violence particularly against women in the women. These programmes will help bring changes in the attitude which provokes violence against women workers. Side by side, necessary measures should be taken to maintain a safe workplace free of violence.

Mr. Mikail Shipar, Secretary of MoIE said, we have inherited the practice of violence against women maybe from the middle age. In the ancient age, women were dominant in human life. Then we began to step towards so-called civilization and made women into a commodity. Every religion has placed women to a high position of honour, but there is a little reflection of it in our lives. In the west now many things have come under accountability and so many positive changes. There is a difference between how we look at women and how they do in their countries. We in our country still pronounce fatwa and commit violence against women in our country. But Bangladesh being a moderate Muslim country, a lot progress can be made here. Ms Soma Islam has shown in her presentation what exists in our labour law and what doesn’t. We could not prevent violence against women. The amendment we have made in our labour law does not address this problem properly. It is a question of our mindset, but it must be done. There are 80 percent women in our RMG sector. Women are also entering into medical, IT and other sectors. Therefore, violence against women must be stopped. I will request those who have come from ministries to take initiatives for amending the labour law.

Presentation

Ms. Soma Roy Chowdhury in her presentation entitled ‘Adaptation of the ILO Code of Practice to Combat Workplace Violence in the Service Sectors in Bangladesh’ discussed the following key points:

- i. Background
- ii. Purpose of the ILO Code of Practice
- iii. Use of the ILO Code of Practice
- iv. Scope of the ILO Code of Practice



- v. Operational Definitions
- vi. Findings based on Review of the Code: Bangladesh Context
- vii. Social Dialogue-
- viii. Role of Constituents: Government Obligation
- ix. Role of Constituents: Employer Responsibilities
- x. Role of Constituents: Duties of Workers
- xi. Promising Features of the ILO Code

Findings based on Review of the Code in Bangladesh Context are the following:

- According to section 1(4) of the Labour Act, services including railways, postal and telecommunications, roads and highways, public works, public health engineering Department, and the Bangladesh Government Press have been excluded from its purview. It also excludes agricultural farms with less than 10 workers and domestic helpers from its scope and ambit.
- Gender-based violence and discrimination including sexual harassment are covert issues that remain hidden, unreported and unchallenged in the absence of specific laws and policies to provide social and legal remedies.
- The Labour Act does not provide for specific definition of workplace violence. In the absence of a clear definition, it is challenging to identify specific acts of violence as well as devise appropriate workplace violence management strategies and responses to deal with the underlying issues that trigger workplace violence. In the absence of a comprehensive understanding of what accounts for workplace violence under the Labour Act in Bangladesh, the definition in the ILO Code may be used as a reference tool by the policy makers provided that it is modified to include gender-based violence and discrimination as well as sexual harassment.
- Unlike the Labour Act that provides for a restrictive definition of “employer”, the Code’s definition is broad enough to cover the rights of domestic workers and agricultural workers employed in farms having less than 10 workers.
- In the absence of any protective and preventive mechanism to provide legal redress to domestic workers under existing labour laws and policies in Bangladesh, the ILO Code may be modified to include specific clauses relating to protection of domestic workers from gender-based violence, discrimination and sexual harassment.
- The Labour Act in its relevant sections provides for health and safety measures to be undertaken by the employers which if duly implemented would go a long way in reducing workplace violence. Although there are relevant provisions in the Labour Act which aim to address the physical and chemical hazards at workplace, little or no attempt has been made to address the stress and psycho-social hazards that emanate from gender-based discrimination and sexual harassment at workplace.

- Under the above circumstances, it is imperative that the ILO Code is modified in Bangladesh to provide a clear understanding as to how quid pro quo harassment and hostile and poisoned environment should be addressed at the workplace. The Code needs to make specific references as to how a hostile and intimidating working environment that encourages and condones gender-based discrimination and sexual harassment impedes the performance of an employee.

Some promising features of the ILO Code from the presentation are the following:

