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17th sitting, 13 June 2017 (cont.), 12.13 p.m.

17^e séance, 13 juin 2017 (suite), 12 h 13

17.^a sesión, 13 de junio de 2017 (cont.), 12.13 horas

Chairperson: Mr Washington González

Président: M. Washington González

Presidente: Sr. Washington González

Work of the Committee

PV 13 was adopted as amended.

Travaux de la commission

Le PV 13 a été adopté tel qu'amendé.

Trabajos de la Comisión

El acta 13 fue adoptada con las enmiendas correspondientes.

Discussion of individual cases (*cont.*)
Discussion sur les cas individuels (*suite*)
Discusión sobre los casos individuales (*cont.*)

Bangladesh (ratification: 1972)

Freedom of Association and Protection of the Right to Organise
Convention, 1948 (No. 87)
Convention (n° 87) sur la liberté syndicale et la protection
du droit syndical, 1948
Convenio sobre la libertad sindical y la protección del derecho
de sindicación, 1948 (núm. 87)

The Government provided written information which is reproduced in Document D.8.

In addition, before the Committee, **a Government representative (Mr HUQ)** recalled the commitment of the Government to the protection of human and labour rights as enshrined in the Constitution of Bangladesh and reaffirmed that the Government had taken full note of the issues raised in the 2016 special paragraph and had initiated a number of measures to bring Bangladesh in to full compliance.

General efforts undertaken by the Government after the Rana Plaza incident were also recalled, in particular the initiation of rescue and rehabilitation efforts, drastic actions to put in place immediate measures and institutional mechanisms to strengthen safety rules, the revision of labour laws, including the Bangladesh Labour Act, 2006 (BLA), and of the national labour policy in order to address imminent labour concerns and improve labour rights, as well as the strengthening of the monitoring mechanisms. Utmost priority was given to improving labour rights and working conditions in the country, while acknowledging that, as a least developed country, Bangladesh was striving to deal with numerous challenges related to the elimination of poverty, hunger and malnutrition and ensuring decent life, adequate nutrition, basic health care and universal free education up to secondary level. Many of the country's challenges were caused by outdated laws regarding maintenance of law, order and peace, but even under such conditions Bangladesh had been able to balance between development, protection of rights and maintenance of law and order. Per capita income had increased from US\$ 583 in 2006 to US\$ 1,620 in 2017 and take home pay for

workers had also increased, contributing to a congenial working environment and income stability of workers. Such development was a reflection of the firm commitment to labour rights, in particular freedom of association and collective bargaining. The Government's commitment had also found expression in its efforts to render trade union registration and the wage payment system transparent, while promoting collective bargaining. While it was recognized that more was to be done in terms of addressing capacity, structural and systematic conditions, as well as civil and political challenges, the Government had been engaging with all the relevant stakeholders to ensure the effective application of labour legislation and to achieve the shared views of the social partners. A number of other developments were mentioned, including access to justice for any aggrieved party through an inbuilt system for addressing grievances, such as the Labour Tribunal, the Labour Appellate Tribunal and the High Court Division of the Constitutional Court; implementation of the ILO's Better Work Programme, as well as a National Plan of Action to promote freedom of association and collective bargaining in the ready-made garment (RMG) sector; establishment of an Occupational Safety and Health Policy; signature of a tripartite Statement of Commitment on fire safety at workplaces; development of an integrated inspection guideline for the RMG sector and organization of fire safety training for factory managers.

Turning to the conclusions of the Committee of Experts, the speaker provided the following information, in addition to that already supplied in Document D.8:

- The proposed Export-Processing Zones (EPZ) Labour Act, 2016, was to be reviewed through a multi-stakeholder approach and an advanced draft should be shared with the Committee of Experts by August 2017, after which formalities would be initiated to place the draft before the Parliament.
- The newly created Tripartite Technical Committee (TTC) for amendment of the BLA had already held its first meeting, demonstrating that work was being done to conform

the legislation to ILO standards, and it had been asked to complete work on preparing an initial draft by August 2017.

- Both the Tripartite Consultative Council (TCC) and the newly created RMG Tripartite Consultative Committee (RMG TCC) would be supported by the ILO, serving as their secretariat.
- The recently adopted and published standard operating procedures (SOPs) for registration had already been implemented, had reduced the time frame for resolving issues concerning registration and should also reduce the registration rejection rate.
- A transparent remediation strategy with a timeline was to be developed and shared with the Committee by the end of August 2017.
- Access to further funding should be facilitated and recruitment of 169 labour inspectors should be finalized by June 2018.

In conclusion, the speaker reaffirmed the Government's commitment to a better and safer workplace for workers to uphold their rights to collective bargaining, freedom of association and their right to strike for realizing their legal demands. Legislative amendments were ongoing and the Government was also engaging with factory owners, businesses and buying houses to ensure that they followed good business practices and recognized that responsible behaviour by all stakeholders was a necessary factor for progress in that field. Moreover, commitment was also expressed to achieving full and productive employment and decent work for all by 2030, in line with the 2030 Agenda for Sustainable Development. The speaker stated that Bangladesh sought continued cooperation, support and understanding from their international friends and partners in order to achieve that goal.

The Worker members recalled that, for the last five years, Bangladesh had appeared before the Committee to explain why it had failed to make any progress in relation to ILO Conventions, in particular Convention No. 87. Each year, the Government had made claims

and excuses and concluded with promises to do better the following year. These promises had not only proved to be empty but the situation had worsened each passing year. The Government had still made no progress to implement the repeated observations of the Committee of Experts, the recommendations of the 2016 high-level tripartite mission to Bangladesh and the conclusions of the Conference Committee. The special paragraph that the Committee had applied last year to signal the serious concern with the Government's failures had had no effect whatsoever. Despite all of the technical assistance and the millions of euros in donor resources, garment workers, and workers in other industries, were worse off today than they had been a year ago. The Worker members stressed that, in the final days of 2016, the Government had unleashed a wave of repression against garment workers following a peaceful demonstration for a higher minimum wage that had started on 11 December in Ashulia. Police rounded up union leaders and union organizers, many of whom had not even been in Ashulia at the time of the demonstrations. They were detained for several weeks and some were beaten in custody or forced to pay bribes to avoid physical abuse. Most workers were charged under the provisions of an emergency powers law that had been repealed in the 1990s. Garment manufacturers also suspended or dismissed over 1,600 workers in a massive and coordinated closure of roughly 60 garment factories. Police raided the offices of several unions and worker rights NGOs, disrupting their activities and locking their doors. Police even disrupted a health and safety training event funded by the ILO on 20 January 2017. Following all those events, the Government had refused to act until major international garment brands announced that they would boycott the Dhaka Apparel Summit on 25 February 2017 over their concerns related to the repression in Ashulia. As a result, government and industry representatives reached an agreement with the IndustriALL Bangladesh Council on 23 February 2017. However, the Government had failed to implement that agreement too. Very recently, on 27 May 2017, local thugs had threatened and physically attacked workers and leaders in Chittagong. Union leaders had been warned that if they continued to organize unions they would be killed. The local police watched as

union leaders were assaulted. A poster with the union's president in a noose had been circulated in Chittagong.

