

# **Deterrence, Rational Choice, and White-Collar Crime: Occupational Health and Safety in Bangladesh RMG Sector**

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## **ABSTRACT**

The objective of this research is, firstly to investigate the managerial perception of administering occupational health and safety (OHS) provisions to reduce workplace accidents and, secondly, to explore the managerial interpretation of the idea of white-collar crime in relation to the avoidance of, or negligence in administering, the OHS provisions. This research particularly focuses on the readymade garment (RMG) sector in Bangladesh. It is qualitative in nature and follows an interpretivist and constructivist philosophical paradigm. Data were collected from two deviant cases (e.g. Tazreen Fashions Limited and Rana Plaza) and from the questionnaire responses of 24 participants from 12 RMG factories (6 outsourced and 6 subcontracted) located in Dhaka. All of the participants were top-level, male, full-time executives at the RMG factories (i.e. owners and manages). Despite its limitations, the research finds that all of the factory owners believe in the appropriateness of the OHS provisions for reducing workplace accidents effectively. It also discovers that the application of OHS as a deterrent factor to accidents exists among the outsourced factory owners and but is absent from the subcontracted factory owners. The research also unfolds the different interpretations of white-collar crime between the outsourced and subcontracted factory owners. Based on the further analysis of the empirical evidence, however, it is suggested that the evasion of OHS practices can be labelled white-collar crime.

## **CHAPTER 1: INTRODUCTION**

*This chapter starts with the research aim and objective. Then it briefly describes the structure of the research. After that, a research background is presented which contains the context of the apparel manufacturing / readymade garments (RMG) industry of Bangladesh. The chapter also explains the legal provisions of occupational health and safety (OHS) imposed on the sector by different authorities. A summary is presented at the end of the chapter.*

## 1.1 Research Aim and Objective

The objective of this research is firstly to investigate the managerial perception of administering occupational health and safety (OHS) provisions to reduce workplace accidents; and secondly to explore the managerial interpretation of the idea of white-collar crime in relation to the avoidance of OHS provisions, or negligence in administering OHS provisions.

Workplaces in lower cost emerging economies have undergone continuous and substantial changes due to the outsourcing and offshoring practices of the European and North American countries (Dey et al., 2012; Contractor et al., 2010; Manning et al., 2008). In many of these developing countries apparel manufacture and export has become the main source of remittance\* (Contractor et al., 2008; Haider, 2007). This study selects Bangladesh, a lower cost emerging economy, where readymade garment (RMG) manufacturing and export has become a lifeline for both urban and rural people, as it is the only major labour intensive sector with huge employment-generating potential and the biggest source of remittance earnings. Nonetheless, the several disasters that have occurred in garment factories, claiming thousands of lives, have notoriously become the subject of much concern recently, both in the country itself, as well as internationally among the globally-renowned buyers, trade unions, and monitoring authorities. Although OHS provisions are designed and implemented with the purpose of deterring workplace accidents, all of these recurrent accidents have placed a big question mark over the effectiveness of the existing OHS provisions and their proper administration in the garment sector.

This study, therefore, firstly aims to investigate the garment factory owners' understanding of the existing OHS provisions and their practice of these. Deterring workplace accidents through the administration and advocacy of OHS provisions is an important topic which can appropriately be investigated in light of deterrence theory and rational choice theory. Accordingly, it is a generally accepted societal norm that disastrous accidents can usually be avoided when the health and safety provisions are implemented properly and carefully. When employers fail to practice, disrespect, or neglect the OHS provisions, intentionally or unintentionally, and catastrophic accidents occur as a result of their negligence or fatal mistake, which often entails a rational choice to balance costs

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\*A remittance is a transfer of money by a foreign worker to his or her home country. Remittances have been playing a very significant role for the overall economic development of Bangladesh (Rahim and Alam, 2013).

against benefits to arrive at an action that maximises personal advantage, can be labelled white-collar crime. Therefore, this study, furthermore, explores the factory owners' interpretation of the concept of white-collar crime in response to their rational choice of disrespecting and neglecting the existing OHS provisions.

## **1.2 Structure of the Research**

The aim of this study is not to generalise and predict causes and effects but rather to understand and interpret human behaviour in a particular institutional setting. Therefore, this research is qualitative in nature, consisting of case studies and questionnaire responses to aid the investigation. Given that this study is conducted under the interpretivists and constructivist paradigm, it implicitly assumes that there is no single 'true picture' but rather multiple realities that describe the garment factory owners' perception of the research topics.

The beginning of the research contains the introduction chapter which discusses the context and background information about the RMG sector in Bangladesh, the legal OHS requirements imposed on the sector, and the pressure from the global supply chain. Then, it focuses on a literature review which presents relevant theoretical discussions, offers a critical evaluation of the literature based on empirical evidence, and consequently identifies the existing research gap. Then, the research questions are presented. The next chapter contains the methodology which discusses the research methods and tools used, the sampling and data collection, the data analysis and ethical considerations. The research then progresses towards its findings, which is then followed by the discussions chapter. In the end, the conclusion of the research is presented which also highlights the research limitations, the practical implications of the research and its results, and future research suggestions.

## **1.3 Background of the Research**

The export-oriented RMG manufacturing industry has made a crucial contribution to transforming the economy of Bangladesh over the last 30 years. The industry's exports totalled £12 billion in the year 2011-2012 (Nur, 2013), contributing around 75% of the total export earnings of the country, which contributes is a 14% contribution to the GDP (Rashid et al., 2014; BGMEA, 2013a). Currently, Bangladesh with its 4.2 million garment workers working in almost 5000 factories, is the second



largest exporter of apparel in the world after China (Burke et al., 2013; Pasricha, 2012). The industry today is large not just in terms of the number of manufacturers, but also because these enterprises are large in size. The industry is also claimed to have employed over 50% of the industrial workforce of the country (Rashid et al., 2014). The provision of secure jobs for this large pool of workers has likewise contributed to making the RMG industry an important foreign currency earning sector for the nation.