- ✓ Emphasizes upon adoption of comprehensive policies and appropriate grievance management procedures as well as training and support to mitigate stress and psycho-social hazards that are direct consequences of gender based violence, discrimination and sexual harassment at workplace.
- ✓ Iterates inclusion of various stakeholders in policy dialogue, research, risk assessment etc. with a view to preventing workplace violence.
- ✓ Envisions that employers have policies in place to provide for counseling, treatment, support, assistance and rehabilitation programs to assist victims of workplace violence.
- ✓ Attaches importance to documentation, notification and communication of incidents relating to workplace violence with a view to assisting constituents in exploring appropriate remedies and responses for mitigation.
- ✓ Provides a roadmap for risk assessment and suggests that it should be conducted with participation and support from employers and workers. It stresses the usefulness of identifying a checklist of the risks in particular occupations, circumstances under which it arises, and the risks related to vulnerable groups.
- ✓ Reiterates that employers should have necessary policies in place to prevent abuse, intimidation, harassment, bullying, gender-based discrimination including racial and sexual harassment in the workplace and further calls for instigating disciplinary actions against the perpetrators.
- ✓ Acknowledging that records, statistics and data of previous incidents often act like a learning curve in devising effective interventions, it places an obligation on the employers to document and disseminate evidence in the form of surveys, research and case-studies including behavioral trends of victims and perpetrators and other contributing factors.
- ✓ Emphasizes upon awareness raising among constituents on detrimental consequences of workplace violence and combating measures. In so many words, it keeps stressing on narrowing the gap between employers and workers through cooperation, information sharing, social dialogue and mutual respect.
- ✓ Draws attention of the constituents to the harmful consequences of a hostile, intimidating and poisoned working environment and suggests measures for mitigating stress and psycho-social hazards faced by employees.
- ✓ Attaches priority to violence prevention, preparedness and response arrangements including consultation and feedback of workers and their representatives to deal with workplace violence.
- ✓ Iterates the need for providing post-violence treatment, support, counseling and rehabilitation, if needed, for the victims of workplace violence.

- ✓ Articulates the usefulness of monitoring and periodic reviews of workplace violence management systems for assessing the effectiveness of policies and interventions.
- ✓ Encourages constituents to engage in proactively reflecting on organizational learning and adoption of good practices to prevent recurrence of workplace violence thereby contributing towards enhancement of quality, productivity and decent working environment.

In the open discussion session, participants made recommendations and commitments about their initiatives to address violence against women at workplaces in Bangladesh.

Open Discussion

In the open discussion session participants discussed the following:

Mr. Mojibur Rahman from MoLE said, from today's presentation and discussion we hope to have a direction for taking steps and ministerial initiatives to prevent violence against women at workplaces.

Mr. Abdul Mukit Khan from Bangladesh Free Trade Union said, we are mentally in a feudal state. Though we live in a modern age, our mind is backward. In our hearts women are great as mothers, goddesses etc., but practically we commit violence against them. Representatives from the government, owners and worker, all partners in social development are here today. If we can involve all partners in this initiative, violence against women can be removed. It is necessary to bring amendment to the labour law. If we think of any recommendations from the workers' side addressing this social problem, we will submit these organizationally. A social movement should be launched to stop violence against women.

Kazi Saifuddin Ahmed, Labour Advisor, Bangladesh Employers' Federation, said, according to Ms. Soma Islam's presentation, there is nothing specific in our labour law regarding violence against women, which is not correct. There is a clause 332, Conduct to Female Workers, which is very important. Workplace violence is an offence and this clause can play an important role to stop it. Workplace violence is not committed only against women; men also become victim of violence committed by women. We need to create an environment of compassion that every religion preaches.

Ms. Shahida Parvin Shikha from Bangladesh Trade Union said, women are entering into labour market and taking up challenging occupations. But they are victims of violence in families as well as workplaces. Ms Soma Islam said that the government should do monitoring. But documentary films can be made along with it to make people aware of the situation. The outlook of our owners should be changed. In our discussion we use words like 'women', 'mother', 'sister' etc., but we are short of calling women as human beings. Federations have many demands, but preventing violence against women should be in that. Last of all, we have to change our mind-set about women.



Mr. Aminul Islam said, agricultural workers and Domestic workers violence against women at the workplace is not included in our labour law.

Professor Ishrat Shamim said, workplace violence starts with harassment and sexual harassment is the most prevalent one. ILO Code of Conduct has been ratified by the Government of Bangladesh. Now this has to be translated into Bangla and distributed in garment factories and other places as well as in houses. Confidentiality has to be maintained regarding a case of sexual harassment, otherwise the worker may lose her job or be more harassed, even may be raped for the revelation of the incident. A law has been made against sexual harassment and high court has an observation regarding this. Industrial police especially the female police should be involved to prevent such incidence. Monitoring is necessary. The organizations that have been working on this for long should be used for this. Many women's organizations that work on this should be used and those who work with domestic workers should be involved.

Mr. Mohammad Zafrul Hasan from Jatiotabadi Sramik Dol said, in her presentation Ms Soma Islam mentioned about employers being victim of violence, I cannot understand how it can happen. Again, it is not clear to me why she used the words 'obligation' for the government, 'responsibility' for employers and 'duty' for workers. ILO Code of Conduct is just a guideline, but first we have to make a sincere determination, which is still lacking. Also we need to focus more on the enforcement of our existing legal provision to address VAW at workplace. We need to change our mindset. We should put emphasis on the enforcement of our legal provisions, which have to be implemented one by one. Our trade unions do not have any formal resolution to eliminate violence against women. We should have a formal resolution to address VAW at workplace.

