CPD Dialogue on Re-emerging from the Rana Plaza Tragedy An Account on the Third Anniversary

Presentation on

Post Rana Plaza Developments in Bangladesh: Towards Building a Responsible Supply Chain in the Apparels Sector

23 April, 2016

Presentation by Dr Khondaker Golam Moazzem Centre for Policy Dialogue (CPD)

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Study Team

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Discussion Points

- 1. Background: Civil Society Initiative for Monitoring Post-Rana Plaza Developments
- 2. Framework of the Study: 'Institutionalisation of Organisational Learning'
- 3. Benchmark Situation of Post Rana Plaza Developments
 - Unaddressed Issues of Rana Plaza Victims and Their Families
 - Remediation of RMG Factories
 - Freedom of Association
 - Strengthening the Organisations
 - Changes in Governance in the Global Apparel VC
- 4. Stakeholder's Perception with regard to Post Rana Plaza Developments
- 5. Challenges of Institutionalising the Organizational Learning in the RMG Sector
- 6. Suggestions for Developing Responsible Supply Chain

1. Background

- Bangladesh is commemorating the Third Anniversary of the Rana Plaza Tragedy
- Post-Rana Plaza period has experienced significant number of initiatives and activities
 - Immediate issues have been to a large extent addressed
 - Key weaknesses and challenges have been identified in the process
 - Important 'missing links' are being discussed
- Symbolic meaning of 'Rana Plaza' has been gradually evolving
 - From 'poor compliance' to one of 'efforts towards better compliance'
 - This experience can be applied to develop responsible value chain in the RMG sector as also in other sectors
- Bangladesh is currently in the process of substantive 'organisational learning'
 - It's time to assess various initiatives from the perspective of 'institutionalization' of the learning

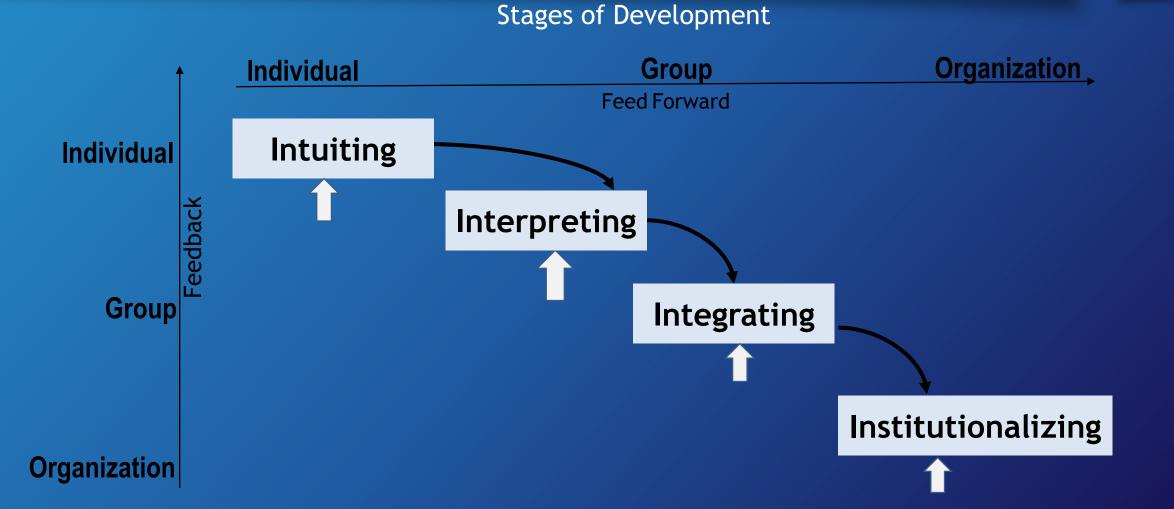
1. Background

- Under an independent monitoring initiative, CPD along with thirteen organisations and renowned personalities, monitored the progress of post-Rana Plaza developments for the first two years.
- As part of this exercise, various initiatives have been undertaken
- Published monitoring reports in view of four specific milestones
 - After 100 days, after nine months, after one year of the incident and after two years of the incident.
 - These reports have become important reference documents on the Rana Plaza Tragedy.
 - These reports and other related documents are available on the CPD website (http://cpd.org.bd/index.php/post-rana-plaza-monitoring-a-civil-society-initiative/).

