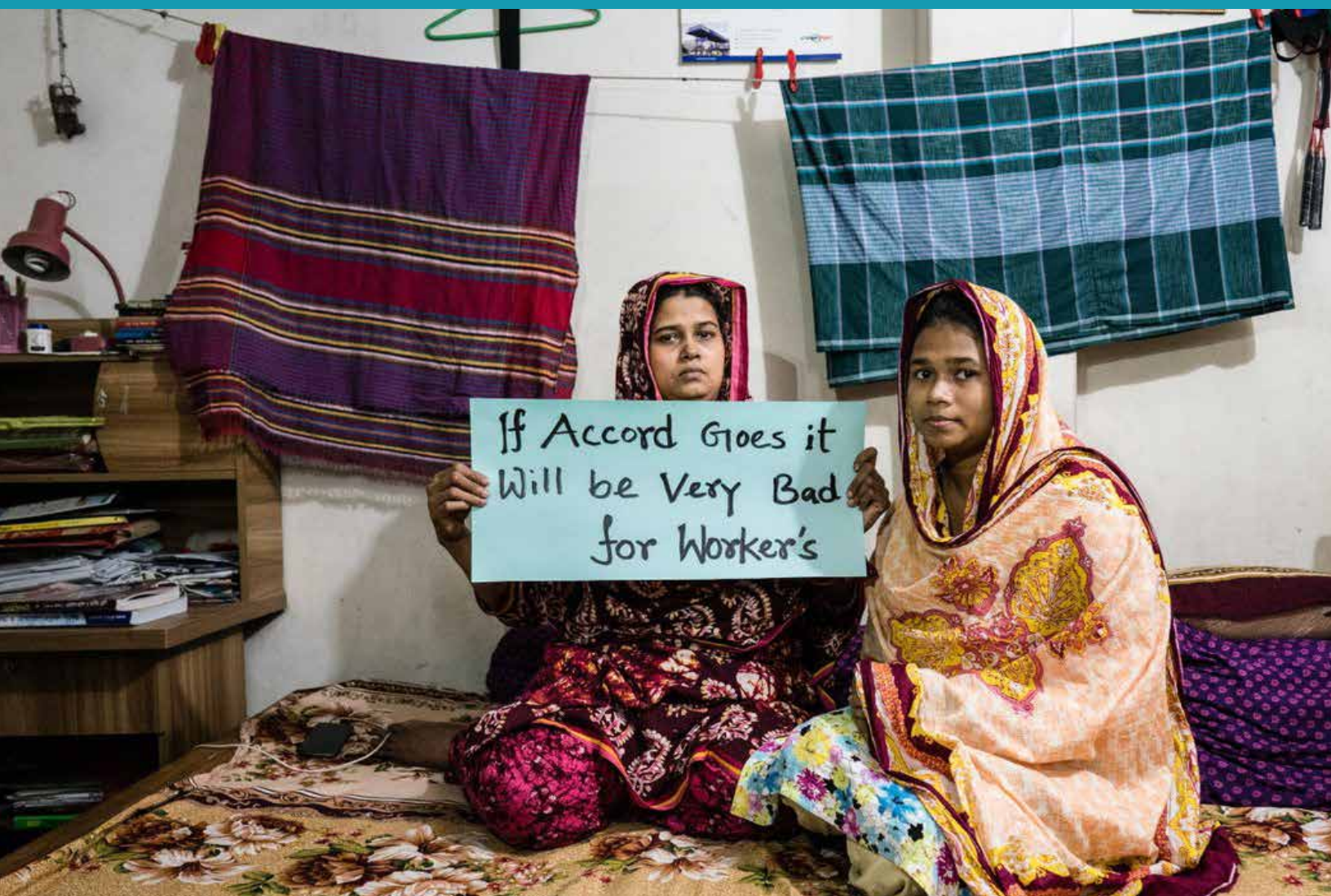


Bangladesh Government's Safety Inspection Agencies Not Ready to Take Over Accord's Work



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W R C
**WORKER RIGHTS
CONSORTIUM**

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Executive Summary

The government of Bangladesh is using proceedings before the Supreme Court of Bangladesh to prevent the Accord on Fire and Building Safety from operating, thereby putting workers' safety at risk. A ruling on 7 April 2019 in Bangladesh's Appellate Court could require the Accord to close its Dhaka office and operations without taking into account whether national agencies would be ready to take up the work.

The government's justification for trying to end the Accord's work depends entirely on its claim that the government is ready to assume responsibility for the 1,688 factories under the Accord's purview, but our research shows a shocking level of unreadiness. In particular, we find that:

- The two government-run databases intended to provide information on the remediation of garment factories are inconsistent and fail to provide information on follow-up inspections.
- Each of the 745 factories under the government's inspection programme has yet to eliminate high risk safety hazards, all of which were identified between three and five years ago. High risk hazards include, for example, lockable exit ways which, in the event of a fire, could leave workers trapped inside. Many high risk hazards should -- and could -- have been eliminated immediately after being identified.
- The government has the power to shut down factories that are deemed so dangerous that workers' immediate safety is at risk. As is widely recognized, had the government utilized this power when cracks at Rana Plaza were identified to them just days before the collapse in 2013, thousands of lives would have been saved. The Accord identified 114 such critically unsafe factories, which it subsequently terminated from its inspection program. Today, half of these same facilities remain open under the government's inspection program. There is no indication in the government's own records that any safety improvements have been made to these factories.
- The government claims to have received 18 complaints through its complaint mechanism since 2013. The Accord, on the other hand, received 1,152 complaints in that same time period. The stark difference in the use of each complaint mechanism could be attributed, in

The Accord has been instrumental in radically improving the safety of garment factories in Bangladesh since it was established in the wake of the Rana Plaza factory collapse of April 24, 2013 that claimed over a thousand lives. The Accord has identified more than 100,000 fire, building, and electrical hazards and 89% have been rectified. Over 1.7 million workers have participated in the Accord's safety trainings. Despite this progress, dangers remain and workers' lives are still at risk. Over 50 percent of the factories still lack adequate fire alarm and detection systems and 40 percent are still completing structural renovations.

