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Child labour and Bangladesh: To what extent can Bangladesh remove child labour particularly in the Bangladesh Ready-made Garment (RMG) sector?

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Child labour is a sensitive issue in global business. It is a common problem in workplace in Bangladesh particularly in Ready-made garment (RMG) sector. This paper focuses on child labour and how it affects the Bangladesh RMG sector. In fact the International Labour Organization (ILO), the World Trade Organization (WTO) and other international communities consider child labour as abusive and exploitative. To eliminate child labour, the ILO and other stakeholder promote decent work programme with technical and financial support. These are also discussed in this paper. An extensive literature survey has been undertaken in order to review the working conditions in the Ready-made garment industry. Based on this literature review, working conditions in the RMG sector are below standard according to the ILO as well as this lack of social compliance. As a result, the international communities and buyers declined to purchase RMG product. Compliance of RMG factories is a key requirement for most of the reputable global garments buyers that compliance ensures all labour rights and facilities according to the buyer's Code of Conduct. Hence Bangladeshi manufacturers must provide themselves with compliance tools in order to maintain the reputation of their industry. Therefore this review identifies the need to improve capacity of the institutions concerned with social compliance.

Key words: Ready-made garment (RMG), compliance, code of conducts, monitoring and verification system, Bangladesh Bureau of Statistics (BBS), International Programme for the Elimination of Child Labour (IPEC), International Confederation of Free Trade Unions (ICFTU), International Labour Organization (ILO), United Nations Children's Fund (UNICEF).

INTRODUCTION

Children have the right to be children: *to be loved, cherished, educated, nourished, clothed, pampered, and fostered as children when they are children* (Hasnat, 1995, quoted from Natoli, 1992). Child labour is, then, a denial of the right to enjoy childhood and achieve full physical and psychological development. Children need a fostering household and social environment in order to grow into economically active, productive adults with the ability to participate effectively in the social, cultural, and political activities in society. To foster households, a child in house not only receives adequate and nutritious food

for normal and healthy physical growth, but also needs appropriate health care, affection, and intellectual stimulation. Society should ensure that each child receives education at least primary level and has opportunities for healthy social interaction.

The legislation prescribes that children between ages 6 and 10 must attend school up to the fifth grade or up to the age of 10 years (ILO, 1998a). When children are forced to work, they are often denied their rights to education, leisure and play. They are also exposed to situations that make them vulnerable to trafficking, abuse,

violence and exploitation. However, millions of children around the world are involved in many working places, several of them for long hours and in hazardous conditions. Very few of them work during off-school hours and may be desirable for their healthy growth into adulthood (ILO, 2004).

Child labour refers to the employment of children in any work that deprives children of their childhood. Harmful child labour consists of the employment of children that is economically exploitative, or is likely to be hazardous to or interfere with, the child's education, or to be harmful to the child's health, or physical, mental, spiritual, moral or social development (IFC, 1999). Child labour not only harms the child, but also keeps up poverty and compromises economic growth and equitable development (ILO, 1998b). A number of international agencies have established minimum standards with regard to children and work. IFC's approach is guided by UN and ILO standards

- (a) work which exposes children to physical, psychological or sexual abuse;
- (b) work underground, under water, at dangerous heights or in confined spaces;
- (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

Several international instruments relevant to child labour have been developed by the UN and ILO and minimum standards set regarding the employment of children. The 1990 UN Convention on the Rights of the Child provides a definition of what constitutes the harmful employment of children, while the 1999 ILO Convention 182 and its associated Recommendation 190 define and prohibit the "worst forms" of child labour. In 1998, IFC adopted a policy statement based on the UN Convention's (IFC, 1999). In addition to prohibiting the harmful employment of children, this convention requires signatories to

- (i) provide for a minimum age of employment;
- (ii) regulate hours and conditions of work for children; and
- (iii) penalize those who contravene the above referenced regulations. Ratified by 116 countries. Convention 138 sets a universal minimum age for employment at 15 (14 in countries "whose economy and educational facilities are insufficiently developed").

