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EXECUTIVE SUMMARY

HomeNet South Asia (HNSA), being the network organization of Women Homebased workers (HBWs) promoted by UNIFEM and SEWA has been working to protect the rights of the HBWs in every sphere of society in the South Asian Region. As part of its ongoing advocacy and lobbying interventions with its member countries, HNSA is taking forward the ILO Convention on Home Work (C-177) through dialogues with government, policy makers and various related stakeholders. One of the major objectives of such policy advocacy and lobbying is to take ratification of C-177 as the major agenda in advocacy for recognition and visibility of the HBWs.

HNSA has been intervening on the HBWs issues in Bangladesh like other member countries. As part of its policy advocacy and campaign in Bangladesh, HNSA strongly feels to understand the challenges for the ratification of C-177 and, therefore entrusted Development Consultant and Global Compliance Initiative (DCGCI) with the responsibility of conducting a study on the same for exploring various stakeholders, existing laws and possibilities for ratification of C-177. The purpose of the study conducted during January - February 2012 was to devise a strategy for open dialogue with Government on the convention.

The study was accomplished applying qualitative methods of social research which included: in-depth interviews, consultation and sharing meet with different stakeholders. Reviewing of related literature was also an important tool of information gathering.

The study reveals that the ILO convention on Home-work is perceived by most of the respondents/stakeholders (high government officials like Secretary; Trade union leaders/labourer's representatives; civil society members; researchers, human rights activists, legal professionals etc.) as the tool of recognition for those who are engaged in HB work and production. Most of the respondents have mentioned the convention as the safeguard for the protection of the HBWs globally. Some of the stakeholders thought the convention more beneficial to the HBWs of the South Asian Region since the HBWs are in more vulnerable position in terms of their due rights than other regions/countries.

Interactions with top government policy makers (who are holding significant positions in some of the important ministries) reveal that GoB strategically bypassed the Convention due to some pragmatic reasons:

- i. There are no visible, active and influential HBWs' organization and structure, so there is lack of effective leaders from the HBWs who can approach to the Ministry of Labour, Law and other pertinent government department and non-government organizations and raise their issues.
- ii. There are no visible employers and their associations who are active and cordial about the HBWs' issues and their socio-economic upliftment.
- iii. Since both the parties are not visible, active and effective, it is not included as a TCC Agenda.
- iv. Silence of ILO is also perceived as one of the reasons for which the government is indolent on the issue.
- v. There is no TU in the HB sector since the HBWs are scattered and the present labour law allows the TU in the formal sectors.

There are no visible employers and their associations who are active and cordial about the HBWs' issues and their socio-economic upliftment.

- vi. Perceived opposition of some of the govt. officers and the influential employers during notification of the convention reinforced government's silence.
- vii. Huge budgeting and employing a lot of human resources after the ratification is needed to perform a series of activities including setting up of monitoring and supervision cell to oversee the HBW's situation throughout the country which is also a big challenge.
- viii. Ratification is a lengthy process involving several stages i.e. holding TCC meeting, preparing report, raising the issue in the parliament for debate, reviewing the existing laws and conducting

comparative study with the convention and finally report to the ILO.

The study reveals that the HBWs' in Bangladesh are not active enough to raise united voice for creating pressure on the government to push forward towards 'formulation of a national policy or guidelines' for handling the HBWs' issues let alone 'ratification of the convention'. Absence of any national platform of HBWs in the country and TU is also responsible for not drawing attention of the government and other concerned organizations or agencies which can lobby or morally support the campaign.

Raising the HBWs' issue both as 'Gender' and 'Workers' since 70-80% HBWs are women in Bangladesh.

The study also reveals a considerable gap between different branches/departments of government and the HBWs' campaign. As per the observations of different stakeholders interviewed, most of the pertinent branches/departments of the government are not aware of the issues of the HBWs. It is also revealed that the role of International Labour Organization (ILO) in this regard is not mentionable since there are no significant ILO interventions to protect the rights of the HBWs and draw the attention of the government on different aspects of the convention. As per the views and opinions of the stakeholders interviewed, some grounds can function as the base of the policy advocacy and lobbying with the government to push forward:

- i. Significant contribution of the informal sectors like HBWs to the national economy.

- ii. Protection of the HBWs from the clutch of exploiting middle-forces.

- iii. Upholding the status of the citizen rights and basic human needs.

- iv. Government commitments to 'Charter of the Change' and achievement of the MDGs through uplifting the life and livelihood status of the marginalized and excluded groups.

- v. Raising the HBWs' issue both as 'Gender' and 'Workers' since 70-80% HBWs are women in Bangladesh.

It is palpable from the statements of the respondents that the Ministry of Labour, Ministry of Law, Ministry of Planning and Ministry of Finance have vital role to play on HBWs' issues. The real scenario of the HBWs in the country should be explored and placed before the national parliament. Strong partnership and professional linkage with the influential law makers is essential to bring the HBWs' issue before the nation. Both the electronic and print media should be used strategically to visualize the real picture of the vulnerable conditions of the HBWs, the interviewed stakeholders perceived. Holding dialogues with the government officials, policy makers/law makers, civil society members, employers, HBWs' representatives can function to build a common understanding among the aforesaid stakeholders. Experience sharing with the countries having ratified the convention will be an important tool of advocacy in lobbying with the government and other stakeholders to uphold the rights of the HBWs.

CHAPTER I BACKGROUND OF THE STUDY

Introduction to HNSA

HomeNet South Asia is a network organization of women homebased workers promoted by UNIFEM and SEWA. It was set up after the Kathmandu Declaration, formulated in an international conference convened in Nepal in year 2000. The formal launching of HomeNet South Asia was held on January 17, 2007 in the Conference "Women Work Poverty Policy Conference on Home Based Workers of South Asia". In South Asia there are about 50 million homebased workers, out of whom approximately 80% are women. The Asia region is a key area for organizing homebased workers due to their high number and a strong history of successfully organizing these workers in many parts of the region. HomeNet South Asia is the sub regional network, and members of HomeNet South Asia are national (country) networks of home based workers. These have been expanded in India, Sri Lanka, Pakistan, Nepal and Bangladesh, and the networks developed in these countries include HomeNet Bangladesh, HomeNet India, HomeNet Nepal, HomeNet Pakistan and HomeNet Sri Lanka. In the future more national networks may be added, drawing from other countries in South Asia. The process of forming a national network often begins with one focal organization that works with other home based workers' organizations in the country, resulting over time in the establishment of a national network that can help provide information and services to home based workers in the country.

HomeNet South Asia (HNSA) is a Regional network of Homebased Workers (HBWs) organization in South Asia. About 290 organizations are with HNSA through National Network in Bangladesh, India, Nepal, Pakistan and Sri Lanka. It has evolved as a focal point and the collective voice of the homebased workers in the South Asian region.

In 1996, International Labor Organization had passed a Convention C-177 on home workers. As per convention directives, there should be national policy ensuring social protection, national minimum wage, right to organize and proper housing. Since 1996 to till date, only 8 countries have successfully ratified C-177 — Netherlands, Finland, Ireland, Albania, Argentina, Bulgaria, and Bosnia and Herzegovina.

HomeNets in South Asia are organizing Homebased Workers since 2000. Taking C-177 forward, HomeNets are having dialogues with governments, policy makers and various other stakeholders which are still in progress but till date no major outcome has been achieved. Country Government is in favour of introducing policy but has not taken the ratification of C-177 as agenda and not even the Trade Unions (TU) have come forward for this agenda. Therefore Country HomeNets (CHNs) want to make ratification of C-177 as the major agenda in advocacy for recognition and visibility of HBWs. After much of advocacy work, CHNs felt strongly to understand the challenges for the ratification of C-177; therefore the study has been conducted for exploring various stakeholders, existing laws and possibilities for ratification of C-177.

In 1996, International Labor Organization had passed a Convention C-177 on home workers. As per convention directives, there should be national policy ensuring social protection, national minimum wage, right to organize and proper housing.

Objectives of HomeNet South Asia:

- Make visible HBWs and their issues
- Advocate for National Policies for HBWs in each country
- Strengthen the grass roots and particularly the membership-based organizations of HBWs in each country.
- Create and strengthen the South Asia network of home based workers and their organizations

Objectives and Purpose of the Study:

The Purpose of this study is to devise a strategy for open dialogue with Government on C-177.

Duration of the Study:

The study was conducted during January-February 2012. During the timeline, the research team approached to different stakeholders and shared views with them.

Methodology of the Study

The study is accomplished applying mainly the qualitative methods of social research including in-depth interviews, formal and informal sharing meetings with the relevant stakeholders. As part of adopting qualitative tools, the research team has met with the High Government Officials

from the Ministry of Labour, Ministry of Finance, Ministry of Law, Justice and Parliamentary Affairs, Ministry of Women and Children Affairs and other concerned department of the government; influential political leaders including secretaries in-charge of labour issues of the major political parties of the country; TU leaders, Female Activist, Human Rights Defenders, Senior Advocates and Legal Professional, HBWO's representatives, Former and Existing ILO officials/experts and other relevant stakeholders. Relevant literature was reviewed to extract necessary information on different aspects of the study.

CHAPTER II

C-177 AND THE REFLECTION OF HBW_s' ISSUES IN BANGLADESH

A Brief Background to C-177

The International Labour Organization (ILO) founded in 1919 is a specified agency of the United Nations Headquartered in Geneva is the only worldwide tripartite organization working with workers, employers and the respective governments. The ILO's main task is to lay down the international labour and social standards that improve the living conditions of the working population worldwide. A Convention, once adopted by the ILO is the equivalent to an international treaty. It then has to be signed or ratified by the Country's Government before it becomes legally binding in that country. The ILO Home Work Convention C-177 was adopted in 83rd Conference of the organization in June 1996 after long years of lobbying and negotiations.

