



Working Environment and Workers' Rights in Tea Gardens: Governance Challenges and Way-forward

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Executive Summary¹

Importance of tea industry in the economy of Bangladesh is immense. In 2017, the industry produced 79.95 million kg tea contributing an amount of BDT. 18.25 billion to GDP. This industry, directly and indirectly, employed about 0.5 million people. At present, the number of registered tea gardens are 164 - of which 156 are considered as mainstream or traditional gardens who employ residential workers. They are mostly located at Maulovibazar, Hobiganj, Sylhet, Chattogram and Rangamati districts, employing a total of 122,840 workers of which 21997 are working on temporary basis. Garden owners are supposed to give workers shelters and other facilities that are closely connected to their livelihoods. The Constitution of the country protects the rights and entitlements of left behind people including tea workers. Besides, the Labour Policy of the country, the Labour Law, the Labour Rules, the bilateral agreement between garden owners and workers, and the 2014 election manifesto of ruling Awami League etc., made various provisions and commitments for tea garden workers.

In recent years, the government and garden owners have taken a number of initiatives to improve the working environment and rights of tea workers that have eventually contributed to bringing in positive changes in their lives. Specific areas where positive changes are noted include workers' wage, number of people having access to pure drinking water, enrollment in schools etc. Despite these positive changes, however, it is evident in different researches, media reports, and seminars/workshops etc., that livelihood status of tea garden workers remain very dismal yet. On the other hand, there is a dearth of comprehensive research to identify governance challenges to improving their working environment and rights. The Building Integrity Blocks for Effective Change (BIBEC) project taken up by Transparency International Bangladesh (TIB) has emphasized conducting research and advocacy on governance challenges to improving the livelihoods of marginalized and left behind people. In line with this TIB has undertaken the present research to identify governance challenges to improving livelihoods of tea garden workers. TIB sponsored Committee of Concerned Citizens (CCCs) located at Sreemongal – a major tea growing location of the country -also requested to undertake the present study so that they could conduct evidence based local level advocacy to improve the livelihood of tea garden workers along with TIB's advocacy at national level on the same.

1. Objectives

The major objective of this research is to identify governance challenges regarding working environment and workers' rights in traditional tea gardens. Specific objectives are to identify legal and institutional limitations in ensuring workers' rights and decent working environment, identify prevailing challenges for ensuring workers' rights on various area, and recommend corrective measures to overcome those challenges and thus ensure sustainable growth of this sector.

¹ The report released through a press conference held on December 18, 2018 at TIB headquarter

2. Scope of the research

The research was conducted on traditional tea garden workers who live inside gardens and supposed to enjoy various livelihood benefits and entitlements provided by the garden owners. The districts where these gardens are mostly located are Sylhet, Hobiganj, Maualvibazar, Chattogarm, and Rangamati. The issues relating to workers' rights and work environment that have been studied in this research include employment, wages, housing, allowance, ration, savings, education for children, health services, utilities, sewerage, sanitation and entertainment facilities etc., which are supposed to be provided by the garden owners. The research also explored management of provident fund, roles of the Department of Inspection for Factories and Establishment (DIFE) and of the concerned ministry, conditions of schools and health centers run by the tea gardens, etc. The study observed legal and institutional limitations, and challenges and lack of transparency and accountability that exist in providing above provisions for the tea workers.

3. Methodology

The research was conducted applying mix methods. Both quantitative and qualitative information have been used in this research. Methods for data collection that were applied in this research include one to one survey conducted among the traditional tea garden workers, group discussions, key informant interviews, observation, and review of relevant documents etc. Information were collected from both primary and secondary sources. Primary sources include tea workers and key informants from among different stakeholders. A structured questionnaire and different checklists were used as tools for data collection. The survey among workers covered 1911 permanent workers selected from 64 gardens (out of 229 gardens) using a random selection method under the advice from a renowned statistical expert. The secondary sources include relevant laws and rules, research articles, official documents etc. Consultations and sharing were done with the representative organization of tea garden owners – the Bangladesh tea Association while developing the research concept. Later the findings were also shared with them and revisions /adjustments were made based on their feedback where applicable. In a similar way, the research was also shared with and feedback were taken from the representatives of Tea Workers' Union. Leaders of both the associations were interviewed as key informants as well.

4. Legal limitations

Legal rights of workers and provisions for a decent working environment in tea gardens are enshrined in Bangladesh Labour Law 2006 (Amended 2013 and 2018), Labour Rules 2015 and bilateral agreement between garden authorities and workers. However, there are some provisions in the Labour Law and Rule that are discriminatory for the tea workers compared to workers in other industries. According to article 115 of the Labour Law, every worker will be eligible for 10 days of casual leave in a year, but tea workers are deprived of this leave. The article 1117 (1) of the Law said that every worker working in industries, commercial entities or shops would be eligible for 1 day earned leave for every 18 days of work, but it is 22 days of work for tea workers. Article 263(2) of the Labour Rule stated that workers would be eligible to receive owners' contribution in the provident fund after 2 years of service. However, article 293(3) stated that tea workers would be eligible for full contribution from garden authorities after 10 years of service and they would receive authorities' contribution in certain rates (less than full) if the tenure of service were less than 10 years.