Ratified by 117 countries. Convention 182 calls for the

immediate elimination of the worst forms of child labour and defines a child as anyone under 18.

Worst forms include:

- (i) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (ii) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (iii) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (iv) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The ILO estimated in 2002, about 246 million child labours (aged 5 to 17) in the world, with 180 million referred to as the worst forms of child labour, often involving hazardous conditions. Mostly eight million children among them are working in the *unconditional worst forms* of child labour, which include armed conflict, forced and bonded labour, prostitution, pornography, drug trafficking, and other illicit activities (Palley, 2002).

According to International Labour Organization (ILO) statistics published in May 2002, there are an estimated 352 million children aged 5 to 17 years engaged in some form of economic activity around the world. Of these 352 million, 246 million are either (i) below their country's minimum age for employment; (ii) working in occupations that jeopardize the physical, mental or moral wellbeing of a child; or (iii) working as slaves, prostitutes or bonded labourers (ILO, 2002).

Child labour is particularly widespread in the manufacturing industries in Asia which is a growing awareness of the problem (Delap, 2001). Mostly children are found working in garments, bakeries and confectioneries, hotels and restaurants, transport, bidi (cigarette) factories, small engineering workshops, fish-processing, and other informal and unregulated sectors. Child labour is work that exceeds a minimum number of hours, depending on the age of a child and on the type of work. Employers always prefer to employ children because they are cheaper and considered to be more compliant and obedient than adults. Many families in Bangladesh rely on income generated by their children for survival. Therefore child labour is often highly valued and is accepted and common. Factories Act and Rules establishes 14 years as the minimum age for employment in factories, and the Children Act of 1974 prohibits the employment of children under 18 in brothels or as beggars (ILO, 2002). The penalty for violation of this Act (Article 44(1)) is a fine up to 1,000 taka. Other laws include the Shops and Establishments Act 1965,

Table 1. Bangladesh key statistics

Working children, aged 5 - 17 years	7.4 million		
Working children, aged 5 - 14 years	4.7 million		
Child labourers (according to definition, below), aged 5 - 17 years	3.2 million		
Children engaged in hazardous labour, aged 5 - 17 years	1.3 million		
Child domestic workers	421,000		
Percentage of children (aged 5-14 years) engaged in child labour (2006)²	National	Slum	Tribal
	12.8	19.1	17.6

Source: Bangladesh Bureau of Statistics, Report on National Child Labour Survey, 2002-2003; BBS/UNICEF, Multiple Indicator Cluster Survey 2006, October 2007.

and the Children's Act 1974 and Children's Rules, 1976.

Children ranging in ages from eight to fourteen work in the garment industry; and in most cases, children often commence work at a very young age (Joaquin, 1995; BBS, 2004). The Employment of Children Act prohibits children under 12 from working in industries such as tanning and manufacturing (bidi, carpet, cloth, cement, and fireworks), and it prohibits children under 15 from working in railways. Bangladesh is considered to have the child labour problem especially in the RMG sector. Garments owners prefer girls under 15 years because they work for less, and are more likely to be unmarried with no children or domestic responsibilities (Ahamed, 2011). Child workers are appointed as *apprentices* or *helpers* for months and are not issued identification or time cards even after completing their apprenticeship period. There is no paid leave for holidays, and salary is deducted if the child is absent, or for unproductive periods due to load shading electricity and temporarily production goes out (Ahamed, 2011). Most child workers have no proper training, do not use protective gear and have no concept on occupational health and safety issues. As a result, they are suffering serious injuries and sometimes death in the workplace (Rahman et al., 1999). Bangladesh Bureau of Statistics Labor Force Survey (1990) reveals there are 5.7 million 10 to 14 year-old children working in Bangladesh. Nearly all the child labor in export industries is found in the garment sector. Such work is considered harmful to the child and should therefore be eliminated (Table 1).