The detailed work on the Convention and Recommendation was carried out in a committee on Homebased Work, made up of government, employer and trade union members. Detailed discussions took place; the text was examined and amended clause by clause. Government views expressed in the Committee showed that serious considerations had gone into the question. A majority of European Union's countries gave strong support to the Convention as did some key Governments from developing countries, in particular India and South Africa. Others, like the USA and Japan, expressed initial concern about particular clauses in the text but finally supported the Convention. And then the final vote was taken in the plenary session of the Conference. The main aim of the Convention C-177 was that Home Workers should be treated equally with other workers, particularly as regards:

- Defining and specifying the Home Workers
- Equality of treatment between homeworkers and other wage earners

- Home workers' right to establish or join organizations of their own choice and to participate in the activities of such organizations
- Protection against discrimination in employment and occupation
- Protection in the field of occupational health and safety
- Remuneration
- Statutory social security protection
- Access to training
- Minimum age for admission to employment or work, and
- Maternity protection
- Collective agreements
- Respective responsibilities of employers and intermediaries

A majority of European Union's countries gave strong support to the Convention as did some key Governments from developing countries, in particular India and South Africa.

- Adequate remedies, including penalties where appropriate, in case of violation of these laws and regulations shall be provided for and effectively applied
- Overall development of socio-economic condition and betterment of life and living status of the Home workers and upholding their rightful positions in the work and society

C-177 — as perceived by the Stakeholders

The ILO convention on Home Work (C-177) is perceived by most of the respondents/stakeholders (high government officials like Secretary; Trade union leaders/representatives; civil society members;

researcher) undergone the study as recognition for the people who are engaged in HB work and production. The convention has stressed on the improvement of the overall life and livelihood issues of the HBWs so that they can improve their socio-economic status within the institutional framework of a country. Through the convention, ILO has shaped an obligation for the members of the UN to recognize the contribution of the HBWs to the national economic development of their respective

The Convention is important for HBWs because it gives them recognition nationally and globally. It sets minimum standards for pay and conditions of employment which can be translated into national policies or laws.

countries and formulate policy guidelines to regulate the issues concerned with the HBWs. Most of the respondents have mentioned the convention as the safeguard for the protection of the HBWs globally. Some of the stakeholders

thought the convention is more beneficial to the HBWs of the South Asian Region since the HBWs are in more vulnerable position in terms of their citizen rights, minimum wages, poor life and livelihood conditions than other regions particularly HBWs of the European countries.

Significance of the Convention

The Convention is important for HBWs because it gives them recognition nationally and globally. It sets minimum standards for pay and conditions of employment which can be translated into national policies or laws. The Recommendation (184) gives detailed guidance on how these standards can be applied and includes clauses which go beyond legal protection and suggests policies and programmes that can improve the lives of millions of unorganized HBWs throughout the globe including Bangladesh.

Realizing the significance of the conventions and honoring the recommendations of the convention, eight countries have by this time ratified the convention to regulate the issues of the HBWs in their respective countries.

Situation Analysis of HWBs in Bangladesh

The study on 'Homebased Workers (HBWs) and their Organizations in Three Cities of Dhaka Division, Bangladesh, conducted by Development Consultant and Global Compliance Initiative (DCGCI), Dhaka during July-August 2010 has effectively identified issues of the Urban HBWs of which a snap-shot has been given below:

Aspects	Conditions/Situations
Living Status	• About 75% live in tin-shed houses with messy environment amidst poor ventilation • 44.4% HBWs have only single room to live with husband, children and sometimes with parents and relatives • 32% HBWs having access to supply water have to spend hours after hours in queue for collecting water from the inadequate slum water points • 92% having electric connection but most of them are illegal have to pay high bills due to illegal connection; • 38% HBWs have gas facilities only, the rest ones have to spend very high for cooking just a meal • 78% of HBWs income is spent for buying food, 62% for cloth; 57% for children's education; 32% for shelter and 32% for medical treatment
Health and Sanitation	• Only 25% HBWs having some health care facilities in their areas at low cost • 68.3% mention the drains in their localities are not cleaned regularly • 63.5% HBWs mention, waste is not disposed from their localities • 84% HBWs could not avail balanced diet/nutritious food (egg, dal, meat, milk, fish, etc.) regularly due to sky soaring price hike
Work and Remuneration	• HBWs spend almost equal time as of those formal sector workers but their income is manifold less than those formal sector workers • Even the cost of the electricity and house rent is not covered in their payment or wage though they have to spend electricity and use their space for the production • 56% HBWs having faced harassment in getting payment/wage and exploitation by intermediaries • Major part of the HBWs suffer seasonal unemployment
Occupational Health Hazard and Security Measures	• 92% have to face health problems in their work and they can't go to doctor due to poverty and they have to depend on local dispensary • No medical support from the employers
Support and Co-operation	• 67% were neither supported by Government nor by any Non Government Organizations or Institutions • Some HBWs are bound to take loan from the money lending agencies at a very high cost resulting 20% to 40% interests; almost all of the HBWs (75%) are unorganized
Empowerment and Socio-Economic Status	• 86% HBWs' income was either below BDT 1,000 or between BDT 1000-5000 • 60% HBWs' had to depend either on their husbands or parents for taking decision; they could not attain the ability of spending money independently even after having capability to earn the same.
Needs, Social Protection and Suggestions	• 65% having poor and inadequate store room/storage facilities while 35% were not having the same. • About 78% HBWs needed economic/financial assistance; 52.4% needed support for their children's education, 32% for housing, 33.3% for medical facilities in their locality • Most of the HBWs need multiple assistances

Perceived Benefits of being Organized

The benefits of being organized as per the perceptions of the HBWs, derived from the month-long area meetings organized by Occupational Safety, Health and Environment (OSHE) are given below:

The benefits of organizing as per the views expressed by the HBWs are the followings:

- Approaching to the appropriate authorities for claiming citizen rights boldly
- Protecting rights as workers and getting redemption of exploitation/violation of the middlemen/persons/vendors
- Bettering life and livelihood status through getting better wages
- Establishing linkages with the shopping malls, garments, and show rooms
- Depositing money through membership subscription
- Establishing community store-room for better preservation of products
- Easy access to different government/non-government organizations
- Addressing issues concerned with living in the low-income areas/slums
- Drawing attention of the appropriate authorities to solve water crisis, electricity and gas problem; clean the environment through regular disposal of waste and improvement of drainage system, better social security especially for the girls; to improve child and adult education, health care facilities, etc.
- Easy access to the Bank and other micro-credit organizations
- Training and workshop facilities
- Holding fair of homebased products
- Collective purchasing and sharing of raw materials among the HBWs to save both money and time

- Collective bargaining with the employers/purchasers about wages and facilities

All the HBWs felt, 'unity is strength' and they desire to be united to avail the aforesaid benefits.

Rights of the HBWs and the C-177

The convention has properly focused the rights of the HBWs as per the thought of most of the respondents consulted, though it seemed that most of them had no concrete idea about the same. However, the contextual analysis of the HBWs' needs in Bangladesh has been

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reflected in the convention. The study conducted by DCGCI on the HBWs has rightly identified the issues and needs of the HBWs which have been reflected in the convention. The HBWs from different regional background like urban and rural HBWs issues should have been focused differently in the convention as per the views of the respondents. The study shows that the HBWs have some important needs on the followings:

- Rights for organizations and collective bargaining
- Financial needs. Especially "Interest-Free Loans"
- Marketing of the products and publicity of the products
- Citizen rights i.e. availing basic citizen services from the government agencies
- Skill-based Trainings; machinery and new technologies, etc.
- Communications, linkages and networking
- Proper storage facilities
- Basic Education for HBWs and their children

- Health care facilities both for the HBWs and their family members
- Minimum wages for their work
- Social recognition as workers
- Protection under national law and policies
- Show rooms in city pockets and important public places
- Social safety net facilities

The Government Protection for the HBWs

There is no mentionable and distinct government protection for the HBWs in Bangladesh. But, there are some activities of the Ministry of Women and Children's Affairs, the Ministry of Social Welfare and the Ministry of Youth and Sports for the socio-economic development of the poor and unemployed women. The ministries have significant role in building up the capacity of the women and the youth through imparting life skills trainings. Some of the programmes of the ministries include allocating a

small amount of grants to those who are willing to start their new business for IGA. The Ministry of Women and Children's Affairs promote the women associations with yearly incentive grants for the overall development of the members of the association through carrying out development activities. The ministry has employed district and upazila level officers who closely work with the women associations, women activists and development workers. The officers are also entrusted with responsibilities of protecting the women from violence and other harassments through facilitating and connecting them with the free legal assistance system run by the government. Ministry of Social Welfare has also employed upazila and district level officers to carry out a number of social safety net programmes. The officers promote the local women associations and organizations with the legal groundings through providing registration. There are some small scale loan facilities from the ministry of the youth and training and rehabilitation facilities for the unemployed youth. The HBWs can avail these facilities provided by the government. But, all these are the insignificant initiatives for developing the huge mass of the HBWs in Bangladesh.

CHAPTER III

RATIFICATION PROCESS OF C-177 IN THE PERSPECTIVE OF BANGLADESH

Ratification Process of ILO Convention

The ILO adopts the convention on the globally burning issues related to the welfare of labourers. The fundamental philosophy of the organization is to bring due honour and dignity for the labourers engaged in any form of production. In the face of global demand on any burning labour issue, ILO takes up the matter and conducts research. The organization, after conducting critical analysis of the issue, adopts convention on the same if it feels necessary. There are some universally accepted procedures and norms of ratifying ILO convention which is also applicable for the convention of C-177:

i.Submission to the “Competent national authorities”

After an ILO Convention/Recommendation has been adopted by the International Labour Conference, the instrument is sent to all Member States for reviewing and consideration. The ILO Constitution requires that the instrument be sent to the representatives of the national organizations of employers and of workers as well as to the governments. As per the ILO Constitution, Member States (in consultation with representatives of employers’ and workers’ organizations, and in some cases other relevant government institutions) require to submit the instruments to the “Competent national authorities” for the enactment of legislation or other actions to forward the process towards ratification. In Bangladesh the ‘Competent authority’ is the national parliament. The principle of submission is an important one because it aims at making the contents of the ILO instruments known to the public, to raise awareness and stimulate public debate and involvement in important labour and social matters. ILO instruments have a “Normative value” on national attitudes and policies because they present the accepted international standards. This means that whether

or not a Convention is ratified by the country, it serves a purpose by being available as a model that has already been agreed upon by the tripartite partners at the ILO. (Source: ILO and the ratification process, section 4, <http://www.ilo.org/public/english/standards/norm/>.)