2. Framework of the Study

- Theoretically, "organizational learning is a cyclical process through which knowledge that is learned at an individual or group level is objectified on the organizational level, institutionalized and embedded in the organizational memory" (Wiseman, 2007)
- 'The 4-I Framework' 'indicates a comprehensive model of organizational learning which is developed by Crossan, Lane and White (1999)
- Four main processes have been identified in the '4-I Framework'
 - Intuiting: It occurs when individuals recognize patterns in their own experiences and identify their potential use in their current work environment
 - Interpreting: It is the process through which individuals/groups put into action
 - Integrating: It occurs when the process moves beyond the individual and embraced by the group
 - Institutionalizing: The changes become institutionalized, when the new ways of acting are recurrent and have a sufficiently significant impact on organisational action
- Institutionalization is the process of embedded learning systems, structures, procedures and strategy (Crossa and Bedrow, 2003).

2. Framework of the Study



2. Framework of the Study

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- Post-Rana plaza developments can be viewed from the point of institutionalisation of 'organisational learning'
 - Various activities range from victims support to remediation activities of garment factories to overall improvement of the global value chain
- Such changes (e.g. slow/fast, positive/negative, forward/backward) occurred with the direct/indirect influence of various players of the value chain
 - Various agreements/arrangements have contributed towards that process
 - A huge organisational learning has taken place during this period
- Process of institutionalization of the organizational learning in the RMG sector needs to be analysed

3. Objectives and Methodology of the Study

- The objectives of the study are to appreciate the level of institutionalization of organizational learning in the post Ran Plaza period
 - Assessment of various initiatives and activities: support to the victims, remediation of garment factories, strengthening organisations, improvement of workers' rights and improvement in the governance process
 - Appreciate the role of major players in the value chain: suppliers, workers/trade unions, buyers/brands/retailers, government, development partners
- The study applied both subjective and objective types of information
 - Primary information: interview with suppliers, workers/trade unions, buyers/brands/retailers, government, development partners
 - Secondary information: data collected from different organisations

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• 4. Benchmark Situation of Post-Rana Plaza Developments

Unaddressed Issues of Rana Plaza Victims

- Victims are still concerned about some issues
 - Missing workers, treatment of the injured workers, re-employment, financial support/compensation
- Number of missing workers has reduced, however some are still missing (about 55)
 - Families did not get support due to lack of proper identification of their missing member
- Health condition of injured workers has improved; but a large section still in health related risks.
 - About 78.8% of survivors interviewed (1300) mentioned about a stable physical condition (70.6% in 2015) (ActionAid)
 - About 14.6% reported about deteriorating health condition including headache, pain in the body and difficulty in movement
 - Currently health related support is provided at a limited scale (BRAC, CRP, Caritas, ActionAid, BILS)

Unaddressed Issues of Rana Plaza Victims

- Re-employment of Rana Plaza victims: although some progress made but unemployment of a large number of survivors remain a concern
 - Number of employed among the survivors has increased (from 44% in 2015 to 51.8% in 2016) (ActionAid)
 - About 48% of survivors are not fully employed (ActionAid)
- Re-employment in the formal sector is still low (21.4%)
 - Facilitated by special skill development training on small business/ entrepreneurship development
- Good number of victims are psychologically weak and are not being able to undertake normal economic activity.
 - Heath risk among the survivors is still a major concern for pursuing a normal life.