The Worker members further pointed to the matters raised in the comments of the Committee of Experts. The revised BLA continued to fall short of international standards with regard to freedom of association and collective bargaining despite minor amendments in 2013. In late 2015, the Government had issued the Bangladesh Labour Rules (BLR). Despite the lengthy period taken to draft the Rules, their quality was extremely poor as many provisions violated the Convention. The Government had so far done nothing to amend either the BLA or the BLR to bring them into compliance with Conventions Nos 87 and 98.

With respect to EPZs, trade unions had been banned and only workers' welfare associations (WWAs) could be established. The WWAs did not have the same rights and privileges as trade unions. While the authorities in the EPZs claimed that collective bargaining was permitted, it did not exist in practice. The last draft legislation on EPZs, in 2016, had once again prohibited unions and allowed only for WWAs. There still existed no text, even in draft form, that would allow workers in EPZs to exercise their rights consistent with the Convention. Concerning anti-union discrimination, the leaders of many of the unions that had been registered post-2013 suffered retaliation, sometimes violent, by management or their agents. Some union leaders had been brutally beaten and hospitalized as a result. The Government had done absolutely nothing to address anti-union discrimination.

With regard to the refusal to register unions, since the Rana Plaza incident, and at considerable risk for themselves, young, mostly women, garment workers had attempted to form and register unions for a collective voice. Their numbers would be much greater were it not for the Government's arbitrary rejection of registration applications. The reasons for rejection were inconsistent from one application to the next, did not comply with the law and the implementing rules, and had no factual basis. During the process, workers and their unions were unable to challenge reasons presented for rejecting a union. The only option

available for workers was to file a case in one of the country's few and overburdened labour courts, where cases languished for several years. The arbitrary nature of the process was most apparent in Chittagong, where, in 2016, only around 43 per cent of applications for registration had been approved. Despite some unions submitting applications several times with well over the 30 per cent minimum support of the workforce as required by law, the applications were rejected on multiple occasions. The Joint Director of Labour (JDL) often claimed that many workers' signatures on union forms did not match employer documentation. Yet there was no such provision in the law or rules for rejecting an application for such reason, and the JDL did not ask the worker in question whether he or she had in fact signed the form. Recently, the Government had promised that it would draft SOPs to assist the registration process but such procedures had not yet been completed or adopted and the Worker members had serious doubts as to whether a set of procedures would result in any meaningful change. The Worker members did not doubt that the Government would make more promises to the Committee, but trust had been broken. It was time that this changed for good.

The Employer members thanked the Government for the information it had provided and, in particular, for its reinforced commitment to implement the Convention, its stated intention to pursue social dialogue with workers' and employers' organizations and its reiterated commitment to cooperate with the ILO. The case at hand had been the subject of 22 observations of the Committee of Experts and had been examined by the Conference Committee on seven occasions, most recently in 2013, 2015 and 2016. Given its lengthy and complex nature and the many facets of the Committee of Experts' observations, it was necessary to look closely at the measures adopted by the Government. Although more work had to be done and some concerns still remained, especially in respect of allegations of intimidation and violence, progress had been made. It was also important not to lose sight of the role played by the RMG sector in the socio-economic development of the country and its contribution to the empowerment of millions of women.

It was recalled that in 2016, the Conference Committee had expressed deep concern at the lack of progress on a number of previously highlighted issues, that the high-level tripartite mission had considered the registration process as highly bureaucratic and had urged the Government to develop SOPs to ensure that the registration process would not become an obstacle to the registration of trade unions. Since then, the Government, in cooperation with the ILO and through consultation with the social partners, had agreed on the adoption of SOPs concerning registration, which was, according to the Employer members, a positive measure. It was stated that while the registration process must be transparent, it did not have to be a simple formality and the Government could determine minimum registration requirements in light of the national context and to ensure a climate of social and industrial peace. Given that the Committee of Experts had raised issues of delays in registration, lack of transparency and lengthy judicial proceedings when challenging registration, the Government was asked to provide further information to the Committee of Experts on the terms of reference of the SOPs, as well as information demonstrating the transparent nature of the registration process.

With regard to the amendment of the BLA, the speaker noted the information provided by the Government, in particular that the revision was an ongoing process, as well as the Government's commitment to work with the social partners and the ILO to address the pending matters. The Employer members noted with interest the recently established TTC and its possible role in contributing to the revision of the BLA. The Government was also encouraged to provide further information to the Committee of Experts in relation to the BLR, so that they could more fully understand how the BLR operated and whether there were any issues to be further discussed.

With regard to the issue of EPZs, the Employer members had previously noted that a situation where a separate legislative framework existed for enterprises located in EPZs was problematic. In Bangladesh, the BLA applied to employers operating outside the EPZs and the EPZ Workers Welfare Association and Industrial Relations Act, 2010 (EWWAIRA),

applied to those employers operating inside the EPZs. The EWWAIRA did not allow workers or employers to form organizations of their own choosing and although a draft EPZ Labour Act had been submitted to Parliament, only limited consultations appeared to have been done with national workers' and employers' organizations. Furthermore, the high-level tripartite mission had expressed concerns over the fact that the draft legislation restricted freedom of association of workers' organizations and investor employers in EPZs. Therefore, the Employer members positively noted that the draft EPZ Labour Act had been recalled by the Government and would be subject to a thorough review with the stated intention of ensuring its compliance with Convention No. 87. In particular, the Government was considering deleting Chapters 9, 10 and 15 and replacing them with Chapter 13 of the BLA, thus providing the right to freedom of association to all workers. In such a revision, freedom of association for investor employers should not be overlooked. Overall, the Government's efforts to amend the legislation governing EPZs was welcomed and considered as a significant step towards the implementation of the Government's obligations to ensure that workers and employers could form and join organizations of their own choosing. It was important to encourage the Government to provide the new draft EPZ Labour Act to the Committee of Experts for further examination and to complete the process without delay, as the Committee would note any concerns if no further action was taken in that regard.