Mr. Mohammad Abdul Malek from BGMEA said, we have found in a survey that Participation Committee, which consists of both employers and workers, exists in 201 factories including in garment factories. BGMEA has a Crisis Management Cell that monitors a factory and prepares a report on the situation. If any trouble arises in a factory the Crisis Management Cell asks certain help from the industrial police. In BGMEA there is also a committee to prevent sexual harassment as per the high court's directives.

Mr. Khondoker Mostan Hossain, Deputy Secretary from MoLE said, we have lot good laws but we do not know all about. The law enforcement force cannot do much if we do not change our mindset. We have to question ourselves what is our conduct towards the domestic workers we employ. The Participation Committee should be made more vibrant and effective.

Mr. Shahidul Islam, Vice President Jatio Sramik Federation, said, the labour law and has given a definition of the service sector, but it is to be seen whether it can be widened in light of economic development. Workplace violence against issues should be mentioned more specifically and then the labour law should be amended accordingly. He also mentioned that the crisis management committee and the participation committee need to be strengthened, right for trade unions should be addressed and women's participation in trade union movement should be increased.

Mr. Abdur Rahman from Bangladesh Employers' Federation said, service sector should be defined well in the labour law. Bangladesh Employers' Federation needs to take initiatives to mitigate workplace violence against women.

Mr. Khalilur Rahman, Deputy Secretary, MoLE, said, we are going to amend the labour law by keeping in mind the prevailing laws. Sexual harassment is the most dominant form of violence. In the law of 1898 there were clauses 501, 502 and 503 in which even some derogatory hint towards women was a punishable offence, though to a small extent. But now this has turned into harassment of male persons. There is enough about sexual harassment and violence in factories in our existing laws. Women can be included in the Participation Committee.

Mr. Kamrul Hasan, International Affairs Secretary, Sramik Federation, said, emphasis should be put on social dialogue. There is no Participation Committee in our 300 factories. The Participation Committee, where it exists, is only a paper committee. There should be more participation of women in trade unions.

Mr. Hena Chowdhury, Women's Affairs Secretary, Jatio Sramik Jote, said, training, education and awareness should be increased in society.

Mr. Chowdhury Ashikul Alam, General Secretary, Bangladesh Trade Union Sangha, said, those of us who work in trade unions have to be committed and serious to prevent violence against women at the workplace.

Ms. Rowshan Jahan Sathi MP said, we men and women are working together in our country. We are trying to make better the relationship between workers and employers in our garment factories because it is an important industry. A factory cannot run without workers, so we must protect their interests. The illiterate and semiliterate girls from our villages are contributing to our national economy. So we must look after their security. We have to change our mentality. Some days a boy threw acid to a girl student. He was arrested and jailed for four years. When he came out of the jail, he again threw acid to the girl's elder sister. A 50-year old teacher in a madrasa tortured a 12-year girl. A girl was beaten with the *dorra* in Manikganj a few days ago. We need the change everywhere including the workplace. Our mentality and the law both should be changed. ILO Code could be used in Bangladesh context.

Mr. Md. Mojibur Rahman, Chair of the program, said, I hope you all will take initiative so that we can implement all what we have discussed here. From the ministry I will try my best to include these in our labour law. He thanked Ms. Soma Islam for her presentation, all discussants and participants in the program.

In their discussion participants made the following recommendations:

Recommendations

- Amendment of the labour law in addressing violence against women at workplaces
- A social movement should be launched to stop violence against women at workplace

- An environment of compassion between men and women should be created at the workplace.
- Federations should add stopping violence against women in their trade union agenda/ demands.
- Trade unions should have the formal resolution to eliminate violence against women.
- Documentary films can be made to make people more aware of the situation.
- Mindset about women should be changed.
- ILO Code of Conduct has to be translated into Bangla and distributed in garment factories and other places.
- Confidentiality has to be maintained regarding a case of sexual harassment
- Monitoring at the workplace is required
- Industrial police especially the female police should be involved to prevent violence against women
- Organizations working on the issue of workplace violence, women's organizations and organizations working with domestic workers should be involved with the government initiative.
- The Participation Committee in factories should be made more vibrant and effective
- Women should be included in the Participation Committee.
- Women's participation needs to be increased more in Trade union's movement
- Workplace violence should be identified more specifically and then the labour law should be amended accordingly.
- Participation of women in trade unions should be increased.