When a government (generally the Ministry of Labour) submits the instruments to the competent authorities, it is expected to indicate what action it considers desirable. There are at least four possible scenarios:

- The government may indicate that the instrument is already fully implemented in national law and practice, and therefore it can be ratified.
- It may recommend the enactment of legislation to give effect to the provisions of the instrument.
- It may recommend that ratification be postponed to give more time for consultations or studies.
- It may recommend that the Convention should not be ratified.

A country that ratifies is not allowed to pick and choose parts of the Convention as it wishes. In the long term, all of the provisions must be applied in national law and practice.

Within one year of the adoption of the instruments (or at the latest within 18 months), Member States are required to complete this submission and report back to the Director General of the ILO in extensive detail, telling what they have done and the actions taken by the competent national authorities. The outline of the report to the ILO is stated in a Memorandum of Understanding (MOU). The government has to definitely mention which employers’ and workers’ organisations have been given copies of the report.

ii. If a Member State decides to ratify

When a Member State ratifies the Convention, it agrees to two important things:

a. It agrees to implement the Convention. Thus, national legislation must be reviewed vis-à-vis the provisions of the Convention. A country that ratifies is not allowed to pick and choose parts of the Convention as it wishes. In the long term, all of the provisions must be applied in national law and practice.

b. The government has to report at regular intervals to the supervisory mechanisms of the ILO.

The regulatory supervisory machinery of the ILO comes into force 12 months after the Director General of the ILO has been notified of the ratification. Governments may request information, clarification or any other assistance from the International Labour Secretariat in the procedures related to the ratification process. In Member States where national laws go beyond the provisions of the new Convention, there may be a concern that national laws will be watered down to conform to the new provisions. ILO standards are minimum standards and as stated in Article 19 of the ILO Constitution, under no circumstances can a Member State whose legislation goes

beyond a Convention’s provisions weaken its national laws once it has ratified the Convention.

After ratification, the Convention is valid in that Member State for a period of at least 10 years. After this period, the State may denounce the Convention if it wishes. This is an extremely rare practice.

iii. If a Member State takes no action

The Committee of Experts will remind the Member State of its obligation to submit the ILO instrument to the competent authorities. A first reminder is sent out 12 months after the closing of the ILO Conference session. A second reminder is sent out after 18 months have elapsed.

iv.If a Member State chooses not to ratify the Convention

After the state has submitted the instrument to its competent national authorities, the Governing Body of the ILO may request the state to report at appropriate intervals, showing the impediments to ratification that exist at the level of national law and practice. [Source: MATERNITY PROTECTION CAMPAIGN KIT, ILO and the Ratification Process, Section 4.]

Steps in the Ratification Process in General

Adoption of the Convention of C-177 notifying member countries open for ratification.

An officer at the Ministry of Labour (MOL) can prepare a memo for a consultative meeting of Government, Workers, Employers, & Civil Society and thus can hold a tripartite meeting including the civil society groups.

The officer can report to the Minister of Labour about the meeting, and the Minister may report to the Cabinet to inform the other ministers; after this, Ministry of Law can conduct a legal review to get the issue ready for the Parliament to raise the issue properly.

A selected Parliamentary Committee of labour issues can discuss the ILO instruments and prepare a preliminary report; Parliament debates, approves and votes on the report; Legal and Internal Desk at Labour Ministry can review legal aspects of the issue.

Legal document can be finalized; sector ministry (Labour Ministry) can finalize the report as per the guidelines implicating feasibility of ratification and finally the report can be submitted to ILO.

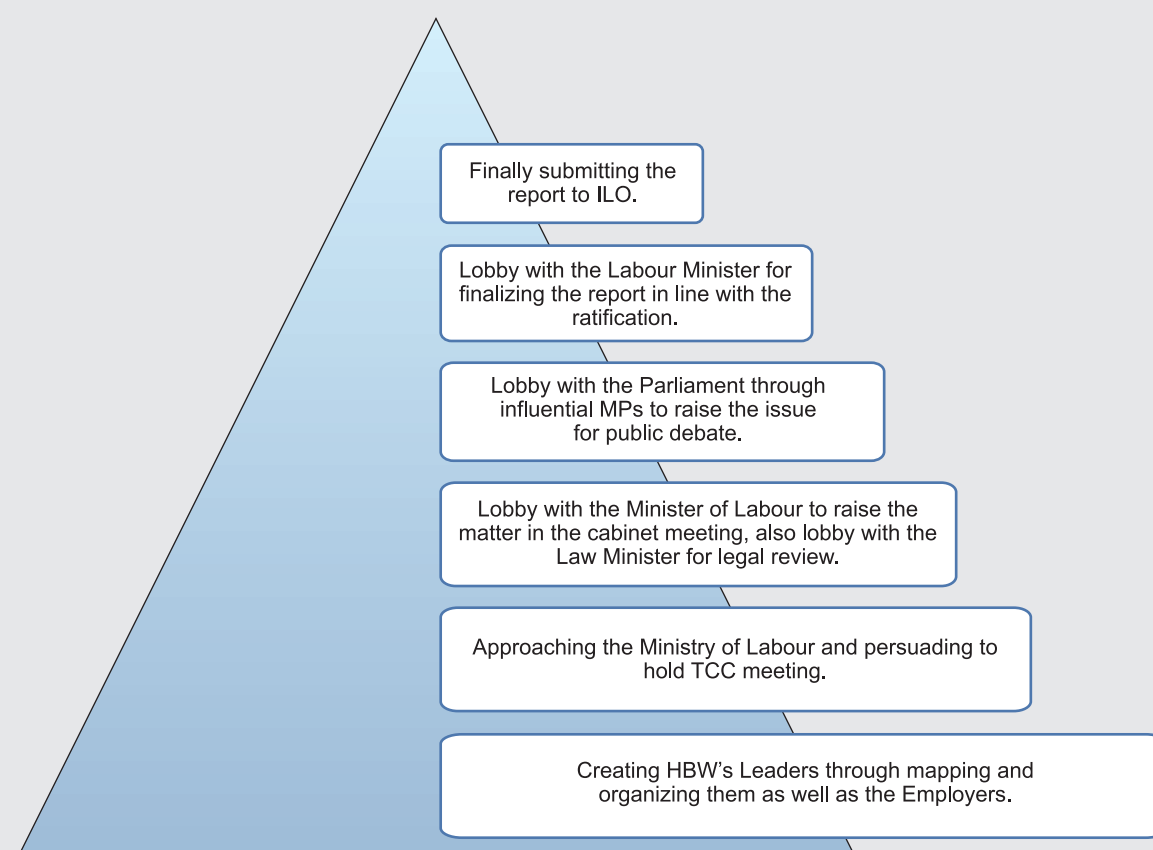
Steps in the Ratification Process of C-177 in Bangladesh

The above mentioned general process of ratification should be followed in terms of ratifying the convention of C-177 in Bangladesh. The nation wide scattered HBWs should be mapped out properly as per the clusters and region and then they should be properly organized. Their

The HBWs' leaders will have to move with the civil society, media and other like-minded NGOs and TUs to raise a consolidated voice for the HBWs' issues and ratification of the convention.

capacity should be developed; communication and advocacy ability should be improved. Among them, potential and capable leaders should be searched out and they should be undergone effective leadership training so that they can lead their clusters. The leaders will have to be

facilitated to reach wider range of stakeholders i.e. government officials, political leaders, MPs, Ministers, Civil Society Members, Donor Agencies, Human rights defenders and the Media so that they can raise their issues properly. Among the HBWs' leaders, those having political linkage or wider communication ability should be facilitated to approach to the Ministry of Labour to persuade the concerned officials to include the HBWs issue as an agenda of the TCC. They should lobby with the Minister, Ministry of Labour so that they can raise their issue in the cabinet meetings. Simultaneously, the Minister, Ministry of Law and Parliamentary Affairs should also be reached and persuaded to review the existing legal mechanisms in the framework of the C-177. The HBWs' leaders should also approach to the influential MPs to hold a public debate in the house on the issues of the HBWs and C-177. In this case, they can choose the MPs elected from the leftist parties who are the pro-workers advocates. Thus, they will have to move with the civil society, media and other like-minded NGOs and TUs to raise a consolidated voice for the HBWs' issues and ratification of the convention. They will have to continue lobbying with the Minister in Ministry of Labour and Employment so that he finalizes the report and submits to the ILO. In the whole process, the HBWs leaders should move strategically where the media can facilitate them.



The Steps in Ratification of C-177 in Bangladesh

Grounds for Holding Up of C-177

After the convention was passed, the member countries were called on to examine and vote on the same. Bangladesh was also notified to vote on the same and there was demand from the worker's side to ratify the convention in order to pay due honour and respect to the HBWs in the country. But the government kept silent since the government officials at that time were not interested in ratifying the same claiming that there were many burnings issues to concentrate on other than the issues of HBWs. During the period, the HBWs were very scattered and there was no TU in the sector who could raise voice for their rights and lobby with the government. The government technically bypassed the convention though many women and labour activists stressed on ratification. But the initiatives were not organized, strong and united, of which the government took the benefit. It was a reality that no TU or influential organizations poured effort to put the issue before the TCC for including the HBWs' issue as an important agenda.