The Worker member of Bangladesh (Mr ANAM) was concerned about the lack of protection of freedom of association. He had hoped that after the Rana Plaza incident, the Government and employers would have learned a painful lesson and would finally act responsibly, respecting the rights of workers to form and join trade unions and bargain collectively. Under the Bangladesh Sustainability Compact, the Government had promised the ILO, the European (EU), the United States and Bangladeshi workers that it would respect freedom of association, further revise the BLA, ensure that workers in EPZs could exercise their fundamental rights and ensure that workers could freely register trade unions and

undertake union activities without retaliation. However, the Government had failed to keep those promises and although it was making them again, workers could no longer trust only words.

The RMG industry in Bangladesh exported billions of dollars of goods to global brands in the EU and the United States market each year. At the same time, the wages of garment workers remained very low; they were paid a base wage plus allowances of only \$67 dollars a month. The speaker stressed that it was not possible to live on such a low wage. One of the reasons why wages had remained so low was that for many years the Government had maintained a “no-union” policy in the RMG sector.

Regarding union registration, the speaker recalled that it took 60 days to register a union and that the union must have membership of a minimum of 30 per cent of the workers of the factory. This threshold was too high, since factories had between 10,000 and 15,000 workers. With regard to the Ashulia movement, he expressed hope that all dismissed workers would be reinstated. Regarding the EPZs, it was recalled that WWAs were different from trade unions, as they did not have the same rights and privileges. Therefore, the Government should modify its legislation, taking into account workers’ views in order to comply with the Convention.

In conclusion, the speaker expressed hope that the industry would prosper and create jobs for the millions of workers in the country. However, the jobs must be good and based on the principles of decent work. It was underlined that workers should not have to produce garments at wages so low that they could not live in dignity. The Government had a clear choice: it could respect its workers and its international obligations and implement the repeated conclusions of the Committee without any further delay, or it could continue with business as usual at the expense of its own citizens. If the latter was chosen, the Government would be the only one to blame if one day global brands, tired of the constant headlines about the abuse of workers in their supply chains, decided to source their garments elsewhere.

The Employer member of Bangladesh (Mr RAHAMAN) recalled the shock and shame of the 2013 Rana Plaza incident and the global attention that it had attracted. Three initiatives – the Accord, the Alliance and the National Initiative – were established in response, to overhaul the industry and establish safe factories and improved working conditions. In 2013, the Government had signed a Sustainability Compact with the EU, the United States and the ILO and some 3,780 garment exporting factories had been inspected through one of the three established initiatives, resulting in the closure of less than 3 per cent of factories that were found to be unsafe. All other factories that were inspected had been required to undertake measures to improve safety conditions. Nonetheless, hundreds of small and medium-sized factories had also closed due to their financial inability to carry out remedial measures, which caused thousands of job losses. Never had that scale of inspections for fire, building and electrical safety been witnessed in such a brief period of time. Noting the significant investments employers had continued to make in improving factory safety, he urged international buyers to re-evaluate their pricing policies for the survival of struggling factories. With the support of the ILO and development partners, the Government had made efforts to strengthen the capacity of its regulatory institutions and create an optimal culture for adherence to occupational safety and health regulations. Recognizing that close to 1,200 factories had shut down due to compliance costs, and thousands of workers had lost their jobs, some positive developments were noted, including improvements in manufacturing facilities, the issuance of several Leadership in Energy and Environmental Design (LEED) certifications and growth of green factories. Bangladesh was a global leader in the establishment of green garment factories, with 67 such factories having been certified by the US Green Building Council, and some 220 more prepared for certification.

Multiple weaknesses and challenges in the broader regulatory and institutional framework had emerged in the process of establishing factory safety, such as capacity for inspections, unfair labour practices, respect for trade union rights and rights at work, and

weak social dialogue, which had demanded a large number of initiatives to be taken by all stakeholders.

The special paragraph and its reference to four specific issues the Government needed to address immediately was another major challenge. The comments of the Committee of Experts and the Conference Committee had been taken very seriously by the Government. Commitment to bring about changes in several areas relating to the regulating of labour standards and their enforcement had been made. Various initiatives had been taken involving employers, including the adoption of SOPs for the registration of trade unions. The Government was committed to working with the ILO to ensure that all stakeholders were aware of the SOPs and that staff implemented them effectively. Additional SOPs for handling cases of anti-union discrimination and unfair labour practices were also being developed in collaboration with the ILO. Noting the challenges of implementing such procedures, he welcomed the Department of Labour's attention to the issue and efforts to strengthen its resources to perform tasks agreed upon by the tripartite partners. He recalled the illegal work stoppages and vandalism in Ashulia in December 2016, and the 11 cases filed by factory management and law enforcement authorities. Five of those cases had been disposed of by police following investigation, with no witness to prove the prosecution, and the remaining cases should be disposed of through an expeditious investigation process, following due legal processes. The Ashulia Tripartite Agreement was being implemented in compliance with the law.

Full support should be given to social dialogue and tripartism. The speaker noted that employers in the RMG sector had been holding regular monthly meetings with leaders of trade union federations under the IndustriALL Bangladesh Council since March 2017. The TCC for the RMG sector had also been formed in March 2017, comprising of worker, employer and government representatives, and had already met. He expressed confidence in the role of the body in strengthening social dialogue, industrial relations and helping chart the future course of the garment sector.

Amendments to the Labour Act and the EPZ Labour Act were being addressed by the Government and he welcomed the review of the Labour Act by a subcommittee of the TCC, which would propose necessary amendments by the end of August 2017, to bring it in line with the Convention. The draft EPZ Labour Act had also been withdrawn following submission to Parliament and would go through a thorough review to address the concerns and recommendations of the ILO and the Sustainability Compact partners before being shared in November 2017.

The RMG sector had an extraordinary role in the development of Bangladesh, accounting for 80 per cent of export earnings and the majority of jobs in the formal economy. Close to 4 million workers, of which 80 per cent were women depended on the sector for their livelihoods and all partners had a moral obligation to ensure its growth and consolidation. The country was undergoing gigantic reforms on multiple fronts, each involving a major and elaborate process and carrying great potential. The comprehensive reforms would provide an exemplary model for job creation, workplace safety, protection of labour rights, social dialogue and international cooperation, and required a positive approach from the Government, with support from tripartite constituents and other stakeholders, national and international. The speaker urged the Government to remain continuously engaged with the social partners and to facilitate their capacity building. The importance of the rights and safety of all workers in Bangladesh was reiterated. Consideration of the livelihoods of the millions of workers in the industry and the need for care, sensitivity and compassion in the consideration of this case was essential.

The sitting closed at 13.22 p.m.
La séance est levée à 13 h 22.
Se levantó la sesión a las 13.22 horas.