Bangladesh is a lucrative outsourcing destination for many European and North American clothing retailers due to its low-priced but skilled workforce, easy supply of raw materials, and low cost of manufacturing (Islam and Sobhani, 2010; Haider, 2007). During the last three decades, the export-oriented RMG industry in some developing economies [e.g. Bangladesh, the Philippines], has experienced prosperity followed by a sharp decline (Mottaleb and Sonobe, 2011). This suggests that there is an interesting story not just about the beginning and growth of the industry but also about its subsequent decline. According to Bazan and Navas-Aleman (2004), Schmitz and Knorringa (2000), and Gereffi (1999), opportunities for continuous learning and growth are built into the operations within the global commodity chain, and it is up to the local suppliers, such as apparel manufacturers in the Philippines, Cambodia, Vietnam, or Bangladesh, whether they learn advanced level skills related to production, an efficient operation and supply chain, and technical know-how. Similarly, being an important part of industrial risk management, globally, there has been a substantial improvement in the OHS provisions in the manufacturing industry (Sousa et al., 2014), where the focus of OHS has undergone a seismic shift — from being compliance-oriented to being prevention-oriented (Janicak, 2008). Though this improvement of OHS has improved the health and safety conditions satisfactorily for the workforces of advanced countries (Noweir, 2013; Bjerkan, 2010; Geldart et al., 2010), this remains in the developmental stage for the factories of Bangladesh (ILO, 2002).

As a result, despite the phenomenal success of the RMG industry in Bangladesh, workplace accidents have become a serious concern which, in the past few years, has led to a downturn in the growth of this sector. The industry has been plagued by building collapses, frequent fires, and other avoidable industrial incidents. Only in the last four years, almost 4,500 garment workers were injured, crushed, burnt, trampled or killed in preventable workplace accidents (Al-Mahmood, 2013; BBC, 2013a). The recent worst-ever industrial accident in the country, the collapse of Rana Plaza in 2013, caused the deaths of 1,129 workers and the life-threatening injuries of 2,515 workers (CPD, 2013;

ILRF, 2013), and the fire at Tazreen Fashions in 2012, caused the deaths of 117 workers and severely injured a further 200 workers (Al-Mahmood, 2013; BBC, 2013a; Ahmed and Paul, 2012). These disasters have not only shocked the entire nation, but also the other nations of the world, stimulating outrage among people at the failure to ensure a safe and healthy work environment (Alam and Hossain, 2013; Ahmed and Paul, 2012).

To investigate this complex situation of OHS lapses observed in the garment factories, and then analyse it in terms of deterrence theory and rational choice theory, a contextual understanding of the RMG industry in Bangladesh and its relevant issues is required. So, firstly, it is important to discuss the existing legal OHS requirements for RMG factories in Bangladesh. Then, secondly, it is also important to shine a light on issues related to the supply chain that concern millions of workers, employers, brands and consumers. A further discussion on social responsibility and responsible business practices by the factory owners or RMG tradespeople is equally important in order to explain the notion that intentional negligence or the evasive tendency with regard to OHS practices, which may lead to disastrous consequences, can be labelled white-collar crime.

## **1.4 Legal Provisions for OHS in Bangladesh's RMG Sector**

The importance of OHS is being increasingly realised in Bangladesh, and likewise in other developing countries which are undergoing rapid industrialisation. In Bangladesh, as in other countries of the West, the responsibility for health and safety at work is placed on the employer, although the government has some kind of occupational health care services and safety standards. OHS services are provided as benefits by employers and are generally separate from other community benefits. In Bangladesh, there are labour laws and other OHS compliance provisions for RMG factories which are imposed and implemented by different authorities, like the government of the country, the Bangladesh Garments Manufacturers and Exporters Association (BGMEA), the International Labor Organization (ILO), and foreign retailers who place their work-orders with local Bangladeshi factories.

### **1.4.1 The Bangladesh Labour [Amendment] Act, 2013**

The government of Bangladesh conceded a labour code after 12 years of deliberation and activism in 2006, entitled 'Bangladesh Labour Act 2006'. Recently, the 'Bangladesh Labour [Amendment] Act 2013' came into effect, which made a large number of amendments to the previous act of 2006 and,

in particular, introduced several provisions aimed at improving workplace safety. The act is implemented by the Ministry of Labour and Employment. It covers the recruitment of labourers, the relationship between employers and employees, the fixing of a minimum wage rate, the payment of wages, compensation for accidents, the formation of trade unions, industrial disputes and solutions, health, safety, security, welfare, job conditions and environment, probationary periods and connected issues (BOI, 2012). The OHS provisions are specifically detailed in the following chapters of the 2013 act: V [Health and Hygiene], VI [Safety], VII [Special Provisions Relations to Health, Hygiene and Safety], VIII [Welfare], and IX [Working Hours and Leave] (BLA, 2013). It is a legal requirement for all factory owners in Bangladesh to administer and comply with the labour act. Apart from this act, the 'Factory Act 1965' and 'Factory Rule 1979' are two more laws related to OHS in the country (ILO, 2013).

Additionally, the famous tort law 'Duty of Care' [principle case Donoghue v Stevenson (1932) AC 562] incorporates that a duty of care is a legal obligation which is imposed on individuals requiring adherence to a standard of reasonable care while performing any acts that could foreseeably harm others. Although Bangladesh does not have any formal act of parliament which incorporates this 'duty of care', the principle is followed in the country through case law and the judgements of higher courts. The Labour [Amendment] Act 2013 and Factory Act [1965] incorporate the principle of a duty of care. It is considered that the RMG factory owners in Bangladesh owe a duty of care to their workers and employees to ensure that they do not suffer from any unreasonable harm or loss. If such a duty is found to be breached, a legal liability is imposed upon the tortfeasor\* to compensate the victim or his/her family for any losses incurred (Personal communication with Barrister Adnan Karim on 28 June 2014).

#### **1.4.2 Code of Conduct (COC) from BGMEA**

The BGMEA is the apex authority that represents the export oriented apparel manufacturers and exporters of the country. It plays a strong role in leading the industry in concurrence with the government. BGMEA has designed its own Code of Conduct (COC) for BGMEA-enlisted RMG factories which are owned by its members and in operation anywhere in Bangladesh. This COC helps employers to comply with the legal provisions and also encourages them to ensure a safe, healthy

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\*A tortfeasor is a person who commits a tort. A tort is a wrongful act of an infringement of a right (other than under contract) leading to legal liability.

work environment. In collaboration with the major trade unions, BGMEA has set up a compliance unit that supervises the labour conditions in factories through the implementation of their COC (BGMEA, 2013a). BGMEA regularly monitors its member factories to check compliance, and runs a social compliance improvement project to improve the compliance standard. As part of the COC, BGMEA also organises training for the member factories on social and environmental standards (BGMEA, 2012).

