



**To: Accord Signatories**  
**From: CCC, WRC, MSN**  
**Date: February 6, 2025**  
**Re: Backsliding Toward Disaster?**

Under the Bangladesh Accord, now the International Accord, garment factories in Bangladesh have made vast safety improvements since 2013, saving thousands of workers from injury or death. These gains are now under threat.

Essential to the Accord's unprecedented success in advancing worker safety in the garment sector is a governance design ensuring that worker safety goals, not the short-term interests of factory owners or brands, guide its operations. Bangladeshi unions play a central role in its governance; along with global unions, they hold 50% of the voting seats. The brands are held accountable, under their binding Accord commitments, for the impact of their purchasing practices on worker safety. And factory owners do not have governance power in the program, ensuring that the program's independent inspectorate can do its work free from employer interference. The Accord works with industry but is not beholden to it.

While some factory owners embraced the Accord program and its commitment to upholding Bangladesh's safety standards, others did not. In 2018, the Accord came under attack from recalcitrant owners supported by the Sheikh Hasina government. With the government threatening to shut down the program, the international brand and union signatories on the Accord's Steering Committee agreed in 2019 to a handover of the Accord's day-to-day Bangladesh operations to a new entity, the Ready-Made-Garment Sustainability Council ("RMG Sustainability Council" or "RSC"). Unlike the Accord, the RSC is governed partly by factory owners, who were appointed by leaders of the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) (and, in one case, by the BGMEA's knitwear counterpart, the BKMEA). Worker organizations hold only one third of the governance power. (The Accord maintained its international operation, under the pre-existing governance structure, and it now provides support for safety programs in both Bangladesh and Pakistan.)

As documented in this memorandum, the partial control of the RSC by factory owners is weakening its effectiveness. The Accord's primary mechanism for holding factory owners accountable when they subject workers to deadly hazards operates with less rigor and less speed. A crucial boiler safety program suffered endless delays. This is reducing the margin of safety for the nation's garment workers and putting lives at risk.

It is time for the development of a new governance structure at the RSC that respects the process of reform in the country. Restructured governance can restore the RSC's independence and allow it to do its job unimpeded: protecting the safety of garment workers and supporting the efforts of

current and future governments in Bangladesh to strengthen the nation's regulatory institutions.

Among the critical elements responsible for the Accord's success is the program's ability to declare factories that refuse to remediate safety violations ineligible to sell goods to the Accord's signatory brands. The Accord does this via a multistage escalation protocol in which non-compliant factories are given notices and warnings. When factories heed these warnings and make meaningful safety progress, they are de-escalated. If they persist in refusing to operate safely, they are, as a last resort, terminated from the program and can no longer do business with any of the 200+ Accord buyers. This mechanism has proven extraordinarily effective at convincing factory owners to undertake essential safety improvements.

Even as workers' safety drastically improved, and even as responsible factory owners recognized that these improvements were in the interests of the industry, recalcitrant owners, angered by the Accord's power to hold them accountable, began to push back. At their behest, the past leadership of the BGMEA and its allies in the government then in power sought to strip the safety initiative of its ability to operate independently of employer control.<sup>1</sup> Disgruntled factory owners, who had lost the patronage of Accord signatory brands because they were endangering workers, initiated court challenges. One such court case in 2018 was used to levy pressure to bring the Accord operations to heel.<sup>2</sup>

These challenges culminated in the signing of a Memorandum of Understanding (MOU) in May 2019 between the Accord's Steering Committee and the BGMEA, requiring the Accord to end its Bangladesh operation in 2020 and accept its replacement by the RSC.<sup>3</sup> The MOU stipulated that the latter would begin operations in 2020 and that a BGMEA-controlled "unit" would be active within the Accord's Bangladesh office even before that. In June 2020, amidst the chaos of the Covid-19 pandemic, the RSC and its partially employer-controlled governance body took over the Accord's operations in Bangladesh.<sup>4</sup> As noted by the Bangladeshi think tank Centre for Policy Dialogue in April 2023: "This power shift from 50-50 unions and brands to 1/3 representation of unions created challenges in making decisions and maintaining the Accord's ... independence and transparency."<sup>5</sup>

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<sup>1</sup> IndustriALL, UNI, Clean Clothes Campaign, International Labor Rights Forum, Maquila Solidarity Network, and Worker Rights Consortium, "Bangladesh Government Attempts to Paralyze Accord and Strip Its Independence," December 10, 2018, <https://www.workersrights.org/wp-content/uploads/2021/05/Bangladesh-Government-Attempts-to-Paralyze-Accord-and-Strip-Its-Independence.pdf>.

