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RESULTS & DISCUSSION

FINDINGS

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THE RIGHTS OF TEA WORKERS OF BANGLADESH IN THE LIGHT OF EXISTING LABOR LAWS AND STANDARDS: A STUDY ON SELECTED TEA ESTATES OF SYLHET DISTRICT

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ABSTRACT

An effort has been made in this paper to understand the human rights situation in some of the tea gardens in Sylhet. This paper deals with different aspects of human rights condition of tea workers, focusing on some significant issues of social, economic and cultural life of those people. The paper also investigates the attitudes of the mainstream people towards the tea workers. It has been suggested in the paper that various initiatives by the Government and the garden authority should be taken to improve the human rights condition of the tea workers like, raising awareness about basic rights, improving the living and work conditions, ensuring proper medical facilities, sanitation. NGO's should be given access to train and educate the tea workers. The panchayat committee should also be strengthened so that it can deal with various types of internal disputes.

KEYWORDS

Tea Workers, Rights of the Tea Workers, Tea Plantation Workers Living Condition.

INTRODUCTION

Tea brings much desired cash for Bangladesh, but those who work on the ground to produce it are very much less fortunate people. According to Bangladesh Tea Board there are 87,534 registered and 20,065 non-registered tea workers who work in 163 tea estates of Bangladesh. Most of the tea estates are located in the Northeast of the country. The British tea company Duncan Brothers established the first tea garden in the Surmah Valley of Sylhet in 1854. Since then all the tea gardens have been established by clearing jungles. Those who did the hard work of jungle clearing were non-locals brought by Duncan from Assam, Bihar, Madras, Orissa and other places in India. The tea workers with different ethnic identities are less-talked-about and forgotten peoples. They no more know their country of origin. Their lives in Bangladesh are confined to the tea gardens. They no more speak their languages perfectly and do not interact much with people of other ethnic identities. Most of them are basically illiterate.

OBJECTIVES OF THE STUDY

The major objectives of this study are:

1. To know the actual scenario of the implementation of the Labor Laws of Bangladesh in tea gardens.
2. To know about the social condition of the tea workers.
3. To gather knowledge about the condition of human rights of the tea workers.
4. To know the level of awareness among the tea workers about their basic rights.
5. To investigate whether there is any incident of employing child labor.
6. To offer suggestions for improving living standard of the tea workers.

METHODOLOGY

The following methodological procedure has been followed to accomplish the objective of the research.

DATA INSTRUMENTS

As the raw data is being collected by a questionnaire from the randomly selected users, it was analyzed using "MICROSOFT Excel 2007" which was also used for the table and graphical presentation.

To make the research paper the researches have adopted the following steps:

The sources of data or information the researchers have used are both primary and secondary sources.

PRIMARY DATA

In the primary source, data are collected directly from the workers of the Malnichera, Lakkatura and Dholdoli Tea Estate- out of 150 tea gardens of Sylhet Division that employed nearly 300,000 workers of which more than 75% are women. Sylhet, traditionally tea growing area, is one of the seven divisions of Bangladesh.

Additional reference information was gathered from the Garden office, Supervisors and certain other persons of those gardens.

SECONDARY DATA

In the secondary source data are collected through the different textbooks and journals relating to the theoretical framework of the project was accessed to define and to determine satisfaction. Furthermore, the researches took the help of different websites relating to Bangladesh Tea Plantation Workers.

RESPONDENTS

The total number of randomly selected respondents was 300. All of them work in various positions in the tea estates. The age range of the respondents was (17-50) years. Among the respondents 122 were from Malnichera Tea Estates, 110 from Lakkatura Tea Estate and rest 68 were from Dholdoli Tea Estate.

Interpretation: For interpretation, the researchers compared the actual scenarios with the prevailing Labor Laws and standards of other industry and used logical and statistical analysis to come on the conclusion.

FINDINGS**A. TEA WORKERS' ACTUAL SITUATION**

In 1854 when the tea workers [Santals, Oraons, Munda, Gonds, etc.] from different States of India first arrived they each signed four-year contracts that eventually oblige them to stay on the tea gardens for generations. That was the beginning of their staying in the tea garden. They were illiterate then.

A century later they find themselves still as illiterate. Their poor housing conditions, low wages, long working hours, social discrimination, and de facto restriction on free movement deprive them of many basic human needs and rights that every human being must have for personal and societal progress. These conditions make sure that the children of tea workers can do nothing else and become tea workers.

The tea workers are so much cornered that they depend solely on the companies for food, medicine, accommodations, education, etc. They don't have choices about their life and amenities.