### 1.4.3 ILO Conventions

ILO declaration on Fundamental Principles and Rights at Work [1998] contains the minimum labour standards applicable to for any factories belonging to its member states. The ILO governing body has developed eight core conventions, covering four fundamental principles and rights in this declaration. These are: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation (ILO, 2014b). As a signatory to the ILO conventions, Bangladesh has ratified these ILO core conventions. However, out of the 189, the country has ratified only 34 conventions, whereby most of the technical conventions that cover a huge quantity of health and safety provisions have not yet been ratified [Appendix B]. Table 1 shows the number of ILO conventions that have been ratified by Bangladesh.

Furthermore, Bangladesh has only ratified category or sector-specific conventions on OHS, for example: the Underground Work [Women] Convention 1935 [No. 45]. The country, has not yet ratified the key ILO international labour standards on OHS policy [Appendix B], namely the ‘Promotional Framework for Occupational Safety and Health Convention 2006 [No. 187]’, and ‘Occupational Safety and Health Convention 1981 [No. 155]’ (ILO, 2014b).

**Table 1:** Ratifications of ILO Conventions by Bangladesh (Source: ILO, 2014)

<i>Type of Conventions</i>	<i>Available ILO Conventions</i>	<i>Ratifications for Bangladesh</i>
Fundamental Conventions	8	7
Governance (Priority) Conventions	4	2
Technical Conventions	177	25
<b>Total</b>	<b>189</b>	<b>34</b>

## **1.5 The Supply Chain and their Code of Conduct (COC)**

As the main focal point of the apparel manufacturing industry has shifted from in-house production by foreign retailers to local manufacturers and exporters [in the form of outsourcing and subcontracting], it is not only the quality parameters which attract the foreign retailers and consumers to accept products as per their intended end use, but also the working environment of the indigenous factories wherein the products are produced. The factory work environment and workers' quality of work life are important in gaining and strengthening consumer confidence and building up a more reliable manufacturer-retailer-consumer relationship. It is also important that the sweatshop concept, and health and safety issues are totally settled. In order to achieve this, an acceptable level of work environment standard must be stretched to achieve the objectives of social compliance issues. Therefore, reputed foreign retailers tend to design and develop their own COC as per their social accountability standards. These COCs are then made obligatory for the outsourced local factories that are given work orders to manufacture clothes.

Social accountability standards have been developed by international organisations, such as: the Fair Labor Association (FLA), Worldwide Responsible Apparel Production (WRAP), Council on Economic Priorities Accreditation Agency (CEPAA), Ethical Trading Initiative (ETI), and Business for Social Responsibility (BSR) (Das, 2008). Reputed global buyers in the large supply chain take the guideline from these organisations and formulate their own standard of COC and also the acceptance criteria. These COCs tend to rely heavily on the idea of social compliance (Ahmed, 2012). Similarly, a specific COC that protects the basic human rights of the workforce engaged in the trade is to be respected in order to satisfy consumers and also to add social value to the product. A basic awareness of the social accountability helps us to understand and monitor its the compliance aspect in protecting the image of a particular brand of product (Das, 2008). In order to do so, the reputed and leading buyers in the RMG trade have imposed a compulsion on outsourced and subcontracted factories to achieve those objectives as a condition of their export contract. Exports have either been withheld or cancelled on numerous occasions in the event of non-compliance with such issues (Das, 2008).

Bangladesh has been working to the specifications set by the global buyers which has helped some local manufacturers in the country to upgrade their production process, obtain advanced know-how [e.g. designing, cutting and making], and ensure a modern, safe work environment (Bazan and Navas-Aleman, 2004; Schmitz and Knorrninga, 2000; Gereffi, 1999). In spite of this, while following the

COC criteria is compulsory for satisfying the retailers' requirements, the local Bangladeshi culture and regulations of the government cannot be overlooked; for instance, setting a limit on regular work and overtime hours, or the pay rate for overtime may not be the same for all geographical zones across the globe. The minimum basic wage also depends on the economic situation of the country in question but it has been observed that global buyers fear that trade unions, nongovernmental organisations (NGOs), human rights groups, and consumer associations may accuse them of encouraging sweatshops with unacceptable working conditions (Mottaleb and Sonobe, 2011). To avoid such accusations, despite the existence of the country's labour act and BGMEA's COC, the foreign retailers have made it mandatory for the local outsourced factories to follow their individual COC regarding product and workplace safety, labour standards, work environment and child labour issues (Humphrey and Schmitz, 2004).

Although it seems that the imposition of the global supply chain's COC on local producers has produced some positive changes in the workplace health and safety issues, it has in fact made it very difficult for the local factory owners to operate their factories under individual COCs. For example, instead of having one standard buyer's COC, each buyer tends to have its own COC, whereby the terms and conditions differ from one buyer to another. Although on the one hand, some of these conditions are justified, on the other, some buyers tend to impose conditions which have been found to be irrelevant and very difficult for the factory owners to incorporate; for example, Nike's COC mandates that a social compliance audit must be carried out with their suppliers to check if they are complying with social welfare practices such as employees' weekly days-off and limited overtime hours (Ahmed, 2012). This is a justified condition which is reasonable for factories to follow. In contrast, Reebok's COC made it mandatory for its subcontracted factory Nippon Garments Industries [a sister concern of the Abedin Group] in Dhaka to have flower garden on its premises (Personal communication with Mr. Abedin M N Uddin on 2 July 2014). This condition does not show any link between factory beautification through gardening with workforce safety, or an increase in production or product quality whatsoever, and thus can be considered irrelevant.