<sup>2</sup> IndustriALL, et al., "Bangladesh Government Attempts to Paralyze Accord and Strip Its Independence."

<sup>3</sup> Clean Clothes Campaign, International Labor Rights Forum, Maquila Solidarity Network, and Worker Rights Consortium, "The Bangladesh Accord continues to operate but its independence may be at risk," June 13, 2019, <https://www.workersrights.org/wp-content/uploads/2021/05/The-Bangladesh-Accord-continues-to-operate-but-its-independence-may-be-at-risk.pdf>.

<sup>4</sup> Under the current structure, the brands still have obligations as Accord signatories, which are monitored by the International Accord Secretariat. However, the RSC is the sole mechanism for the brands to fulfill those obligations, and it is, by design, *not* accountable to the Accord Secretariat. When the RSC, under employer influence, fails to do its job with sufficient rigor, there is very little the Accord Secretariat can do about it.

<sup>5</sup> Centre for Policy Dialogue, *Emerging Concerns of Occupational Safety and Health of the RMG Industry: Role of Public and Private Monitoring Agencies*, April 13, 2023, <https://rmg-study.cpd.org.bd/emerging-concerns-of-occupational-safety-and-health-of-the-rmg-industry-role-of-public-and-private-monitoring-agencies/>.

Unsurprisingly, since 2020, the factory owners on the RSC Board of Directors (sometimes with the support of some international brands) have succeeded in eroding a significant number of safety protocols,<sup>6</sup> delaying implementation of safety work, and weakening accountability. The factory owners are also clearly intent on the long-term goal of substituting industry self-regulation for effective government regulation, promoting the RSC as a permanent privatized model for factory inspections.<sup>7</sup> It is important to note that as of the date of this memorandum, factory owners chosen under the BGMEA leadership that was ousted in 2024 still hold seats on the RSC Board of Directors.

## Evaluation of the RSC's Effectiveness

The Worker Rights Consortium, Clean Clothes Campaign, and Maquila Solidarity Network conducted extensive research in 2023 and 2024 to evaluate the RSC's effectiveness. The research draws on publicly available records of the RSC, official government data on apparel imports and exports, and other documentary sources.

The evidence shows that the RSC is failing to adequately enforce commitments that are at the core of the Accord agreement and the RSC's mandate. These include the commitment to maintain the Accord's rigorous approach to accountability for non-compliant factories and the commitment to implement a proper inspection and remediation program in the crucial area of boiler safety. Among other deficiencies, the RSC has:

- *Weakened escalation procedures* and demonstrated a reluctance to terminate grossly unsafe factories;
- *Consistently failed to enforce withdrawal of export permission for terminated factories*, allowing them to continue to ship goods globally, including to Accord brand signatories; and
- *Delayed implementation of the boiler inspection program*, leaving five of six covered factories without any meaningful boiler safety inspections.

The following sections present the findings of the research and summarize the underlying data.

It is important to note that, based on extensive observation of the RSC's operations, it is clear to the authors of this memorandum that the problems outlined below are driven primarily from the governance level, not by the RSC's current senior staff. The latter have sought to carry out their mandate with competence, within the existing constraints.

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<sup>6</sup> International Accord, "International Accord Quarterly Steering Committee Meeting Minutes," March 26, 2024, <https://internationalaccord.org/wp-content/uploads/2024/08/SC-Meeting-Minutes-26-March-2024.pdf>.

<sup>7</sup> RMG Sustainability Council, *RMG Sustainability Council Annual Memorandum (2021 – 22)*, 2022, <https://rsc-bd.org/storage/app/media/RSC%20Annual%20Memorandum%202021-22.pdf>. See page 9: "The RSC is a permanent safety monitoring body in the ready-made garment (RMG) sector of Bangladesh. [...] [T]he RSC also envisages being the uniform platform through which Brands, Unions and Manufacturers jointly address safety for millions of workers who earn a living in Bangladesh's RMG sector."