18th sitting, 13 June 2017, 3.10 p.m.
18^e séance, 13 juin 2017, 15 h 10
18.^a sesión, 13 de junio de 2017, 15.10 horas

Chairperson: Mr Washington González
Président: M. Washington González
Presidente: Sr. Washington González

The Government member of Malta (Mr MARSH), speaking on behalf of the EU and its Member States, Bosnia and Herzegovina, Montenegro, Norway, the former Yugoslav Republic of Macedonia, and Serbia, indicated that they attached great importance to the respect of human rights, including freedom of association and protection of the right to organize, and recognized the important role of the ILO in developing, promoting and supervising international labour standards.

The EU, together with the ILO, United States and Canada, had established intensive cooperation with Bangladesh in the framework of the Bangladesh Sustainability Compact and Bangladesh benefited from preferential access to the EU market through the “Everything but Arms” arrangement, which largely depended on respect of human and labour rights. Additionally, the 2001 cooperation agreement between Bangladesh and the EU specifically mentioned the need to respect ILO principles, including freedom of association and the right to organize and bargain collectively.

While recognizing progress achieved on a number of labour issues, notably on factory safety, setting up new labour-related structures – such as the new RMG TCC – and SOPs, as well as the recall of the draft EPZ Labour Act for review, the speaker expressed serious concern regarding respect for labour rights, particularly freedom of association and the right to collective bargaining. Despite the 2016 conclusions of the Committee and the seriousness of the case, deep regret was expressed about the fact that the steps taken by the Government did not respond adequately to the concerns raised. The Government was strongly encouraged to come forward with more substantial and time-bound steps.

Concerning the specific incidents of violence and use of force against trade unionists contained in the report of the Committee of Experts, the Government was called upon to ensure that all workers could freely exercise their fundamental labour rights, and ensure effective, expedient, and transparent investigations, as well as prosecution of violence and harassment against trade unions and workers' representatives. The Government was further encouraged to extend the existing helpline to other regions, to develop and implement SOPs to address anti-union discrimination and to provide further information on the follow-up made on the reported cases.

Bangladeshi labour laws and procedures continued to pose important barriers to founding and operating a union. For instance, registration of trade unions continued to be hindered by various obstacles. Given the concerns expressed in that regard by the Committee of Experts, the Government was called upon to ensure that trade union registration was carried out in a transparent and expeditious manner through the effective implementation of SOPs and to ensure full and transparent reporting on registration procedures. Other provisions of the BLA restricted the right to form a trade union, including the 30 per cent minimum membership requirement, and the Government was, therefore, urged to amend, as a matter of urgency, the BLA and the BLR so as to bring their provisions fully in line with the Convention. It was also asked to provide clarification regarding the alleged new membership requirement of 400 workers to form a union in the agricultural sector. The speaker welcomed the Government's commitment to do so, as well as the recent formation of the TTC.

Finally, the legislation regulating the right to organize in EPZs or other specific export-oriented zones remained an important issue of concern. The Government was urged to adopt the new law governing the EPZs allowing for full freedom of association in consultation with the social partners.

In conclusion, while welcoming the Government's willingness to address the concerns raised, such commitment needed to translate into firm, concrete and time-bound actions,

both in law and practice. Furthermore, progress on the matter was urgently expected and would be closely monitored by the EU, which remained committed to cooperation with Bangladesh.

Le membre gouvernemental de l'Algérie (M. BERKATI) a mentionné que le gouvernement du Bangladesh a consenti beaucoup d'efforts pour améliorer la situation du dialogue social et du libre exercice du droit syndical. Il a noté avec intérêt les modifications apportées en 2013, après de larges consultations, à la loi sur le travail au Bangladesh: la diligence dans le traitement des plaintes concernant des pratiques qui peuvent porter atteinte aux activités syndicales; les efforts fournis en matière de vulgarisation des questions relatives à l'exercice du droit syndical via des sites Web; le renforcement des capacités des personnels pour faire face aux cas d'atteinte à la liberté syndicale; le renforcement des capacités des travailleurs et des employeurs sur le dialogue social; l'information et l'assistance en ligne accordées aux travailleurs pour faciliter l'introduction de plaintes; et l'assouplissement des procédures d'enregistrement des syndicats. Il a salué les progrès réalisés par le gouvernement et encouragé celui-ci à poursuivre ses efforts en concertation avec ses partenaires économiques et sociaux afin de garantir une application effective des normes pertinentes de l'OIT.

An observer representing IndustriALL Global Union (Ms HOLDCROFT) regretted the lack of progress made in compliance with the Convention given the continued acts of trade union repression. In December 2016, over 1,600 garment workers had been dismissed following worker demonstrations over low wages in Ashulia. At least 34 workers and trade unionists had been arrested and detained, trade union offices had been ransacked and vandalized, and union organizers had gone into hiding, fearing retribution. The creation of a tripartite forum for sectoral dialogue in the RMG industry was one positive outcome, which the Government should build on by providing a clear legal basis for bargaining at the sectoral level.

Applications for trade union registration were rejected on unwarranted grounds, and there were strong indications of political interference in the registration process. Denial of union registration at two factories in Chittagong was cited as an example of continued violations since February 2016 and IndustriALL's shipbreaking affiliates faced similar problems in Chittagong. Union registration decisions should be based on objective criteria and politicization of the process was a violation of the right to freedom of association. The Conference Committee had previously recognized the failure of the Government to address incidents of violence against trade unionists and this climate of impunity continued. Workers in Chittagong had been threatened, beaten and warned that, if they continued to organize unions, they would be killed. This general hostility towards trade unions persisted in Bangladesh despite international pressure which had led to the release of workers and trade unionists detained following the labour unrest in Ashulia in 2016. Noting that none of the charges against the workers had been dropped, she stressed that pending charges contributed to a lack of confidence in organizing and the suppression of trade unions' activities. The Prime Minister's recent public comments served to increase hostility towards trade unionists and raised further doubts on the Government's commitment to the Convention. The speaker called for the inclusion of the case in a special paragraph.

The Government member of Canada (Ms CALDER) commended the Government's actions and commitment towards improving workers' rights and safety, specifically in the RMG sector. In the follow up to the Bangladesh Sustainability Compact, the Government had reported on progress in establishing SOPs for trade union registration, and an online system to improve transparency in the handling of anti-union discrimination cases and the rejection of trade union applications. Continued efforts to enforce and sustain the use of that system were encouraged. Recalling issues of harassment and violence against trade unions, and interference with union activities, she urged that all acts, such as those during the recent Ashulia crisis, be investigated. A report on lessons learned from Ashulia and on measures taken to avoid repetition was requested.

With the removal of the draft EPZ Labour Act from Parliament, prompt action was necessary to ensure a revised draft law that reflected international standards was submitted to the Committee of Experts by autumn 2017. A revised draft of the BLA, addressing freedom of association and collective bargaining issues, should also be submitted to the Committee of Experts for review. The newly formed TCC and its role in providing recommendations on changes to the BLA was noted in this regard, and she called for the development of a terms of reference and comprehensive workplan for the Council, and regular updates to stakeholders. The Government had taken the issues seriously and continued to make good progress in the RMG sector, with positive impacts on other industries; however, there was still work to be done. The development of a strategy with concrete and time-bound actions to address the full range of concerns raised by the Committee of Experts and the Conference Committee was recommended.