On the other hand, there are some legal provisions that are contradictory. Article 32(1) in the Labour Law says that workers have to leave housing provided by the garden owners within 60 days once their job expires (for retirement or any other reason). However, in the Labour Rule it is mentioned that, "Every year '*Mirtinga* type' houses will have to be built for at least ten percent of the workers residing" (in the

garden). But the workers can't be clear about what type of house they are entitled to as the Rule doesn't elaborate what 'Mirtinga Type' means. As a result, sometimes they are compelled to accept house with plastic roof. The Rule also makes provisions that "the government can make the requirement for building 'Mirtinga type' house flexible for some definite number of workers based on IG's opinion (which is in turn) based on satisfactory reasons recorded in written". However, as no explanation is given as to what the 'satisfactory reason' means and it is made subject to opinion of IG, risk is created that the authorities take opportunity of this clause to evade their responsibility. Another issue is that there is a provision in the law that authorities have to deposit 5% from their net profit to Workers' Contributory Fund (80%) and Workers' Welfare Fund (20%). However, no garden in the study was found to deposit any amount to these funds. Similarly, workers are required to be covered under Group Insurance and Gratuity as per legal provisions, which they are not getting. Moreover, in the provision 6 (1 & 2) of Labour Rule, it is said that treatment facilities, both indoor and outdoor, for workers have to be ensured. However, coverage of those services is not clearly mentioned, as a result, workers are not getting proper services for many diseases. Again, it is said that the dispensary in a garden should have Medical Assistant, certain number of beds, clinical laboratory, X-ray unit and medical therapy unit. However, there is an instruction that such provisions can be relaxed upon getting permission from DG, DIFE. Another issue is that garden owners can inform DG, DIFE in written if they fail to extend mandatory benefits but no provision is mentioned for workers to complain to the DG, DIFE. Again, it is mentioned in the rules that to ensure drinking water well can be established by garden owners instead of tube-well although well's water is not safe.

5. Challenges regarding working environment and workers' rights

Workers in tea gardens receive some additional benefits compared to labourers in other industries. Notable among those are: 1) Temporary worker from a family is made a permanent worker when a permanent worker from the same family leaves job, retires or expires; 2) Treatment facilities for workers and their family members from dispensaries in gardens; 3) Weekly retirement benefits retired workers; 4) Provident fund contribution from employer (@7.5% of wage); 5) More sick leave compared to workers in other sectors (as per the Law sick leave is 14 days in a year for others, but for tea garden workers it is 20 days); 6) More festival leave compared to workers in other sectors (11 days in a year for others but it is 14 days for tea garden workers); 7) Ration is provided at a subsidized rate (Rice/ Atta @Tk. 2 per kg) for the worker and for 3 other dependents of his/her family; and 8) Celebration of Victory and Independence days and arrangement of sports in some gardens etc. Despite these efforts, tea workers remain deprived in many ways that are presented below.

5.1. Making of job permanent

Although as per the Labour Law a worker is supposed to become permanent after satisfactory completion of internship for three months, no garden maintains this provision. Only 14 gardens out of 64 promote 10 to 12 workers permanent, on an average, from their temporary status every year. However, it takes many years for them to become permanent. According to the survey, of those who were made permanent only about 60 percent were made directly and rest 40 percent were made in place of a retired family member. About 44 percent temporary workers reported to have faced various types of difficulties to become permanent workers -about 94 percent of them had to work for 6 years as temporary workers before they were made permanent. The survey further reveals that about 19.3 of households of surveyed permanent workers had one or more members presently working as temporary workers. The duration of these members working as temporary worker ranges from 6 months to as high as 40 years! Garden authorities are reluctant to make workers permanent to avoid giving them legitimate benefits. Garden authorities do

not provide appointment letter and ID card after making a worker permanent as per the legal provision. Even gardens do not provide 'C Form' as an alternative in place of appointment letter as reported by 92.9% workers.

5.2 Wages

As per last agreement between workers and authorities, daily wage of workers is Tk. 102 which is lower than that in other industries. If we consider estimated money value of other fringe benefits, total monthly wage of tea workers would be maximum Tk.5,231. This is lower than minimum wage in other industries like ship breaking (Tk. 16,000), tannery industry (Tk.12,800), aluminum and enamel industry (Tk. 8700), pharmaceutical industry (Tk. 8050), garments industry (Tk. 8,000), tea packaging (Tk. 7,800), saw mills (Tk. 6,800), automobile workshops (Tk. 5,900), and cotton industry (Tk. 5,710). No garden provides overtime or double wage to workers for plucking extra leaf, for additional plucking beyond the target during pick season, or for additional working hours as per law. Moreover, in 28 gardens out of 64, it was reported that the temporary workers are not given the same wage as given to permanent workers as per the law.