Children ranging in ages from eight to fourteen work in the garment industry. It is reported that most of the children are girls with an average age of just over 13 years – 10% of whom are already married out (Bureau of International Labor Affairs, United States Department of Labour, 1994). Many of the jobs that children in Bangladesh perform are considered, hazardous, and put their physical and mental development at risk (ILO, 2001). The UN Committee on the Rights of the Child expressed concern in 2009 that many Bangladesh children continue to work in five of the worst forms of child labour, namely welding, auto workshops, road transport, battery

recharging and tobacco factories (ILO,2009). The Committee also raised concerns about the lack of mechanisms to enforce child labour laws or monitor working conditions, and insufficient public awareness about the negative effects of child labour. International organizations and NGOs pressured the industry to retain the remaining children in order to have an opportunity to establish safety nets for them (UNICEF, 2010).

WHAT SHOULD BE DONE?

In many countries, there has been great improvement in child labour through implementation of relevant legislation and operation of supervisory mechanisms. In developed countries special measures includes undertaking awareness raising campaigns jointly by employers, trade unions, NGOs, international organizations and governments (IFC, 1994).

Identify safe work with fair wages and healthy working conditions for working children complying with all relevant national and local labor laws. In an example, Wal-Mart, a top U.S. general merchandise retailer, states the following in its Supplier Partner Standards: *Wal-Mart will not tolerate the use of child labor in the manufacture of products it sells. Wal-Mart will not accept products from Vendor Partners that utilize in any manner child labor in their contracting, subcontracting or other relationships for the manufacture of their products. No person shall be employed at an age younger than 15 (or 14 where the law of the country of manufacture allows) or younger than the age for completing compulsory education in the country of manufacture where such age is higher than 15 (IFC, 1999).*

Creating awareness of these regulations and the punitive measures employers may face for breaching them can be an important first step in addressing the issue. For example, a Kenyan tea exporter, is active in the lush tea growing areas of Kenya. *Child labor is not uncommon in the country with children often working in plantations and agriculture as well as in many other sectors. Against this backdrop, Muramati has adopted a*

campaign against harmful child labor as part of its outreach program. In doing so, Muramati works closely with an NGO; the CWSK's mission is "to ensure survival and protection of all children and to facilitate their participation and development to their full potential." With the support of ILO and IPEC, it launched the Child Labor Program that seeks to end child labor and help children from needy backgrounds who are rescued from forced labor conditions. The program provides assistance in the form of formal and technical education. Muramati supports this program in two ways: it provides student loans and it creates employment opportunities for these individuals once they have attained the legal age to work (IFC, 1999).

Adopted a policy should prohibit harmful child. Policies that support children at risk by assisting them to leave harmful work without loss of essential individual or family income, or by helping them combine education with income-earning opportunities (where they are of legal age to work), tend to be most successful because they not only address the immediate situation but begin to deal with the roots of the problem. Therefore, government, NGOs, civil societies and other stakeholders should adopt a code of conduct that states:

No children below the age of 15 can be employed in factories producing for Bestseller. If the law states a higher age, the law must be followed. The supplier must have sufficient management systems in place to ensure no children are employed. Young workers below the age of 18 can only undertake light work in the factory, and all laws concerning the treatment of young workers must be followed. The use of child labour is not acceptable and we will not work with suppliers who use child labour in any of their facilities, or who do not have efficient systems in place to ensure that child labour cannot occur on the production premises. Suppliers must also take responsibility to ensure that any subcontractors are not involved in employing child labour, and that any young workers are not involved in dangerous work or work under difficult conditions.

Suppliers must ensure that child labour will not occur in the factory:

- The factory must have a hiring policy that includes a minimum age of 15, or older if specified by the law. In addition factories must only employ those persons above the mandatory school age.
- The factory should have efficient management systems in place which ensure age verification procedures are followed and implemented effectively. Records of age verification must be kept in employee records.
- Only persons over the age of 15 may be present in the work place – including during school holidays when risk of children being present in the factories may be higher.