Furthermore, foreign retailers often argue that producing garments in countries which are just beginning to industrialise is a painful process (Das, 2008) but, in reality, some re-adjustments are also required on the part of such buyers as well. It is desirable that factories should pay higher wages and provide an acceptable level of welfare-oriented services for their workers. Although the empirical

studies show that many factories in Bangladesh have made a considerable investment in equipment and facilities in order to comply with the global buyers' COC (Rahman, 2005), a study conducted by Das (2008) shows that, abrupt reduction in CMT (cutting, making, trimming) charges in recent years by the buyers, and the increasing pressure to comply with their individual COCs have resulted in additional expenditure on overhead costs for the majority of factory owners. As a consequence, despite the availability of a skilled workforce, a large number of small and medium sized factories became unable to spend adequately to meet the high demand of the global supply chain, and shut down in the last few years (Mahmud, 2013).

## **1.6 Summary**

From the above discussion, it can be summarised that a detail labour act is available for the RMG industry in Bangladesh, which adequately covers health and safety issues. This act is mandatory for all RMG factory owners and exporters, regardless of the size and location of their factory. Additional to the legal provisions, BGMEA has its own code of standards targeting occupational health and safety for its member factories. Most significantly, each individual retailer/buyer in the global supply chain has its own compliance standards in the form of COC, which the local factories must meet but, in terms of ILO conventions, Bangladesh still lags far behind in ratifying most of the important conventions which cover the OHS aspect.

Notably, given the proliferation of the use of all of these OHS requirements [as a means of reducing workplace accidents] by the above mentioned authorities, whether any level of leniency or negligence is observed among the factory owners in administering these provisions requires investigation. As discussed above, a breach of or non-compliance with the COC or OHS provisions may result in work-order cancellation or withholding, so it is worth further investigating what the managerial perception is about incorporating the OHS provisions or why they neglect or avoid these incorporating these provisions. This research therefore aims to investigate the managerial viewpoint on administering OHS provisions as deterrent to workplace accidents, and also the managerial interpretation of white-collar crime in relation to organisational negligence in administering the OHS provisions.

## **CHAPTER 2: LITERATURE REVIEW**

*This chapter contains a review of the relevant literature and highlights the knowledge gap. The chapter discusses the relevant theories and empirical work on the concept of deterrence, rational choice theory, occupational health and safety (OHS), and white-collar crime. It discusses the aim of OHS provisions and the appropriateness of implementing these provisions as deterrent to industrial accidents. Whether negligence in practicing these provisions or evasive nature by the factory owners can be considered a white-collar crime or not — is critically investigated in light of the prominent theories and evidences found in the empirical studies. The discussion further compares and contrasts different studies conducted in the context of Bangladesh RMG sector to identify areas of controversy, and highlight the key evidences to establish the context and rationale for this study. After carefully reviewing all of the theories and evidence, this chapter addresses the existing knowledge gap, and thus justifies the researcher's focus and his choice of research questions.*



## 2.1 Deterrence Theory and Rational Choice Theory

Deterrence theory is based upon the idea that individual conduct is shaped by the costs and benefits that might follow as consequences of that conduct — a rational calculation that weighs the chances of being caught and the severity of the punitive measures against the benefits of committing a crime (Tombs and Whyte, 2013). A central result of Becker's (1968) theoretical formulation of deterrence theory is that an increase in the probability and/or severity of punishment reduces the potential criminal's participation in illegitimate activities. This is the deterrence hypothesis. However, the modern economic theory of crime also focuses more broadly on the costs and benefits accruing to the potential criminal as a result of committing an offence. As such the theory offers predictions, regarding the effect on the potential criminal's decision as to whether to commit an offence on a broad range of economic and demographic factors related to the costs and benefits of criminal behaviour, as well as the effect of punishment on that decision (Bodman and Maultby, 1997). In conceptual terms, deterrence theory has been challenged, mainly on two counts. Firstly, rational choice depends upon the subject having a perfect knowledge of the risk of being caught. Secondly, rational choice depends upon individuals being capable of exercising rational judgement (Tombs and Whyte, 2013). Bourdieu (1998) highlighted that the precondition for all rational conduct is the ability of the subject to imagine the consequences of a decision in the future.

There are numerous ways in which rationality can be ascribed to business organisations, none of which means that any particular corporation can or does act entirely rationally at all times. Tombs and Whyte (2013) and Box (1983) highlighted many internal ways [e.g. organisational plans, policies, mechanisms of governance, lines of accountability, divisions of labour, etc.] through which organisations generate legitimacy through their efforts to act as rational entities, and continually seek the future-oriented control of unpredictability and uncertainty through mechanisms based upon formal, calculative rationality. Although organisations seek to present themselves to the external environment as rational through these legal and operating rationalities, whether they actually act rationally is questioned (Kreisberg, 1976; Cohen et al., 1972).

For example, Ayres and Braithwaite (1992) developed the idea of responsive regulation — a concept that has been applied, developed, tested, affirmed and subjected to critique across Australasia, North America and Western Europe in a diverse range of contexts (Wood et al., 2010; Nielson and Parker, 2009; Burford and Adams, 2004). The main theme of responsive regulations is the prescription of a

regulatory enforcement strategy which encourages employers to engage in self-regulation, whilst the most punitive measures need only to be resorted to in dealings with a small number of firms, believing that most companies have demonstrably effective self-regulatory systems. Companies which fail to demonstrate effective self-regulation are brought under more interventionist direct law enforcement (Braithwaite and Fisse, 1987). Tombs and Whyte (2013) confirmed that there is no way to reject this approach as a system of deterrence, based upon the assumption that most employers will behave rationally for most of the time, even if they need to be nudged externally to do so, in order to avoid sparking severe punitive regulatory actions.

Generally, deterrence theory is applied to those who are least capable of acting rationally (Tombs and Whyte, 2013) but it is believed that RMG factory owners or senior managers [production or human resources] in Bangladesh do not belong to that 'least capable' group, and are likely to possess the awareness to take decisions rationally, in precise terms — the probability of detection and punishment. It is therefore assumed that, to avoid any penance, owners will make better-informed operational and strategic decision with regard to the advocacy and implementation of OHS provisions. However, overwhelmingly persuasive evidence can be drawn from empirical studies to show that these factory owners are in no position to claim that they are ignorant of the existence of the OHS regulations, factory compliance issues, or labor laws (Islam et al., 2013; French and Martin, 2013; Ahmed, 2012; Berik and Rodgers, 2008) and additionally, there is their sense of ethical and moral obligations which every sane human being is supposed to have. In fact, the factory owners' willingness to act rationally is severely compromised in a situation where there is ample empirical evidence of a lack of worthwhile safety audits, and not even any kind of justifiable investigation has been observed whatsoever by the government of the country or powerful authorities like BGMEA (Ahmed et al., 2014; Zaman et al., 2013; Yunus and Yamagata, 2012; Ahmed and Hossain, 2009; Haider, 2007; Kawakami et al., 2004).