The original 2013-2018 Accord had 222 company signatories. The renewed agreement, formally called the 2018 Transition Accord, has 192 company signatories and was founded as a three-year agreement from June 2018 to June 2021, to carry forward the work on fire and building safety in Bangladesh's ready-made-garment sector until the government of Bangladesh is ready to assume the program's responsibilities.

part, to the fact that the government does not guarantee workers anonymity when they file complaints through its mechanism.

- In multiple public forums, the government has stated that 29% of all required renovations at the factories under its purview have been completed. A closer look at the government's own data proves that this is a gross overstatement of the facts. 346 of the 400 factories (for which there is available information) have completed less than 20% of all required safety renovations. Only two factories have completed between 21 and 40% of remediation. There is no information on the remaining 52 factories under the government's purview. By contrast, 89% of renovations required at all factories covered by the Accord have been completed.

Both the brand and labour signatories of the 2018 Transition Accord are committed to transfer the inspection and remediation work once a credible national regulatory agency is in place. Currently,

international stakeholders across the board agree that Bangladesh's national inspection agencies do not yet meet the expected standard when it comes to transparency, monitoring, or enforcement. The government's inspection agencies lag far behind in completing the remediation work at garment factories producing for non-Accord brands, or for the domestic market. The government of Bangladesh, however, is asserting that its inspection bodies are ready to take over the work and the Accord is no longer needed and is pushing for a swift transfer of not only the inspection and remediation work, but also of the safety complaints process and the safety training programmes carried out by the Accord and has refused to discuss a conditional process based on an evaluation of readiness criteria.

The Bangladesh government's inspection bodies

After the outcry following the Rana Plaza collapse of April 2013 made addressing the notoriously unsafe garment factories in Bangladesh unavoidable, three initiatives pledged to make factories safe. Trade unions, NGOs, and apparel brands and retailers from all over the world established the Accord on Fire and Building Safety in Bangladesh; a group of North American companies created the Alliance for Bangladesh Worker Safety; and the remaining export-oriented ready-made-garment (RMG) factories were covered

Two recent fires, one in the Chawkbazar district on 20 February and the other in the Anzir Apparels factory on 4 March, are both recent examples showing that the national inspection bodies are not yet living up to their promises. The Chawkbazar fire was exacerbated by illegally-stored and highly-combustible chemicals in the buildings. The dangers of storing chemicals in residential areas has been widely acknowledged since a fire in 2010 killed 123 people, yet government commitments to relocate chemical factories were not met.⁷ The Anzir Apparels fire occurred in a garment factory that was supposed to be inspected by the same inspection bodies slated to take on the Accord-covered factories. But although the factory's safety defects had been known for years, as well as the factory owners' reluctance to conduct repairs, the factory continued to operate.⁸

by the "National Initiative" with technical assistance of the ILO. The National Initiative completed initial inspections of all of the factories under its purview in December 2015 and then planned to shift its attention to remediation.

Inspecting the National Initiative factories is a task of the Department of Inspections for Factories and Establishments (DIFE) under the Ministry of Labour and Employment, which employs engineers as well as an Inspector General. In May 2017, the Remediation Coordination Cell (RCC) was established by the government of Bangladesh and the employers' associations (BGMEA and BKMEA), with technical support of the ILO, and funding from the UK, Canada, and the Netherlands. The RCC is responsible for "managing the remediation process for the National Initiative Factories".¹ It brings together DIFE and other agencies responsible for safety such as the RajuK (building inspections), the Fire Service and Civil Defence Department, and the Office of the Electrical Advisor and the Chief Electrical Inspector. The RCC is a temporary entity that is supposed to ultimately evolve into a stand-alone "one stop shop" – an industrial safety unit that can oversee the entire sector once the financial support and the support from the Accord and Alliance ends.²

The Alliance for Bangladesh Worker Safety concluded its activity in December 2018. It announced a follow-up initiative meant to continue worker trainings and a worker helpline, and transferred the monitoring of the factories formerly under its purview to DIFE.³ The Bangladesh Accord announced in 2017 that it would continue its work as a Transition Accord until 2021, or until the RCC is judged to have met a set of "rigorous readiness conditions".⁴

It is critical that the RCC's readiness be evaluated against two goals: the completion of National Initiative factories' remediation and its ability to function as an industrial safety unit for the entire sector. The first aspect, completion of remediation, can be assessed against the initial inspection reports, in the same way as the Accord assesses this. For the second aspect, the Ministry of Labour and Employment (MoLE) and the ILO have agreed on a set of six indicators to determine "readiness" of the RCC.⁵

The RCC has **not** been tasked to work on the following:

- *Inspection of boilers.* This fell outside of the standard that was jointly agreed by the Accord, the Alliance, and the National Initiative in 2013, against which all initial inspections were conducted. None of the RMG factories have had their boilers inspected as part of any of the three programmes. Bangladesh has a separate boiler inspection department and a Chief Inspector of Boilers, which is not part of the RCC.
- *Inspection of textile factories engaged in other processes* than cut, make, and trim of ready-made-garments such as spinning mills, dying factories, home textile production, etc.
- *Inspection of factories located in the Economic Processing Zones (EPZs).* These factories fall under the Bangladesh Export Processing Zones Authority (BEPZA) and the Chittagong Export Processing Zones Authority (CEPZA), neither

of which are part of the RCC.

- *Worker safety training or support for the establishment of worker safety committees.*
- *Worker safety complaints mechanisms or follow-up to worker safety complaints.*

In contrast, under the 2018 Transition Accord, provisions have been made to start inspection of boilers and to expand to related industries including textile production. Indeed, during a pilot programme, the Accord found safety defects in all 35 inspected boilers, and 19 of them to be inadequate or defective.⁶ Both the original 2013 Accord and the 2018 Transition Accord cover EPZ factories and have extensive worker training and complaints programmes as an integral part of safety.