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Unaddressed Issues of Rana Plaza Victims

- Legal matters concerning accident made least progress during last three years
 - Four writs concerning victims' compensation are ready for hearing
 - Charge sheet submitted against 41 persons with the allegation of murder
 - 11 cases are pending concerning violation of laws
- Financial support provided by different organisations including government and more specifically by the buyers (Primark, 'Rana Plaza Trust Fund') is well appreciated.
 - Till date, US\$34.01 million has been disbursed to 2895 victims (5171 claimants)
 - A large part of the financial support has been spent for consumption and repaying debts (82%, ActionAid)
 - Little left for productive use
 - Support needed for workers who were not physically injured but mentally distressed

Remediation of RMG Factories

- Till date a total of 3632 factories have been inspected: Accord, Alliance and National Initiative
- All initiatives are expected to follow same standards
 - CAPs/completion reports should be equally accepted to all brands and buyers
 - A good number of factories are still out of any assessment process (about 909-1128 factories)

Progress of Accord Initiative

- About 58% of work has been carried out till date
- Process of inspection has been gradually intensified
- Low percentage of completed CAPs (0.12% of total CAPs)
- High percentage of CAPs are behind the schedule of implementation (81.04% as of February, 2016)

Progress of Inspection

Initiatives	Assessed factories	%				
Accord	1,390	38 %				
Alliance	857	24%				
National Initiative	1,549	44%				
Jointly Inspected by Accord/Alliance	-164	-5%				
Total	3,632	100%				
Accord Inspection						
	probler of 10 A	No. of problems (as of 10 April, 2016)				
Total findings initial inspections	74,5	74,559				
Total findings in progress	31,2	31,245				
Total findings pending verification		11,345				
Total findings completed	· · ·	31,969				
Total % initial CAP findings completed	58.	58. 1%				

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- Pace of remediation is not same for all types of problems.
 - Better progress in case of electrical problems (37%)
 - Followed by fire (24%) and building safety related (11%) problems
- A large number of building safety problems remain unaddressed which is a big concern.
- Pace of remediation seems to be influenced by
 - Costs incurred to undertake necessary remediation (seems to be high for building and fire related prob.)
 - Non-availability of necessary corrective materials
 - Limited availability of skilled professionals
 - Lack of interest of entrepreneurs concerning the bleak prospect

Accord- Status of Safety Findings

	Nov, 2014	Feb, 2015	Feb,2016			
Electrical Safety						
Corrected	4.33%	8.69 %	37.23%			
Pending Verification	34.93%	20.73%	23.29%			
In progress	71.86%	70.58%	39.49%			
Fire Safety						
Corrected	0.22%	2.71%	24.19 %			
Pending Verification	17.14%	15.67%	21.83%			
In Progress	82.63%	81.62%	53.97 %			
Building Safety						
Corrected	0.97 %	1.58%	11.2 1%			
Pending Verification	15.24%	15.98%	26.61%			
In Progress	83.79 %	82.45%	62.19%			

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Progress of Alliance Initiative

- Alliance has identified a total of 48500 problems
 - About 49% has so far been completed
 - 24 factories have been fully remediated (4.1%)
- Progress in remediation needs to be increased
 - Factories with lower percentage of progress has decreased

National Initiative/National Plan of Action (NPoA)

- Progress is rather slow
 - Inspection has been completed with the support of ILO
 - Only 300 CAPs had been received by DIFE (March, 2016)
 - 5 CAPs had been approved by the task force
- Number of closed factories: 39
 - No. of partially closed factories: 42
 - No. of factories suspended by Accord and Alliance: 100
- Clear difference in the progress: Brand/buyer led vs. rest
 - Need to understand the reasons

Alliance: Factory Remediation Progress

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% of problems		
addressed	July, 2015	April, 2016
0-20	154 (27.65%)	34 (5.86%)
20-40	251 (45.06%)	143 (24.66%)
40-60	133 (23.88%)	219 (37.76%)
60-80	19 (3.41%)	148 (25.52%)
80-100	0 (0%)	36 (6.21%)

Factories under Review Panel

	Factory (nos.)			
Status of review	Accord	Alliance	NI	Total
Referred to Review Panel	52	65	33	150
Partially Closed	14	12	16	42
Closed	26	10	3	39
Allowed operation	12	43	14	69
Pending Decision	0	0	0	0