The Worker member of Germany (Ms BÖNING), speaking also on behalf of the Worker members of France, Italy, Netherlands, Spain and Sweden, referred to violations of human rights, including freedom of association, in Bangladesh. A variety of instruments and initiatives had been adopted in order to support the Government's efforts to build a society in which human rights and trade union rights were fully respected. For example, the Alliance for Sustainable Textiles in Germany was a unique national initiative, in which all stakeholders were committed to improving social conditions along the entire supply chain in the textile sector. The alliance was launched by the Government of Germany and was supported by employers' and workers' organizations, the federal Government and NGOs. Reference was also made to the EU's "Everything but Arms" arrangement, which granted Bangladesh duty-free and quota-free access to sell its goods in EU markets. Bangladesh was taking full advantage of this special treatment under the Generalized Scheme of Preferences (GSP). Compliance with fundamental rights and other labour rights was a prerequisite for continuing to participate in the GSP. Bangladesh benefited from the special treatment, but did nothing to maintain it or to approach the further stage, namely the GSP+ arrangement.

The speaker referred to the comments of the Committee of Experts that had not been implemented by the Government, and indicated that it was necessary for the EU to initiate an investigation on the basis of the requirement of the GSP and the timely removal of existing benefits if the situation in Bangladesh did not improve. That demand had been addressed by the international trade union federations in a joint letter of May 2017. It must be made clear to the Government of Bangladesh that fundamental human rights and trade union rights were of the utmost importance to the EU.

The Employer member of India (Mr PANT) appreciated the progress made by the Government of Bangladesh. The threshold limit to form a union in the agriculture sector had been framed by the Government according to the realities of the sector. The situation of violence that had taken place in Ashulia was subject to investigation and five out of 11 cases had been disposed of. Labour laws for the EPZs were being reviewed. The legislation recognized the right to register unions, as demonstrated by the fact that 960 unions had been registered in less than a year. The existence of rejection of union registrations based on technical or administrative grounds did not mean that union registration was not allowed. Cohesive and strong unions were recommended in order to provide for successful collective bargaining, since multiplicity of unions frustrated the cause of collective bargaining. Therefore, fixing the threshold for registration of trade unions at 30 per cent was reasonable. In conclusion, the speaker called on the Committee of Experts to consider those facts and to allow the Government additional time to report on progress.

The Government member of China (Ms ZHANG) took note of the information provided by the Government of Bangladesh and noted the progress made in respect of protecting labour rights, including the revision of the labour law, drafting of the EPZ Labour Act, increased rate of trade union registrations, social dialogue and establishment of the TTC. Compliance with ratified ILO Conventions was an obligation of every member State and development cooperation could assist with the implementation of the Convention. Efforts made by the Government should be recognized. The speaker hoped that the ILO

would continue to provide technical assistance to support the Government in complying with its obligations.

The Employer member of New Zealand (Mr MACKAY) noted that the case illustrated growing concern over the years around the discussion of issues that should not come before the Committee. He questioned whether the Rana Plaza incident should be raised in discussions relating to the application of principles of freedom of association. Interventions should be focused on issues pertaining to the Convention. Bangladesh had demonstrated that it could move forward. The collapse of Rana Plaza rocked the world, and what had been achieved since then was a massive review of the system and companies, and the emergence of green factories. While recognizing that challenges associated with the registration of trade unions and discrimination against unions persisted, it was incorrect to claim nothing had been done. The gap between the provisions of the new acts and the practices and situation in the country needed to be addressed and the Government had demonstrated a willingness to pursue social dialogue through its withdrawal of the draft bill on EPZs and its subsequent actions. The situation was certainly not perfect, but it never was. This should be recognized in consideration of the issues expressed by workers and others.

La miembro trabajadora de la Argentina (Sra. PUJADAS) expresó su preocupación por la situación de los trabajadores y líderes sindicales de la industria textil en Bangladesh. Existen violaciones constantes de las normas fundamentales del trabajo y los salarios continúan siendo los más bajos del mundo. El salario mínimo de un trabajador de la industria textil alcanza aproximadamente la suma de 5 300 takas, es decir, casi 67 dólares mensuales. Dicha cifra está muy por debajo de la línea de pobreza que establece el Banco Mundial y también del salario mínimo de los países vecinos que son productores textiles, tales como Camboya. A finales de 2016, con motivo de la realización de una protesta pacífica en la ciudad de Ashulia para el reclamo de mejoras salariales, se desencadenó una ola de represión contra los trabajadores y dirigentes sindicales de la industria textil. La policía arrestó aproximadamente a unas 34 personas, muchas de ellas dirigentes sindicales que ni

siquiera habían participado en la misma. Algunos dirigentes sindicales fueron acusados de acuerdo con normas derogadas y otros fueron demandados por productores textiles por supuestos daños a la propiedad que todavía no han sido probados. Además, unos 1 500 trabajadores han sido despedidos o han sido obligados a renunciar a su puesto de trabajo. También se produjeron allanamientos a oficinas de sindicatos y ONG que protegen los derechos de los trabajadores. Sorprende que esta situación se dé mientras que las preferencias comerciales del país con la Unión Europea continúan condicionadas al cumplimiento del Pacto de Sostenibilidad, acuerdo negociado entre la Unión Europea y Bangladesh el 8 de julio de 2013 con el apoyo de la OIT. Este acuerdo fue motivado por el desastre de Rana Plaza, que costó la vida de 1 200 trabajadores de la industria textil. Al año siguiente del derrumbe de Rana Plaza, mientras que la comunidad internacional tenía el foco allí puesto, el Gobierno permitió a los trabajadores afiliarse a sindicatos, pero apenas la conmoción de la comunidad internacional se diluyó, se volvieron a tomar medidas en contra de los trabajadores. Por estas razones son necesarias leyes y regulaciones que generen responsabilidad de las empresas por las violaciones de las normas laborales y de derechos humanos.

The Government member of the United States (Mr SHEPARD) noted that the Committee was discussing the application by Bangladesh of the Convention for the fourth time in five years and that the issues remained largely unchanged: the Government must investigate violence against trade unionists in a transparent and credible manner. It had yet to establish a transparent trade union registration process as indicated by high rates of trade union registration rejections. While a tripartite review of the BLA was promised in the near future, no steps had been taken to amend the Act or its implementing rules in line with ILO supervisory recommendations; and workers in EPZs still did not enjoy the right to freedom of association – an issue that the Committee of Experts had been highlighting over the past 25 years.