5.3 Weighing of leaf and working hours

In 56 gardens out of 64, weight of tealeaf is taken using analog weighing machine. As the display of the weighing machine is in the side of the official/person who takes the weight, workers cannot see the exact weight of leaves. If workers demand to show them the exact weight, they are rebuffed, scolded or given assignments to distant gardens, and sometimes monitored closely as “punishment” for such demand. However, out of 64 gardens surveyed, eight use digital machines for weighing leaves and maintain digital records. About 60 percent workers surveyed could recall measure of plucked leaves in the last week; among them 61.3 percent mentioned that deductions were made using different pretexts by the officials. Ninety three percent of them reported that about 2.9 kg weight was deducted per day for *gamcha*- the cloth for carrying the leaves. About eight percent reported that weight was deducted by 2.4 kg per day for falling of leaves during carrying, 72.6 percent reported weight was deducted by 4.1 kg per day for increase of weight for soaking leaves due to rain, and 18.0 percent reported that weight was deducted by 2.0 kg apparently for “no reason”. Considering these levels of deduction reported by the workers, it is estimated that they were deprived of Tk. 31 lakh 2 thousand 4 hundred and 35 only in one week during the pick season.

5.4 Working environment

As per Labour Rule, although there should be arrangement for potable water in working places (called ‘section’, part of a garden where workers are assigned to pluck leaves and work), no garden have created any permanent arrangement like installation of tube-well or protected well. However, out of 64 gardens 44 gardens have the assigned workers to bring water from various sources and distribute among the workers working at sections. However, in 21 of these gardens potable water is brought from safe source like tube-well, in the rest 23 it is brought from unsafe sources like well/stream/canal/river. Water is brought in dirty, unhygienic containers and no glass is provided for workers to drink that water –it is simply poured on from the container on a worker’s hand and s/he drinks it by bare hand. Often the plucking sites (sections) are far away from the sources of pure water and sometime it is very difficult to carry water on shoulder. As a result, workers assigned for this purpose often bring water from nearby stream or canal, which is unsafe. The gardens also do not have any restroom in working sections although it is mandatory in the Labour Rule. In most of the gardens, there is no shed for workers to take rest, if necessary, or to take shelter during rain. In some of the gardens, however, there is a tin or straw shed for

leaf weighing where workers can take shelter during rain or if needed.

5.5 Security of workers

Most of the gardens do not take necessary measures like spraying pesticides or lime to prevent workers from contacting snakes, leeches or poisonous pests. Because of that workers, when they go to gardens, as kind of preventive technique, spread kerosene on their own bodies. During rainy season, presence of leeches become very high. Sometimes they enter into workers ears or penetrate into their bodies. Although the garden owners are supposed to provide mask, gloves, shoes, spectacles and head cover to prevent workers contacting pesticides while spraying, 57 percent of the workers engaged in spraying reported that authority provides no such gazette (about 20 per cent of total workers interviewed reported to be engaged in pesticide spraying). As a result, these workers often suffer from skin diseases due to contacting pesticides and harmful medicines.

5.6 Enjoyment of leave

In most of the gardens, workers can avail maximum 20 days of sick leave. However, for availing this leave they need to take sickness certificate from medical centers. For this purpose, sometimes workers have to wait long hours there even with sickness. Twelve percent of the workers surveyed reported that during last five years at least one permanent female worker belonging to his/her household got pregnant during last five years. Among them 10 percent reported that those female workers did not get any maternity leave at all. Another 10 percent reported that though maternity leave was availed, female workers from their households did not get any salary for the leave period. Besides, during maternity leave pregnant workers are supposed to get wage at a rate equivalent to average of three months' wage drawn prior to leave; however, in most of the gardens this was not followed, the pregnant workers received wage at a flat rate (i.e. as per minimum wage existing at that time).

5.7 Festival allowance

As per agreement, workers are eligible to receive full festival allowance for 250 days of attendance in a year. In case of lesser attendance, workers are given festival allowance pro-rata basis. According to the survey, 98.3 percent workers got festival allowance. Among them 44.9 percent did not get full festival allowance because of absence from work. The workers reported that the authorities pay them lesser amount of bonus showing absence as a reason. Their presence at workplace however are not always duly recorded for various reasons like supervisors often do not maintain attendance accurately, there is no service book for the workers to record their presence, and workers are unable to maintain attendances by themselves accurately etc.

5.8 Ration

As per agreement between garden authorities and workers, every worker is eligible for ration for three dependent family members. However, in six among 64 gardens surveyed, ration is not given to workers' dependents. Workers complained they are given less amount of ration. A total of about 86 percent workers surveyed reported that they get ration, among which 18.0 percent complained that they had received less amount regularly and another 26.0 percent had received less amount sometimes. On an average, the workers reported to have received 629 gm less ration – with a minimum amount of 500 gm to maximum 1400 gm. The workers who got cultivable land from gardens are eligible to receive less amount

of ration officially. As per rule, every worker receives 150 kg less ration per year for one *kiar* (30 decimals) of cultivable land. Based on the subsidized purchase price of ration per kg is Tk. 16, the garden authority saves Tk.2400. As against this, the garden owners need to pay only Tk. 90 as tax for every *kiar* of land. According to the survey, 68.9 percent workers claimed that the given ration is not sufficient for their survival. On the other hand, there is a gender discrimination in the provision of ration. Although for a male worker, authority considers his wife as a dependent, in case of a female worker, the husband is not considered as dependent.

