



January 18, 2017

Dear Brand/Retailer Sourcing from Bangladesh,

As representatives of organizations around the world, we are writing to you again with an update on the latest information concerning the detention of labor leaders and workers in the garment sector in Bangladesh, and to urge further immediate action.

Appendix I of this letter provides more information about the context in which these strikes occurred and the near-total failure of industrial relations and collective bargaining in Ashulia and the industry as a whole. This is the principal factor that has led to these strikes. We strongly believe that the Bangladesh government should undertake a time-bound wage review process in

response to workers' demands. Instead, the government has so far chosen to pursue a repressive and short-sighted criminal response.

### **Punishing Labor Leaders with Abuse of Criminal Process**

Since December 21, 2016, at least 12 union leaders and worker rights advocates, and two workers, have been arrested in criminal cases connected to the wage strikes. Eight of these individuals have been “shown arrested” in multiple criminal cases even though they have not been named in these criminal complaints. At the time of this writing, all of the detainees have been denied bail and are still in custody, and are at continued risk of torture or ill-treatment. While in custody, police allegedly threatened at least one of the 14, Mohammed Ibrahim, with death by “crossfire.” Three of the 14 were arrested after the strikes finished, pursuant to cases that had nothing to do with the strikes at all. More details about these cases are in Appendix II to the letter.

Prolonged detention of labor leaders and striking workers will cause further reputational damage to Bangladesh and to companies sourcing from the country, and will discourage labor activists from exercising their fundamental rights of expression and association. This situation is urgent, and we urge your company to intervene with the government and with your own suppliers in order to cease the retaliation against workers and organizers.

According to court documents, staff from eight different factories/groups filed criminal complaints in which labor leaders have been “shown arrested” – That's It Sportswear/Ha-meem Group, Windy Apparels, NRN Knitting & Garments, Dekko Design Ltd, Fountain Garment Manufacturing Ltd, Sharmin Apparels/Sharmin Group, Cathay Apparels, and The Rose Dresses.

Based on court documents that we have received, in addition to the 14 individuals, another nearly 700 named and unnamed individuals could face criminal charges in the future. This has a chilling effect on union leaders and workers exercising their labor rights because they fear that they could be criminally charged as well. One worker who was suspended from The Rose Dresses Ltd reported that police detained him for one day, but agreed to release him on the next day in exchange for payment of bribes of roughly 20,000 BDT (approximately US \$250).

### **Mass Suspensions/Terminations of Workers**

We are deeply concerned by press reports and worker testimonies that factories in Ashulia, including [Windy Apparels Ltd](#), [Fountain Garment Manufacturing Ltd](#), [Ha-meem Group](#), [Sharmin Group](#), [Setara Group](#), and [The Rose Dresses Ltd](#), have suspended or terminated at least 1,500 workers for halting production.

These suspensions/terminations appear to be punitive and retaliatory. All workers who were removed from work for advocating for better working conditions, including organizing and participating in the wage strike, must be allowed to return to work.

### **Request for Action by International Brands and Retailers**

Since your firm has significant business in Bangladesh, we call on you to press the government of Bangladesh, and your suppliers, to take all necessary steps to cease all retaliation and repression against workers and union leaders, and to undo the damage already done.

#### **1. Action Focused on the Bangladesh Government**

We urge you to write to the Bangladesh government (specifically the Prime Minister, Minister of Labor, and Minister of Commerce), pressing them to intervene to ensure the release of the individuals detained in retaliation for participating in strikes; instruct the police to disclose how many people have been arrested or detained in relation to the wage strikes; drop all unsubstantiated charges against labor leaders and workers; cease all forms of harassment and intimidation against labor activists' exercise of their fundamental rights of expression and association; and immediately institute a wage review process. We note that the joint brand letter to the Prime Minister of Bangladesh dated January 4 is a positive first step in this regard.

If you have already written to these offices, then we request a copy of your written communications as well as a summary of the response you have thus far received.

#### **2. Information and Action Focused on Suppliers**

We would also like additional information about the following:

- a. Does your company source from any factories based in Ashulia? If yes, have you sought and received assurances that the factories you source from have not participated (and will not participate in the future) in any retaliation related to the strike including, but not limited to, arbitrary suspensions/termination, pressing false criminal cases, and/or blacklisting workers?
- b. Does your company source from any of the eight factories/groups (That's It Sportswear/Ha-meem Group, Windy Apparels, NRN Knitting & Garments, Dekko Design Ltd, Fountain Garment Manufacturing Ltd, Sharmin Apparels/Sharmin Group, Cathay Apparels, and The Rose Dresses) that have filed criminal charges against union leaders? If yes, we ask that your company contact the factories' top management to insist that they stop pressing unsubstantiated charges against the labor leaders.
- c. Does your company source from any of the six factories (Windy Apparels Ltd, Fountain Garment Manufacturing Ltd, Ha-meem Group, Sharmin Group, Setara

Group, and The Rose Dresses Ltd) which news reports suggest have suspended or terminated workers in relation to the wage strike? If yes, has your company taken steps to ensure that those suspended/terminated workers are allowed to return to work in their previous positions without reprisal?