The tea workers are completely cut off from their origins in India. They can only partly recall the languages of their forefathers. They speak "a sort of Hindi" that passes as a common language on the tea estates. They also speak in Deshali, which is a mixture of Bengali and language of Orissa. Their accents while speaking in Deshali testify their cultural corrosion.

They are alienated not just from their past history they are also isolated from the present society in Bangladesh. The local people in the northeastern districts commonly consider them as foreigners. The Bengali tea workers also consider them inferior and maintain a distance from them.

The only social relationship that exists between the tea workers and the Bengalis is one of business. The Bengalis own majority of the shops in the area. On the weekly holiday, Sunday, some of the tea workers work in Bengali houses. But the Bengalis would hardly allow them into their houses. They treat them as untouchables. Glasses, plates or other equipment are generally kept separate for the tea workers. However, among themselves, whatever their identity or origin, the tea worker maintain quite good relations. Social and economic distance of the tea workers with their Bengali supervisors including the managers is much wider.

Francis Rolt, a British writer, gives a vivid description of the severe discriminatory conduct of the hierarchy towards the tea workers: "The tea gardens are managed as an extreme hierarchy: the managers live like gods, distant, unapproachable, and incomprehensible. Some even begin to believe that they are gods that they can do exactly what they like".

"Managers have anything up to a dozen laborers as their personal, domestic servants. They are made to tie the managers shoe laces to remind them that they are under managerial control and that they are bound to do whatever they are asked," writes another British human rights activist, Dan Jones.

The conditions of the forlorn tea workers depict many kinds of abuse, discrimination and deprivation that are very difficult to overcome. There are constitutional safeguards, laws and mechanisms intended to ensure human dignity, but for the tea workers human dignity is only a dream. Their conditions violate the maximum provisions of the Bangladesh Constitution, different instruments, laws and rules that commit social and economic and human dignity.

B. CRITIQUE OF POLICIES AND PRACTICES CONCERNING THE TEA WORKERS

Tea workers in Bangladesh live an inferior standard of life compared to that of the major tea producing countries in the world. With their income as low as Tk. 55 per day they are in most cases deprived of their rights to appropriate housing, medication, education, drinking water, etc. Their working environment is not safe with almost any protective measures against using harmful chemicals in the estates. Even where there are hospitals or health service centers, lack of medicine and skilled doctors are commonplace. Health care for diarrhea, gastric ulcer, etc. are the only service one can expect from these health centers. Teachers in many instances stay absent where there are [primary] schools.

C. LIVING CONDITION

"We live in place worse than that of the officers" - says most of the respondents. Many of us have only a thin jute mattress to sleep on," describes a tea worker about her living condition. Living conditions provided to tea workers are generally outrageous and clear infringement of the Bangladesh Constitution.

Tea Plantation Labor Rules 1977 makes it obligatory for the owners of tea gardens to provide standard housing to each tea worker. The rules provide: "Every employer shall provide and maintain for every worker and his family housing accommodation to be constructed on dry and well drained land having adequate supply of wholesome drinking water, as near as possible to the place of work. Such houses shall be built at safe distance from swamps and marshes and above highest flood level. It shall be open to an employer to provide such accommodation in the course of several years, provided that such houses shall be built for at least 10 percent of the resident workers every year. Had this provision been materialized, all the tea workers and their families would have proper houses by 1987.

But the housing of the tea workers did not improve much. The Catholic Commission for Justice and Peace reported in 1983/84 that only ten percent houses had been improved according to the labor rules in the 6-7 years since it had been passed.

Typically a single room [in the line house] is crowded with people of different ages of a family. There are still rooms of only 8'x8', which are now 15 years old. A room of 8'x12' that can accommodate four persons at the most, is often crammed by as many as ten persons. The walls are generally made up of mud and the roof of bamboo and sun grass. Cattle and human beings are often seen living together in the same house.

Poor and inadequate housing, malnutrition, unhygienic sanitation is evident in the morbidity rate among the tea workers. The occurrence of leprosy, tuberculosis, malaria, and anemia is much higher among the tea workers compared to the national average. Worms are a common problem for children as well as adults.

All these conditions in the tea gardens defy the Bangladesh Constitution, laws relating to the protection of labors that urges for "ensuring of adequate standard of living.

The Labor Rules promised to ensure safe water source and sanitation of the tea workers. But to date the only source of drinking water is a few tube wells, which too, is not sufficient. In some cases there is one tube well for 30-40 households. In some places a tap is provided for 20-25 households that remain open from 6 to 8 AM and again 4 to 6 PM. The surface wells provided get easily polluted with coverlid broken for heavy duty and too many users. Drinking water polluted by faecal matters is sure to make them sick. Using river water to wash and bathe is also dangerous.