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Freedom of Association Initiatives related to registering new trade unions have been rather slow compared to remediation related works

• Only 13.2% of total factories inspected against the rate of remediation of 49-58%

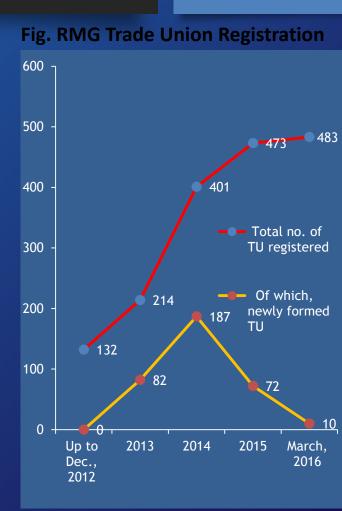
• Number of trade union registered has slowed down drastically in 2015 (Fig.)

- Decreased by 72% in 2015
- Only 10 new trade unions have been registered in 2016 (as of Mar, 2016)
- OSH committees: 45 OSH committees have been set up till date.
 - Various trainings have been provided

DIFE in association with ILO will organize National OSH Day on 28 April 2016
Better Work Bangladesh: Number of factories participating in this program has increased from 2014 to 2015.

Laws and Rules

- Rules of the Amended Labour Act 2013 are officially gazetted in September, 2015
 - There are concerns: EPZ related rules, registration requirement
- Progress on the adoption on National Occupational Health and Safety Policy 2013



Strengthening Organisations

- DIFE has increased its capacity by recruiting new inspectors
 - Number of newly recruited factory inspectors has increased from 92 in 2013 to 284 in 2016

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- Number of female inspectors has significantly increased
- Directorate of Fire Service & Civil Defense (FSCD) has created new posts 218 new posts of warehouse inspectors
 - Existing strength of inspectors: 50
- New posts for inspectors have been created in the RAJUK to deal with the structural integrity within its respective area
 - Recruitment of 32 inspectors in addition to the exiting 8 inspectors in Chittagong Development Authority(CDA) is underway.
- Ministry of Labour and Employment has been working to Increase of total strength from 712 to 1,100 but is at primary level.

Global Supply Chain Governance

- Multi-Donor Vision Zero Fund
 - In October 2015, the G7 reaffirmed their commitment to support social dialogue and the application of ILO standards on OSH and fundamental principles and rights at work in GVCs

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- A global business network for social protection floors
- Multi-stakeholder initiatives (MSIs)
 - 'Global Dialogue Forum on Wages and Working Hours in the Textiles, Clothing, Leather and Footwear Industries', a tripartite constituent, agreed that social dialogue should be promoted
- Social Provision in Public Procurement Policy (EU)
 - It is compulsory for contracting authorities to reject abnormally low tenders if the low price is due to non-compliance with EU legislation or international labour standards.

Global Supply Chain Governance

- UN Guiding Principles on Business and Human Rights
 - It builds on the implications of existing legal obligations that States have undertaken under international human rights law
- In June 2014, the UN Human Rights Council elaborated a legally binding treaty on business and human rights
- 'Graduated Bidder Declaration' (Spain)
 - To guarantee that the production of the textiles that were procured respected ILO fundamental Conventions
- Increasing Tax Base as a mean of promoting decent work
 - Tax evasion and avoidance can be a barrier to investment in social protection, labour administration and capacity building for social partners

Perception about Support to the Victims and Their Families

- Victims who suffered minor injuries (particularly psychological injury) have the perception that they received less financial support than other injured workers
- Lack of complete information and database about physical condition, support for rehabilitation, training for reemployment and condition of orphans
- The process of claiming compensation sometimes proves to be difficult
- There should have a 'pain and suffering component' in the compensation scheme
- Problems arise determining the legal guardians of children orphaned due to the tragedy