Despite the existence of the Bangladesh Labour [Amendment] Act 2013 containing several chapters for mandatory OHS provisions, ratified ILO conventions for health and safety, and the agreement and COC between individual factory owners and foreign buyers to conform health and safety issues, factory owners tend to relegate all of these provisions and requirements to a routine rather than any prevention or inspection function — based only on their whims and desires (Ahamed, 2012; ILO, 2012; Ahmed and Hossain, 2009). On the one hand many factory owners are unwilling to make efforts

to incorporate an appropriate deterrent factor [i.e. OHS provision] to reduce workplace accidents, and, on the other hand, from the government's side, there is weak enforcement of the deterrent provisions and loose surveillance to monitor if the factories are genuinely making efforts to generate legitimacy or not (Zaman, 2013; Berik and Rodgers, 2010; Ahmed and Hossain, 2009). Furthermore, there is also a risk that, because of nonconformity with the COC, foreign buyers may withhold the work orders at any time, even during the production phase, causing the factory owners to suffer huge losses (Haider, 2007), and eventually putting many of them out of business (Personal communication with Mr. Mohammad A H Mamun, 2 July 2014).

Arguably, whilst the government is incapable of strict monitoring and weak law enforcement, it is perfectly rational for factory owners to take the advantage of this incapability and policy loopholes. This assumption satisfies one precept of the rational choice theory (Cornish and Clarke, 1987). The theory assumes that an individual acts as if balancing costs against benefits to arrive at an action that maximises personal advantage (Friedman, 1953). Here, all decisions whether conforming or deviant, taken freely by individuals are postulated as being taken based on their rational calculations. The theory adds, however, that these rational choices [deviant] can be controlled by the perception and understanding of the punitive measures that follow an act that is judged to be in violation of the social good. Another precept of the theory is that the government is responsible for maintaining law and order and preserving the common good through a system of laws (Gul, 2009). Similarly, the swiftness, severity, and certainty of punishment are key elements in understanding a law's ability to control human behaviour — another central point of rational choice theory (Gul, 2009).

From this discussion, it is clear that factory owners tend to take decisions that fail to conform with factors that reduce accidents, which is a rational choice, even though these decisions seem to be deviant and may not be the best way to protect the interests of people and society. The government's limitations and leniency cannot be the only reason for this divergence. Therefore, the employers' view about administering or evading OHS provisions to reduce workplace accidents is unclear and needs further investigation.

## **2.2 The Concept of White-Collar Crime**

Although a wealth of definitions is available to describe white-collar crime, this concept remains ambiguous and inconsistent; for example, the USA Federal Bureau of Investigation defined white-

collar crime as any action by a human which involves lying, cheating and stealing in an organisational setup (FBI, n.d.). In far broader terms, Hill and Hill (2005) described white-collar crime as a generic term for crimes involving commercial fraud, cheating consumers, swindles, insider trading on the stock market, embezzlement and other forms of dishonest business schemes. Nonetheless, the study focuses on white-collar crime within the context of certain deviant actions [e.g. negligence or the avoidance of a certain policy that may cause harm to people and property] which are seen to be taken by RMG manufacturers.

The definition of white-collar crime was pioneered by Sutherland (1940), who referred it as a crime committed by a respectable person with a high social status in the course of his occupation, but critics have argued that Sutherland's definition is vaguely and loosely defined (Friedrichs, 2002; Edelhertz and Overcast, 1982; Robin, 1974). More specifically, Sutherland's (1940) contention that criminal justice practitioners are afraid to antagonise businesspeople triggered criticism from social scientists and criminologists. In response, Edelhertz and Overcast (1982) by focusing on offenders in terms of their status and workplace rather than the offence, pointed out that Sutherland's concept of white-collar crime does not accurately reflect the behaviour that needed to be addressed. Identically, critics have argued that the detection of white-collar crime is hindered by the operative structure of such crime, since these crimes are covert, nonphysical, and non-immediate in impact, by their nature (Edelhertz, 1970). As a result, while the monetary impact of an accident is measurable, the emotional and psychological loss of the victims has been found to be incalculable, as these crimes are deeply interwoven into the social structure of society (Edelhertz, 1970). Therefore, workplace accidents tend to leave an immediate and profound effect on the workers and employees involved, and these people suffer from prolonged emotional instability, including a sense of shock, devastation and trauma (Schofield et al., 2009). Shapiro (1990) in her study, strove to liberate the concept of white-collar crime by disentangling the identification of the perpetrators with their misdeeds. She suggested that white-collar criminals violate the norms of trust, enabling them to rob without violence and burgle without trespass (Shapiro, 1990).

Furthermore, Geis (1982) expressed a different view from Sutherland's (1944) attempt to ascribe corporate crimes as upper-class criminality. He mentioned that these upper-world crimes cannot be readily analysed in terms of the participants' psychological experiences, because the offenders are usually unavailable for direct investigation. This seems similar to Edelhertz's (1970) view of the covert

and nonphysical nature of the crime committed by high status offenders. Both Geis and Edelhertz used common terms to explain white-collar crime as that committed by high ranked people whom, due to their social power and influence, it is difficult to bring under direct investigation. Although these authors critiqued Sutherland's concept of white-collar crime, all of them seemed to agree that, white-collar crime is associated with people with power and prestige, who usually belong to the prominent class in society and thus it is difficult to prove and hold them responsible for their deviant deeds. Despite all of these explanations, notably, Friedrich's (2002) notion that the conceptual confusion about white-collar crimes is greater than in any other area of criminological theory, cannot be ignored by any researcher who realises the profound complexity related to it.