According to the Labor Rules the companies were supposed to provide latrines for the tea workers and their families accommodated on the estates. But till now latrines are almost absent. People are used to excreting in bushes. Unclean water, inadequate sanitation, damp and overcrowded living affect the workers' health. Diarrhea, dysentery, and other water borne diseases are common in the labor lines.

D. WORK CONDITION

Working hours for the tea leave pluckers, mostly women, are usually from 8 AM to 5 PM [with break for lunch] from Monday to Saturday. Sunday is the weekly holiday. One can also work overtime on a work day and on holiday for which the pay is double.

Women are mostly employed as pluckers because they have more "skilled and nimble fingers than men". Men tea workers are assigned to plant trees, clear jungle and other jobs. Eight tea workers work under a sarder (supervisor). The sarders work under the supervision of chowkidars (usually Bengalis), who distribute the job area, i.e., in the estates, in the fields, jungle clearing, etc. The overseers of these non-Bengali and non-Muslim women tea workers are always Bengali men.

E. ILLITERACY OF THE TEA WORKERS

Illiteracy of the tea workers is an obstacle to their growing up self assured. They are vulnerable to unfair dealings of the management. While measuring the days' collection of leaves, the illiterate workers do not understand the scales.

Article 17 of the Bangladesh Constitution states that, The State shall adopt effective measures for the purpose of- (a) establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law;

(b) relating education to the needs of society and producing properly trained and motivated citizens to serve those needs; removing illiteracy within such time as may be determined by law.

The government of Bangladesh is committed to set up mechanisms and institutions to promote the advancement of women as an integral part of mainstream political, economic, social and cultural development. But such mechanisms, if they do exist, are not for the tea workers for sure!

Workers in the estates come into contact with chemical pesticides and herbicides used intensely and indiscriminately in the estates. These harmful chemicals like Paraquat, Glyphocede and many more cause them sickness. They do not take preventive measures to avoid the side effects. It is very unlikely that the tea workers are aware of the harmful effects from these chemicals. It is an obvious threat to healthy living.

F. WAGES AND OTHER BENEFITS

The daily wage of a tea plucker is Taka 55 per day. However, this varies according to the amount of leaves plucked. It is granted that a person plucks at least 20 Kg. leaves in Malnichera Tea garden 24 Kg. leaves in Lakkatura and Dholdholi Tea Garden and gets 55 Taka. If she fails to pluck that much the supervisor will not accept her attendance. But if one plucks more than that she gets an additional pay of 2-3 Taka per Kg.

Parents often prefer sending their children to work in tea estates rather than to school because work brings extra cash for the family. Thursday is the weekly pay day.

G. RECREATIONAL ACTIVITIES

The only source of happiness of the tea workers' [who are mostly Hindus] is the religious festival—puja. They celebrate the puja among themselves. The contribution for these celebrations is cut off (10 Taka every month from each worker) ahead from their salary. This goes into the festival fund.

Other monthly contribution and charges taken from the tea workers are: 10 Taka as trade union fee; 16 Taka for electricity; and 18 Taka for pension fund. Most of the workers are indebted to local shops owned by Bengalis. They often pay more than the market price for buying things in credit.

H. FACILITIES FOR PERMANENT WORKERS

After ten years of work a tea worker qualifies to become a permanent laborer. The permanent tea workers are entitled to some facilities like two festival bonuses of 600 Taka each; a ration of 3 Kg flour per week at the rate of 1.3 Taka. Children under 12 also get this amount at the same rate. However, if a tea plucker fails to pluck the target amount of leaves, she loses the ration for that particular month. The companies prefer temporary workers to avoid obligation of granting labor benefits, welfare and medical support. However, the temporary tea workers have the opportunity to work outside the gardens. There is also a practice of cattle rearing in estates.

A family rearing cattle of others gets share of the brood. This adds a little extra cash to the family. Some tea workers run small businesses like tea stalls or grocery shops to supplement their family income.

60 is the age for retirement and pension. Pension of around Taka 40,000 is paid upon retirement. In addition Taka 40 is paid to a monthly paid worker every week. Pension for a weekly paid worker is 32 Taka every week.

I. PUNISHMENT FOR MISCONDUCT

Punishment for any misconduct is severe—work as normal without pay for 20 days to 25 days. Officially a permanent worker can be dismissed if he/she is ill for more than two months; absent from the estate for more than ten days; and found guilty of misconduct. The most common reasons shown for dismissal are theft, illegal wood-cutting, fishing from the garden's pond and misconduct.