Perception about Remediation Activities

- Entrepreneurs suggest progress in remediation process has been good
 - Accord and Alliance suggest the progress needs to be better
- Many entrepreneurs consider the parameters used for inspection to be above national standards
 - Accord/Alliance consider them to be of minimum required standards
- Senior government officials suggest that the departments and institutions will soon be developed enough to handle the inspections on their own
 - Association leaders echoed with that
 - Alliance and Accord are apprehensive about the whole process
- Trade union leaders claimed that rule concerning relocation of factories within a 40 sq. km radius (which was previously 25 sq. km) deprived workers getting necessary compensation

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Perception about Remediation Financing

- Entrepreneurs suggest that on average, Tk.2-5 crore is needed to complete the remediation measures.
 - Some firms need even more, and for some it is too costly
 - Most entrepreneurs have used their own funds for financing remediation activities.
- Entrepreneurs interviewed feel there is a need for more low cost financing
 - Facilities provided such as the Green Re-Financing Scheme and the JICA facility (and the AFD facility in the future) are still cumbersome
 - High rate of interest is a major concern

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Perception about Worker's Rights

- Entrepreneurs suggest they are not against trade unions per se
 - They fear trade unions might disrupt their normal progress, and outsiders would get involved
- Opinions from the buyers suggest that new generation entrepreneurs are gradually realizing the need for trade unions
- There is considerable number of complaints from the workers regarding formation of trade unions
 - Harassment, legal complexities, complex registration procedures and harsh procedures of inquiries
- There is now an online trade union registration in place
 - But most workers do not have enough knowledge to use it.

Perception about Worker's Rights

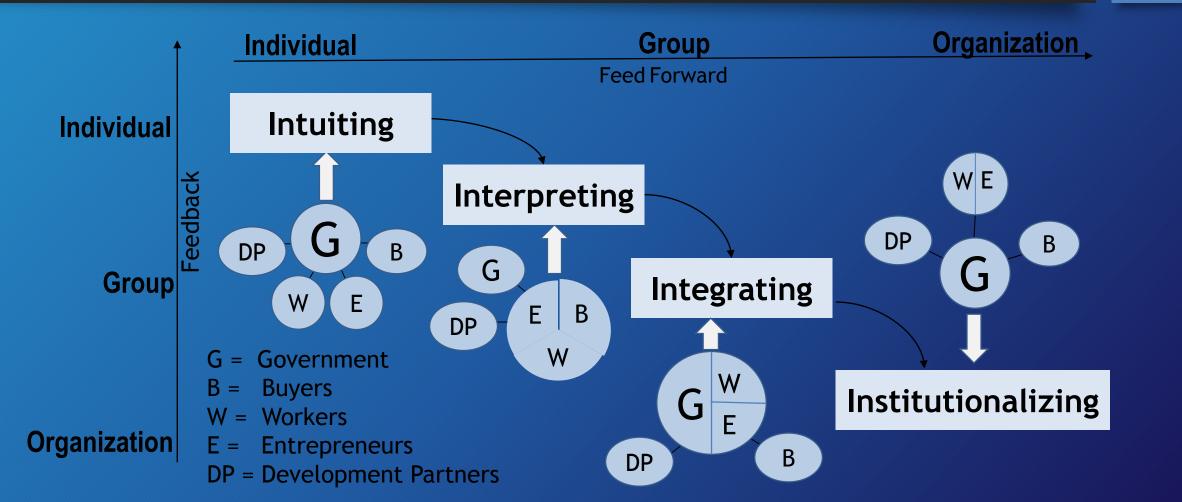
- One major problem in case of trade union registration is the high level of minimum requirement that it has to represent 30% of total workers
 - ILO CoEs: Such a high threshold for merely being able to form a union and maintain registration violates the right of all workers, to form and join organizations of their own.
- ILO CoEs: Institutional framework to anti-trade union discrimination issues, the existing act and rules should be amended further
- Workers representatives commented that full functioning trade unions is rare.