## **2.3 Evasion of the OHS Provisions and Crime**

As discussed earlier, it is a legal requirement for any RMG factory owner in Bangladesh to administer and comply with the Bangladesh Labour [Amendment] Act 2013. However, evidence can be found from empirical studies that, during the last decade, the majority of workplace accidents which occurred in the RMG sector in Bangladesh were related to the employers' lack of administration, negligence and avoidance of the OHS provisions (Alamgir and Haque, 2013; ILO, 2013; Ahmed and Hossain, 2009; Bhuiyan and Haq, 2008). The societal expectation from the factory owners is that they should have a rational choice with regard to undertaking responsible business practices. Thus, they must have a reasonable understanding of the OHS regulations and policies imposed on them by the Bangladesh government and BGMEA, as well as by the global supply chain, and ILO, in order for the regulation to work as a deterrent factor to occupational accidents. However, this does not seem to be the case. As discussed earlier, the explicit reason for the confounding number of workplace deaths in the RMG sector is the reluctance observed among many factory owners with regard to conformity to the OHS provisions (Zaman et al., 2013; Ahmed and Hossain, 2009). The evidence shows that these high-status people in society are uninterested in making calculative decisions to implement OHS as an incentive to safeguard their factories against undesirable catastrophes. For instance, in terms of workplace casualty, in the UK, a total of 148 people were killed while at work in the year 2012 to 2013 (HSE, 2013). This is a significantly low number compared to the several thousand deaths in Bangladesh's RMG sector alone during the same time period.

This type of ignorance and evasive tendency with regard to standard factory compliance and COC requirements can be considered white-collar crime, in terms of empirical evidence. Negligence or

disrespectful attitude towards responsible business practices and social welfare by employers and corporate bodies have been generalised as 'crime' with different definitions by the criminologists and academics around the world. The concept of criminology in modern times can be traced back to 'criminaloid'\* study by Ross (1907) and by Lombroso in 1876 (in Gibson and Rafter, 2006).

In response to the more sophisticated corporate crimes and organisational deviances, afterwards, the emergence of the concept of 'white-collar crime' can be seen in the research work of Sutherland (1940, 1944), Chambliss (1967), and Edelhertz (1970). Furthermore, 'organisational crime' by Schragger and Short (1978), 'corporate crime' by Clinard and Yeager (1980), 'organisational deviance' by Ermann and Lundman (1981), 'upper-world crime' by Geis (1982), 'occupational crime' by Green (1997), and 'elite deviance' by Simon (2006) have also been found in these prominent studies. These studies covered many incidents of organisational deviance, including the unjustifiable exclusion of self-withdrawal of employers' from the process of ensuring safety and security in the workplace.

However, it can be argued that the terminology of 'crime' or 'white-collar crime' can be rejected by employers based on the claim that they are unconnected with the responsibility for the harm caused by accidents. Factory owners may believe that the injuries and deaths that occur in their workplaces are not because of their negligence in ensuring safety but because of employe carelessness, fate, or system failure. As a result, from the employers' perspective, they cannot be considered criminals, as there was no criminal intention on their part and, therefore, they should not be prosecuted. This type of employer arguments can be found in the research by Schofield et al. (2009) where some of the Australian employers defended themselves when charged with the violation of OHS which resulted in workplace accidents.

In the context of Bangladesh, the RMG factory owners' negligence and laxness in regulating the OHS provisions can be analysed by the framework of crime suggested by Clinard and Quinney (1973). Building on Sutherland's (1944) concept, Clinard and Quinney suggested two divisions of white-collar crime: (a) corporate crime, and (b) occupation crime. Corporate crime is illegal behaviour that is committed to benefit the organisation or business; and occupational crime is the violations of legal codes in the course of activity in a legitimate occupation (Clinard and Quinney, 1973). Maintaining the

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\*A 'criminaloid' is a person who projects a respectable, upright facade, in an attempt to conceal a criminal personality (Gibson and Rafter, 2006; Ross, 1907).

compliance factors and OHS regulations provided by the local government, global supply chain, and authorities like BGMEA and ILO requires employers to employ industrial advocates and Human Resource Management experts, along with introducing a makeover of their poorly-designed factories with modern facilities, safety equipment and health arrangements. These transformations require investment which industrialists are reluctant to make. Therefore, these employers are persuaded to continue their likely evasion of OHS provisions to generate more profit which, in fact, falls under the category of corporate crime. Correspondingly, whenever factory owners avoid or neglect any provision of the OHS legislation, it is a violation of the legal requirement and thus is turning into an occupation crime.

Furthermore, additional to the Clinard and Quinney's framework, the concept of a 'duty of care' is imposed on employers, as they are responsible for taking all necessary steps which are reasonable to ensure workers' health, safety and wellbeing (ACAS, 2012). If this duty is found to be breached by employers, a legal liability is imposed on them [e.g. *Donoghue v Stevenson*, UKHL 100 (1932) AC 562]. Therefore, the failure to implement the OHS provisions by the factory owners to ensure safety and security in their workplace is a serious breach of the duty of care principle, as well as a violation of the ratified ILO convention. This contravention can thus be considered as illegal behaviour committed by employers.

So, based on this theoretical perspective, it can be claimed that the evasion of any OHS legislation or legal requirement imposed and mandated on the factory owners by the government, the global supply chain, or any monitoring authority is, in fact white-collar crime.

## **2.4 Deterrence and White-Collar Crime**

The connection between lawbreakers and offenders and regulatory punitive actions is significantly convoluted. Academics from different standpoints provided their opinions based on different social contexts to explain the rationale of the people behind the committing of white-collar crime and their understanding of the range of sanctions aimed at deterring the crime. For example, Geis (1982) after examining various corporate crimes, concluded that the assurance of punishment by the government is one of the best deterrents against the corporate criminality. Edelhertz (1970) pointed out that increased penalties and additional support for the sufferers deter corporate crime. Similar studies conducted by Taxman and Piquero (1998) reflected that law-breaking is inversely proportional to the

quickness, sureness and intensity of the punishment. Piquero et al. (2011) similarly found that deterrence theory and criminal justice policy hold that punishment enhances compliance and deters future criminal activity. Additionally, the result of the study conducted by Herath and Rao (2009) showed that organisational commitment and social influence have a significant impact on OHS and compliance intentions among factory owners. The adaption of an effective OHS model to reduce accidents is affected by organisational, environmental and behavioural factors (Hearth and Rao, 2009).