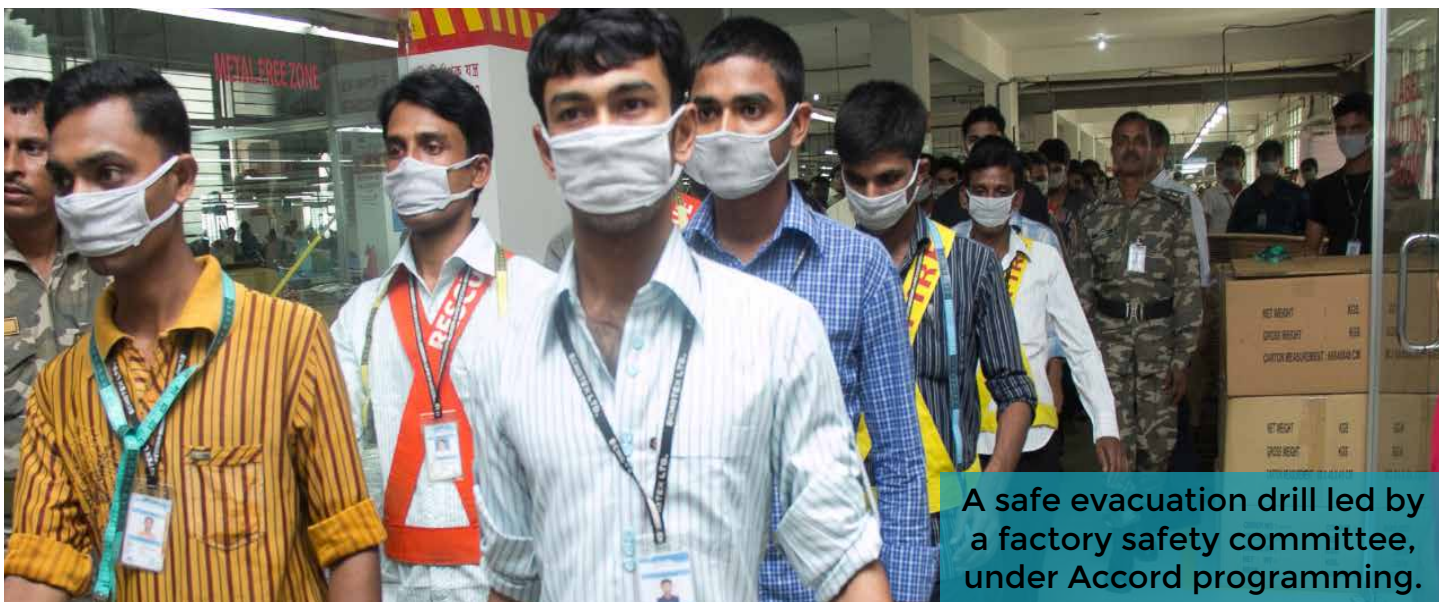


A common structural hazard found in garment factories: improper storage of heavy materials puts too much stress on building columns.

Remediation Coordination Cell Indicators

As Provided by Ministry of Labor and Employment and the International Labour Organization
30-31 August 2018 Workshop on RCC Governance and Future of Industrial Safety Unit

1. A governance body established with strong and functioning supporting committees for RCC management and operations
 - a) An active national monitoring committee is established
2. The RCC is fully resourced
 - a) RCC Budget secured
 - b) Adequate RCC Staff recruited
 - c) RCC Facilities operational
3. Remediation Coordination Cell fully functioning and overseeing remediation of National Initiative factories
 - a) Adequate deployment of RCC officials
 - b) Operations Plan executed (records of frequency of visits; CAP verification reports; RCC quarterly reporting; compliance status report of factories, etc.)
 - c) Statistics made available on remediation progress
 - d) Protocols, guidance manuals, and SOPs established for RCC operations
 - e) GoB enforcement mechanisms for non-remediation in place with proven track record of applying penalties for non-compliance, including fines and shutdowns
 - f) Sustained local processes of monitoring safety in the RMG industry
4. Transparent governance structure and decision-making on CAP content, CAP progress and factory compliance
 - a) RCC tracking modules operational
 - b) Public database is available
 - c) Minutes of meetings made available
5. Capacity of RCC management/staff to fulfil RCC tasks
 - a) Training needs assessment accomplished
 - b) Training delivered
 - c) Training assessment reports made available
 - d) Quarterly and annual training requirements developed and implemented
 - e) Lesson Plans developed on specific topics
 - f) Cadre of trainers available
 - g) On the Job training provided to government inspectors
6. Proportion of all RMG export factories provided effective registration, licensing and monitoring services
 - a) Data available on registration, licensing, and services provided
7. Digitalized one-stop-shop proposal and business processes recognised and agreed by all relevant ministries for future registration, licensing and monitoring services
 - a) Records of agreements/minutes of meetings available
 - b) Commitments to agreements are effectively honored and implemented
8. GoB Financial plan for 3 years in place to ensure sustainability of post RCC operations with national budget secured



Current status of RCC and DIFE

A September 2018 report by the Bangladesh Sustainability Compact⁹ – a cooperation between Bangladesh, the European Union, the United States, Canada, and the International Labour Organization in order to improve conditions in the garment industry – concluded that:

- DIFE had insufficiently followed up on its commitment to make its inspection and remediation process transparent and reports publicly available. While it has published the initial inspection reports, the information regarding remediation was outdated and incomplete.¹⁰
- The RCC had worked on an escalation protocol to enforce inspection and remediation among uncooperative factories, but the protocol is not yet in force.¹¹
- Nearly all of the 300 Corrective Action Plans that DIFE received on the basis of the initial inspections contained mistakes and only five were approved. Despite the absence of credible Corrective Action Plans (CAPs), DIFE nevertheless reported a remediation percentage of 29%.¹²

Our follow-up research, which intended to identify if any progress was made in the six months since this report, finds that DIFE and RCC have acted on the report's remark that they were lacking in transparency. With the support of their international funders, the UK, Canada, and the Netherlands, the RCC and DIFE have

now launched extensive websites. The DIFE now has two databases with inspection reports available: one on the RCC/DIFE website and another called the Labour Inspection Management Application (LIMA).