Perception about Social Dialogue

- The progress in establishing Occupational Health and Safety (OSH) committees has been good, according to entrepreneurs
 - From the worker's point of view, the progress is not that significant
 - Accord and Alliance: Still at the initial stages
- All stakeholders suggest that OSH committees are something that would be helpful
 - Proper way of implementation is required

Perception about Institutions

- Most entrepreneurs interviewed and especially the government suggests that there have been improvement in the labour inspection system
 - Quality of new inspectors after the training provided by ILO has improved
 - Workers thought that the quality of the inspectors need to be improved significantly
- Some entrepreneurs also suggested that the accuracy level of Accord and Alliance inspections is much higher than the newly recruited inspectors



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Compensation/Financial Support to the Victims

- There is a shared understanding that the victims of Rana Plaza tragedy need to be compensated and rehabilitated
 - A lot of initiatives undertaken most of which have been effective as well.
 - Role of government and buyers are much appreciated
 - Influence of different agreements: Sustainability Compact is well appreciated
- There are some minor lacks in collective development of the initiatives have been identified in the interviews.
 - Also, a systematic mechanism of compensation is yet to be established.
- So, compensation has reached the interpretation stage, but it needs to be integrated into a systematic procedure.
 - The process is in between intuiting and interpreting stage now

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Reemployment of the victims

- Re-employment of a part of survivors has well appreciated
 - Needs to revisit the initiative particularly scope of training, requirement of seed money for doing business and assessment of risks and vulnerability in operating businesses
- A large number of victims remain unemployed due to weak physical condition
 - Has not been able to integrate with normal economic life
 - Needs national legal framework for long-term social security of the workers
- National and international organisations take part in the process of re-employment of workers
 - Further effort needed to address the remaining unemployed workers
 - It is at interpreting stage

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Remediation Activities

- The remediation activities initiated by factories have been facilitated by episodic power (influence and force), not systemic power
 - Influence of USTR Plan of Action, EU Sustainability Compact
 - Role of the government and associations
 - Suppliers are taking part due to pressure
- There has been a realization that there is need for remediation financing. Some initiatives have been proposed, and some are underway.
- Hence, the processes have been intuited and interpreted, but have not been integrated.
- Accord/Alliance: The progress towards institutionalization is slow
 - But entrepreneurs don't agree to that view.
 - Government also believes that there has been considerable progress.

- Slow progress of trade union registration indicates that it is still at the early phase of 'intuiting'
 - Despite the commitment under USTR plan of action and EU Compact little progress has been made
 - Regressive attitude among some key players

Institutions

- All the initiatives of the government, implemented with the help of international partners, have focused on building a self-sufficient institutional structure
 - Not all segments equally developed (DIFE vs. DoL)
 - Hence, it is in between interpreting and integration stage

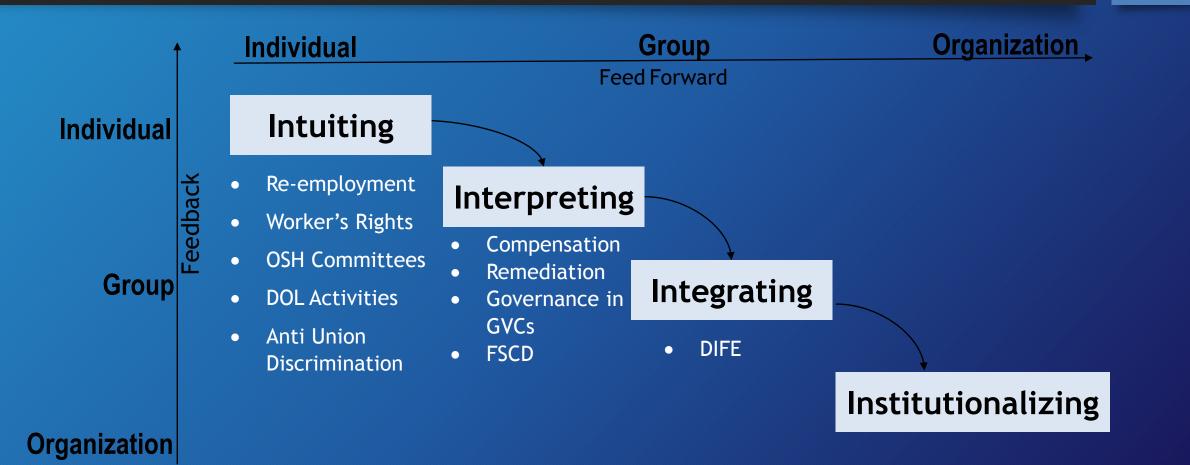
Social Dialogue

- Almost all stakeholders recognize the potential of OSH committees, and now these ideas are being implemented in a small scale.
- The challenge remains in interpreting the ideas on a much larger scale.
- Hence, the OSH committees are at the intuitive level.