J. MATERNITY LEAVE AND BENEFITS

The maternity leave extends to six months with pay (Only for two children). Women workers reportedly do not take the full length of maternity leave. According to a source they work till the eighth month of pregnancy. After delivery a mother quickly goes back to work and often takes the newly born baby with her. The baby is often kept under the shade tree when the mother is at work.

K. LEAVE FOR SICKNESS

According to the Tea Plantation Labor Rules the workers are entitled to a full paid sick leave and maternity leave. Under the Rules one doctor is supposed to be assigned for 850 patients. On larger estates at least one doctor must be woman. A set up of technical necessities such as X-ray and ambulance facilities should be provided. One can come by a very beautiful hospital in the tea estate region but the health and medical services are absent in compliance with standard that Tea Plantation Rules sets.

However, the tea workers dare to hope for more than what they are used to. They cling to the limited security and facilities that the tea companies offer and are often cautious about standing and claiming their rights for fear of losing jobs and homes and then facing an unknown future in a hostile world.

L. SOCIAL CONDITION

The tea workers are obviously socially excluded people. They are ignored, sometimes treated as untouchables and are kept at a distance by the local Bengalis. The Bengali tea workers, who are much smaller in number, do not live within the labor lines of the non-Bengali tea workers. They consider themselves superior to the non-Bengali tea workers and indicate that they don't belong to the labor lines, a filthy place. This is consciously or unconsciously a demonstration of disrespectful attitudes and intolerance.

The Constitution of the People's Republic of Bangladesh guarantees its citizens an equal treatment in the Article 27: "All citizens are equal before the law and are entitled to equal protection of the law." Similarly Article 28(1) states that "The state shall not discriminate against any citizen on ground of religion, race, caste, sex or place of birth." The state does not help much in materializing these constitutional guarantees in the lives of the much exploited tea workers. Social justice that a human being deserves from others is not in practice in the tea estates. This is a culture that the tea estate authorities have failed to establish among the tea workers of different cultural background.

M. ALCOHOLISM

Habit of taking alcohol among the tea plantation workers is pervasive although trade union leaders claimed that this habit decreased significantly due to their motivational activities. Traditionally, garden authorities themselves supplied alcohol among the tea workers mainly to keep them confined within the boundary of the garden. Now they have the practice of preparing their own drink known as Halida'. Both men and women drink this local brew almost every evening. In general, women drink less; through during their festivals both drink profusely. This affects their productivity adversely. Moreover, it also shrinks their income substantially. In the garden, the management level also give them the alcohol, to make them more happy to do their job and can produce a large amount of tea, so we see that they are also misguided here.

N. CHILD LABOR

There are some incidents of employing child labors. And the rate is quite alarming. Most of them are the children of tea workers and they have left the school.

O. EDUCATION

The education level of the tea workers is mentioned in the following table:

TABLE 1: EDUCATION LEVEL OF TEA WORKERS

Number of respondents	Educated						Illiterate	
	Number	%	Primary		High School		Number	%
			Number	% of educated	Number	% of educated		
	105	35	92	87.61	13	12.39	195	65

Education, an important ladder for transformation of a community or society for better is at the root of social exclusion of the tea workers. It is almost deliberately planned that an overwhelming majority of the children of the tea workers drop out from school before they can use education to step into other professions and thus have to enter the tea gardens as laborers. Children are also reportedly teased and discriminated in schools.

This painful experience drives children to the tea gardens leading them into life without self-esteem and dignity.

The extremely poor condition with education in the tea estates puts the tea workers in tough struggle for claiming their legitimate rights. The state's inaction in this regard demonstrates how it fails to provide political protection to one of the most disadvantaged communities of Bangladesh.

P. ALTERNATIVE JOBS

The tea workers have no land of their own. They have no other skills to explore an alternative income source. This perpetuates their underdevelopment. Some workers now save Taka 10 each week through tea workers' trade union.

The Bangladesh Constitution guarantees its citizens in clauses (a) of Article 15 and (b) of Article 17 that "It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people with a view to securing to its citizens—(a) the provision of the basic necessities of life, including food, clothing education and medical care." This Constitutional Guarantee constantly mocks them.

Q. AWARENESS ABOUT BASIC RIGHTS

The awareness of workers about the basic rights is depicted in the following table:

TABLE 2: AWARENESS ABOUT THE BASIC RIGHTS OF WORKERS

Number of respondents	Aware		Unaware	
	Number	%	Number	%
	90	30	210	70

Most of the workers are unaware about their basic rights. They don't even know about the existing laws for their protection.

R. SETTLEMENT OF INTERNAL PROBLEMS

Tea workers use to carry a good relation with others. But sometimes they found engaged in quarrelling with each other's. Sometimes women become the victim of violence. In all those case the workers prefer to go to the Panchayat Committee and the e Panchayat Committee solves the matter in most cases.