It was a reality in the opinion of a few of the respondents that the government had no sufficient data on the HBWs, their clusters and employers since the issue were only an emerging one in the country. Moreover, the government was not prepared to conduct nation wide mapping of the HBWs and explore their issues. Being an emerging issue in the country, it was perceived by the respondents that the government probably was not clear about the budget & costing for preparing the ground for ratification of the convention, ratification and post-ratification interventions.

Ratifying a convention, as per the views of the respondents, is a huge matter which needs many preparations. During the ratification stage, there are a number of formalities need to be done and similar things are necessary to carry out after the ratification. As per the norm, a country has to develop supervision and monitoring mechanism to look after the respective issue and prepare periodic report to submit to the ILO. All these involve huge financial expenditure which facilitates the government remaining 'Silent'. The government probably could not visualize how much would be the financial costing in the whole process and what type of capacity and expertise would be needed.

The govt. also explores to identify and survey on the clusters, issues and comprehensive situation of the HBWs in the country. However, the government also examines its due duties to monitor the situation as per the national policy to be formulated after ratification of the convention and how much the cost will be needed and what is the capacity of the government in allocating the budget for the purpose of ratification and post ratification monitoring is also a big concern.

One of the reasons was that the HBWs are accomplished inside home and the employers are really difficult to find out. Moreover, the sub-contracting system is a big barrier to identify the real employers of the HBWs, since most of the Homebased Work is carried out as per the order of the sub-contractor. Moreover, the self employed ones are really difficult to find out, since there is no visible structure of the sector or like other informal sectors where the 'Men, Machines and Money' are visible.

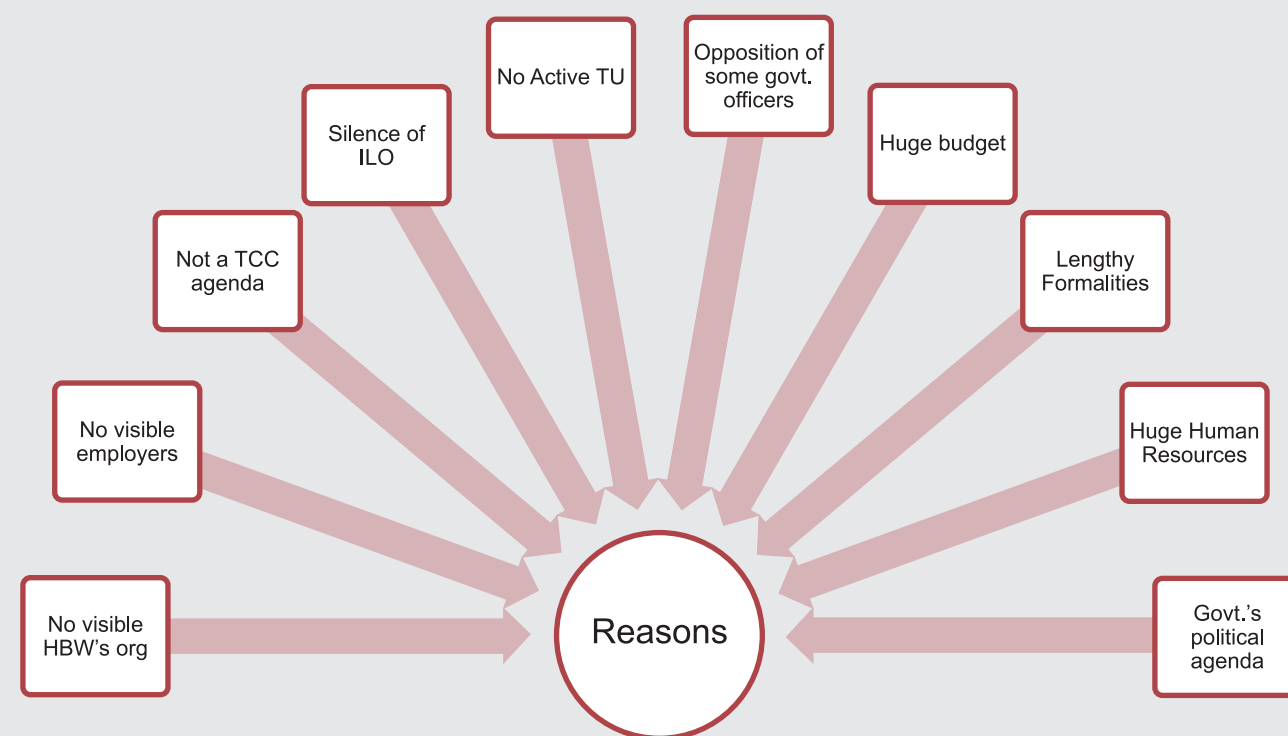
The sub-contracting system is a big barrier to identify the real employers of the HBWs, since most of the Homebased Work is carried out as per the order of the sub-contractor.

As per the opinions of the stakeholders, there is a general practice noticed in our country regarding the stand of the employers and their association. The respondents claimed that the employers and their associations (whatever they are or produce) are not found supportive in expected level in protecting workers' rights. During the adoption of the convention, all the employers (in general) remained in same position.

Due to lack of active TU and HB organizations, there was not effective movement for claiming the convention being ratified by the government. Some of the respondents

argued that, if the govt. was tossed and persuade greatly then the govt. would send the issue to the TCC. Based on the TCC report, the govt. would advance for the further process through the parliament and the cabinet.

It is revealed from the interactions of different stakeholders particularly who are in the top policy, planning and administrative management of some of the relevant ministries and departments of the government, that the GoB supports the ILO Convention, but yet to ratify the same due to the following reasons:



Ten Major Perceived Constraints to the Path of Ratification of C-177

Practical Challenges in the Process of Ratification

There came out some practical challenges from the interactions and consultations with the stakeholders of which the major ones include the followings:

- Approaching to the Ministry of Labour and Employment, building rapport with the influential officers and persuading them to include the issue as a 'TCC Agenda'.
- Lobbying with the Ministers of the Ministry of Labour and Employment and the Ministry of Law and Parliamentary Affairs.
- HBWs and their employers are not identified nationally.
- Time-duration for the ratification of the convention is over.
- Put forward the issue before the civil society, media, NGO networks and the concerned departments of the government.
- Lobby with the ILO with a view to persuading the government.
- Organizing the media, CSOs and NGOs to form a national platform.

Ministries concerned with ratification and their roles

It is revealed from the sharing meetings and one-to-one dialogue that there are some ministries who have significant role in ratifying and implementing the convention:

- Ministry of Labour and Employment
- Ministry of Law, Justice and Parliamentary Affairs
- Ministry of Planning
- Ministry of Finance
- Ministry of Women and Children Affairs
- Other Concerned Ministries

It is palpable that the ministry of labour has the most important and pioneering role in investigating the real scenario of the HBWs in the country, place their issues to the government through appropriate channel. The ministry of labour has also significant role in presenting the fact to the meetings of the cabinet so that a strategic output is come out. From presenting the HBWs' issue to the appropriate national body to formulate a comprehensive policy and implementation of the same for the overall betterment of the HBWs in the country are the duties and responsibilities of the ministry.

Apart from placing the issue in a law/policy format, the ministry of law can undertake further responsibilities to amend the existing labour law and cover the HBWs' issues through appropriate inclusion of the fact in the country's existing law. Ministry of Women and Children Affairs can come forward in this regard through raising the issue before the cabinet or in the parliament since the overwhelming majority of the HBWs are the women and children. Not only in formulating a national policy or amending the existing labour law, the ministry can raise voice to formulate an interim policy mechanism to handle the HBWs' issues. Even after passing a national policy or amendment of the existing labour law, the ministry can monitor and supervise the practices and overall conditions of the HBWs hand in hand with the ministry of labour. In cases of the violation of the practices and norms, the ministries can seek assistance for the ministry of home. Apart from these, the ministry of finance and planning have key role in the process of inclusion of the HBWs' issue in the national budget and can propose to allocate budgetary allocation for the overall betterment and improvement of the HBWs and their socio-economic life and livelihood status. Ministry of Health can facilitate the HBWs with health insurance card so that they can avail health facilities in regard to occupational health hazards, reproductive health supports and other casual health supports.

S/N	Ministry	Perceived Role in Ratification and Implementation of the Convention
01	Ministry of Labour	Holding the TCC meeting, raising the issue in the cabinet meetings, preparing the report on TCC meetings and submitting the same to the parliament for debate and discussion; facilitate legal review through the ministry of law, monitoring and supervising the HBW's situation, prepare and submit report to the ILO.
02	Ministry of Law, Justice and Parliamentary Affairs	Examining and exploring the legal aspects through in-depth review of the existing legal framework and the convention.
03	Ministry of Planning	Plan for implementation/incorporate in the yearly national planning.
04	Ministry of Finance	Propose to allocate necessary budget to act upon the implementation of the policy framework after ratification.
05	Ministry of Women and Children Affairs	Examine the report and existing laws, provide with feedback in the perspective of the women and children aspects in the HB industry.
06	Other Concerned Ministries (Ministry of Home, Ministry of Industry, etc.)	Assist in supervising, monitoring and overall implementation of the policy framework; facilitate international exposure of the HB products and attract attention of the international community.

Government Obligations for Ratification

As per the convention, each member country of ILO which has ratified the Convention shall adopt, implement and periodically review a national policy on home work aimed at improving the situation of Home Workers. Through this proposition, the obligations of a country have been indicated.

The findings of the study derived from in-depth interviews and consultation with different stakeholders show that the GoB has some obligations for ratification of the convention on the following grounds:

- Significant contribution of HB work to the informal economy.
- Elimination of deprivation of the HBWs from the clutch of cheat middle-forces.
- Upholding the status of the citizen rights and basic human needs.
- Government commitments to 'Charter of the Change' and the achievement of the MDGs through empowering and uplifting the life and livelihood status of the marginalized and excluded groups.
- Upholding the status of the women since 70-80% HBWs are women.
- Employment of a larger section of the people through HBW.

Since there is no specific provision for protecting the rights of the HBWs in the existing labour law, it will be needed to amend the law and include a specific chapter detailing the legal safeguarding for the HBWs.