## Escalation Processes Have Been Weakened; Termination Is Far Less Common Under the RSC than Under the Accord

The ability to successfully compel compliance from grossly non-compliant factory owners requires an effective multistage escalation procedure whose final stage is the termination of business from all Accord signatory brands. The Accord requires suppliers to “participate fully in the inspection, remediation, complaint process and occupational health and safety and training activities,” as described in the agreement.<sup>8</sup> If a supplier fails to comply, for example by failing to evacuate a factory when ordered, refusing to carry out mandated remediation measures or resolve workers’ complaints received by the program’s complaint mechanism, or providing false information to Accord inspectors, “the signatory company will promptly implement the required notice and warning process and ultimately terminate the business relationship in accordance with the agreed Escalation Protocol.”<sup>9</sup>

This escalation procedure consists of three stages: “1. A notification of non-compliance from the signatory brand(s) to the supplier factory; 2. A notice and warning letter from the signatory brand(s) to the supplier factory; and 3. Termination of business relationship with signatory companies.”<sup>10</sup> Under the first two Accord agreements, if a supplier continued to fail to meet its obligations after Stage 2, Accord signatory companies were required to terminate business with these suppliers.<sup>11</sup>

Since 2020, the RSC’s Board of Directors has approved several destructive changes to the Standard Operating Procedure (SOP) for escalations. The latest version of the SOP provides an “extra grace period” to factories that are in Stage 2 of escalation, even though Stage 2 already provided adequate opportunity for factories to come into compliance. “Grace” is extended based on criteria that are both loose and broad, including a factory having shown “willingness/cooperativeness” during the escalation process. When a factory is persistently failing to meet essential safety benchmarks by agreed deadlines, giving RSC staff the power to let the factory “off the hook” on *attitudinal* grounds, it conflicts with the Accord’s most fundamental principle: safety must be judged on objective criteria. In a country where factory owners have a great deal of power, the ability of Accord inspectors to tell unhappy owners that they *are not allowed* to grant such leniency was crucial to protecting their independence from undue influence. Another new criterion for clemency: the factory has corrected 90% of its initial Corrective Action Plan findings. Almost all Accord factories, including many in escalation, meet this criterion. In some cases, the uncorrected 10% involves grievous safety hazards that can injure or kill workers at any time: for example, the lack of adequate fire alarm and fire suppression systems.

The RSC’s vague and subjective standards have served to benefit the employers. Since the RSC instituted these SOP changes, there have been fewer terminations of factories from the program. Factories that are already in escalation for their failure to carry out mandated remediations are now

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<sup>8</sup> International Accord, “International Accord for Health and Safety in the Textile and Garment Industry,” Article 30, November 1, 2023, [https://internationalaccord.org/wp-content/uploads/2023/11/International-Accord-for-Health-and-Safety-in-the-Textile-and-Garment-Industry-1-November-2023\\_Public-Version.pdf](https://internationalaccord.org/wp-content/uploads/2023/11/International-Accord-for-Health-and-Safety-in-the-Textile-and-Garment-Industry-1-November-2023_Public-Version.pdf).

<sup>9</sup> International Accord, “International Accord,” Article 30.

<sup>10</sup> Accord on Fire and Building Safety in Bangladesh, “Ineligible suppliers for business with Accord brands,” January 5, 2018, <https://bangladeshaccord.org/resources/2018-transition-accord/2018/01/05/ineligible-suppliers>.