The May 2017 review of the Bangladesh Sustainability Compact yielded no demonstrable achievements on the part of the Government over the past year with regards to freedom of association, and there was little evidence that efforts were being made to address the observations of the Committee of Experts, the conclusions of the Conference Committee, or the recommendations of the high-level tripartite mission that had visited Bangladesh in 2016. The Government's response to the December 2016 labour protests in Ashulia also indicated that freedom of association was not protected in Bangladesh.

The speaker fully endorsed the conclusions of the Conference Committee, which had been made repeatedly over the past few years and urged the Government to act, without further delay, to ensure that the trade union registration process was transparent and based on clear and objective criteria, that actions of anti-union discrimination were fully investigated and prosecuted, that the law governing EPZs allowed for full freedom of association and that the BLA and its implementing rules were revised in line with the observations of the Committee of Experts. He recommended bringing the conclusions of the discussion before the plenary of the Conference.

The Worker member of the United States (Mr FINNEGAN), speaking also on behalf of the Worker members of Canada, described the day-to-day harassment and abuse that workers, their organizations and their allies faced when they organized to raise the wages of the poorest, form unions and plan collective action. Such hard work took place in the months before and after such dramatic events as the recent strikes. At every turn, the employers and the Government acted to block workers. Those tactics had been widespread since the strikes in late 2016, but they had long been used and continued apace as the Committee met. Workers had described blacklisting; those who took action in Ashulia and Chittagong could no longer get work. Surveillance of all workers had increased. Police also "visited" workers at home and harassed the entire family. Moreover, many labour organizers had been charged with crimes that had taken place when the person charged was out of the region or the country. The charges against strikers in Ashulia and Chittagong, and countless

others, continued, as part of the permanent pressure on workers. Independent unions and their allies were repeatedly harassed while training workers on safe workplaces. On 20 January 2017, the industrial police forced workers at a safety training to disperse after photographing them, recording names of participants and their entire family, warning workers to avoid the union BIGUF, and threatening to drown one BIGUF leader. The speaker pointed out that, on that occasion, workers had met for an ILO-funded safety training. He also referred to an incident that had occurred only ten days ago, where an employer in Chittagong had filed charges against BIGUF leader Chandon and factory-level leaders for alleged unlawful assembly. Chandon had not even been in the country on the date of the alleged offense. That employer in question had a long history of harassing workers who organized. The speaker called on the Committee to send the strongest message possible – a special paragraph – to demand that Bangladesh finally stop attacking and act to defend its workers.

The Government member of the Islamic Republic of Iran (Mr ZOHREHVAND) welcomed the measures taken by the Government to improve labour rights in Bangladesh. A tripartite technical committee had been established by the TCC to review the BLA. Moreover, trade union registration had increased to 63 per cent in 2016, compared to 32 per cent in 2015. SOPs had been developed with the assistance of the ILO so as to expedite trade union registration. With respect to anti-union discrimination or unfair labour practices, intensive training programmes for labour officials were being conducted. The Government was encouraged to continue to take measures to comply with the Convention. The speaker called on the Office to provide technical assistance to support the Government in this regard.

The Government member of Sri Lanka (Ms SAMARAWEEERA MEEGALLAGE) was of the view that the Government of Bangladesh was committed to giving full effect to the provisions of the Convention. The BLA was being reviewed and legislation in relation to EPZs was being drafted. Moreover, SOPs had been developed to expedite trade union registration. The TCC had been established to deal with labour issues at the national level

and to promote social dialogue. The speaker expressed the hope that the Government would effectively address all issues that had been raised.

The Worker member of Japan (Ms GONO), speaking on behalf of the Japanese Trade Union Confederation (JTUC–RENGO), stated that the case of Bangladesh had been examined at numerous occasions in the last few years, which demonstrated the seriousness of the issue. In Bangladesh, it was difficult to organize due to lack of freedom of association and social dialogue, legal restrictions and strong resistance from employers against the establishment of unions. In 2016, only around 60 per cent of trade union applications submitted for registration were approved. In addition, workers encountered many issues when attempting to form a union, including dismissal, threats and violence, as was the case in a large factory in May 2017 and in the biggest oil company. While taking note of some improvements made in the BLA in 2013, the speaker expressed concern about the large number of industrial disputes when forming a union and requested the Government to further amend the legislation, including the 30 per cent minimum membership requirement, and fully implement it. It was also stated that in April 2017, the Government had declared services by its national flag carrier to be essential, thereby restricting the aviation unions' ability to take collective action. The Government should address this issue as a matter of urgency. In light of the seriousness of the described situation, the speaker considered that the matter should be addressed in a special paragraph.

La membre gouvernementale de la Suisse (M^{me} BERSET BIRCHER) a indiqué que son gouvernement soutient la déclaration faite par l'UE. Elle a regretté que les demandes formulées par la commission l'an dernier soient restées sans réponse. Les objectifs fixés par cette commission restent valables, soit: la mise en conformité du droit et de la pratique à la convention, le respect des partenaires sociaux et de la liberté syndicale, ainsi que le respect des libertés publiques dans leur ensemble. Le gouvernement du Bangladesh est appelé à faire cesser tous les actes de violence et de harcèlement, y compris ceux effectués contre des syndicalistes. En tant que soutien au programme Better Work de l'OIT, le gouvernement de

la Suisse insiste pour que les droits des travailleurs soient pleinement respectés. Les procédures d'enregistrement des syndicats doivent être rendues plus efficaces et plus rapides afin que les retards soient comblés et que les organisations puissent être reconnues. De plus, la législation s'appliquant aux zones franches d'exportation doit respecter la liberté syndicale. Des progrès dans ce sens doivent avoir lieu. Enfin, la Suisse souligne que les conclusions passées et à venir de cette commission doivent être respectées et mises en œuvre par le gouvernement.

The Worker member of Italy (Ms CAPPuccio) highlighted the climate of anti-union violence, intimidation and impunity which was pervasive throughout Bangladesh. She recalled that workers and approximately 70 trade union leaders in a factory in Chittagong had recently been attacked in front of the factory gate within sight of factory management and the police. Workers and trade union leaders had also been blackmailed: if they had continued to organize unions, they would have been killed. The factory had filed false charges against trade union leaders, most of whom were in jail.

The attackers, at the request of management, continued to intimidate trade union leaders and their families by visiting their homes, making phone calls and threatening to kill them. These recent attacks followed the workers' fourth attempt to apply for union registration. Since 2016, the Government had rejected the workers' application on arbitrary and baseless grounds. While the recent escalation of attacks against those workers had been among the most severe, it was not the first. Since 2014, various episodes of violence against trade union leaders had taken place and trade unions of the factory group had been forcefully removed one after the other. The assaults had been carried out at the behest of the company.