5.9 Housing facilities

Although, as per the Labour Rule, garden owners are obliged to provide free housing for all types of garden workers and their families, according to Bangladesh Tea Board data, authorities have not provided it to 32299 permanent workers. None of the temporary workers did get it as well. According to the survey, 68.2 percent of the permanent workers received housing from gardens. Among the rest, about 21 percent workers' houses were built by Union Parishad or NGOs or by themselves and about 10.1 percent workers' houses were built through joint contributions of authorities and workers. In most of the gardens, authorities provide tin and wood for making roof. However, nothing is provided for door and wall, neither as materials nor as cash, although provision is there for providing Tk. 5000 cash for this purpose. According to the survey, 90.6 percent houses provided by the garden authorities are single room where family members and even cattle live together. Only three gardens constructed two room houses where toilet facilities are also available.

Again, in the Rule garden authorities are responsible to maintenance and renovation of houses of workers; however, it is observed that it is not duly done despite renovation is badly needed. The owners cover only about 10 to 25 percent of the houses requiring renovation every year. According to the survey, garden authorities had renovated houses of 70.9 percent workers, 22.8 percent workers renovated it by their own and another 4.2 percent renovated it with the money received from garden authorities. However, in case of renovation by the garden authorities, workers need to wait for long, which stretches from one month to a year. Because of such long delay, many workers renovate their residences by their own. According to a worker, 'there are holes in the tin roof for more than a year, the walls got cracked due to damp from rain water, I complained to *Panchayet*, complained to Assistant Manager and Manager, but none of them listened to my complaints. They would come and renovate the house only when we would die trampled by the broken wall.

5.10 Lighting facilities

According to the survey, 48.4 percent workers meet their lighting facilities from electric supply, 27.9 percent from kerosene and 23.4 percent from solar panels. As per Rule, garden authorities are responsible to create sufficient lighting facilities for workers both at their residences and the neighborhood, in many gardens the installation cost for connectivity is not borne by the authorities. In some gardens authorities bear the expenses of bringing line up to the neighborhood and the workers then need to take connectivity at households at their own cost and then pay monthly electric bills. But the workers are not allowed to install meter by their own name. Electricity bills are normally delivered against the main meter of a garden to which workers do not have any access. In some cases, sub-meter is given to them but bills are not charged as per meter reading. In both the cases, according to the workers, they need to pay at a higher rate than the actual bill. For instance, in some cases, taka 300-500 only for one light. Cost of alternative sources like kerosene or solar panels is fully borne by the workers or provided by NGOs.

5.11 Water supplies

It was found in the survey that 72.5 percent workers drink water from tube-well, 16.1 percent from well and for 9.5 percent water pipeline supply. Although as per Rule, garden owners need to arrange tube-well or covered well for every 25 households, there is no tube-well five gardens out of 64. In some gardens, however, there is only one tube-well for around 150 households. Owners have not arranged for any source of potable water for the workers at some gardens. They have to depend on well fully. However, observation shows that in most of the cases water in these wells are dirty and muddy, wells do not have any cover, and are situated at slopes where dirty rainwater easily gushes in. Some of the wells have even become habitat of frogs and different types of pests. On the other hand, where there is pipeline supply it is not available round the clock. Water is supplied for an hour in the morning and in the afternoon. Moreover, sometimes quality of supplied water is found very low. In some gardens water supply remains suspended day after day.

5.12 Toilet facilities in gardens and residences

According to the Section (5) of Labour Rule 2015, garden authorities need to arrange residence facilities along with sufficient number of toilets. However, according to the workers surveyed, the authorities in 46 gardens (out of 64) did not develop any such facilities. It was also reported that 74.9 percent of workers use toilets and 25.1 percent do not. The latter usually perform open defecation. Among the toilets used by the workers, it was reported that about 75 percent was arranged by themselves, 18 percent was constructed by garden authorities, and rest 7 percent by NGOs, Union Council etc. It is to be noted that now a days practices of using toilets has been increasing among workers. However, about 45 percent of those who reported using toilets told that theirs were not sanitary ones. The government has taken a project to expand sanitation facilities, which will be implemented by Public Health Engineering Department under Local Government Division.

5.13 Education facilities for workers' children

As per the Labour Rule, every garden is required to establish primary school for providing free education of workers' children. But, there is no primary school established by the garden authorities in 40 gardens out of 64 surveyed. However, there are government primary schools in 32 gardens and primary schools run by NGOs in 30 gardens. In six of the gardens, there is no school at all. It is found in the survey that there are school going children in 51.4 percent workers' houses aged 12 years or below. Among those 84.2 children go to schools. Those who go to school of them 21.5 percent go to garden schools and 78.5 percent to government or NGO run schools. In garden schools there are one or two rooms where classes of five grades take place. Most of the teachers in those schools are given salary on daily basis as given to non-permanent workers. These schools do not have adequate benches, furniture, learning materials and playground. Understandably, quality of education in these schools is not good enough. Most of the workers therefore send their kids to government or NGO run schools. Although officially some of the garden schools have been taken over by the government, no infrastructural improvements have been done so far. Students of garden schools also remain deprived of government stipend. However, the authority recruited qualified permanent teachers and providing them salary as per structured scale in five gardens.