<sup>11</sup> Accord on Fire and Building Safety in Bangladesh, “Ineligible suppliers for business with Accord brands.”

able to stall for longer without making improvements—keeping workers at risk. Indeed, the RSC noted in its March 2023 Board of Directors meeting that “the escalation now comes directly from the RSC” (and no longer from the Accord brands sourcing from the factory) and that “it is much easier for the factories to get de-escalated now.” Factory owners in the meeting “acknowledged” this dubious achievement.<sup>12</sup>

Since the RSC’s revision of the SOP, the termination of grossly unsafe factories from the program has slowed dramatically. In 2021, the RSC escalated 24 factories to Stage 3; in 2022, it escalated 17 factories; in 2023, it escalated 12; and in 2024 (through October), it escalated five.<sup>13</sup> The number of factories that moved to higher escalation stages has decreased year after year. In 2022, the RSC escalated 99 factories to Stage 2; in 2023, it escalated only 32 factories; and in 2024 (as of October), it escalated merely 18 factories. Meanwhile, de-escalations are far more frequent.

### **The RSC Has Consistently Failed to Enforce Withdrawal of Utilization Declaration by BGMEA/BKMEA, Allowing Grossly Dangerous Factories to Continue Exports**

The MOU signed between the Accord Steering Committee and the BGMEA on May 8, 2019, made changes to the Accord’s escalation procedure.<sup>14</sup> Before the MOU, if a non-compliant factory escalated to the final stage (Stage 3), this triggered the immediate termination of not only that particular non-compliant factory but also of all factories under the same ownership as the non-compliant factory.<sup>15</sup> With the MOU, the Accord Steering Committee agreed to give up immediate group termination in exchange for the commitment of the factory owners’ associations to withdraw Utilization Declaration (UD) from terminated factories.

UD is a form of customs license controlled by the BGMEA and the BKMEA.<sup>16</sup> In arguing successfully for this alteration of Accord procedures, the BGMEA told the Accord that UD is mandatory to export apparel from Bangladesh and its withdrawal would therefore prevent terminated factories from doing so.<sup>17</sup> The appeal of this approach was that it would prevent terminated factories from staying in business by switching to non-Accord customers willing to buy their products, thus enabling grossly unsafe facilities to continue operating and endangering the lives of workers.

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<sup>12</sup> RMG Sustainability Council, “Minutes of Meeting,” March 18, 2023, [https://rsc-bd.org/storage/app/media/uploaded-files/RSC%20BoD\\_Minutes%20of%20Meeting\\_17%20and%2018%20March%202023.pdf](https://rsc-bd.org/storage/app/media/uploaded-files/RSC%20BoD_Minutes%20of%20Meeting_17%20and%2018%20March%202023.pdf).

<sup>13</sup> “Factories,” RMG Sustainability Council, accessed January 24, 2025, <https://rsc-bd.org/en/factories>.

<sup>14</sup> RMG Sustainability Council, “Standard Operation Procedure for the RMG Sustainability Council (RSC) Escalation Protocol,” December 20, 2022, <https://rsc-bd.org/storage/app/media/uploaded-files/SOP%20for%20the%20RSC%20Escalation%20Protocol.pdf>.

<sup>15</sup> An RMG company group refers to any aggregation of legal and/or natural persons sharing common control of suppliers. Control shall be presumed where there is common ownership, unless proven to the contrary. This includes companies sharing the same website, management, owner, or official registration.

<sup>16</sup> UD is a customs permit without which apparel manufacturers are unable to import raw materials duty-free for use in their exported apparel. Only those factories that receive a UD from BGMEA/BKMEA, or are located in export-processing zones, are tax-exempt on the value of imported raw materials and packaging materials intended for use in exported orders. Generally, it is cost prohibitive for factories that use imported materials to export without a UD.

<sup>17</sup> Multiple documents on the RSC website state that a UD is “mandatory to export apparel from Bangladesh.” See, for example: “Key Information,” RMG Sustainability Council, accessed January 24, 2025, <https://rsc-bd.org/en/key-information>.

The MOU thus requires, as part of Stage 3 of the SOP, the withdrawal of the UD for the factory. According to the MOU, if the BGMEA/BKMEA does not withdraw the UD within four weeks of a factory's termination, Accord signatory companies must proceed with group termination: refusing to buy from all factories under the same ownership as the non-compliant factory.<sup>18</sup>

The RSC has failed in its role as the implementer and enforcer of these commitments:

- For *every* factory terminated, from the RSC's assumption of control until June 2023, BGMEA/BKMEA failed to withdraw the UD within the required four-week timeframe. The authors did not have access to data concerning official dates of the UD withdrawal post June 2023, but we are aware of no evidence that the situation has improved.
- There are at least 30 factories for which BGMEA/BKMEA failed to withdraw UDs for *more than 6 months* from the issuance of the Stage 3 termination decision.
- During the time period for which complete data are available, UD withdrawals took more than 13 months on average, 1,400% longer than agreed.
- Export data for apparel shipments leaving Bangladesh demonstrate that the RSC's failure to hold BGMEA/BKMEA accountable for timely UD withdrawals allowed factories that had been terminated for gross safety violations to keep shipping goods. Of the 57 factories terminated under the RSC until October 2024, records show that at least 44 (77%) were still sending shipments to customers around the world more than 60 days after their date of termination.<sup>19</sup>
- In total, since the RSC took control of enforcement of the Accord standards, factories that were officially terminated for gross violation of safety standards, and should therefore have been unable to export goods and remain in operation, have exported more than half a billion dollars' worth of products. Given the limitations of import and export data that are publicly available, we are confident that the actual total is far higher.
- At least 13 of the 57 facilities terminated under the RSC (nearly one in four) continued to ship goods to *Accord brand signatories* more than 60 days after termination by the Accord. We identified more than a dozen Accord signatory brands that received goods from these facilities. This group includes Aldi South, ASOS, Bel&Bo, Carrefour, El Corte Inglés, Fast Retailing, Holland House Fashion, Inditex, Jogilo, LPP, Salling Group, and Stadium AB, among others. Some of these Accord signatories have continued receiving shipments from terminated factories more than a year after factories' termination from the program.
- Customs records since the RSC's assumption of control show that at least 500 shipments were sent to brand signatories of the Accord more than 60 days after termination by the Accord.

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<sup>18</sup> "Key Information," RMG Sustainability Council.

<sup>19</sup> In our analysis, we allowed for a 60-day buffer after the factories' termination date to account for the time needed for the RSC to inform Accord signatory brands and retailers of a given factory's termination and to ensure the shipment of products already in transit from the factory are not included.

- This cannot be explained by the RSC reinstating these factories to good standing because none of these factories were reinstated. The only possible explanations are that BGMEA/BKMEA never withdrew UD, despite claiming to have done so; BGMEA/BKMEA restored UD without any basis for such action; or withdrawal of UD, which the industry insisted would prevent factories from exporting, is failing to have the promised effect. Despite continued follow-up through the Accord Steering Committee, the RSC Board failed to address this problem.
- Despite BGMEA/BKMEA missing every deadline for UD withdrawal, and despite the RSC requirement that missed deadlines must trigger group termination, the RSC has *never* imposed group termination against any factory group. As a result, Accord brands have sourced hundreds of millions of dollars of product from factory owners so unscrupulous that one of their facilities was subjected to termination. Had the RSC imposed group termination as its own policy requires, these shipments could have been prevented.

The facts reviewed above demonstrate the ongoing failure of the RSC to enforce its own, and the Accord's, policy on factory termination. That failure has weakened the effectiveness of the single most powerful tool under the Accord program to compel reluctant factory owners to take the steps required to eliminate deadly hazards.

### **The RSC Has Recklessly Dragged Its Feet in Implementing the Boiler Inspection Program**

With the Accord's success in drastically reducing fire and structural hazards, boiler explosions have become the top cause of death in Bangladeshi garment factories.<sup>20</sup> While the original 2013 Accord covered the large majority of building safety topics in its mandate, boiler inspections were exempted. Calls to expand the Accord to boiler safety grew considerably after the deadly Multifabs explosion in 2017.<sup>21</sup>

This eventually led the Accord Steering Committee to start a pilot program, which quickly identified large safety risks. The Accord's Steering Committee decided in June 2019 to fully integrate boiler safety in the Accord's standard inspection and remediation programs.<sup>22</sup> Factories were informed that the inspections program would be rolled out starting September 2019.