Earlier instances of labour rights violations had only been stopped through far-reaching and coordinated intervention of global brands, who had threatened to sever ties with that group of factories. The impunity in Bangladesh showed how both the Government and the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) were condoning these clear violations of national labour legislation and core international labour standards.

The EU had acknowledged the Government's failure to protect freedom of association many times and had urged it to take concrete steps to ensure that national legislation and practice were in line with international labour standards. There was well-documented and abundant evidence demonstrating the systematic violation of core human and labour rights. The speaker requested for this case to be treated as particularly serious by the Committee and included in a special paragraph.

The Worker member of the United Kingdom (Ms REED), indicated that consumers, many of them workers and union members, bought garments from Bangladesh but were deeply troubled by the terrible conditions faced by workers in the textile industry. Consumers wanted to continue to buy those garments, but they also expected the Government of Bangladesh to meet its international obligations, especially the right to freedom of association. British workers were deeply alarmed when, after ten days of strikes beginning on 12 December 2016, thousands of workers were dismissed in Ashulia. Union leaders had been imprisoned under entirely inappropriate wartime legislation and many more had been forced into hiding. Union offices had been forcibly shut down and vandalized by the authorities. In February 2017, more trade unionists had been arrested in Chittagong after police interrupted a training session in union offices. The speaker then referred to the Ethical Trading Initiative (ETI), a multi-stakeholder body involving unions, corporations and NGOs. Corporate members of the ETI, including many of the UK global brands, had joined unions in calling for the union leaders in Ashulia to be released. Moreover, in protest at the arrests, the ETI and its global corporate members withdrew from the Dhaka Apparel Summit organized by the BGMEA. The speaker called on the Government to take urgent action to bring its law and practice in line with the Convention and to ensure non-discrimination of trade unionists.

The Government member of Kenya (Ms APIYO) welcomed the information provided by the Government of Bangladesh and the steps the country had taken to fulfil its obligations. She welcomed the review of the rules regulating the EPZs, the use of SOPs,

which enabled an increase in trade union registration, and the constitution of a TCC for the RMG sector, which promoted harmonious industrial relations. She was convinced that the challenges that persisted would be addressed by the Government and she called for continued technical assistance by the ILO to support the necessary changes.

The Employer member of Cambodia (Mr THE) commended the Government of Bangladesh for the various initiatives taken to improve the working conditions in the RMG sector and supported the view of the Employers of Bangladesh that the livelihood of millions of workers in the industry needed to be taken into account while considering this case. The RMG industry generated more than four fifths of Bangladesh's export revenue and employed millions of workers, the majority of whom were women. The speaker was confident that Bangladesh employers would respect the rights of all workers in the country. Good industrial relations between employers and workers were essential. Over the last four years, Bangladesh had made considerable progress to improve workplace safety in the garment sector and it was hoped that the ILO would continue to support the country in the development of this sector.

El miembro gubernamental del Uruguay (Sr. LOUSTAUNAU) agradeció las explicaciones presentadas por el Gobierno. Sin embargo, mostró su preocupación ante el presente caso debido a que en la actualidad existen trabajadores que no tienen resuelta su situación procesal penal. Subrayó que esta situación ha sido originada por acciones sindicales legítimas y no delictivas, y lamentó que por las mismas razones se hayan producido un número muy importante de despidos, de acciones de discriminación sindical y de agresiones al ejercicio de la libertad sindical. El Uruguay es firme defensor de las normas de la OIT, en especial de los convenios que garantizan la libertad sindical. Los hechos sobre los cuales funda su queja el sector trabajador parecerían contravenir las disposiciones del Convenio núm. 87. Por ello, solicitó amablemente al Gobierno que redoble sus esfuerzos para garantizar el correcto y estricto cumplimiento del Convenio, así como de todas aquellas

disposiciones que garanticen el ejercicio de la libertad sindical plena y de la negociación colectiva.

An observer representing the International Organisation of Employers (IOE) (Mr KHAN) acknowledged that the Honourable Minister of Law, Justice and Parliamentary Affairs was leading the Government delegation of Bangladesh, which showed strong commitment by the Government in responding to the issues raised under the special paragraph. The Government's response should be appreciated as it demonstrated that concrete, specific and time-bound action was being taken. Although Bangladesh was a least developed country, it was trying to emerge out of poverty by 2021 under a strategic economic policy by a Government committed to observing the core ILO Conventions. Bangladesh was a world leader in the RMG sector by virtue of the great skills of its workers and was moving towards a lower middle income status, with close to 4 million people engaged in the RMG sector, of which 80 per cent were women, although other sectors were also important. Bangladesh had been successful in eliminating child labour, including the worst forms of child labour, and had given emphasis to the protection of rights of workers and creating a healthy and safe working environment through social dialogue. Gratitude was expressed towards the ILO and other development partners for continuous support, which allowed the Government to implement remediation works at the factory level. The speaker noted that compliance with labour standards should not reduce the competitiveness of Bangladesh and considered that the ILO must ensure a level playing field for all actors in the global supply chain. In that regard, it should provide technical assistance for capacity building and engagement with social partners. With regard to low wages in the RMG sector, he urged the ILO to strongly advocate for fair pricing of the goods and services produced in Bangladesh to ensure decent work and decent wages for the workforce through a fair process of globalization, targeting the elimination of all poverty by 2030 in the framework of the Sustainable Development Goals. The speaker made a strong appeal for Bangladesh to be removed from the special paragraph.

The Government member of India (Mr CHANDER) thanked the Government for the information provided and recalled that the matter had been discussed in successive sessions of the Conference. The significant legislative amendments that the Government was working on with respect to EPZs and its close cooperation with the ILO was welcomed. The establishment of a TCC to examine issues raised by the Committee and to strengthen tripartite consultation and the realization of a harmonious industrial relations culture were appreciated. Improvements in the labour statistics system demonstrated progress and steps taken to address issues of anti-union discrimination were welcomed, including through capacity building of labour officials, awareness raising and capacity building of workers, development of SOPs, a helpline for workers, and the strengthening of databases despite the significant socio-economic challenges faced by the country. He noted the information provided by the Government on trade union registration and urged the Committee to favourably consider the positive steps taken by the Government.