Governance in the Value Chain

- Global processes of strengthening governance system made further progress during the post Rana Plaza period
 - Such changes are more likely at the interpreting stage which need to be moved forward
 - Those initiatives need to be interpreted vertically at the suppliers' end with equal participation of the buyers/brands/retailers in order to integrate those in the system of supplying countries

6. Challenges of Institutionalising the Organizational Learning



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- Bangladesh's RMG sector is slowly heading towards the direction of developing a decent working environment
 - Slow pace of readiness of concerned market players and stakeholders is the major concern
 - Even in some instance attitude of market players are reactive
- The huge knowledge and experience gathered in the process could be a treasure of 'organisational learning'.
 - This could be used by Bangladesh and relevant stakeholders as 'test case'
- Changing mindset of a number of stakeholders is essential to contexualise ongoing initiatives beyond 'Rana Plaza' issues
 - Otherwise these initiatives would turned to be 'one shot' event
- Establishing a strong linkage between decent working environment and further improving competitiveness of the apparels sector is highly important



Strengthening Organisations

- DIFE needs right kinds of structure to deal with multi-faceted issues concerning not only the apparels sector but also other sectors
 - Focus should be more on purpose-based, knowledge-led organsiation with adequate capacity in IT and skilled professionals
- Department of Labour (DoL) need to be upgraded into Directorate of Labour
 - Should be supportive to handle workers' concerns; more training for inspectors
 - Registration process should be transparent and should not be arbitrary
 - Better technical support should be provided for online registration
- Safety committee and WPC: Should develop workplace cooperation by sensitizing the workers
 - In the long run these committees may facilitate building responsible trade unions
- Changes needed on a number of issues concerning rules and labour laws including EPZ laws, TU registration and others



Institutionalizing the Financial Support System for the Injured Workers in the Industrial Sector

- Bangladesh should explore a mechanism in line with ILO's Employment Injury Benefits Convention, 1964 (No. 121)
- In principle, compensation (or injury compensation) is the payment received due to injuries suffered in the workplace, and is in most cases regarded as a right.
 - Coverage and mechanism may differ from country to country
- In this scenario, employment insurance scheme could be a possible alternative, and this could work as complementary to worker's compensation
- Bangladesh government can go for an Employment Insurance Scheme to be introduced through a separate act.
 - ILO is currently working on it with the government



Developing a Mechanism for Long Term Treatment of Injured Workers

- Process followed for treating the injured workers from the initial phase to date is well appreciated
 - An institutional mechanism need to be developed to support long term treatment
 - An updated version of financial support provided under RP Trust Fund could be applied
 - Government may consider introducing 'health card' for injured workers to provide treatment at free of cost in public clinics and hospitals
 - GO-NGO linkage would be effective

Developing Modalities for Training and Reemployment of Injured Workers

- Need to build a frame to ensure re-employment of injured workers
 - An exact mechanism that links worker's trainings to jobs needs to be established
 - GO-NGO engagements in this process would be effective



Institutinalisation of Inspection and Monitoring Process

- In the process of inspecting factories, a significant amount of data and information have been generated
 - These organizational knowledge should be preserved at the national level and should be properly used for ensuring better monitoring mechanism

• Such kinds of things could be done in two ways

- A mutually cooperation arrangement for sharing knowledge, data, technology and other expertise between private initiatives with local authority
- Promoting a private sector led inspection mechanism with the support of international experts which would operate under the oversight of the concerned authorities.