Apart from the aforesaid grounds for considering the convention to ratify, the government will have to perform the following activities after ratification of the same:

- Will have to undergo long process of amendment of the existing labour law, since it has no provision of regulating the HBWs' issues.
- Shall adopt, implement and periodically review a national policy on home work aimed at improving the situation of home workers after ratification.
- Recruiting/appointing a lot of human resources to act on the HBWs' issue, i.e. inspect, supervise, monitor and oversee the HBW's situations and issues and prepare periodic reports.
- Budgetary allocations for implementation of all the aforesaid activities.

The existing labour law needs to be amended after ratification of the convention as per the obligation to uphold the same through performing in line with different clauses. Since there is no specific provision for protecting the rights of the HBWs in the existing labour law, it will be needed to amend the law and include a specific chapter detailing the legal safeguarding for the HBWs. If there is no legal mechanism to protect the rights of the HBWs, government could not be able to prepare country report or review report on the HBWs' situations. It is mentioned in the convention that the country that will ratify the convention shall adopt, implement and periodically review a national policy on home work with a view to improving the situation of HBWs. It could be accomplished in consultation with the most representative organizations of employers and workers, organizations concerned with HBWs and those of employers of HBWs as mentioned in the convention. However, it is also mentioned that ... "The national policy on home work shall be implemented by means of laws and regulations, collective agreements, arbitration awards or in any other appropriate manner consistent with national practice."... (Article 5)

Since the national policy needs to be based on appropriate legal grounds, the existing labour law needs to be amended for including a separate provision for the regulating HBWs. issues. If the existing labour law is not amended to regulate the issues, a new law will be needed to formulate for regulating the HBWs. issues.

Financial Implications

Some mixed views regarding the financial implications of ratification of the convention came out of the interactive

meetings and consultation with the respondents mostly included labour leaders and the government officers of which the followings are mentionable:

- Government needs to conduct a number of studies including mapping of the HBWs, their organizations and their issues, nationally as well as identifying the employers in the sector which needs a handsome amount of money.
- Carrying out a comparative study on the ILO convention and the existing labour laws in Bangladesh involving of costing.
- After ratification, government has to develop an independent cell for supervising, monitoring and assessing the situation of the HBWs and preparing periodic reports on the same to submit to the ILO which involves a handsome amount of money.
- Employing a good number of human resources nationally to look after the HBWs' issue which needs a huge budgetary allocation
- Planning and implementing a number of programmes in line with the convention to better the HBWs' situation for which a good amount of yearly budget is necessary to reach the HBWs of the whole country
- Holding meetings and consultation among the HBWs, employers and the civil society if any dispute arises for which a budget is needed to handle the disputes

A few of the respondents including one of the senior former officers of the ministry of labour viewed that the costing in the procedure mostly incorporates after ratification of the convention since a number of interventions are needed to carry out by the government.

These programmes include creating of awareness about the HBWs' issues and situations among different stakeholders, sensitizing the government officials and the local government representatives of the HBWs' issues through workshops/trainings and conferences, campaigning through the mass media and developing various programmes to better the socio-economic conditions of the HBWs.

Government Capacity to Ratify and Implement C-177

Most of the respondents and stakeholders interviewed opine that the government has capacity to ratify and implement the convention. What the government needs is to mobilize resources from its different sources, employ necessary human resources and accomplish the necessary legal procedures, i.e. amending the labour law 2006 or formulating a distinct law or policy frame work in parallel of the convention, and formulate a national policy in consultation with all the relevant parties.

As per the views of some of the respondents, the government is not so sincere to look after the issues of the informal sector rather it is more engaged in formal sectors. Besides, there are frequent unpleasant incidents that occur in the formal sector like garments factories of which some of such situations sometimes go beyond the control of the government. The respondents also view that the government is burdened with handling the formal sectors as per the existing labour law. Some of the stakeholders state that the existing labour law is still far away from its full implementation rather than formulating a new law including both the formal and informal sector. A few of the respondents think that some parts of the existing labour law can also be applied in handling the HBWs' issues.

A CASE STUDY:

How was C-182 Ratified by the Bangladesh Government?

The Government of Bangladesh, responding to the call for ILO's interventions for elimination of worst forms of child labour, ratified the ILO Convention 182 on the Worst Forms of Child Labour (WFCL) in March 2001. The ILO adopted the convention in 1999 as one of its eight fundamental conventions. A number of campaigns and movement formed by the donor agencies, NGOs, INGOs, civil society, media and different national institutions contributed to preparing ground for the government to ratify the convention.

The situation regarding child labour in Bangladesh can be fairly understood during the 1990s by both the Government and civil society activities. In 1990, Bangladesh became one of the signatories to the UN Convention on the Rights of the Child and the ensuring Summit Declaration and Plan of Action. In 1990, Bangladesh passed the Primary Education Act and, in 1993, it established the compulsory primary education system for children aged 6 years and above.

In 1995, responding to the threat of ban of imports into the US of goods made by child labour, The Bangladesh garment manufacturers and Exporter's Association(BGMEA), The ILO and UNICEF signed a memorandum of understanding (MoU) to jointly operate a child labour monitoring and enforcement project. The number of child labour in garments factories, especially in 2000 BGMEA member factories reduced significantly. They also signed the second MoU in 2000 after seeing expected success of the project. The second phase project was also successful. In addition, two project extended components, funded by Norway and Italy, supplemented these efforts by providing skills training.

A Joint Child Labour Working Group (JCLWG) consisting of the prominent NGOs and donors like ILO, UNICEF, the Bangladesh Shishu Adhikar Forum (an alliance of NGOs), the Dhaka Ahsania Mission, the Centre for Mass Education in Science, and the Save the Children Alliance was formed in 1999 to tackle the vast problem of child labour in Bangladesh. The JCLWG aims at achieving greater programme synergies through systematic sharing of information and lessons learnt from the various activities of the group members, as well as planning joint research

agendas, policies, and strategic plans. The JCLWG focuses on the development and effective implementation of the national Time-Bound Programme within the frameworks of the ILO Convention No. 182 and the UN Convention on the Rights of the Child.

The National Steering Committee (NSC) was constituted under the provisions of the Memorandum of Understanding (MoU) signed in 1994 including members from the Ministry of Labour and Employment, the Ministry of Education, the Ministry of Women and Children's Affairs, the Ministry of Social Welfare, the Ministry of Textile Manufacture, the Ministry of Commerce and Industry, the Ministry of Foreign Affairs, the NGO Affairs Bureau, employers' and workers' organizations ,the ILO, and UNICEF with a view to monitoring and improving the conditions of the child labour.

The ILO's global campaign programme to eliminate worst forms of child labour, 'International Programme on the Elimination of Child Labour (IPEC)' activities started in Bangladesh in 1995 with a view to identify strategies and workable models to combat child labour during the first stage (1995 - 99). It also aimed at building capacity of Government, employers' and workers' organizations, NGOs, and the other social partners to deal with the problem of child labour and its progressive elimination from society. Initial interventions included an analysis of the child labour situation in Bangladesh, preventing children from entering the labour market, withdrawing children from hazardous work and providing them services to rehabilitate them; monitoring of workplaces; raising awareness and capacity building of the partner organizations. From 1995 - 1999, a number of 75 action programmes were implemented under the IPEC country programme in Bangladesh through the Government, NGOs and employers' and workers' organizations. More than 50,000 children benefitted directly or indirectly from these programmes. During the course of the first stage, several modalities were developed to address child labour effectively. The sectoral approach was tested in the garments industry through the project. It was successful in many ways creating awareness within the sector against the use of children, establishing and implementing a child labour monitoring and verification programme and withdrawing children from work in the factories. To withdrawn children from hazardous work, a comprehensive strategy was employed that included mobilizing families and communities against child labour

providing non-formal education to former child labourers; mainstreaming non-formal school graduates in to formal schools; and providing families with alternative income generation opportunities through skills training and access to credit.

In October 1994, the ILO and UNICEF received a written appeal from 53 Bangladeshi children who lost their jobs in garment factories. This was preceded by the introduction of the Harkin Bill in the United States in 1992 which proposed a boycott of the products of child labour. In response, the ILO, UNICEF and BGMEA (Bangladesh Garment Manufacturers' and Exporters' Association) concerned declared their commitment to withdraw all child workers below the age of 14 years from more than 2,000 garment factories in Bangladesh and to provide them with education and a monthly stipend of about US\$7 per child. The project that emerged from this agreement (monitoring and verification project in garment factories) is unique in that the employers in the garment industry had an active role and financially contributed to the education of their (former) under-age workers.

UNICEF recommends the students to explore if the Government has ratified the conventions concerning child labour. The organization also facilitates the students to take part in the campaign of ratification of the convention.

In September 2000, a four-year project funded by the US Department of Labour (USDOL) and addressing the worst forms of child labour in five selected sectors (bidis, construction, leather tanneries, child domestic workers and matches) has started. This sectoral project focuses on

children working in hazardous occupations under the most intolerable conditions, ranging from exposure to chemicals and other harmful substances to them being subjected to long, tedious working hours. Building on the experience of the BGMEA/ILO/UNICEF Project as well as taking a big leap in the overall efforts of IPEC in Bangladesh, this project aims to remove about 30,887 children from hazardous occupations and to prevent another 6,021 younger siblings from taking their position in the labour market in the eight different areas of Dhaka, Chittagong, Tangail, Rangpur, Kushtia, Narayanganj, Manikganj, and Munshiganj.

NORAD Assisted Integrated Child Labour Rehabilitation Project (NORAD component of the BGMEA/ILO/UNICEF Project-Phase II) started in April 2000. The major components of this project were: skills training for ex-working children and their capable adult family members; entrepreneurship training for children and family members to start their own businesses or improve their existing business, if any; and micro credit programme for selected families of child workers

Apart from them, the role of media was very significant in drawing the attention of the government, development partners of Bangladesh, civil society members and the policy makers of the sufferings of the child labourers in the most hazardous employments. These all the donors, civil society initiatives, role of media, pressure and urge from the international community and overall the willingness of the government led to ratification of the convention.