5.14 Treatment facilities for workers

As per Labour Rule, there should be a hospital or dispensary in every garden. However, 11 gardens out of 64 there has no hospital or dispensary. In the medical centers or dispensaries, according to the Rule, there should be both indoor and out-door facilities. However, there is no indoor services in medical centers of 41 gardens. Out of 53 medical centers, part time MBBS doctor is available only in 17 centers, Medical Assistants in 7 centers, Compounder in 42 centers, Dressers in 45 centers, Mid-wives in 31 centers and

Trained Birth Assistants in 41 centers. Some of the dispensaries are housed in a small hut made of mud where a compounder comes and stays for short time and provides some primary treatment services. No provision for tests are available there. The gardens that have medical centers or dispensaries, beds are not available in 21 of them. In rest 32, conditions of beds are very low –some having no bedcover, and most of them are dirty and almost broken which are used merely for physical exam of patients and not for in-patients. They are only used to examining outpatients, not for admission. Most of the medical centers or dispensaries do not have arrangements for maternal health services. As the cost of refereed delivery patients and patients with severe conditions are required to be borne by the gardens, in most of the cases they refer those patients to nearby government hospitals or Thana Health Complex verbally. These dispensaries most of the cases distribute medicine like paracetamol. Moreover, it is alleged that garden authority supplies medicine in lower quantity and quality compared vis-a-vis what the doctors or compounders of these dispensaries place requisition for.

According to the survey family members of 75.4 percent workers took services from above medical centers or dispensaries of whom 21.9 percent took it from doctors, 47.6 percent from compounders, 16.8 percent from nurse/birth attendants and 13.7 percent from other service providers. During receiving services, 38.3 percent of them got all required medicines from garden dispensaries, 51.8 percent partially and 9.9 percent got no medicine at all. About 62 percent patients had to buy medicines from out-side, of whom 79.1% did not get any reimbursement for such purchase from the gardens. Although doctor/health service provider is supposed to come to the worker's home if s/he is in need for an emergency medical service, 36 percent of the workers did not receive such service when they were in need for such service. Again, 36.9 percent patients received services from outside of whom 27.1 percent were referred to outside facilities. Remaining 73.0 percent went to outside facilities on their own due to various reasons like absence of medical center in the garden, absence of doctor, lack of quality service and non-availability of quality medicines, etc. Those who went to outside facilities, only 11.5 percent of them were reimbursed partially and 17.8 percent fully. About 35 percent of those who received services from medical centers of the gardens from among the survey respondents reported to be dissatisfied.

5.15 Provident fund and retirement allowances

As per the Labour Rule, workers are eligible for provident fund once they complete one year of service. However, according to the survey 11.6 percent permanent workers, despite having been employed for more than one year, are not included in the provident fund. Of them, 28.5 percent reported that there was at all no provision for such fund in their gardens, 10.4 percent reported that they were excluded due to conflict with the garden owners, and 8.6 percent reported that it was due to negligence of the *Babus*. Those who were included in the fund 17.7 percent among them do not know whether fund has been deposited against them regularly. Again, there is a rule that yearly balance in PF fund should be informed to workers in written; however, 13.4 percent workers did not receive any document in this regard. Those who received document, 86.6 percent received it with one year delay. The remaining workers received it with two to three years' delay. Because of such delay, according to the workers, they do not have current awareness on whether funds are regularly being deposited against their PF account or not. On the other hand, although all of the garden authorities are required to deposit money to the central PF authority within maximum three months, 27 gardens have not deposited the amount for a long time. Two of those gardens have now dues amounting 1.5 crore. According to the survey, 90.5 percent of the retired workers had to wait for 1.5 years for receiving their provident fund. On the other hand, as per agreement, workers who received wage on monthly basis are eligible for Tk.100 as pension per week and workers who receive wage on daily basis are eligible for Tk. 60 once they retire after working for 15 years. However, according to the survey 48.5 percent of retired workers have not been receiving any retirement allowance.

5.16 Recreational facilities

According to the rules, authority should establish recreation centers for the workers at convenient places. Observation report shows that, only 31 gardens have some kind of recreation center among 64 gardens. However, these recreation centers are actually dancing halls built in the British period, which are mainly used as a *Pooja Mandap* (place of congregation for worship) or for performing *kirtan* (kind of religious song usually sang before a congregation). There is no arrangement for indoor recreational facilities in these centers. It is a tin shed stage with no fence, earlier used mainly as a stage for performing *Jatrapala* (traditional theater) during different worshiping ceremony. It is not used for the same purpose now except one or two gardens. However, carom board and television were found in recreation centers of nine gardens. Information shows that 48 gardens have playgrounds and 27 gardens have some sort of outdoor recreational arrangements. In 5 gardens various sports and cultural events are organized on occasions like the Victory Day and the Independence Day.