Rather than providing useful insights into the status of factory inspections in Bangladesh, these competing databases only add confusion. The RCC/DIFE database contains only summaries of the inspection reports of National Initiative, Alliance, and Accord factories. It has a total of 2961 factories listed, 745 of which it identifies as factories covered by the National Initiative. The RCC/DIFE database has not uploaded any follow-up inspection reports or Corrective Action Plan (CAP) progress rate reports for any of their factories.¹³ The LIMA/DIFE database does have complete initial inspection reports - but only for 577 garment factories. This database still lacks any published follow-up inspection reports or updated CAPs.¹⁴

The RCC/DIFE database has not uploaded any follow-up inspection reports or Corrective Action Plan (CAP) progress rate reports for any of their factories.

The latest version of the RCC escalation protocol available is dated 18 February 2019. This document, however, has only draft status and is thus still far from being actively enforced.¹⁵ The protocol grants undue power to employers' organizations and lacks specific timelines.

Remediation statistics

The RCC/DIFE database states that, of the 745 National Initiative factories that it lists as undergoing follow-up by DIFE, the progress rate of the Corrective Action Plans as of October 2018 is as follows:

- 220 factories have remediated more than 50% of the noncompliance items identified in CAPs;
- Only 198 factories have submitted Detailed Engineering Assessments (DEAs) to DIFE, of which 156 DEAs have been checked by the Task Force, which provided recommendations on them; and
- The remediation rate of noncompliance items in all covered CAPs is 36% for structural safety, 37% for electrical safety, and 31% for fire safety.⁵¹

There is no record of any follow-up on the Detailed Engineering Assessment (DEA) report recommendations, nor are any of the DEAs publicly available.

These remediation rates come from reports submitted to DIFE by individual factories; however, it's important to remember that the Bangladesh Sustainability Compact review reported concerns about the quality of these reports.⁵² Therefore actual remediation rates could differ from those reported. There is no record of any follow-up on the DEA report recommendations, nor are any of the DEAs publicly available.

Type of Assessment	Total Finding	Total Completed	Total In-Progress	Total Not-Started
Fire Assessment	23	0	0	23
Electrical Assessment	34	0	1	33
Structural Assessment	1	1	0	0
Total	58	1	1	56

The LIMA/DIFE database for some factories tracks the number of the remediated items completed. These boxes provide only the number of items supposedly remediated without any further information, and show much higher numbers for factories that previously enjoyed Accord-coverage than for National Initiative factories.¹⁶ Since the agency has failed to publish follow-up inspection reports, this information can not be verified.

The LIMA/DIFE database for some factories tracks the number of the remediated items completed. These boxes provide only the number of items supposedly remediated without any further information, and show much higher numbers for factories that previously enjoyed Accord-coverage than for National Initiative factories.¹⁷ Since the agency has failed to publish follow-up inspection reports, this information can not be verified.

The “remediation status” section of the LIMA/DIFE website lists tries to give an overview of how far along factories are in their remediation progress. The overview, however, only lists 400 factories spread over four regions, of which 346 have 0-20% of their safety issues remediated and two are at 21-40% remediation. The remaining 52 factories appear to have dropped off the radar.¹⁸ Taken together, these numbers amount to far lower rates than the overall remediation average of 29% mentioned in the Compact report of September 2018¹⁹ or than the remediation rates between 31 and 37% mentioned by the RCC in its January 2019 update.²⁰

For all of the 745 National Initiative factories, the original deadlines have expired by three to five years. These overdue action items include extremely high risk hazards (that must be addressed within two weeks), and hazards where the factories’ ability to operate was

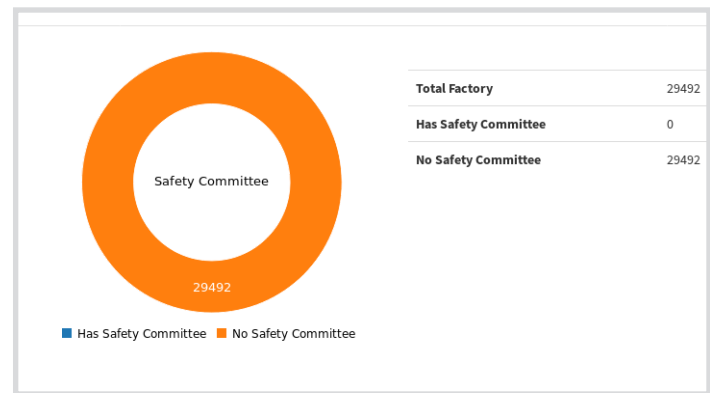
Name of District : All

Name of District	No. of Factory	0-20 %	21-40 %	41-60 %	61-80 %	81-100 %	Remediation %
Chittagong	81	78	1	0	0	0	0.94
Dhaka	164	139	0	0	0	0	0.67
Gazipur	92	71	1	0	0	0	1.25
Narayanganj	63	58	0	0	0	0	0.84

conditional on their immediate remediation. The First Line Apparels Ltd factory in Chittagong, for example, was found to have highly stressed columns requiring immediate action in July 2015.²¹ That item, as with all items this factory needed to address (such as exposed electrical wiring that needed to be fixed within a week's time²²) is currently marked as “not started” in the LIMA/DIFE database.²³

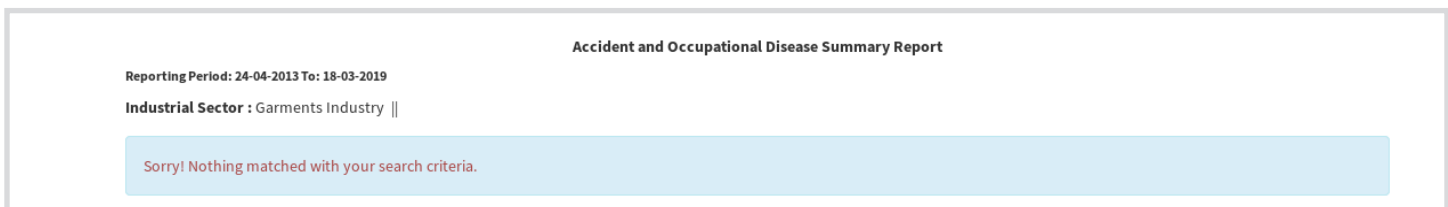
More inconsistencies

To be sure, it is a step in the right direction that DIFE now maintains two extensive websites where the agency promises more transparency about its operations. However, so far the inaccurate and contradictory databases add confusion rather than clarity. There are a number of glaring inconsistencies between the two websites, as well as in comparison to numbers reported by the Accord and other reputable entities. A few examples:



- *Accident reports*

The LIMA/DIFE website lists no accident reports since the Rana Plaza collapse.²⁶ An overview of factory incidents maintained by the Solidarity Center, based on Bangladeshi media reports, lists 49 accidents in garment factories and spinning mills that caused injuries or deaths since April 2013.²⁷



- *The number of National Initiative factories*

It is worrisome that National Initiative factories, which should be under special scrutiny of DIFE, can so easily disappear off the charts. With RCC/DIFE listing 745 factories and LIMA/DIFE identifying only 558, it appears that 187 factories with known safety issues dropped off the radar. The numbers drop off even further when it comes to the remediation status overview, where the LIMA/DIFE database only mentions 400 factories, of which 52 factories have not been given a status at all.

- *Safety committees*

The LIMA/DIFE website names *no* safety committees among the 29,492 factories (of which 5,104 are garment factories) that they are responsible for monitoring.²⁴ On the other hand, the Accord lists 336 safety committees in its 1,688 factories, and twice as many more in development.²⁵

Factories previously terminated by Accord and Alliance

On 4 March 2019, a fire broke out in the Anzir Apparels Ltd factory in Baipail, Ashulia, on the outskirts of Dhaka. Anzir Apparels (Unit 1) was inspected by the Alliance for Bangladesh Worker Safety in 2014. Safety issues identified included a lack of an adequate fire alarm system, fire-fighting equipment, and safe emergency exits. When the factory failed to make adequate remediation progress, the Alliance removed it from the programme and required signatory brands to stop sourcing from there. The factory closed in March 2016,²⁸ but subsequently reopened and started producing again. DIFE registered the factory's resumed activity, listing it as “in operation” on its website and showing a summary of the initial damning inspection report by the Alliance, but without further documentation of action to address the known safety defects.²⁹

This case is the tip of the iceberg of an existing problem. The Accord and the Alliance have never had the authority to close a factory; the authority to close a factory belongs exclusively to the government.³⁰ When they terminate a factory from their lists due to severe safety violations or the owner's refusal to make the required renovations, none of the signatory brands are allowed to continue production. But a factory owner can avoid factory closure by switching to non-signatory brands and can continue operating despite glaring safety hazards. The LIMA database lists several factories that were deemed too dangerous for Accord and Alliance brands to operate in, but are still active. The Anzir Apparels fire is a case in point of the potential consequences when the government allows these factories to continue operations without implementing the necessary safety renovations.

Out of 120 factories that the Accord indicated as ineligible since 2013, 57 are mentioned on the LIMA/DIFE website as in operation.

Two factories, Quality Fashion Wear Limited and Masco Printing & Emb. Ltd, that are listed in LIMA as “Alliance denied” were for example suspended for respectively “failure to provide evidence of remediation; failure to submit design documents” and “failure to make adequate remediation progress”. Both factories are registered as open on the LIMA/DIFE website and there still have all remediation items listed as “not started”. This means that factories that are known to be unsafe not only continue to operate, but can continue seemingly without inspections or serious efforts to remediate.³¹

A cross-check between the Accord and LIMA/DIFE databases shows that there are many more factories in this category that are not recognizable by a special label on the LIMA/DIFE website. Out of 120 factories that the Accord indicated as ineligible since 2013, 57 are mentioned on the LIMA/DIFE website as in operation. These are factories that were judged ineligible for failing to implement life-saving remediations after lengthy exchanges with the Accord.

The All Weather Fashions factory, for example, was removed from the Accord programme in May 2016 for protracted failure to ensure safe fire exits through which workers would be able to escape in case of emergency.



Workers in an Accord safety training

Only weeks after this suspension, a worker complained to the Accord about serious structural issues in the building. The Accord contacted DIFE, to which the factory had been handed over, but it remains unclear what happened with the complaint. Although the RCC/DIFE seems to have recognized that this factory had serious safety issues, recommending immediate suspension of activity in the building and closure of at least four floors, it is impossible to assess whether any of these actions actually took place. The factory is still listed as in operation; therefore, 680 workers may be risking their lives every day when they arrive at work.³²

Another example of a factory that remains in operation despite serious and unaddressed safety issues is Lumen Textile Mills. The factory owners refused to make sure the workers were properly protected and able to leave the building safely in case of a fire, even failing to ensure no products were stored in exits routes and on the stairs.³³ After the Accord terminated Lumen Textile Mills, the RCC/DIFE took over responsibility for the factory and did its own assessment, listing the factory as in operation. The assessment stated that no recommendations for corrective action could be made as the Accord CAP, a document that can easily be found on the Accord website, was “unavailable”.³⁴

Factories handed over by the Alliance and the Accord

The Alliance ceased operations in Bangladesh in December 2018, meaning that the 654 factories under its purview were handed over to DIFE.³⁵ The RCC/DIFE website only lists 501 factories that formerly belonged to the Alliance, whereas the LIMA/DIFE does not single out former Alliance factories as a specific category at all.³⁶

The Accord has, as part of the transition process, handed over 100 factories with a 100% remediation rate between October and December 2018.³⁷ The LIMA/DIFE website lists 12 factories handed over in the first batch and 61 in the second. The remaining 27 factories should not be allowed to disappear off the radar and should be accounted for.³⁸ The status of the factories that are mentioned in the DIFE databases also differ a lot: some are showing without uploaded original inspection reports, some have the Accord/Alliance original inspection reports, and some have new and updated

inspection reports. The inconsistencies between the two databases are also visible here, resulting in the fact that some factories are only mentioned on one of the two websites.