Over the past year, we have seen an increase in retaliation and violence against workers seeking to organize in Bangladesh. This new crackdown affects not only the 14 individuals who have been detained or the 1,500 workers who have been suspended or terminated, but all workers employed by the industry. These arrests and suspensions/terminations send a clear signal to workers that employers and the government will retaliate if they exercise their rights to freedom of expression and association. Urgent action by brands is required to prevent irreparable harm to the right of freedom of association and collective bargaining of workers and labor union activists in Bangladesh. Given the urgency of the situation, we request your reply by January 23.

Thank you.

Sincerely,

Human Rights Watch  
Clean Clothes Campaign  
International Labor Rights Forum  
Solidarity Center  
Worker Rights Consortium  
Maquila Solidarity Network  
Coalition of Immokalee Workers  
European Center for Constitutional and Human Rights  
Globalization Monitor – CCC East Asia  
Hong Kong Women Workers' Association  
International Union Educational League  
Korean House for International Solidarity  
Labour Action China  
Labour Education and Service Centre  
National Economic and Social Rights Initiative  
The People's Lobby  
PILER – CCC South Asia  
SACOM (Scholars and Students Against Corporate Misbehavior)  
T'ruah: The Rabbinic Call for Human Rights  
Worker-Driven Social Responsibility Network  
Worker Empowerment  
Yokohama Action Research - Japan

## **Appendix I: Worker Protest and Repression of Freedom of Association in Ashulia**

### *The December 2016 Strike*

On December 11, 2016, workers [launched strikes](#) in the Ashulia industrial belt north of Dhaka. According to workers, the strikes began at Windy Apparels Ltd and spread to at least 40 factories. According to media reports, Windy Apparels is the [same factory](#) that denied an employee sick leave in October despite her apparent illness. She collapsed on the factory floor and died upon reaching the hospital. Her body was left at the factory gate for her husband to retrieve. At least two workers described that, between the time of the worker's death and the strike, workers became increasingly frustrated with the factory's working conditions and the management's reluctance to address their concerns.

There is no registered trade union at Windy and no union has indicated that they played an organizing role in the protests; however, workers employed by Windy report that they had been advocating for higher wages, among other issues, for at least two months before the strike began. In the absence of a trade union and collective bargaining agreement, workers report feeling they had no recourse but to eventually stop work in order to make their demands heard. According to workers, nearly all workers joined the strike as a result of their dissatisfaction with low wages.

The working conditions at Windy are not unique and, according to employees of a neighboring factory, The Rose Dresses, as workers became aware of the Windy workers' protest, they too stopped work, hoping they could collectively exert more pressure on their managements in order to increase wages.

### *Restrictions on the Right to Strike*

Bangladesh law places severe restrictions on the right to strike. Among other requirements, workers must be represented by a registered trade union in order to raise an industrial dispute and ultimately initiate a strike. However, it is extremely difficult for workers to obtain union registration; over 50 percent of registration applications filed in Savar (the area region in which Ashulia is located) since 2013 were rejected.<sup>1</sup> This can be attributed at least in part to the Registrar of Trade Unions "arbitrary barriers to registration" of union registration petitions, as reported by [Human Rights Watch](#). In addition, strikes are expressly forbidden at plants that have been in production for less than three years or are foreign-owned.

Even in factories where workers successfully obtain union registration, retaliation against trade union leaders by managers and remains a significant challenge to freedom of association in Bangladesh. A severe climate of anti-union violence prevails, including violence, frequently directed by factory management against employees who exercise their right to unionize. See, for

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<sup>1</sup> Information independently collected by the Solidarity Center from union federations and government documentation.

example, the New York Times coverage of violence at Azim Group in Chittagong, Bangladesh on [December 22, 2014](#), and [February 18, 2015](#).

The inability of workers to organize and form unions without retaliation and to bargain collectively means that workers have few means to advocate for their rights and negotiate the terms and conditions of their work. Abstaining from work is one way in which workers in Ashulia interviewed felt they could express their grievances.

#### *Shuttering of Union and NGO Offices*

Prominent labor organizations working in Ashulia, including Garments Sramik Samhati, Sammilito Garment Sramik Federation and United Federation of Garment Workers, have been ordered to close their offices and operations in the area by security forces. At least one organization, the Bangladesh Center for Worker Solidarity (BCWS), had their office forcibly closed by police officers who locked their office doors in Jirabo, Savar, on December 29.

#### **Appendix II: Arrests in Gazipur**

While eleven of the detained individuals work in Ashulia, where the mass strike took place between December 11 and 20, 2016, three additional union leaders who are currently being held in police custody were arrested in Gazipur, an area nearly 40 kilometers away from where the strikes occurred. These three are all employed by the Bangladesh Independent Garment Worker Union Federation (BIGUF), and are being detained under two cases filed by police in 2015. Both of these charges relate to incidents that took place almost a year previously, and which were connected to violent political opposition movements. These charges against the three BIGUF organizers are baseless and opportunistic, and should be immediately withdrawn. Among the charges brought against two of these individuals, Asaduzzama and Golam Arif, is the fire-bombing of a bus while the third BIGUF employee, Ranju, is accused of possession of explosive material. It is worth noting that the government of Bangladesh has used this type of legal harassment by filing bogus cases in the past to try and suppress the work of labor union organizers and leaders.