In factories where childcare facilities are provided

children must be restricted to these areas only, and are prohibited from the work area.

If child labour is found in a factory the following actions will be taken:

- The child will need to be removed from the work place and given a viable alternative. This emergency child labour intervention must be done always in the best interests of the child, and ensure that the child is not forced into worse forms of labour.
- In communication with the child as well as his or her family or caretakers, an appropriate option for education should be found for the child - at least until they are no longer of compulsory school age.
- The supplier is responsible to continue to pay wages to the child from when the child has been removed from the work place until s/he reach the age that they are no longer in compulsory education.
- The supplier is required to immediately offer the position to a member of the child's family or caretaker at an adult wage. The child should have the option to work in the factory once s/he has reached the legal working age.

Even the smallest companies should be aware of local and national regulations relating to child labor and have a labor policy that, at minimum, requires legal compliance. For example *In 1986, the introduction of the "Child Labour(Prohibition & Regulation) Act" by the Indian Parliament led , a leading Indian carpet manufacturer and exporter, to take action both internally and externally to change attitudes toward children in the workplace. A major campaign was initiated to create awareness about child labor in villages where the carpets were woven. Obeetee executives themselves travelled from village to village informing the loom owners and heads of households, in the local language, of the main provisions of the new "Child Labour Act." They emphasized the detrimental impacts on children as well as the severe penalties under the new legislation for the use of child labor. They underscored the commitment of Obeetee not to buy carpets made by children (IFC, 1999).*

Establishing the age of job applicants remains a major challenge in many parts of the world. Many companies working in countries where birth records are non-existent or a recently adopted practice have had to devise their own means for determining age. Successful initiatives have been the result of partnerships in which businesses have brought together communities, government agencies, NGOs and international organizations to work toward a common objective (ILO, 1999). Companies often find that there are existing programs, run by the public sector or non-governmental organizations, which can provide resources to assist children and advise companies on how best to handle the particular issues they face. In its 2001 Corporate Responsibility Report, Nike relates its experiences in verifying the age of

workers in its partner manufacturers in Cambodia. There, a factory manager seeking to comply with national law and Nike Code of Conduct standards “must deal with a bewildering set of documents presented by a worker, including a record of family births and deaths (the ‘family book’), a district registration, voter’s registration, and a medical certificate (IFC, 1999). Addressing issues include requiring multiple forms of written documentation, requiring prospective employees to undergo medical examinations prior to hiring, carrying out interviews with candidates whose age appears questionable, issuing photo identification cards to all employees, and maintaining such.

Fearing sanctions against their products, aware of the negative aspects of child labour, a number of employers have reduced or eliminated the use of child workers. In addition the national trade unions also worked by focusing instances of non-compliance with labour legislation or the unfair competition that arises from employing children to the detriment of unemployed adults (ILO, 2000). For example, a CBS television documentary badly publicised child labour against a Nike and Adidas ball manufacturing company in Sialkot, Pakistan in 1995. As a result, U.S Government officials and the industry agreed in 1997 to eliminate child labour by moving production out of the households to soccer ball factories (Hyde, 2009). More than 3,000 children have been enabled to stop working and attend school. In addition to local industry, with the assistance of international buyers other measures have been taken to provide their families with financial support (Hyde, 2009). Similarly, in India, local NGOs have been particularly active in drawing the attention of the media and the authorities to the exploitation of children in textiles and carpet-making workshops under conditions of debt bondage that are similar to forced labour. In response to the problem of child labour, the Government of India participates in the IPEC programme and allocated 2.5 billion rupees for child labour projects in the budget for Ninth Five-Year Plan. In Nepal, government, social partners and local NGOs has jointly taken initiatives to eliminate child labour, particularly in the production of carpets (ILO, 2000). These initiatives have been supported by the ILO and UNICEF and led to a significant reduction in the use of child labour in carpet industry. Sri Lanka has one of the best examples in Asia; national legislation appears to be sufficiently well implemented in the TCF industries to ensure that child labour is virtually non-existent and presents no particular problem (Jennings, Maillard and ILO, 2000).