Based on the early empirical research which reported evidence that deterrence reduces crime (Layson, 1985; Witte, 1980; Ehrlich, 1975, 1973), Harbaugh et al. (2013) highlighted that the main challenge during the empirical analysis has been to tackle the simultaneity between criminal activity and deterrence so an increase in deterrence, either in the form of OHS provision or any other measure, is expected to reduce white-collar crime; but a change in crime is also expected to prompt an increase in the certainty and severity of the punishment, through mechanisms such as an increase in the arrest rate or the size of the industrial police force. This makes it difficult to identify the causal impact of deterrence on crime (Harbaugh et al., 2013).

Gunningham and Johnstone's (1999) 'two track' model of OHS regulation has been used by policy makers in the UK to justify the withdrawal of regulatory resources and the move away from both inspection regimes and enforcement practices (Tombs and Whyte, 2010a). Since this model targets the worst offenders (Tombs and Whyte, 2010b), Tombs and Whyte (2013) argued that, despite the lack of theoretical justification and empirical evidence supporting such an approach, the institutionalisation of this model is based on the idea that the vast majority of British corporations are good performers as, they through self-regulation, they take rational decisions in order to comply with the regulatory requirements (Hampton, 2005). Dissimilar to this, the Australian government has differentiated white-collar crimes and OHS offences into several categories based on their level or risk or serious harm created for the recklessness or negligence of the business owners on the basis of the concept of a 'duty of care' (McCallum and Reeve, 2009). Each of these categories of offence is to be accompanied by escalating monetary penalties, with the worst offences involving a high level of risk or serious harm, attracting extremely high fines and imprisonment (McCallum and Reeve, 2009; Stewart-Crompton et al., 2009). Moreover, the research conducted by Schofield et al. (2009) on the Australian workforce affirmed the importance of prosecution in preventing workplace injuries and



deaths. The same research further indicated that an increased use of prosecution and a greater severity and range of sanctions for OHS breaches reduced the number of accidents significantly in the state of Victoria and New South Wales (Schofield et al., 2009).

As highlighted before, humans are rational beings who are assumed to be motivated primarily by a desire to avoid suffering and distress and seek happiness and unstressed situations in the normal course of life. People possess knowledge regarding harmful actions and are deterred in most cases by a fear of negative consequences (Lapham and Todd, 2011). With respect to the avoidance of health and safety provisions and the high number of workplace accidents in Bangladesh, although the factory owners are aware of the laws and sanctions pertinent to them, following the theory of Ross (1985), it can be claimed that these assumptions about the human motivation to avoid distress may not be applicable across all factory owners.

Given the current situation, it is meaningful to discuss whether the 'two-track' UK or Australian systems of white-collar crime categorisation can be applied as the 'best-fit' model for Bangladesh's RMG sector. A recent report published by ILO (2013) identified that the dearth of consciousness, preparation, non-agreements with the OHS values by the RMG factories, and the reluctant participation of the employees and workers in Bangladesh was making it impossible to attain the objective of providing protection and wellbeing for workers, as projected by the country's OHS regulation. The working conditions in RMG factories there is deplorable, as the owners pay little attention to labour standards and labour rights, discard fair labour practices, and frequently neglect the OHS regulations, which cause not only disastrous accidents but also serious violations of human rights (Majumder, 2008). When these basic requirements are ignored by the employers, the workers become desperate to achieve their demands for a safe workplace and compensation for accidents by stopping work, staging demonstration and engaging in vandalism (Bhuiyan, 2013). In this state, the relationship between the workers and management becomes fraught, and the overall economic and social condition of the country remains jeopardised (Ahamed, 2012; Rahman et al., 2008). So, if it is assumed that the majority of employers are self-regulated, good performers, the implementation of a two-track regulatory system, similar to that in the UK or Australia would be very risky for Bangladesh.

Furthermore, significant academic and political animosity over the role of prosecution in OHS enforcement strategies is present in Bangladesh. The majority of research currently favours a strict

enforcement of the OHS legislation through the exemplary punishment of offenders, which will prevent accidents (ILO, 2013; Zaman et al., 2013; Young, 2013; Haider, 2007). However, the government and policy makers' attempt to induce OHS using an amenable enforcement option, such as lower monetary fines and delayed trials, provide an easy escape route whereby factory owners may continue with their crimes and run their business without problem (CPD, 2013; Ahmed, 2012; Bhuiyan and Haq, 2008). It has also been identified that a considerable number of parliamentarians and politicians are directly invested as factory owners and another large proportion of the factories are owned by their friends, relatives and acquaintances (Economist, 2013a). This complexity is intertwined in the social structure of society, which can be supported by the theory of Edelhertz and Overcast (1982), who analysed high-profile offenders and their offences. Furthermore, it is difficult to prove if there is any breach of law, compliance agreement, or OHS provision by employers, as, in most cases, these employers are influential, upper-class citizens in society. This complexity was highlighted by Ross (1907) and Sutherland's (1944) theory, where they claimed that criminal justice practitioners are afraid to prosecute high-profile businesspeople.

From this discussion it is understandable that, whether it is a violation of the country's labour law, a breach of the COC and compliance agreement of the global supply chain, or an avoidance of the ratified ILO conventions, any sort of avoidance or negligence of these provisions by factory owners can be considered white-collar crime. This negligence or avoidance is also frequently ignored or goes unnoticed by the government of the country. As no significant action has yet been taken to penalise offenders, and no-one has ever been prosecuted for the death and injury of thousands of workers due to industrial accidents so far, (Paul and Quadir, 2013; Guardian, 2013a), many of the illegal accident-prone factories continue to operate fully, lacking building permits and any proper OHS provisions (Ahamed, 2012). Therefore, it is vital to investigate the RMG factory owners' interpretation of the concept of white-collar crime in response to their tendency to display disdain and neglect towards the implementation of the existing OHS provisions.