5.17 Compensation for injuries

If a worker gets hurt or dies due to an accident during the work, the authority is obliged to compensate him or her. However, authorities of most of the gardens do not make this compensation. Sometimes a small amount is paid as compensation, which is much less than the compensation amount mentioned in the law. In some cases, authorities try to underestimate the loss if the injuries are grave. For example, a worker who lost his hand is supposed to get BDT125,000 as per law, but he did not get the amount. Similarly, a worker who lost his finger and a female worker who lost her eye did not receive any compensation.

5.18 Childcare centers

According to the Rules, the authority is bound to establish a crèche for workers' children in the garden, where there will be an attendant, furniture, toys, and arrangement for drinking water, milk or snacks etc., for the babies. Only seven gardens out of 64 have crèches and 10 gardens each has a torn down olden room marked as crèche, which are not functioning. Other 47 gardens do not have any crèche, which means *de facto* there is no crèche in 57 gardens. Not all of the seven gardens, which have crèche, have every required item- only six have arrangement for pure drinking water, food and milk and four have toys. Moreover, only two of them have latrine facilities.

Due to lack of crèche, female workers who have none to take care of her child at home, are forced to leave the work or take a long break from the work. There are many female workers who were terminated from their permanent work and now working as temporary as they were absent from work for a long time after giving birth.

5.19 Physical access to gardens and communication within the gardens

Most of the gardens are located in very remote areas and far away from plain land and in many of the cases communication to reach the gardens are not good. Study data shows that, roads to reach 39 gardens out of 64 are good, it is moderate for eight gardens, and very poor for 17 gardens. Again, from observation data, it is found that, roads or communication facilities from working sections to the workers' colony or residential areas within the gardens is very poor. In reality, there is no road within 25 gardens to

reach workers' colony. The workers' colonies of these gardens are on hilltops, and sometimes they need to cross water bodies to reach one hill from another. Seventeen gardens have partly paved roads and in 15 gardens roads are fully earthen, which become slippery and muddy during rainy season. However, roads within seven gardens to reach workers' colony are fully paved.

5.20 Complain mechanism and disposals

According to the bilateral agreement, if a worker does not receive his due facilities or s/he wants to complain about any other issues, *Panchayat* or valley president will try to solve it with the help of garden manager. According to the survey, in the last one year, 19.2 percent workers have complained to different persons on different issues, among which 38.0 percent was resolved, 58.2 percent not solved and 3.8 percent were still under process. However, in many cases workers do not lodge complaint or get interested to do so for various reasons like lack of awareness, not getting redress even after complaining, and the fact that location of specialized labour court is in Chottagram which needs long travel for workers residing in other district.

5.21 Government facilities for tea workers

As a deprived and marginalized community of the country, tea workers are also included in the social safety-net program of the government. According to the survey data, family members of 11.1 percent of the workers surveyed are listed in the social safety-net programs, most of which enjoy Old Age Allowance (72.5%) and Widow Allowance (11.9%). The recipients of allowance do not face any problem to receive money, as it is transferred through banking channels. However, it was alleged that those who are closer to the Chairmen and Members of the Union *Parisads* (Council), get priority during enlistment. A safety-net programme titled, *Improving Quality of Lives of the Tea Workers*, taken up by the Department of Social Welfare distributes food and clothes equivalent to five thousand taka; about 58 percent workers surveyed reported to be included in this programme. However, they reported that the quality of those items was poor and less amount was given to them.

5.22 Labor abuse

In the study, only 1 percent (17 in number) workers surveyed reported that female workers experienced different types of physical, sexual and domestic violence such as use of abusive language by the *Babus*, sexual harassment by other male workers and tortures by husband. According to some key informants however many of the sexual harassments remain unreported as disclosure is not welcome socially or by the male members of the family. The garden authorities commit various abusive behaviors with workers such as no worker or Panchayat members are allowed to sit in a chair or wear a cap in front of managers, putting on and off their (managers') shoes by workers etc. It was also alleged that the authorities sometimes use humiliating language during conversation with the workers etc.

5.23 Liquor addiction

Nowadays, awareness has increased among workers about the negative aspects of the use of excessive alcohol. As a result consumption of alcohol has somewhat decreased but not significantly. Nearly every garden has a government licensed liquor shop and many illegal liquor shops in the garden along with licensed ones have flourished. Mainstream community members (*Bangalees*) residing near gardens, and some tea workers from inside the gardens as well, are engaged with the latter. It is reported that the male

workers spend large portion of their wages to purchase liquor. As a result, their economic solvency reduces and their family faces negative consequences.

5.24 Corruption and negligence of duties: The Department of Inspection for Factories and Establishments (DIFE) as a Supervision Authority

Though the inspectors of the *Department of Inspection for Factories and Establishments* are responsible for regularly visiting gardens to ensure facilities of tea workers, in many cases they do not do it regularly and properly. It is alleged that to fulfill their individual interests, many of them negotiate with the garden authorities instead of protecting the interests of the workers. It is reported that they take Tk 3000 to 5000 in each visit. Even in some cases, they do not need to visit gardens; rather authorities send the money to them directly. If sometimes they visit gardens, they do not raise a single question about workers' entitlements and in case of non-compliance do not take any disciplinary measures against concerned authorities rather just overlook. They issue a letter to inform authorities before visiting gardens. But they do not inform the workers prior to their visit or listen to their complaints while visiting.