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<sup>20</sup> Examples include: "7 injured in Ctg garment factory boiler explosion," *The Business Standard*, January 9, 2022, <https://www.tbsnews.net/bangladesh/7-injured-ctg-garment-factory-boiler-explosion-355207>; "RMG worker killed in Ashulia boiler blast," *Bangla Tribune*, December 10, 2019, <https://en.banglatribune.com/country/news/87522/RMG-worker-killed-in-Ashulia-boiler-blast>; and IndustriALL, "Bangladesh: 11 workers killed and over 50 injured in garment factory blast," July 4, 2017, <https://www.industriall-union.org/bangladesh-11-workers-killed-and-over-50-injured-in-garment-factory-blast>.

<sup>21</sup> Clean Clothes Campaign, "Bangladesh factory explosion shows need to expand Accord inspections to boilers," July 4, 2017, <https://cleanclothes.org/news/2017/07/04/bangladesh-factory-explosion-shows-need-to-expand-accord-inspections-to-boilers>.

<sup>22</sup> Accord on Fire and Building Safety in Bangladesh, "2018 Transition Accord Steering Committee Quarterly Meeting – Minutes," June 28, 2019, <https://bangladesh.wpengine.com/wp-content/uploads/2019/08/190628-SC-Minutes-Amsterdam.pdf>.

This was met with significant pushback from the industry. Rubana Huq, then president of the BGMEA, stated that boiler safety “should now be left on the RMG [Ready-Made-Garment] industry’s shoulder.” She added that the “[RSC] is about to be launched [...] and Accord doesn’t have time to take on another issue. Demands of monitored compliance must cease and self-monitoring must begin.”<sup>23</sup> Huq’s comments embody the attitude toward regulation and worker safety that BGMEA and BKMEA representatives have brought to their large role in RSC governance.

Factories’ refusal to cooperate with the Accord’s announced inspections, in combination with brands’ non-responsiveness, resulted in the inspections program effectively being put on hold until the handover of operations in Bangladesh to the RSC in 2020.

The RSC launched its boiler safety program in December 2020. There are 2,589 boilers operating in the 1,476 factories the RSC program is responsible for inspecting. The results are as follows:

- For nearly three years after commencement of the RSC’s boiler inspection responsibilities, the RSC did not report the completion of *any* boiler-related corrective actions. The Centre for Policy Dialogue publicly raised concerns with this delay in August 2023, stating: “Although the RSC has reported integrated boiler inspection into its regular inspection mechanism, there is still no available public reporting by the RSC about boiler-related corrective actions being taken at any of the covered factories.”<sup>24</sup>
- As of December 2024, matters were little improved. By that month, the most recent for which data are available, the RSC had *failed to complete required boiler inspections* at 1,211 of the 1,476 covered factories.<sup>25</sup>
- Thus, as of today, four years after the RSC assumed responsibility for protecting workers from boiler explosions, the level of boiler safety risk has been identified and reported to workers and the public at only one in six factories.

Given the gravity of risks that boilers can present, it must be assumed that there are many more deadly hazards remaining to be uncovered. This was confirmed by RSC in April 2024, when one-sixth of the boilers they had inspected at the time had immediate safety concerns.<sup>26</sup>

The implementation of the boiler program was already delayed before the handover to the RSC, because brands on the Accord Steering Committee argued that moving forward expeditiously would antagonize the BGMEA. Once the BGMEA controlled a third of the seats on the governance body in charge of the boiler inspections, its success in thwarting expedient implementation of this essential program continued.

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<sup>23</sup> Brett Mathews, “Accord to go ahead with boiler inspections,” *Apparel Insider*, August 27, 2019, <https://apparelinsider.com/accord-goes-ahead-with-boiler-inspections>.

<sup>24</sup> Centre for Policy Dialogue, *Maintaining Workplace Safety in RMG Factories during 2023: How Effectively is RSC Fulfilling Its Role?*, August 2023, <https://cpd.org.bd/resources/2023/08/Maintaining-Workplace-Safety-in-RMG-Factories-during-2023.pdf>.

<sup>25</sup> “Updates,” RMG Sustainability Council, accessed January 25, 2025, <https://rsc-bd.org/en/updates>.

<sup>26</sup> Presentation made during All Signatory Meeting, Amsterdam, April 25, 2024.