As a result of international attention paid to child labor in the garment industry, both the Government and the BGMEA have made efforts to encourage manufacturers to abide by the law which prohibits the employment of children under the age of 14. A Memorandum of Understanding (MOU) was signed in 1995 with the ILO and the United Nations Children’s Fund (UNICEF) to

eradicate the employment of children in export garments factories. The Bangladesh Garments Manufacturers Export Association (BGMEA) responded to urging by its member to remove under-age workers from their workplace (ILO, BGMEA, 2003) and conform to the National Factory Act (Factories Act 1965 [Act XXV of 1934]. They regulated appointments of workers, wages and working conditions, including health and hygiene, safety, welfare, working hours, leave and holidays, as well as punishments and penalties both owners and workers for non-compliance (Rahman et al., 1999). Following that agreement, garments employers released about three-quarters of all children employed in the industry. As a result, many children went looking for new jobs in stone crushing, street hustling and prostitution - all more hazardous and exploitative than making garments (Rahman et al., 1999).

In response, the ILO has adopted the International Programme for the Elimination of Child Labour (IPEC) and the International Confederation of Free Trade Unions (ICFTU) has played a major role in implementing this programme at the local level. The programme also deals with the elimination of the worst forms of child labour such as bonded child labour, involvement of very young children at work, and exploited female children in illicit work situations such as the sex trade. But the programme needs to provide educational opportunities for children, while reducing or if feasible eliminating the hours spent at work (Khanam, 2004). On the other hand the ICFTU has been active in seeking ratification of the ILO Convention No. 182 (The Elimination of the Worst Forms of Child Labour), as well as the ratification of the Convention No. 138 (Minimum Working Age Convention), and these have enjoyed a high rate of ratifications among member states (ICFTU, 2005).

Despite the initiatives, child labour remains a serious problem in Bangladesh RMG industry (ILO, 2004b). On the other hand, penalties against this practice are negligible (ILO, 2005). There are many reports, which criticised child labour in Bangladesh, from organisations such as the ILO or UNICEF as well as from many NGOs. Although Bangladesh was able to solve the problem of child labour very successfully in the mid-1990s, it was not entirely successful in preventing ex-working children from being dragged into hazardous employment. This challenge will remain for employers seeking to avoid hiring children. Actively monitor and enforce company policy through in-house monitoring and independent verification. However, the ILO adopted the International Programme for the Elimination of Child Labour (IPEC) and the International Confederation of Free Trade Unions (ICFTU) has played a major role in implementing this programme at the local level. But the programme seeks to provide educational opportunities for children, while reducing or, if feasible, eliminating the hours spent at work. It is limited to tracking the process of removing child labours from work and placing them in schools.

Monitoring is needed to check suppliers' adherence to codes of conduct. Social compliance of RMG factories is a key requirement for most of the worldwide reputed garments buyers. It ensures all labour rights, labour standards, fair labour practices and Code of Conduct according to the ILO and WTO conventions. A key aspect of international buyers successfully applying pressure is monitoring.

There are three general types of monitoring a company can employ: internal, external, and independent.

Internal monitoring is conducted by company staff. The company will train members of its own staff on the requirements of the labor policy and then empower these employees to conduct inspections of workplace facilities and practices.

External monitoring is generally conducted by auditing firms. A company will hire the auditor to inspect and monitor its workplace facilities and practices.