6. Institutional limitations and challenges

6.1. Deputy Director of Labour, Labour, Moulvibazar and DIG Office, Department of Inspection for Factories and Establishments, Shreemangal as a Supervision Authority

The institutions that are responsible for ensuring workers' rights have some limitations and challenges. One such major challenge is deficit in human resources. Office of the Deputy Director of Labour, has 10 designated positions vacant out of 26 approved positions and the office of the DIG, DIFE, Shrimongol, has five positions vacant out of 17 in the DIG Office, DIFE, Shreemangal. Due to shortage of human resources, these institutions have been facing challenges in conducting their supervision/inspection activities regularly and properly. It is also reported that the officers of the supervising institutions are often fearful to submit a proper inspection report, as most of the garden owners are powerful and very close to politically powerful persons.

6.2 The Labour Court and the Provident Fund Office

Most of the tea gardens are located in Sylhet region, but there is no labour court in this region to file complaints. The only labour court for the tea workers is located in Chottagram, and thus it is difficult for the low-income tea workers to take long travel to file complaints there. The Trustee Board of the Provident Fund is formed with eight members among which three are from garden authorities, three from workers (two from general labour and one from the officials) and two are "neutral" coopted from outside. It is reported that most of the time two outside members remain silent during any dispute. However, the staff representative from workers' side cast his vote in favour of the authority. As a result, workers' interests suffer. Beside due to lack of digitalization of provident fund office and as the workers are provided hand written documents, it is difficult for them whether the statement is correct or not.

6.3 Bangladesh Tea Labour Union

Bangladesh Tea Labour Union is the only collective bargaining agency of the tea workers to protect their interests. However, due to lack of knowledge about labour rights including labour laws and regulations

among most of the leaders of this union, they cannot achieve desired level of success through bargaining with influential garden authorities. To finalize bilateral agreement, they need to come to Dhaka several times to seat with the authorities, which is costly and time consuming for the leaders of tea labour union. Last time, for finalizing the agreement, they had to come to Dhaka 22 times. The garden authorities send their paid staff who are unable to take final decision for the agreement. The duration of meeting is made very short in the name of other priorities of garden owners/their staff, which also delay finalization of the agreement. The owners alleged that the workers' union representatives are unable to provide final consent on various points agreed upon in the meeting but need to get back to the general workers. This, according to the owners, delay the process of finalization of the agreement.

6.4 Other Limitations

The research findings show that no training is provided to workers for working in tea gardens or factories. As a result, when workers go to work, due to their ignorance or lack of skills needed, various accidents occur. Especially the workers who work in tea factories have to work with different types of equipment. Since they are not trained to run those equipment, accidents occur. Similarly, due to lack of information, workers' awareness about their rights is not increasing. As a result, they cannot raise their demand for rights.

7. Overall Observation

From above discussion, it can be concluded that, although some positive changes have taken place in the lives of tea workers in some areas during last decade or so they remain as one of the major left behind communities of the country. Governance challenges contribute to sustain their low level of livelihood and poor working condition. The tea workers are deprived, vis-a-vis workers in other sectors, also due to discriminatory law. Fairness is still not established in various areas like wages, leave, health care, education, shelter as well as other facilities at work.

In the name of giving various facilities like housing, health, education for children, and subsidized ration, their daily cash wage are kept much less compared to other sectors of the country. The present study estimated that even after adding money-value of such provisions by the garden owners, the workers' wage is very low compared to minimum wage in other sectors. Moreover, the quality in housing, health services and education provided to children of the workers are low. As a result of low wage and various other challenges surrounding their livelihood and work environment, the tea garden workers have been unable to become economically self-sufficient for hundreds of years. They have been forced to work in tea gardens for generations being isolated from mainstream population. As they do not own their own house and their housing facility is tied to their job, they cannot migrate out from tea gardens to become independent labour. The government agencies that are responsible for supervision of their entitlement and benefits, fail due to shortage of human resources, irregularities and corruption, and influence of garden authorities. Due to lack of necessary education, training and awareness, tea workers cannot bargain at desired level to claim their rights. In some cases, like ensuring health service for the workers and bringing children of tea workers under coverage of quality primary education, the initiatives undertaken by the government are inadequate. There are lack of sincere efforts on behalf of the garden owners to implement whatever law and rules have made mandatory to provide for their workers.