CHAPTER IV ROLES OF CONCERNED STAKEHOLDERS

Tripartite Consultative Council (TCC) Mechanism and its Role

Tripartism is the essence of the ILO policies and interventions. It means 'Sharing of power'. It is the idea that trade unions, employers and governments should work together and seek consensus on issues which affect them. It is an extension of collective bargaining, or bipartism, when just unions and employers are involved. At the international Labour Conference, each member state sends four delegates. Two represent the government; one represents employers and one represents trade unions. The Governing Body of the ILO is composed in the same way. (Source: Manual 6: HOW TO RATIFY & USE ILO CONVENTION NO. 184 ON SAFETY & HEALTH IN AGRICULTURE.)

In Bangladesh, there are five main regular tripartite institutions at the national level: the Labour Court, the Tripartite Consultative Council (TCC); the Minimum Wage Board (MWB); the Tripartite Productivity Committee (TPC); and the National Council for Skill Development and Training (NCSDT). Furthermore, there are some ad hoc tripartite institutions convened at irregular intervals: the National Pay Commission (NPC), and the National Wage Commission (NWC), and National Steering Committee.

Apart from these, there are some sector based tripartite bodies for engaging in social compliance and monitoring of compliance. The most prominent among them is – 'Social Compliance Forum' in RMG sector established in 2005 comprising of government representatives, industry associations, buyers, development partners, civil society and partners. The main objective of the Social Compliance Forum is to review existing policies especially occupational safety and labour welfare aspects and to provide guidelines for necessary policy. The Tripartite Consultative Council at the Ministry of labour, Bangladesh consists of 45 members (15 each representing the Government, employers and workers group).

The TCC, in its meetings, discuss various issues of national importance such as formulation of labour policy,

amendment of the existing labour laws, adoption of ILO Conventions and Recommendations by the Government, and improvement of industrial relations, etc.

TCC examined the texts of ILO Conventions and Recommendations vis- a vis existing laws and practices prevailing in Bangladesh and recommended to the Government the ratification of some Conventions. Based on its recommendation, the Government ratified ILO Conventions Nos. 144 and 149 (relating to tripartite consultation and nursing personnel).

Besides tripartite conferences in matters of labour, tripartite consultations were held in formulating the development policies of the Government through the formulation of advisory panels with participation inter alia by organizations of employers and workers. (Source: Abdullah-Al Faruque: 2009, Current Status and Evolution of Industrial Relations System in Bangladesh, International Labour Organization 2009.)

In the case of Homebased Sector in Bangladesh, there are noticeable limitations to take up their issues to the TCC agenda since there are no visible representatives both from the worker's and employer's sides. Moreover, the issue of the HBWs and the ratification of the convention of C-177 are not included in the government's agenda since some of the respondents perceive the issues are not raised as prominent in the country. Most of the respondents opine that both the HBWs and their employers are scattered spreading all over the country. Wherever the employers are found active in their business are not found equally active in protecting their worker's rights. There are, in the opinion of the respondents, no visible welfare initiatives by the employers undertaken to better socio-economic condition of the HBWs.

Role of Trade Union in the Process of Ratification of C-177

Trade unions are generally established to look after the rights of the labour and reduce discrimination between employer and employee. Trade unions can play significant role to take the HBWs issue and bring the same before the national and international community. As per the section 176 of the Labour Law 2006, formal sector workers have the right to form trade union for the purpose of regulating the relations between workers and employers and, subject to the constitution of the union concerned, join trade union of their own choice. Trade unions of workers have the right to form and join federations and any such union

and federation shall have the right to affiliate with any international organization and confederation of worker's organizations. Trade unions have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programs. The law also ensured right to collective bargaining. But, in practice the elections of collective bargaining agents (CBA) are held only in the formal sectors but not in the informal sectors even in the garments sector. Like other developing countries, informal sector dominates the national economy of Bangladesh. The labour force survey shows that about 37.2 million people were involved in this sector in 2005-2006. But ironically, the informal sector's workers are not covered by the labour law though they constitute 80% of the total work force. Thus the informal sector workers do not enjoy legal and social protection. Many informal entrepreneurs operate their business semi-legally or illegally because the regulatory environment is too costly, too cumbersome or simply non-existent.

Though the informal sector workers and entrepreneurs contribute to our national economy widely through their active participation, there is no trade union or effective welfare organizations, which can bargain and negotiate with the government and concern organs of the government for their overall betterment. The Labor Law 2006 did not cover the huge folk of workers at grassroots and informal economic sectors. Based on information available till date, the informal sector workers and small scale entrepreneurs do not have any active association or liaison with the main stream trade union federations available in the country.

Role of HomeNet Bangladesh (HNB)

HomeNet Bangladesh in collaboration with Bangladesh Association for Women Homebased Workers (BAWHA) had been chalking out different types of programmes and policy advocacies related to establishment of prestigious position of the HBWs in the society including policy advocacy with the GoB, so that the C-177 is ratified and implemented in the country. As part of their policy advocacy, they had organized as many as 322 area workshops with the HBWs and held 36 District Workshops with govt. officials till 2004 since the convention had been

adopted and passed by the ILO. The two organizations called on with high govt. officials and even with the then minister, ministry of labour. All the meetings and dialogues did not produce expected outputs since they did not receive positive responses regarding the issue.

Gaining of political benefits, position fringes, inadequate co-ordination among the ministries, lack of enthusiastic participation and co-operation of the govt. officers, managing day to day political and governance issues and thus workload of the ministries are perceived as barriers for not advancing with the venture of policy advocacy with the government, the stakeholders felt.

However, the respondents urged to strengthen the policy advocacy and campaign on the issue by the HNB and other organizations working with the HBWs. Some of the respondents stressed that the pioneering role should be played by HNB in knocking the concerned authority. Before this, a string net work of the HBWs should be built to raise their voices. "If the voices are not raised from the grassroots side, the government will not be sincere", some of the stakeholders realized.

Political Parties and their Role

Most of the respondents agree that the political parties especially the leftists have significant role in this regard. The major political parties can raise the issue of the HBWs and the C-177 in the sessions of the parliament and draw attention of the law makers, policy formulators and in the cabinet meeting. But, the role of the political parties in attaining the rights of the HBWs is completely absent in the country. Even the leftist parties who are supposed to work on the worker's rights are silent on this issue. It seemed while conducting sharing and interviews of them that most of the political leaders are not aware of the issues of HBWs and they just neglect it or by-pass it.

The election manifestos of the major political parties do not have any obligation for the HBWs. With a view to bringing the HBWs issues in the election manifesto of the major political parties (Bangladesh Awami League, Bangladesh Nationalist Party, Jatiya party), a strong campaign and lobbying with the influential political leaders is necessary to draw their attention to the matters of the HBWs and their issues. Political

leaders can be met and shared the issues of the HBWs by the HomeNet South Asia/partner organizations in Bangladesh. The political leaders from of the major political parties can be met and shared through roundtable, workshop and one-to-one dialogue.

Role of Employers and other Stakeholders

HBWs are deprived of all forms of benefits and opportunities from their employers. The study on 'Homebased Workers (HBWs) and their Organizations in Three Cities of Dhaka Division, Bangladesh' conducted by Development Consultant and Global Compliance Initiative (DCGCI), Dhaka during July-August 2010 has revealed that the employers do not favour the HBWs anyway. In most of the cases, the ultimate employers remain unknown to them since the mediators engage most of the HBWs in different types of production. The study also shows that the electricity bill, house rent; and even the van or rickshaw fair(transportation cost) is not borne by the employers though these are absolutely spent for the sake of their production. Since there is no specific and clear law and guideline for operating the HBWs, the employers do not have any headache about the rights of the HBWs. The stakeholders met and consulted, mentioned that the employers have significant role in economic development of the HBWs. They can facilitate the HBWs through ensuring minimum wages and facilities. The employers should provide the HBWs with raw materials and production related costs like room rent, electricity bill, transport allowances, etc. of the HBWs. Incentives for production by the employers will facilitate the HBWs engagement and motivation. Moreover, health care facilities should be compensated by the employers since the HBWs face the problem for the production of their goods.

The representation of real HBWs especially the piece rate workers in the Dhaka Chamber of Commerce or FBCCI is absent since the bodies represent the elite ones and influential entrepreneurs. Dhaka Women Chamber of Commerce and Industry opts to march forward for a Professional and Intellectual Team of women leaders for Progressive Bangladesh. The venture for different schemes and initiative is to build the further capacity of women entrepreneurs by life-skills trainings, so that they can be engaged in Income Generating Activities (IGA). But, at the same time, it is a reality that only the better informed,

educated and rich women are in the front line of the chamber where the grassroots level women entrepreneurs are lagging behind.

In order to increase financial benefits for the women HBWs, trade fairs play a significant role in not only selling the HB products but also facilitate the HBWs to understand the needs of the customers and the quality of the product to be needed for attracting attention of them. In arranging such trade fairs in both home and abroad, Export Promotion Bureau of Bangladesh has central role. But, due to lack of financial support many women entrepreneurs based on HB products can not participate in those fair to demonstrate their products. Even in the month long international trade fair of Dhaka (which is held in every January of a year), HBWs can not participate due to lack of installation fees.