Independent monitoring is generally carried out by non-governmental organizations or other interest groups. In this case, the monitors are normally not paid by the company. This is generally believed to lend greater independence and credibility to the monitoring process and its results. Nike made efforts to improve working conditions for its contracted workers by introducing COC and developed internal standards through specially recruited and trained professional staff. These staff monitors the working environment and examines the Code of Conducts in order to verify products certification. As a result, working conditions in the Nike and Footwear industry have improved (Ahamed, 2011). In the RMG sector, a Social compliance Certification System could be offered through buyers to promote and certify lawful, humane and ethical working conditions in manufacturing processing, and the working environment standards (Richard et al., 2007).

BUT WHO SHOULD DO THE MONITORING?

In different countries different institutions, such as trade unions, employer associations, industrial tribunals, state-sponsored regulatory bodies or the civil courts, monitor and enforce labour standards (Gospel and Palmer, 1992). In Bangladesh two different institutions -- one government and one private -- were set up to monitor labour conditions. However both of them have proven unsuccessful. In 2005 the Bangladesh government formed a Compliance Monitoring Cell to ensure implementation of the compliance issues in the factories in the readymade garments sector. But it is not working to ILO standard owing to a lack of skilled staff, logistic support and rigid structure. Even the best policies can run into problems during implementation. For this reason, monitoring and enforcement are critical components of any program aimed at regulating the use of child labor.

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CONCLUSION

Children who are of legal age to work should be removed from work that is physically or psychologically damaging, but kept on the payroll while a solution is found. In some cases, the "harmfulness" lies in the number of hours worked rather than in the work itself. In this case, a simple reduction in hours may solve the problem. Where educational opportunities exist, giving these children time to attend school is a crucial consideration, but in situations where educational facilities are poor or non-existent, a training or apprenticeship arrangement might have a better long-term effect.

In fact company's operations are potentially harmful to children and the authority of the company should help the child find other employment or — sometimes an easier answer—offer employment or skills enhancement to adult family members so that the family can supplement income lost from the child not working. In the short-term, removing children from industry and placing them in schools can result in a significant income loss for children and their families. Most of the child worker's parents keep children out of school, preferring to have them working for money or helping with household chores. So, the ILO, NGOs, government and other stakeholders should provide some recompense for those children who have lost their jobs. Underage children, on the other hand, should not be permitted to continue working, but where possible, every effort should be made to address the economic roots of the problem and ensure that child simply does not move into a similar or worse circumstance.

Businesses which do not permit harmful child labor practices in their own workplaces may nevertheless find

themselves confronted with it in their supply chain. This is particularly problematic given that companies have much less control over the practices of their suppliers, yet can be directly affected by them in terms of reputational risk. While harmful child labor can be found in both formal and informal sectors, a much greater risk is posed by suppliers in the informal sector where conditions are less regulated.

When children are forced to work, they are often denied their rights to education, leisure and play. They are also exposed to situations that make them vulnerable to trafficking, abuse, violence and exploitation. In order to continue export of RMG products into the global market, the RMG authority and Bangladesh government must ensure that child labour is prevented in the RMG industry. The challenge now is to ensure that the relevant provisions are being incorporated into the national law and legislation. Apparently, a National Plan of Action for the elimination of child labour in the country is urgently needed. For example, in South-East Asia, the Governments of Indonesia, the Philippines and Thailand have collaborated with IPEC in order to assess child labour in the footwear industry. That assessment has served as a basis for national programmes to eliminate child labour, especially its most coercive form, debt bondage. Other similar initiatives have been launched in Morocco, Cambodia, the Lao People's Democratic Republic and in Vietnam (Jennings, Maillard and ILO, 2000). Not provided. Education is a right for all children and is in their long-term best interest. Getting under-age children out of work and into school is the right strategy. Once the possibility of working is no longer there and schools are available, there is a strong will to attend schools (Khanam, 2006; Jennings, Maillard and ILO, 2000). Safety nets should be in place prior to removing children from work to mitigate the negative welfare effects and ensure that children do not end up in even worse conditions. Therefore, a monitoring and verification system is necessary to keep workplaces free from child labour as well as to prevent ex-working children from being dragged into hazardous employment. The government or a nationally recognized body for sustainability should support such systems.

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