Complaints mechanism

Managing and administering a complaints mechanism is officially not part of the RCC mandate. The LIMA/DIFE website, however, contains complaint forms and even a complaint submission app. A search in the database nevertheless yields no recorded complaints for 2018.³⁹ In comparison, the Bangladesh Accord reports over 660 complaints for the same year.⁴⁰ Since the formation of the Accord, the DIFE website only lists 18 complaints⁴¹ whereas the Accord lists 1,152.⁴² The Accord has repeatedly referred complainants from non-Accord factories or addressing non-OHS-related topics to the DIFE by giving them the contact details of the agency - this happened thirty times over the second half of 2018 alone.⁴³ Several of these complainants may have called DIFE, but no information about these cases can be found on complaints page of the DIFE

The most glaring flaw in the government's complaint mechanism is that it does not allow for anonymous complaints.

website.

The most glaring flaw in the government's complaint mechanism is that it does not allow for anonymous complaints. To file a complaint, the worker must enter their name and employee identification number – for many an insurmountable barrier in a country in which workers' right to freedom of association is constantly under threat. It is a stark contrast with, and thus no substitute for, the confidential, worker-to-brand complaints mechanism maintained by the Accord.

Another test-case for national inspection capacity: boiler inspections

Bangladesh's garment industry has a long history of boiler explosions and fires originating from unsafe boilers. Nevertheless, inspection of boilers was

excluded from the mandate of the Accord and left to the government of Bangladesh's inspection agencies. These inspection agencies have only eight boiler inspectors to cover not only the thousands of garment factories, but all factories across all industries. This limited capacity means inspectors often do no more than review paper registrations and neglect proper physical inspection and testing of boilers. The consequences of this approach became clear in July 2017, when a boiler exploded in the Multifabs factory, killing 13 workers

Inspectors often do no more than review paper registrations and neglect proper physical inspection and testing of boilers.

and injuring 20.⁴⁴

In response, the Accord agreed to run a pilot study on boiler safety. During the study, the inspectors sent by the Accord noticed that factory owners were used to the minimal inspection capacity of Bangladesh's eight inspectors, which made some of them reluctant to turn off their boilers in order to allow the inspectors to run tests. During the pilot engineers inspected 35 boilers in 17 factories. All 35 boilers contained safety defects and required remediation. In four cases, the engineers found urgent safety issues that needed to be repaired before the boiler could be turned back on. Five boilers turned out to be produced by an uncertified manufacturer, meaning the associated paperwork was illegitimate. Other detected failures included a lack of air and gas pressure monitoring systems, faulty electrical wiring, and the use of inadequate feed water pumps. The Accord will continue to cooperate with Bangladesh's Chief Inspector of Boilers to address the issue of boiler safety in Accord-covered factories. The many challenges met during the pilot show that creating a well-functioning boiler inspection programme is a time- and labour-intensive process.⁴⁵

Other stakeholders' views

Stakeholders from international institutions, foreign governments, labour unions, and brands unanimously agree that the government of Bangladesh's inspection bodies are not yet ready to assume the Accord's responsibilities. The International Labour Organization

has declared that the RCC "in the ILO's view is at the early stages of its development" and "requires more time to develop the capacity to support significant numbers of additional factories".⁴⁶

Amy McGann, a Foreign Affairs Officer at the U.S. State Department, declared in June 2018 during a high level meeting in presence of government officials from Bangladesh:

"As we saw from the Alliance and the Accord, it takes years to develop a fully functional safety organization. It is not surprising that the RCC is not quite ready to take on the work. Both the Accord and Alliance have transition plans that include sharing knowledge with the RCC and it is critical that during the transition period there are no arbitrary deadlines."⁴⁷

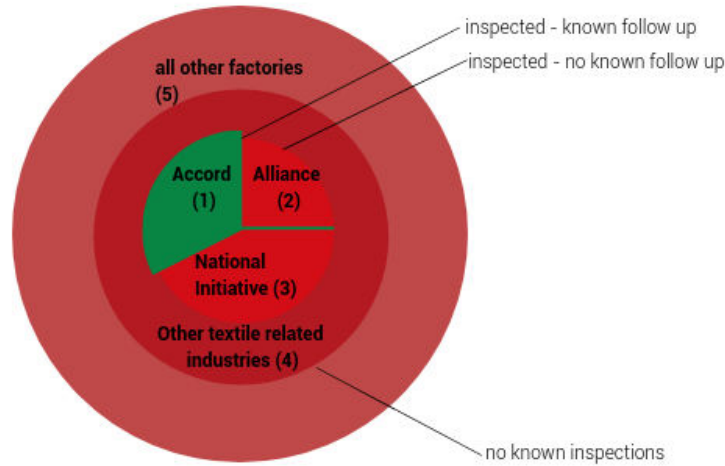
Similarly, Jenny Holdcroft, Assistant General Secretary of IndustriALL Global Union, stated in November 2018:

"Despite immense progress, the work of the Accord is not complete. The RCC is not ready to take on the rigorous safety monitoring system currently implemented by the Accord."⁴⁸

Twenty brands wrote in a December 2018 letter:

"Having closely monitored the ongoing transition process from the ACCORD to the RCC, including the recent succession of hearings and restraining orders issued by the Bangladesh High Court, as well as the publication of several reports investigating the state of readiness of the newly founded RCC to take over ACCORD missions, we are concerned that all conditions that would allow for a smooth, safe and efficient shift from one system to the other, are not currently met. We believe that further efforts are necessary in order to absorb the work of the ACCORD into the RCC and that it is in the best interest of all parties that the RCC be provided with further opportunity and time to successfully develop."⁴⁹

- Covered by DIFE**
Covered by Accord
 inspected RMG factories
1. ca 1600 Accord factories (Accord)
 2. 650 former Alliance factories (DIFE)
 3. at least 1600 other RMG factories, of which ca. 800 National Initiative, 500 reported closed, rest unknown (DIFE)
- non-inspected RMG factories
4. ca. 2000 factories, including spinning mills, weaving & fabric mills, washing, dyeing – printing – finishing, packaging (DIFE)
- other non-inspected factories
5. over 20,000 other industrial facilities, including chemical storage, heavy industry, etc (DIFE)



Concluding remarks

The observations above show that the government's inspection agencies, DIFE and RCC:

- a) are unable to address life-threatening safety hazards in the factories already under their purview;
- b) are failing to inspect a large number of factories for which they are currently responsible;
- c) do not meet the criteria established by the government itself for readiness of an "industrial safety unit";
- d) are not taking on the worker training or worker complaints programmes as presently carried out by the Accord; and
- e) do not cover boiler safety.