Role of International Labour Organization (ILO)

The respondents interviewed perceived that they did not notice significant role of ILO, Bangladesh in motivating and persuading the government to ratify the convention. The study revealed that the ILO, Bangladesh, to the best of information available from different sources and stakeholders consulted, did not undertake specific interventions/programmes to support any organization to advocate and lobby with the government to facilitate on the ratification of the convention. The stakeholders viewed, ILO should have moved forward with the convention to persuade and motivate government for its ratification. Most of the stakeholders thought that the ILO's role was limited only to table the convention for the sake of a convention on the home work in the face of tremendous pressure from the HBWs and activists of the South and South East Asian countries, particularly India. A few of the respondents/experts mentioned that the concept of the HBWs do not go parallel with the European values since the women in European countries enjoy much more mobility and freedom than those of the South Asian Region due to their socio-cultural context. The European policy makers in the United Nations will not be willing (from idealistic points of view) to limit the HBWs within their homes according to the respondents. But, it is a reality in the South Asian context that the females enjoy less freedom and mobility due to patriarchic and male-dominated social structure. Even in Thailand the

women enjoy much more mobility and freedom in producing their HB goods and selling themselves in the open places of city streets or markets and city pockets which is not possible for the women of the south Asian women due to conservative family and socio-cultural orientation. The respondents opined

that the issues of HBWs were not a burning one like politics, terrorism, climate change etc in the global perspective especially in the western perspective, so the western world is silent about the rights of the HBWs and this is reflected strongly in the ILO interventions.

CHAPTER V

STRATEGIES FOR ADVOCACY

STRATEGY OF POLICY ADVOCACY BEFORE RATIFICATION

It reveals from the study that the principal objective of the policy advocacy before ratification of the convention should be motivating the government to ratify the convention and then other steps will come logically. The major observations made by the respondents and stakeholders regarding the policy advocacy that can be undertaken before the ratification include the followings:

Organizing HBWs

The respondents mention that the HBWs are scattered in the city areas which has also been supported by the findings of the study conducted by DCGCI for the HNSA. Being scattered, the HBWs cannot share their common issues together. The respondents also state that, even the HBWs working in adjacent localities do not know the rate for the similar order. The respondents mention that if there is a common rate for the similar HB product, the discrimination in wages could decrease. So, as per the opinions of different stakeholders, the HBWs need to be organized for fixing up of a common rate for the similar work, which will facilitate them to get their rightful wages. Moreover, the urban HBWs suffering from the lack of proper citizen services can move forward with the common issue from a single platform.

Sensitizing the Employers

It is revealed from the study that the employers of the HBWs mainly exploit them, since the existing labour law or any other policy framework does not cover the HBWs issues directly and specifically. However, the constitutional guarantee regarding equality of the citizens and their rightful position in their work should be shared with the employers.

Recognition

The respondents and stakeholders underwent interview and consultation view that the HBWs' contribution to national economy needs to be focused. It is mentionable here that the informal economic sector of the country is

strongly dominated by the HBWS and 70-80% of the informal workers are the HBWs. Thus, they have a significant contribution to the national economy but they have no proper recognition.

Creating National Platform/Trade Union

In all the sharing meetings and consultation, emphasis was put on organizing the HBWs area or district wise. All the HB organizations should jointly form a national platform or body which will function as the trade union in the sector, as per the views and opinions of the respondents. The national platform will be responsible to carry out different interventions and policy advocacy with different organs of the government as well as the civil society, media and development partners/donor.

Involving Law Makers

The law makers or the parliamentarians of the country play significant role in placing any bill in the parliament and take it to proceed for further actions. The members of the parliament (MP) especially the female MPs should be involved in the movement of the HBWs in regard to their rights as per the ILO convention. The MPs can place the issue of the HBWs in the parliament and move forward the issue through proper parliamentary and legal procedure, some of the respondents viewed.

Signature Collection Campaign

Signature collection campaign for ratification of the convention should be initiated to form public opinion. Such campaign will also draw the attention of the authority concerned in the opinion of some of the stakeholders consulted during the study.

Experience Sharing

Since the convention tabled till date, there are seven countries globally which have ratified the convention. In which context the countries have ratified the convention and what type of policy advocacy functioned in the process should be shared to utilize in the perspective of Bangladesh as per the opinion of some of the respondents.

Formulation of Interim Policy

It is revealed from discussions of some of the respondents and stakeholders that there should have at least an 'Interim Policy Guideline' for handling the HBWs issues in the country until the ratification of the convention. The interim policy may function as the temporary solutions that should be adopted from the view

point of the government's obligations to oversee the HBWs' issues in the country since there is no specific policy guideline or separate clause in the Labour Law. A comprehensive 'Interim Policy Guideline' should be drafted and submitted to the appropriate authority. After formulation of the guideline, policy advocacy should be ceaselessly proceeded on to persuade the authority for acting on the same.

Lobby for including HBWs issues in Election Manifesto

Based on overall assessment of the government's awareness, stand and business; it is easily guessed that the ratification is a matter of long term campaign and policy advocacy. So, moving with long term plan rather than ad-hoc basis course of actions will be fruitful. Appropriate policy advocacy and lobby mechanisms should be initiated even from right now so that the issue can be included in the election manifesto of the major political parties of the country.

With a view to bringing the HBWs issues in the election manifesto of the major political parties (Bangladesh Awami League, Bangladesh Nationalist Party, Jatiya party), a strong campaign and lobbying with the influential political leaders is necessary to draw their attention to the matters of the HBWs and their issues. Political leaders can be met and shared the issues of the HBWs by the HomeNet South Asia/partner organizations in Bangladesh. The political leaders from of the major political parties can be met and shared through roundtable, workshop and one-to-one dialogue.

Developing partnership with influential organizations

In Bangladesh a large number of NGOs are at present working with different issues and agendas relating to workers rights. NGOs like 'Karmajeebi Naree' sometimes take up agendas and issues of national level with strong advocacy to realize the demands of the working female workers. As a result it has good liaison and relationship with trade unions of the country. All the movements of 'Karmajeebi Naree' are an indispensable part of the movement for social change. The organization works for social democratic movements.

Again, there are some other NGOs who work with trade unions and federation. Bangladesh Institute of Labour Studies (BILS) was registered with NGO affairs bureau in 1997 with 14 national trade union centres/federations and

its objectives follow strengthening the capacities of trade union movement to develop the skills and ability of trade unions. This organization also creates a unique platform to strengthen the TU movement with a common agenda though NTUCs of both the ruling and opposition parties are associated with it. The organization has been conducting different studies, helping in policy formulation, conducting training and facilitating various workshops and conferences on different workers' issues including women and child labour both at local and national level since its inception with the active co-operation of the 14 national centres/federations.

Naree Uddug Kendra (NUK) has been working with the shelter for garment workers and generates hostels for women RMG workers. At present NUK is working with the compliance and conducting review of different compliance mostly in RGM sector. With child labour/workers INSIDIN- Bangladesh has worked intensively. This organization also works with trade unions and workers through various programs. This organization has contributed a large for MFA phase out too.

Bangladesh National Women Lawyers Association (BNWLA) and AIN O Salish Kenndra (ASK) have been working with the rights of women and children along with strong advocacy programs for promoting laws and policies for protection of rights of women and children. BNWLA has been working with national minimum wage and organizing workers of informal sector. ASK has also worked with different angles especially on 'Rights' of RMG workers. A strong network with these organizations can be formed to seek support in the process of ratification of the convention.

STRATEGY OF POLICY ADVOCACY AFTER RATIFICATION

Regarding policy advocacy after ratification of the convention, the foremost important policy advocacy should be about implementation of the convention properly. The followings should be carefully taken into consideration after ratification as per the views and opinion of the stakeholders consulted:

- i. Policy advocacy for amending the existing labour law (it is mentionable that the labour law 2006 is the guiding principle of the existing labour issues at present in the country) since it does not cover the HBWs issues and affairs specifically.

- ii. Lobbying with the government to formulate a 'National Policy' in line with the C-177 through ratification of the convention.

- iii. Developing a comprehensive plan of actions in regard to implementation of time-bound course of actions for the betterment of the HBWs in light of the national policy.

- iv. Strict monitoring and supervision by the department of labour and other concerned government offices/departments to investigate whether the HBWs are operating and working in line with the national policy and plan of action of the government.

- v. Forming public-private joint taskforce to oversee the overall work environment of the HBWs. The taskforce may comprise the concerned government officers, HBWs' representatives, HBO, Civil Society and Trade Union Leaders.

- vi. Produce periodic reports on research and investigation on the overall situation and place the same to the national media.

Ratification of C-177: Gender vs. Labour Issue

Regarding raising the issue of the HBWs as workers or gender, what will be better and fruitful? Mixed responses have been derived from the respondents about the same. About half of the stakeholders met and consulted, thought that the HBWs will be loser if the issue is raised as 'gender'. They will be deprived of some benefits that the workers usually have if they get status of workers as stated in the convention. On the other hand, some of the respondents thought that the issue will be able to get attention of the government and the nation if it is raised as gender issue. Moreover, the 'gender issue' will be preferred and supported by the western world too. If the western world supports the same as gender issue, it will be easy to gain the success in terms of ratification of the convention by the government. Moreover, the Premier of the country and the Chief of the main opposition party BNP are the female, so gender issue will be more focusing and effective. From the viewpoint of the target and goal, it is suggested to raise the issue both as a worker and gender issue strategically, so that it is strengthened in the most consolidated manner.

Lobby strategies for the betterment of HBWs

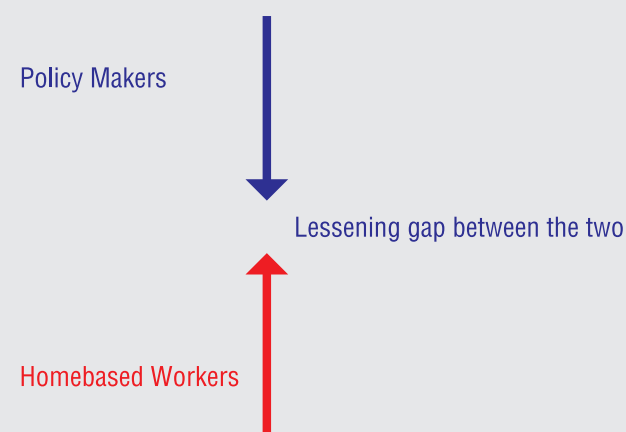
The study reveals that for the economic development of the HBWs, lobby strategy should be initiated with the relevant government officials, employers, bankers/micro-credit agencies, marketers and other relevant stakeholders. The following issues are essential for the lobby strategy for the economic development of the HBWs in the opinion and views of different stakeholders who are particularly related to the HB production and business :

- Ensuring appropriate wages for HB work.
- Minimizing discrimination of wages.
- Collective bargaining with the employers.
- Fixing up a common rate for the uniform HB production.
- Create market of HB products in the local, national and international shopping malls, market and outlets.
- Increasing opportunity for the HBWs to work.
- Facilitate and support to export HB products abroad.
- Facilitate to hold fairs of the HB products.
- Collective community storage facilities to minimize the loss of quality of HB products or damaging.
- Direct communication between HBWs and the buyers.
- Fixing fringes including health facilities, incentives and festival bonus.
- Micro-credit at the lowest rate of interest.
- Collective marketing to lessen the cost of transportation and saving time.
- Training on public relations, interpersonal communication, marketing and networking.
- Hands on training on skills and design; and use of machines.
- Financial support and social protection during emergencies like disasters.