The Employer member of Turkey (Mr YILDIZ) recognized the transition of Bangladesh, which had enabled a rapid change in its economic and social structures. Those circumstances raised questions on the functioning of its industrial relations system, which the country and its social partners had had to address in addition to serious occupational health and safety, trade union representation and labour dispute challenges. International focus on the situation had also led to a wider debate that contributed to the reshaping of its legal and administrative structures. New legal instruments and administrative measures were adopted for the improvement of working conditions. The draft regulation on EPZs was noted and the legislative process was expected to be completed following a revision process that would increase compliance with international labour standards. The new law should respond to all expectations of tripartite constituents and pave the way for a new era in Bangladeshi industrial relations. The long and demanding transformation of the country, while it faced serious and broad problems in the implementation of its international obligations, should be positively recognized by ILO supervisory bodies.

The Government member of Egypt (Ms ABDEL TAWAB) noted the measures adopted by the Government to ensure compliance with the provisions of the Convention, including the development of new policies, the amendment of laws, awareness campaigns and social dialogue. Efforts to fight anti-union discrimination both in law and practice were welcomed. The speaker encouraged continued collaboration between the Government and the ILO.

La miembro gubernamental de Cuba (Sra. GONZÁLEZ GUTIÉRREZ) agradeció al Gobierno la información proporcionada, en especial con respecto a la revisión de la BLA; la activación del CTT; la actualización de las normas del trabajo; y el fortalecimiento del Departamento Gubernamental de Trabajo. Asimismo, apreció la voluntad del Gobierno para continuar fortaleciendo el marco legislativo laboral.

The Government representative noted that it was unfortunate that some of the information presented was outdated and distorted and for that reason considered that it was necessary to respond and clarify matters that had been raised. In addition to the written statement reproduced in Document D.8, he provided the following information:

- Out of the 11 Ashulia cases, three had been withdrawn and two resolved, a final report having been produced in all five cases, and six other cases were being investigated under due process and would be resolved without delay, as the Government, while respecting the independence of the judiciary, had requested the investigating authority to expedite the matter.
- SOPs for registration had been published on 22 May 2017 and been given effect from that date.
- As for the tripartite agreement reached with IndustriALL after the Ashulia incident, a meeting had been held on 23 February 2017, as a result of which all persons imprisoned and under police custody had been released on bail, the salary of workers who had left

jobs had been paid as per the labour legislation and all zonal offices of the registered federations at Ashulia had been reopened.

- In the telecommunications sector, utmost priority was given to smooth functioning, which is why it had been identified as an essential service under the Essential Services Act of 1958.
- In addition to the mentioned amendment of Chapters 9, 10 and 15 of the draft EPZ Labour Act, which would be brought in line with the BLA, administration and inspection of factories in EPZs would also be under the BLA.
- The Chittagong incident was a dispute between two labour groups and had nothing to do with the Government or the employers.

The speaker expressed firm commitment to the implementation of the mentioned measures within the indicated timeframe and requested the withdrawal of the special paragraph from the conclusions of the Committee. He thanked all who had taken part in the discussion, in particular the speakers who understood the challenges, appreciated steps taken and encouraged the Government to move forward.

The Employer members recognized the importance of the RMG sector in the development of the country and the empowerment of women, and took note of the information provided by the Government. In light of the observations of the Committee of Experts, governance of industrial relations took place at the national level and there should be freedom to balance interests. In consideration of commitments made by the Government and measures adopted, the Employer members urged the Government to ensure that the law on EPZs ensured the right to freedom of association for workers and employers, particularly, to form organizations of their own choosing, and to ensure applications for union registration were expeditious and transparent. Measures to provide for online registration, which would encourage transparency were welcomed in that regard. Noting the development of SOPs for the registration of trade unions as a positive measure and requesting a copy of those, it was emphasized that continued

investigation of acts of anti-union discrimination and the development of procedures for handling such cases were necessary. Information on the operation of the labour rules was requested so that the Committee of Experts could have a fuller understanding of the status of the rules and their impact on the implementation of the BLA. The establishment of the TCC and continued social dialogue was encouraged and further progress was expected without delay. In that regard, the Employer members urged the international community and development partners to continue to support the positive progress and on that basis, it was not appropriate to include a special paragraph on Bangladesh in the Conference Report. More needed to be done to encourage progress, and a full report on measures taken should be provided to the Committee of Experts.

The Worker members responded to some of the statements made during the discussion, including on the steps that had been taken by the Government on issues that fell outside the scope of the Convention. Although those steps were welcomed, those steps could not compensate for the complete lack of progress in relation to the application of the Convention in Bangladesh. The garment industry did in fact employ more than 4 million workers, but that did not exonerate factory owners from their obligations. Decent work and sustainable jobs could only be created where fundamental rights were respected. The Worker members were in agreement with the Employer members concerning the need for objective and transparent requirements for the registration of trade unions. A minimum membership requirement was clearly not in itself incompatible with the Convention. However, the minimum membership requirement must be fixed in a reasonable manner so that it did not hinder the establishment of trade unions. In the case of Bangladesh, the Committee of Experts had repeatedly highlighted that the minimum membership requirements were excessive. It was beyond doubt that the Government had firmly returned to its long-standing, anti-union ways, apparently hoping that the limited progress it made on fire and building safety would obscure the Government's efforts to deny freedom of association to Bangladeshi workers. At every turn, the Government was making it nearly impossible for workers to exercise their fundamental rights. There appeared to be no labour justice for workers. The Government had employed every tactic to delay or deny trade union

registration. Some unions, which had been the most successful in registering new unions following the Rana Plaza incident, currently found their applications routinely denied. If anyone had any doubts, the crackdown in Ashulia made it clear that it was the policy of the Government to repress workers' rights in order to attract and maintain investment. The arrests and absurd charges under long-ago repealed laws showed just how little commitment the Government had for the rule of law. The fact that police shut down an ILO-funded health and safety programme should be seen as an insult to every Committee member. The Government had failed to comply with nearly all of its international commitments. It had ignored the observations of the Committee of Experts, the conclusions of the Conference Committee, as well as the Bangladesh Sustainability Compact. Even the achievements on fire and building safety had been largely the result of private initiatives, not the Government's own efforts, therefore calling into question the sustainability of the progress. Every year, the Government informed the Conference Committee that they understood and would do better. The Worker members concluded that the Government would not follow through with its commitments unless significant additional measures were taken. Even the joint conclusions of the EU Sustainability Compact reflected that no progress had been made, as the parties had urged the Government to undertake once again the promises it had made in 2013 related to freedom of association. The speaker reiterated the conclusions of the Conference Committee of the previous two years, adding a new point in relation to the Ashulia crackdown. In that regard, the Government was urged to fully implement the tripartite agreement of February 2017, including to drop all charges against trade unionists, to end the surveillance of unions and interference in their activities, and to reinstate those workers who were dismissed in Ashulia following the December 2016 demonstrations. The Worker members also called for the conclusions of the Committee to be placed in a special paragraph. The tripartite constituents were also urged to take all possible measures to persuade the Government of Bangladesh to comply with its legal obligations.

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