The implications of the boiler program’s failures under RSC governance were underscored just last month, in January 2025, when a boiler exploded at the HDF Apparels factory in Gazipur, injuring at least 30 workers,<sup>27</sup> two of them critically.<sup>28</sup> HDF Apparels is covered by the RSC boiler program, but the RSC never reported inspecting the boiler prior to the explosion.<sup>29</sup> If the RSC had inspected this boiler, and addressed the hazards, this latest disaster could have been prevented.

Repeated entreaties from the Witness Signatories on the Accord Steering Committee<sup>30</sup> and the Bangladeshi union representatives on the Board of Directors of the RSC eventually led to a decision to hire 27 additional engineers to carry out inspections and speed up the process.<sup>31</sup> These engineers will have to make up for years of stalling, which has endangered workers’ lives.

### **Concerns Are Growing About Employer Interference in the Complaints Mechanism**

When the RSC took over the Accord’s operations in Bangladesh in 2020, this included the explicit assurance that “the independence of the existing safety & health complaints mechanism that is available to workers in factories supplying to Accord signatory companies shall also be safeguarded under the RSC.”<sup>32</sup> The research for this memorandum did not examine the performance of the complaints mechanism in depth, but we note reason for concern.

The Centre for Policy Dialogue has interviewed representatives of the RSC about the complaint mechanism, finding that “according to interviewed respondents of RSC, there is indirect pressure (from employers and government agencies) on the staff of RSC that prevents them from conducting an independent assessment and resolving complaints actively as they used to do during the Accord period”.<sup>33</sup> Additionally, the Centre for Policy Dialogue noted: “[i]t is claimed that this is leading to a decrease in the interest among workers in reporting complaints through RSC.”

*In its own reporting*, the RSC has cited multiple cases of “employer interference” in the complaints mechanism, which it defined as “employer association representatives contacting the RSC with regard to complaints outside the formal complaint process and in some cases requesting RSC staff *not* to follow the protocol of informing the brands about the allegations through transparent communications.”<sup>34</sup> The RSC described this as an attempt by these employers “to disrupt the tripartite communication model to protect the reputation of the factory with the sourcing brand

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<sup>27</sup> “30 injured in Gazipur factory Boiler blast,” *Daily Observer*, January 20, 2025, <https://www.observerbd.com/news/508288>.

<sup>28</sup> “12 injured in boiler explosion at Gazipur factory,” *The Business Standard*, January 20, 2025, <https://www.tbsnews.net/bangladesh/12-injured-boiler-explosion-gazipur-factory-1047706>.

<sup>29</sup> “Hdf Apparels Limited,” RMG Sustainability Council, accessed January 29, 2025, <https://rsc-bd.org/en/factories>.

<sup>30</sup> The International Accord’s Witness Signatories are listed on its website and are represented on its Steering Committee in an observer role by Scott Nova of the Worker Rights Consortium and Ineke Zeldenrust of the Clean Clothes Campaign.

<sup>31</sup> RMG Sustainability Council, “RSC Minutes of Meeting,” April 29, 2024, [https://rsc-bd.org/storage/app/media/RSC%20BoD\\_meeting\\_minutes\\_april%2024\\_Final.pdf](https://rsc-bd.org/storage/app/media/RSC%20BoD_meeting_minutes_april%2024_Final.pdf).

<sup>32</sup> Accord on Fire and Building Safety in Bangladesh, “Transition to The RMG Sustainability Council (RSC),” June 1, 2020, <https://bangladeshaccord.org/updates/2020/06/01/transition-to-the-rmg-sustainability-council-rsc>.

<sup>33</sup> Centre for Policy Dialogue, *Emerging Concerns of Occupational Safety and Health of the RMG Industry*.