8. Recommendations

TIB is recommending following measures to overcome various challenges to improving working condition and promoting workers' rights:

1. The government and garden authorities should declare and implement a rational and fair wage structure, which should be compatible with other sectors and be updated every two years. For those workers who work in tea factories and those who spray pesticides and do other risky tasks should be given justified additional wages and risk allowance. Besides these, necessary training, clothing, gloves and safety equipment should be ensured for them.
2. Enforcement of Laws, Rules and Agreements
 - Temporary workers should be paid wages same as permanent workers
 - Ensure indoor and outdoor treatment for all workers and their family members in light of the standards defined in the Rules; to avoid difficulties reimbursing the cost incurred outside of the garden, a staff should be assigned by the authority through whom all payments should be made
 - There should be a crèche in every tea garden with all facilities as set in the labour Rules, so that children of workers can stay safe and they feel comfortable during work
 - According to the agreement between the owners and the workers, accommodation for all permanent workers should be ensured. New houses should be built quickly by replacing dilapidated ones. There should be clear specifications regarding nature of house in labour rules and enforce them accordingly.
 - According to the agreement, the authority should ensure electricity connection and bear its cost. Arrangement of separate electricity meter and bill for each worker's family should be there like other areas in the country.
 - Sanitary latrine for each worker's family should be ensured
 - Compensation should be provided in compliance with the Labour Law
 - Pay at twice the wage for morning or cash plucking or extra working hours following the Labour Law
 - Pure drinking water should be ensured in residences and working sections
 - As per rules, when a worker retires, the payment of his provident fund must be ensured within three months
 - According to the Labour Law, every permanent worker should be given appointment letter and maintain service book accordingly
 - According to the Labour Law, temporary workers should be made permanent after certain period; even after working as a temporary worker for a long time, keeping another year as intern should be discontinued.
 - Action should be taken to prevent workers from contacting leeches and insects during working in the sections.
 - The wage during maternal leave should be given based on average of past three months' wage prior to leave

- Ensure compulsory group insurance
 - A uniform structure for leave should be declared for tea workers compatible with workers working in other sectors of the country
3. The bilateral agreement between workers and garden authorities should be renewed before one month of expiration of earlier agreement so that the new agreement can be made effective immediately after expiration of the earlier one.
 4. A digital weighing machine with display in both sides should be used for leaf weighing, so that workers can also see the quantity. Besides, weighing and distribution of wages should be entrusted to separate staff. Deduction of weight in the name of *gamcha* (a piece of cloths), transportation, and rain should be stopped.
 5. All activities of Provident Fund Office should be digitalized and initiatives must be taken to inform workers about monthly installments through SMS or any other easy access medium. Distribution of yearly Provident Fund Statement to the workers should be ensured.
 6. To ensure facilities and working environment, effective garden visit by the officials of the office of the Deputy Inspector General (DIG), Department of Inspection for Factories and Establishments should be increased. A copy of visiting report should also be sent to the workers' union along with garden authorities. Legal steps must be taken for any kind of violation of law observed during the visit.
 7. Similar to other areas of the country, initiatives and necessary budgetary allocations must be ensured to bring the tea garden workers and their children under health services and universal primary education. Government stipend should be ensured for the students of garden schools. Especially, the government must take responsibility for free primary education for workers' children according to its policy of free universal primary education for all. Modern health facilities have to be ensured through proper use of already established hospital infrastructure in different valleys by Ministry of Labour.
 8. A regulation for land allocation among workers should be developed. The provision of allocation of land instead of ration or curtail of ration for land allocation should be discontinued.
 9. For ensuring easy access for tea workers, a labour court should be established in Sylhet region.
 10. To increase awareness about existing facilities and law among members of tea workers' union, *panchayat* and general workers, more training should be arranged.
 11. An update medicine list, time schedule and other necessary information should be displayed in a visible place.
 12. In every garden, office of the Deputy Director of Labour (DDL) should establish an institutional complaint and redress mechanism under which a person will be assigned for receiving complaints with his name displayed in a visible place, a complaint redress committee will be formed, and complaint register will have to be maintained.

13. There should be a separate delivery room in healthcare center of tea gardens and initiatives should be taken to motivate female workers for delivery at healthcare centers.
14. To ensure the rights of workers to be involved in labor unions, initiatives should be taken by the government, the workers' union and Bangladesh Tea Association. Government should take proper initiative for timely election of workers' union.
15. Garden authorities should allocate some fund for funeral ceremony of dead workers, which should be included in bilateral agreement.
16. More initiatives should be taken like the project undertaken by Department of Social Services named "Improving Standard of Living of Tea Workers"; in such projects, cash money should be given instead of food and cloths under these projects. Number of beneficiaries should be increased in existing project. Besides projects, provisions should be made for self-employment of family members of the workers.
17. Implementation of the programme titled, "The Roadmap for Development of Tea Industry in Bangladesh" should be expedited through dialogue and discussion among relevant stakeholders including the Bangladesh Tea Association.
18. Authorities should develop road communication system in workers' colonies. Where possible, residential places should be constructed/reconstructed in those places where road communication is easy and accessible.
19. All liquor shops located in garden should be shut down and concerned authority should undertake raid in gardens to prevent illegal operations of liquor shops
20. Marriage registration must be ensured to prevent child marriage and government and non-government initiatives should be taken to increase workers' awareness with this regard.
21. Abusive behavior of authorities with workers like putting on and off shoes by workers, not allowing panchayat members or any workers to sit on chair and wearing caps in front of managers, use of abusive language by staff etc. should be stopped.
22. Female *Sarder* (supervisor) should be appointed along with male *Sarder* (supervisor) in every garden.