S. TRADE UNIONS

The involvement of workers in trade unionism is reflected in the following table:

TABLE 3: INVOLVEMENT OF WORKERS IN TRADE UNION

Number of respondents	Member		Non-member	
	Number	%	Number	%
	223	74.33	77	25.67

Meaningful interventions for development and welfare of the tea workers particularly to establish their legitimate rights are rare. Bangladesh Cha Sramik Union (Bangladesh Tea Workers Union) is the key organization of the tea workers to claim rights related to socio-economic condition, working environment, wages, industrial peace, better relationship with the management, etc. The union is allegedly well under control of the employers. Under the British imperial laws trade unions were forbidden on the estates. The ones attempted were seen as trouble makers and were accused of interfering. The workers' unions that took shape through the 60s and 70s were mostly affiliated to political ideologies if not parties directly.

T. MOTIVATIONAL APPROACHES FOR THE STAFF AND LABOR

For increasing the efficiency or effectiveness of the employee organization must motivate the employee. Positive acts performed for the organization such as creating customer satisfaction through personalized service need to be reinforced. And employees will be more motivated when they have clear goals to achieve. Needs reinforcement, goals, expectations and feelings of equity are the main factor of motivation of employees and labors.

Tea garden organization motivates the employees in the same way. For motivating the workers, management provides the following facilities: -

- Housing Facilities.
- Festival facilities.
- Over time working facilities.
- Outside working facilities for temporary labors.
- Entertainment Facilities.
- Rations
- Health facilities.
- To help in crisis moment or crisis situation. Etc.

Besides if the worker avoids the responsibility or duties, management punishes him through reducing the salary and wages etc.

CONCLUSION

The present study is designed to find out the actual scenario of the condition of the tea workers in the various tea estates of Sylhet District. The study has tried to analyze the socio-economic condition of the tea workers living in the different tea estates, so that the idea of good governance, labor laws etc. among the tea workers.

Most of the respondents are very less known about the existing labour rights related laws. That is why they know a very little about their basic rights. Poor and inadequate housing, malnutrition, unhygienic sanitation is evident in the morbidity rate among the tea workers. The occurrence of leprosy, tuberculosis, malaria, and anemia is much higher among the tea workers. The condition of the workplace is also not friendly for them. They do not enjoy full freedom during working hours as they are being suppressed by the chowkidars occasionally. Though ration system is available for them but it not sufficient to fulfill all the basic demands. The wages and bonus which they get are not sufficient for them to have a standard life.

This study finds that the tea workers are socially deprived in most of cases. A tea estate is often called "A state within a state". This is because the local Bengali community considers the tea workers as untouchables. The tea workers are often barred to communicate with the Bengali community. That causes a serious social degradation. Habit of taking alcohol among the tea workers is persistent.

The study found few instances of child labor in the tea estates but the growth is alarming.

Working in the tea estates is one of the most menial jobs. The workers need not be skilled enough and that is why they are not interested in developing their skills which could help them find a better job.

The panchayet committee resolves all the internal disputes among the tea workers. The panchayet committee is to be constructed by the senior, respectable members of the community to settle the conflicts of the workers of the tea estates. Though there are some incidents of social injustice is found in the study as the kith and kin of the members may involve in such conflict and get the soft corners of the committee.

RECOMMENDATIONS

1. Tea workers should be made aware of their basic rights and needs, governance, labour laws of the country through proper training and learning project.
2. The Government should compel the garden authority to take steps to educate the tea workers in a proper way.
3. Extensive socio-economic development programmes, especially income generating activities need to be introduced by Governmental and Non Governmental organizations in the tea garden areas.
4. Electricity, pure drinking water and scientific sanitation supply must be ensured.
5. For decreasing the child labor the guardians should be made aware of its disadvantages. Besides, programmes for poverty alleviation may be undertaken.
6. Frequent communication between the people of tea gardens and mainstream society should be arranged, so that the mainstream people do not undermine the status of tea gardeners.
7. Extensive training on existing important laws and human rights laws of the country should be arranged in the tea garden and participation of all the members of the panchayat committee must be ensured. The panchayat committee should be strengthened, so that it can play a vital role in resolving any kind of problems occurring in the tea- gardens. The participation of common people in the functions of each panchayat committee must be ensured.
8. The employers must create socially congenial working environment in the work place.

9. Government of Bangladesh must be diligent in implementing the labor laws and must take action to solve various problems faced by the tea workers.
10. The NGO's which deal with human rights should be invited to work among the tea workers.

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