Given this lack of transparency, capacity, and willingness to enforce inspection and remediation, at

Rather than putting energy into attempts to gain control over the 1,688 Accord-covered factories, DIFE should focus on the nearly 30,000 industrial facilities that need its attention much more urgently.

this time any handover of Accord-covered factories to these bodies would put workers' lives in danger. There should be no further transfer of responsibilities until both the government and the Accord have fully remediated all factories under their purview.

Recent fires in Dhaka have shown that in order to protect workers, national agencies need to focus on the outstanding hazards in factories not covered by the Accord.⁵⁰ Rather than putting energy into attempts to gain control over the 1,688 Accord-covered factories, DIFE should focus on the nearly 30,000 industrial facilities that need its attention much more urgently. The Accord's planned work through 2021 could free up direly needed government capacity to improve the safety situation in chemical factories, non-Accord-covered garment factories, and other sectors.

In a country rife with unsafe buildings, the Accord has shown what can be achieved through meticulous inspections, a commitment to remediation, and worker involvement. It's critical that the government of Bangladesh works with Accord signatories to create a transition plan that puts worker safety first, with handover of factories being conditional on readiness. This would provide real solutions by incorporating the vital elements of the Accord's model towards improving workplace safety: not just its inspections, but also the complaint mechanism and worker trainings. In this way, the government would take responsibility for Bangladesh's workers and work towards sustainable safety for all. As many lives have been senselessly lost to factory disasters in the past decade, it is unconscionable for the government to rush the transfer of responsibilities of the one safety programme that has brought substantial progress.

Endnotes

- 1 <http://rcc.dife.gov.bd/index.php/en/information-resources/rcc-fact-sheet>
- 2 <http://rcc.dife.gov.bd/index.php/en/information-resources/rcc-fact-sheet>
- 3 <http://www.bangladeshworkersafety.org>; <https://www.ecotextile.com/2019030624122/social-compliance-csr-news/bangladesh-alliance-rmg-safety-successor-launched.html>
- 4 <https://bangladeshaccord.org/updates/2017/10/26/accord-continuation-beyond-may-2018>
- 5 See Annex 1.
- 6 <https://bangladeshaccord.org/wp-content/uploads/Monthly-Update-February-2015.pdf>
- 7 <https://www.business-humanrights.org/en/dhaka-fire-shows-that-bangladesh-must-build-better-safety-systems-rather-than-scrap-the-accord>
- 8 <https://cleanclothes.org/news/2019/03/06/garment-factory-fire-confirms-bangladeshi-inspection-agencies-are-not-yet-up-to-their-task>
- 9 http://trade.ec.europa.eu/doclib/docs/2018/september/tradoc_157426.pdf
- 10 Ibid., p. 22.
- 11 Ibid., p. 26.
- 12 Ibid., p. 29.
- 13 <http://rcc.dife.gov.bd/index.php/en/safety-assessments/ni-assessed>. The National Initiative was initially responsible for 1,549 factories. After closures, relocations, and factories joining the Accord or Alliance, by 31 April 2018 there were 809 factories left. The RCC data indicates that this number further shrunk to 745 since then. http://trade.ec.europa.eu/doclib/docs/2018/september/tradoc_157426.pdf, pp. 28-29.
- 14 <http://lima.dife.gov.bd/public-report/factory-profile>
- 15 <http://rcc.dife.gov.bd/index.php/en/information-resources/escalation-protocol>. The date can be found on the front page: <http://rcc.dife.gov.bd>.
- 16 See for example: <http://lima.dife.gov.bd/public-report/factory-profile/view/9799#> or <http://lima.dife.gov.bd/public-report/factory-profile/view/6643>. See Annex 2 for these examples as screenshot.
- 17 See for example: <http://lima.dife.gov.bd/public-report/factory-profile/view/9799#> or <http://lima.dife.gov.bd/public-report/factory-profile/view/6643>. See Annex 2 for these examples as screenshot.
- 18 <http://lima.dife.gov.bd/public-report/remediation-status> (numbers retrieved on 19 March 2019).
- 19 http://trade.ec.europa.eu/doclib/docs/2018/september/tradoc_157426.pdf, p. 29.
- 20 <http://rcc.dife.gov.bd/index.php/en/remediation/remediation-progress> (last updated 24 January 2019).
- 21 <http://rcc.dife.gov.bd/index.php/en/safety-assessments/ni-assessed/details/4/4058-first-line-apparels-ltd>; http://lima.dife.gov.bd/uploads/rtm/assessment_file_path/1339/2015-07-27_TUV_SSA-193_First%20Line%20Apparels%20Ltd_V01%20ISSUE.pdf; http://lima.dife.gov.bd/uploads/rtm/assessment_file_path/1337/2015-07-27_TUV_ESA_193_First%20Line%20Apparels%20Ltd_V01%20ISSUE.pdf.
- 22 <http://rcc.dife.gov.bd/index.php/en/safety-assessments/ni-assessed/details/4/4058-first-line-apparels-ltd>; http://lima.dife.gov.bd/uploads/rtm/assessment_file_path/1339/2015-07-27_TUV_SSA-193_First%20Line%20Apparels%20Ltd_V01%20ISSUE.pdf; http://lima.dife.gov.bd/uploads/rtm/assessment_file_path/1337/2015-07-27_TUV_ESA_193_First%20Line%20Apparels%20Ltd_V01%20ISSUE.pdf.
- 23 <http://lima.dife.gov.bd/public-report/factory-profile/view/12361#>.
- 24 <http://lima.dife.gov.bd/public-report/safety-committee-summary>
- 25 <https://bangladeshaccord.org/updates/2019/01/25/update-safety-training-program>
- 26 <http://lima.dife.gov.bd/public-report/fatal-nonfatal>; see annex for full screenshot.
- 27 <https://www.solidaritycenter.org/wp-content/uploads/2018/04/Bangladesh-Safety-Incident-Chart.4.9.18.pdf>
- 28 <http://www.bangladeshworkersafety.org/factory/suspended-factories?fid=10149#table>
- 29 <http://database.dife.gov.bd/index.php/factories/alliance-assessed/details/4/332>; also see <https://cleanclothes.org/news/2019/03/06/garment-factory-fire-confirms-bangladeshi-inspection-agencies-are-not-yet-up-to-their-task>
- 30 Only at the start of the two programmes several factories that upon first inspection were judged so unsafe that they required to be closed immediately were closed in cooperation with of the government of Bangladesh.
- 31 Quality Fashion Wear Limited on Alliance website: <http://www.bangladeshworkersafety.org/factory/suspended-factories?fid=11129#table>; on LIMA/DIFE website: <http://lima.dife.gov.bd/public-report/factory-profile/view/12229>; Masco Printing & Emb. Ltd. on Alliance website: <http://www.bangladeshworkersafety.org/factory/reports-caps?fid=10066#table>; on LIMA/DIFE website: <http://lima.dife.gov.bd/public-report/factory-profile/view/30862>. Oddly, the other two factories are not mentioned on the Alliance website at all.
- 32 http://rcc.dife.gov.bd/images/summary-reports/All_Weather_Fashion__2_.pdf; <https://www.dropbox.com/s/zrp7xtblg3f8vjn/ALL%20WEATHER%20FASHIONS%20LTD%20-%20CAP%20-%20March%202016.xlsx?dl=0>; https://accord.fairfactories.org/accord_bgd_files/1/Audit_Files/161468.pdf; <http://rcc.dife.gov.bd/index.php/en/safety-assessments/accord-assessed/details/4/1407-all-weather-fashions-ltd>. For the safety complaint, search “All Weather” at <https://bangladeshaccord.org/safety-complaints>.
- 33 https://accord.fairfactories.org/accord_bgd_files/1/Audit_Files/162801.pdf; <https://www.dropbox.com/s/u5tn13sgw05r9cy/Lumen%20Textile%20Mills%20Ltd.%20-%20CAP%20-%20June%202017.xlsx?dl=0>. For CAP, see previous endnote.