TECHNIQUES OF BRIDGING THE GAPS BETWEEN POLICY MAKERS AND HBWs/ORGANIZATIONS

Push-Pull Strategy

It is regarded a basic strategy of pulling the deprived and underprivileged/marginalized groups to move forward with their rightful claims and pushing the policy makers and high officials to change their existing static position and move forward. Thus, the gap between two groups is lessened and mutual understanding takes place through proper sharing between the HBWs, HBWO and Govt. Officers.



Dialogues

The respondents thought that the dialogue with the government plays catalyst role in breaking ice of the national level policy makers and the government officials. However, before holding dialogue with the government, the HBWs should hold dialogue among themselves first to be united and the HBWO should have united voice in claiming their rights. Arranging open discussion will facilitate receiving favour of the public opinion.

Seminar and Conference/Roundtable

Periodic programmes like seminar, conference/roundtable on the HBWs issues should be organized in the presence of the policy makers, government officers, civil society, media and other relevant stakeholders in the opinion and views of the respondents.

Utilizing political linkage of the HBWs/HBWOs

Experiences and sharing during the study period has enabled the research team to understand that some of the HBWs and HBWOs have affiliation with the political parties and even with the ruling parties. This linkage should be explored and utilized strategically to reach the law makers so that the issue can be raised in the parliament with due importance.

Strategic Use of Media

Despite a small country, Bangladesh is rich in news media having a good number of private TV channels, radio, national dailies (both English and Bangla), web-based news agencies and online media. The stakeholders and the respondents interviewed and consulted during the study opine that a strong media partnership is required to disseminate information regarding HBWs issues nationally and internationally. At least two English and Three Bangla dailies should be engaged in the partnership apart from a few popular TV channels. Moreover, new communications media and social media can be useful for communicating HB issues throughout the country. Producing IEC materials on C-177 and the situations of HBWs will be beneficial to bring about the issue before the national and international community through the strategic use of news media, the respondents emphasize.

OTHER STRATEGIES TO LOBBY ON LEGISLATION, POLICIES AND TO IMPROVE HBWs' SITUATION Communicating with the Partners of the Present Ruling Parties

The present government is formed of the political leaders from the grand alliance consisted of 14 parties including some leftist parties who are pro-workers minded by nature. These parties should be communicated and there are some members of the parliaments from these leftist parties who can be potential sources to raise the issue in the parliament, the respondents view.

Prospective Law Makers

The sharing and interaction with respondents and stakeholders reveal that Mr. Hasanul Haque Enu, Mr. Rashed Khan Menon from the leftist parties (also in the grand alliance of ruling political ally) and a number of Female MPs from both the ruling and opposite parties can be considered to work with for further course of actions who can raise the issue in the national parliament and in the cabinet meetings. Such inclusion of the law makers/MPs will promote the campaign for the ratification or at least formulation for a national policy framework to protect the rights of the HBWs.

The role of law makers (MPs) in formulating or amending any rules or laws is inevitable. As per the legal mechanism, the law makers have to raise any issue in the parliament to formulate law or policy against the issue which is thoroughly discussed and reviewed in the house. The relative or concerned ministry then undertakes the

issue and prepares draft law/policy which is later submitted to the Ministry of Law for reviewing. Then, various aspects of the draft law is again reviewed and, if necessary expert's opinion is also undertaken and after completing all the procedural formalities, the law is sent to the President of the People's Republic of Bangladesh for approval. After this, the approved law is sent to the cabinet meetings where detailed decision is undertaken to implement the same.

So, in raising the issue of the HBWs, the role of the law makers is indispensable. The stakeholders consulted suggests that the HNSA/partners should establish close contact with some of the influential law makers who can support placing the issue in the parliament with the objective of passing a law/national policy guideline in favour of the HBWs issues until the ratification is accomplished. The respondents in the study opine that, since the government should have its own obligation of formulating a national policy and/or legal mechanism to oversee the HBWs' issues after ratification, the government will spontaneously undertake the same if the convention is ratified. Until the ratification is completed, the government should be pushed forward to formulate interim policy guidelines to handle the HBWs' issues through the law makers.

Draft National Policy

A comprehensive draft national policy framework reflecting the issues of the HBWs/HBWOs should be developed and submitted to appropriate authorities, media houses, parliament, ILO, Donors and other stakeholders. Moreover, this type of policy framework should be open for capturing public opinion and can be disseminated through the new media like facebook, website and other interactive media for wider exposure.

Motivation for Good Work

At present there is no mentionable motivation and incentives for the HBWs for promoting their work. In this situation, they should be rewarded for their good products yearly so that a competitive environment in the HB industry is encouraged as stated by the respondents.

MEASURES TO IMPROVE THE VISIBILITY OF HBWs

The interaction, consultation and interviews with the respondents and the stakeholders facilitate to understand the way forwards which could promote visibility of the HBWs throughout the country. The major suggestions are mentioned below:

Developing Data Base Directory

At present there is no accurate data of the HBWs, their clusters and organizations. So, a large scale survey will facilitate to figure out the number of HB clusters and people engaged in the HBW. Old district or division wise survey of the HBWs and HBWO should be carried out gradually and the survey findings can be put into computer database as:

i. District wise number and nature of HBWs

ii. Clusters of HBWs

iii. HBWs and their functions

Developing Programs for/by TV/News Media

Television programmes (report, feature, documentary, magazine, talk show, etc.) should be produced and aired on the life-style of the HBWs. District and cluster wise HBW should be reflected through TV programme. Collection of success stories of HBWs can be disseminated through the news media too to draw attention of the HBWs and entrepreneurs.

Using Social Media

To make visible of the HBWs, various social media can be effective. In this case, the young HBWs should be trained computer application packages so that they can open their own account and demonstrate their own products and help others/fellow HBWs to publicize their products through facebook, twitter and website development.

Newspaper Features

Journalists can be sensitized through training/workshop so that they can prepare cluster wise news features on varied HB production; contribution of this informal sector to the national economy and the overall life-style/ struggle of millions of HBWs.

Website Development

A comprehensive website should be developed to disseminate information on the country's HBWs, different types of HB clusters, HBWs' issues and affairs.

Training on Public Relations (PR)

HBWs' leaders should undergo PR trainings gradually so that they can be enabled to publicize their own products, develop and maintain relationships/linkages with big shopping malls and employers.

Holding Fairs

Yearly fairs of HB products can be organized in every district where the HBWs will be able to demonstrate and sell their products. International exposure of the HBWs and their products should be ensured through facilitating them in the international trade fairs. Export Promotion Bureau (EPB) can come forward in this regard.

Lobby Strategies for the Economical Development of HBWs

The study reveals following strategies that can be adopted for the economical development of the HBWs:

- Setting up community store-room for preserving the products properly which will also minimize loss or damage of the products.
- Collective purchasing of raw materials, production and marketing to save both time and money of the HBWs living in a community. The collective purchasing and marketing can be carried out by turns as per the rosters to be mutually developed within a community through micro-level associations among HBWs.

- Establishing linkage with shopping mall, display centers and city show rooms.
- Developing relationship with garments and other employers to deal directly without being exploited by the middle forces.
- Communicating with the district youth development offices for trainings and credit facilities.
- Approaching and lobbying with the banks for SME loan with lowest interest rate.
- Lobbying with ministry of industry and department of export promotion bureau (EPB) to take part in the international trade fairs to demonstrate the HB products.
- Lobbying with government for allocating some spaces/showrooms for the homebased workers and their products in the government/municipal markets.
- Creating community and cluster based value chain for the HB products.

ANNEXURE

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Back Cover



RATIFYING THE ILO HOME WORK CONVENTION C-177

- NATIONAL POLICY
- NATIONAL STATISTICS
- THE RIGHT TO ORGANIZE & TO BARGAIN COLLECTIVELY
- REMUNERATION
- OCCUPATIONAL HEALTH & SAFETY
- SOCIAL SECURITY & MATERNITY PROTECTION

BANGLADESH

Cover

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Acronyms

BHWA	Bangladesh Home Workers Women Association
CBA	Collective Bargaining Agents
CHNs	Country HomeNets
DCGCI	Development Consultant and Global Compliance Initiative
EPB	Export Promotion Bureau
GoB	Government of Bangladesh
HBWs	Homebased Workers
HBWO	Homebased Workers' Organization
HB	Homebased
HNSA	HomeNet South Asia
HNB	HomeNet Bangladesh
ILO	International Labour Organization
IEC	Information, Education and Communication
MDGs	Millennium Development Goals
MoL	Ministry of Labour and Employment
MoLJPA	Ministry of Law, Justice and Parliamentary Affairs
MoP	Ministry of Planning
MoF	Ministry of Finance
MoWCA	Ministry of Women and Children Affairs
MP	Member of Parliament
PR	Public Relations
SEWA	Self Employed Women's Association
SME	Small and Medium Enterprises
TCC	Tripartite Consultative Council
TU	Trade Union
UNIFEM	United Nations Development Fund for Women
UN	United Nations