<sup>34</sup> RMG Sustainability Council, *Non-OSH Pilot Memorandum-2024*, September 23, 2024, p.8.

companies.”<sup>35</sup> Examples of employer non-cooperation with the RSC included “[h]ostility towards the Complaints Team while they were conducting their investigation” and “[d]enial of access to the factory for unannounced investigation.” In November 2021, the RSC Board of Directors minutes show an attempt by employer representatives to deviate from the requirement of informing a factory and its buyers simultaneously about a lodged complaint, in favor of first informing the factory, “to curb the disproportionate reactions from Brands and allow factory’s own investigation.”<sup>36</sup> At an RSC Board of Directors meeting in March 2022, a global union representative had to remind the Board that “it is not permissible for any RSC board director to attend a complaint hearing in a dual capacity of representing their cohort and the RSC,” that “[t]his is not constitutionally acceptable.”<sup>37</sup>

In a communication to the authors of this memorandum, staff of the WRC referenced a forthcoming WRC report on its investigation of a worker complaint concerning associational rights at an Accord-covered garment facility, in a case also investigated by the RSC. “The RSC report exonerated the employer, despite clear evidence of anti-union retaliation,” the WRC stated. “What concerned us, in particular, were viewpoints exhibited by the RSC investigators, including credulity towards transparently self-serving claims by factory management, that are similar to those we see from auditors who work for factory owners.”<sup>38</sup>

Further investigation into employer interference in the RSC’s management of the complaint mechanism is warranted. In order to be aligned with the UN Guiding Principles on Business and Human Rights (UNGPs), a grievance mechanism must be fully exempt from employer interference. It is therefore in the interest of Accord signatory brands to ensure the complaints mechanism is effectively shielded from employer influence.

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<sup>35</sup> RMG Sustainability Council, *Non-OSH Pilot Memorandum-2024*, p.12.

<sup>36</sup> RMG Sustainability Council, “RSC Minutes of meeting,” November 16, 2021, [https://rsc-bd.org/storage/app/media/RSC\\_BoD\\_Mtg.pdf](https://rsc-bd.org/storage/app/media/RSC_BoD_Mtg.pdf).

<sup>37</sup> RMG Sustainability Council, “RSC Minutes of meeting,” March 22, 2022, [https://rsc-bd.org/storage/app/media/RSC\\_Emergency\\_BoD\\_Mtg\\_22032021.pdf](https://rsc-bd.org/storage/app/media/RSC_Emergency_BoD_Mtg_22032021.pdf).

<sup>38</sup> Private communication from WRC to memorandum authors, November 2024.

## **Conclusion and Recommendations: Change Is Needed *Before* Bangladesh Suffers Another Mass Fatality Disaster**

The deficiencies outlined in this memorandum are the predictable consequence of depriving labor of equal power in the governance of the Bangladesh safety program and replacing that structure with the RSC model, which grants governance power to factory owners – giving them and international brands, together, two-thirds of voting seats. Under this structure, the emphasis of the safety program has shifted, with less focus on protecting workers and more emphasis on accommodating factory owners’ and brands’ short-term interests. Unsafe factories run by reckless owners are allowed to continue operating, and unsafe boilers are left unattended—as literal time bombs. Each day the risk increases of a new mass fatality disaster.

Efforts by the Accord’s Witness Signatories to secure action through the Accord Steering Committee have had limited impact. Typically, the Accord Steering Committee would relay concerns expressed by the Witness Signatories to the RSC Board as the entity overseeing the operations, without results. A commitment by the RSC, after much delay, to increase the number of boiler safety inspectors is an exception, but it is unclear whether this will be sufficient to make up for lost ground.

To protect workers, urgent action is needed, including a fundamental overhaul of the RSC’s governance structure, in order to:

- Ensure that factory owners do not exercise governance power over the day-to-day operations of the safety program, including inspections, the escalation process, the complaints mechanism, etc.;
- Restore primacy of worker safety by ensuring that worker representatives hold at least half of the seats on a reformed governance body;
- Develop clear mandates for the Accord and the RSC, which recognize that the Accord is required to monitor and enforce the responsibilities of the signatory brands in Bangladesh, maximize the integrity of the program, and minimize the risk of duplicative responsibilities; and
- Reaffirm that the long-term goal is not a privatized regulatory system but the transition to effective public regulation by the national government.

It is ultimately the responsibility of every apparel brand to ensure that the workers who make its clothes do so under safe conditions. The Accord has been extremely effective in enabling brands to fulfill that responsibility in Bangladesh, but it cannot continue to do so without reform of the RSC. We urge brands to support the necessary changes to the RSC; to honor their Accord obligations, including paying fair prices to suppliers; and to reward the resulting safety progress in Bangladesh by sustaining and expanding their production in the country.