- 34 http://rcc.dife.gov.bd/images/summary-reports/LUMEN_TEXTILE_MILLS_LTD..pdf; For Accord
- 35 <http://www.bangladeshworkersafety.org/factory/factory-list>
- 36 <http://rcc.dife.gov.bd/index.php/en/safety-assessments/alliance-assessed>; <http://lima.dife.gov.bd/public-report/factory-profile>. The LIMA/DIFE website has a category “Open and working with Alliance” but no factories are listed in the category.
- 37 <https://fashionunited.uk/news/business/bangladesh-accord-hands-over-100-factories/2019010240761>.
- 38 <http://lima.dife.gov.bd/public-report/factory-profile>; see screenshots in Annex 2.
- 39 <http://lima.dife.gov.bd/public-report/complaint-resolving-efficiency>; see screenshots in Annex 2 (checked on 20 March 2019).
- 40 <https://bangladeshaccord.org/updates/2019/01/24/update-safety-and-health-complaints>
- 41 <http://lima.dife.gov.bd/public-report/complaint-resolving-efficiency>; see screenshots in Annex 2 (checked on 20 March 2019); confusingly also the test version of the LIMA/DIFE database is still online and accessible, containing different data for the same time period: <http://sandbox.dife.gov.bd/public-report/complaint-resolving-efficiency>.
- 42 https://admin.bangladeshaccord.org/wp-content/uploads/2019/02/Accord_Quarterly_Aggregate_Report_January_2019.pdf; <https://www.reuters.com/article/us-bangladesh-factories-safety/complaints-about-safety-in-bangladesh-factories-hit-a-high-in-2018-idUSKCN1R02C7>.
- 43 <https://bangladeshaccord.org/safety-complaints>.
- 44 <https://cleanclothes.org/news/2017/07/04/bangladesh-factory-explosion-shows-need-to-expand-accord-inspections-to-boilers>; <https://admin.bangladeshaccord.org/wp-content/uploads/2019/02/181030-31-SC-Minutes-Geneva.pdf>
- 45 https://admin.bangladeshaccord.org/wp-content/uploads/2018/12/Accord_Quarterly_Aggregate_Report_October_2018.pdf; <https://bangladeshaccord.org/updates/2019/03/18/boiler-safety-pilot-program-results>
- 46 Letter from Tuomo Poutiainen, Country Director of ILO Bangladesh, to Rob Wayss, Executive Director of the Bangladesh Accord Foundation, 4 December 2018.
- 47 <https://webcast.ec.europa.eu/high-level-meeting-on-bangladesh-compact>
- 48 <http://www.industrialall-union.org/bangladesh-must-keep-accord-on-fire-and-building-safety>
- 49 <https://ics-asso.org/wp-content/uploads/2018/12/2018.12.21-ICS-Letter-to-Prime-Minister-Bangladesh-supporting-Accord-1.pdf>. The letter was signed by Carole Hommey of the Initiative for Compliance and Sustainability, representing Auchan, Besson Chaussures, Bizzbee, Brice, Camaïeu, Carrefour, Casino group, Damart, Galeries Lafayette group, Go Sport, Okaïdi, Jules, La Halle, Minelli, Monoprix, Naf-Naf, La Redoute, Promod, Tape à l’Oeil, and U Enseigne.
- 50 <https://www.business-humanrights.org/en/dhaka-fire-shows-that-bangladesh-must-build-better-safety-systems-rather-than-scrap-the-accord>
- 51 <http://rcc.dife.gov.bd/index.php/en/remediation/remediation-progress> (last updated 24 January 2019).
- 52 http://trade.ec.europa.eu/doclib/docs/2018/september/tradoc_157426.pdf, p. 29.

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