Ways towards financing the remediation related works

- According to a preliminary estimate the financing gap for remediation is large and substantial (USD 448 Million)
 - Development partners may consider more financing for remediation related works
 - A flexible, easy to access and low interest financial support is needed with a view to cover maximum number of factories required the support
 - Banks may consider introducing re-financing facilities for remediation related activities on a long term basis



Mechanism to ensure full compliance standard at the firm level

- Current initiatives did not cover a significant number of factories which are not member of any associations (909-1128 factories)
- Strong possibility that a large number of factories (about 52% of total factories) will remain in operation without undertaking substantial remedial measures
 - Less predictability in terms of completing the assessment and remediation work of these factories in a targeted timeline
- Government should set a plan of action how to handle remediation issues of these large number of factories
 - Financing, relocation, closed down factories and workers' compensation etc.
 - Membership with BGMEA/BKMEA



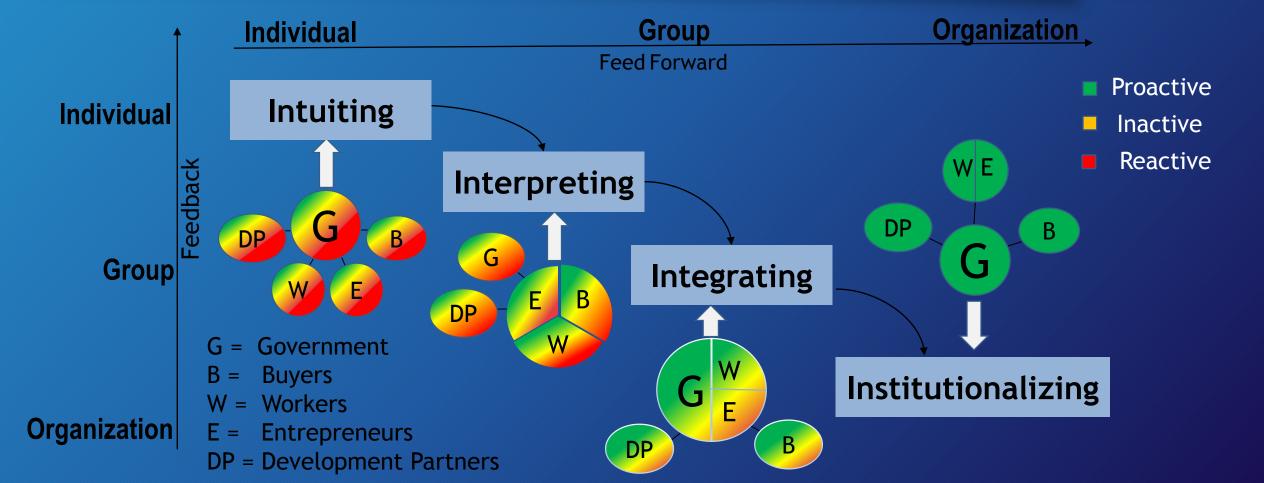
Promoting Occupational Health and Safety Initiatives

- OSH and WPCs will help to build critical masses at the factory level regarding workers' voice
 - Gradually facilitate developing effective and responsible trade unions in the long run.
- There should have effective mechanism for network building between trade unions operate in factories, confederations and federations
- DIFE should further expand their OSH related activities
 - An OSH council is needed to deal with policy related works to ensure better transparency
 - An OSH Academy, which is in the process of establishment, will expedite the process
- Better Work Bangladesh could provide technical services
 - For building and fire safety assessments, strengthening and supporting labour, fire and building inspections, building OSH awareness, capacity and systems



Developing an Institutional Structure to deal with Transitional Phase after 2018

- Government should take appropriate steps to get prepared for post-2018 period
 - Government is currently working with ILO to establish a Coordination Cell
- This cell will ensure that remediation is effectively managed and followed up
 - Coordination Cell would select private engineering firms to conduct remediation monitoring and follow-up, under the oversight of the regulators
- This is supposed to be a temporary structure
 - This would ultimately lead to the institutionalization of the whole process.







Thank you.