## **2.5 Global Supply Chain and Social Compliance**

Social compliance in the outsourced RMG factories is an important requirement for many international buyers, since a complying factory ensures labour rights, labour standards, fair labour practices, and a safe working environment (Bhattacharya et al., 2002). As an ongoing attempt to promote responsible business practice, renowned global brands, by outsourcing their manufacturing to Bangladeshi

factories, frequently assure consumers that their clothes are made ethically, and the factories are regularly audited for OHS compliance, and certified to be safe, with decent working conditions (ILRF, 2013). Being bewildered by this claim and shocked by the striking number of deaths and injuries caused by recent accidents, many researchers investigated the working conditions in their outsourced factories and found that these conditions fall far below the ILO standard. These researchers argued that the workers in these factories are concerned about the long working hours and double consecutive shifts, unsafe work environment, poor working conditions, wage and gender discrimination, ineffective building codes, and other occupational hazards. Indeed, employers tend to exploit these workers to increase their profit margins and keep their industry competitive in the face of the increasing international competition (Bhuiyan, 2013; ILRF, 2013; Young, 2013; Morshed, 2007; Dasgupta, 2002).

As a result of these studies and the anger fuelled by recent accidents, these renowned buyers have been questioned by perplexed consumers around the globe to justify their claim to incorporate ethical business practices and compliance audits with the local manufacturers. Interestingly, in response, some of these big brands have been said to be contemplating doing just that — not because they fear that higher standards in Bangladeshi factories will raise their product costs, but because they fear that another tragedy would damage their reputation (Economists, 2013b). Contradictorily, Scott Nova, from the Worker Rights Consortium, claimed that these foreign auditors are frequently bribed by the factory owners and do not inspect or investigate workers rights issues and factories' structural soundness or fire safety violations (Economist, 2013a).

In addressing this issue, Michael Connarty, the UK's MP for Falkirk East, called on the British Government to push through new legislation to end these unacceptable factory work conditions by forcing major retailers in the UK to audit their supply chain. The framework intends to request these companies to carry out vigorous checks to ensure that slave labour is not being used in developing countries like Bangladesh to produce their goods (Falkirk Herald, 2013). On another occasion Nick Clegg, the current UK Deputy Prime Minister and leader of the Liberal Democrats stated, "There's more we could do to talk about what goes on behind the scenes and this terrible catastrophe might well prompt people to think again." (Express, 2013).

Alongside this, Karel De Gucht, current European Commissioner for Trade criticised most British MPs for their ignorance of the EU's stance on promoting and monitoring OHS provisions in developing countries and warned that global retailers and the Bangladesh government could face action by the EU if nothing is done to improve the conditions of workers, adding that British shoppers should also consider where they spend their money (Hasting, 2013). On 27 April 2013, protesters surrounded the Primark store on Oxford Street, London, Murray Worthy, from the campaign group War on Want stated, "We are here to send a clear message to Primark that the 300 deaths in the Bangladesh building collapse were not an accident — they were entirely preventable deaths. If Primark had taken its responsibility to those workers seriously, on one need have died this week." (Metro UK, 2013).

On the contrary, some researchers have suggested that it is the sole responsibility of the Bangladeshi government to exert and exercise OHS provisions (BGMEA, 2013b; Zaman et al., 2013; Haider, 2007; Lyon and Boardman, 2006), while, influential bodies like ILO, along with some of the largest foreign retailers have shown their interest in a joint effort by the government and factory owners to maximise the promotion of modernised OHS provisions (ILO, 2013; Guardian, 2013b; Ahmed and Hossain, 2009; Schofield, 2007). Recent incidents like the collapse of Rana Plaza and the fires at Tazreen Fashions, Garib and Garib Sweaters, and That's It Sportswear, have led to widespread discussions about corporate social responsibility across the global supply chains. Wieland and Handfield (2013) suggested that these foreign retailers should audit products and manufacturers, and that manufacturers auditing needs to go beyond the direct relationships with the first-tier outsourced factories to the second-tier subcontracted factories. They also demonstrated that visibility needs to be improved if the supply cannot be directly controlled and that smart and electronic technologies play a key role in this. Similarly, they highlighted that collaboration with local partners across the industry and universities is crucial for successfully managing social responsibility in supply chains (Wieland and Handfield, 2013).

## **2.6 Relevant Studies and Research Gap**

The understanding and consideration of deterrence in relation to avoiding workplace accidents through the use of OHS provisions had been seen studied by various researchers. Asuyama et al. (2013) found positive performance changes among Cambodian RMG factories due to increased OHS participation. The study of Morillas et al. (2013) of Sweden and Spain revealed that there were

considerably fewer accidents in factories due to the implementation of OHS measures. Noweir et al. (2013) in their research on the Kingdom of Saudi Arabia, Hori (2012) in his research on Japan, Saifullah and Ismail (2012) in their investigation on Malaysia, and Geldart et al. (2010) in their research on Canadian firms, also generated similar findings. Similarly, a systematic risk management approach that involves treating workplace accidents as a problem — that requires employers' good judgement and conformity to the regulations and technical solutions — is found to be adopted by Australian employers (Walters, 2004). Their risk management approach was equipped with the implementation of deterrent elements like health and safety policies, risk assessment, safety plans and auditing, and training employees through qualified personnel from diverse backgrounds to deliver risk management services (Walters, 2004). These empirical studies prove that OHS provisions are considered a major way of safeguarding workplaces against accidents. Similarly, many researchers have attempted to address OHS, social compliance, labour management and other relevant issues in the context of Bangladesh's RMG industry. The relationship between an OHS-regulated, safe work environment was examined by Nur (2013), Ahamed (2012), Yunus and Yamagata (2012), Almond (2009), Alli (2008), and Berik and Rodgers (2008), where the implementation of OHS worked as a deterrent to accidents in the workforces of developed countries. From these studies, a safe work environment was found to have a positive effect on labour productivity.

Furthermore, a handful of academics examined the nature of workplace accidents (Hobson 2013; Zaman et al., 2013; Davis et al., 2011; Kawakami et al., 2011; Bjerkan, 2010; Ahmed and Hossain, 2009). A few others (Yunus and Yamagata, 2013; Ahamed, 2012; Geldart et al., 2010; Bhuiyan and Haq, 2008) suggested different processes for administering regulatory controls over the course of actions to protect workplaces from accidents. Morillas et al. (2013), Noweir et al. (2013), Santos et al. (2013), Hori (2012), Niu (2010), Nuñez and Villanueva (2010), Kongtip et al. (2008), and Makin and Winder (2008) identified that the appropriate orchestration of OHS ensures safer, healthier workplaces, increases productivity and thus becomes a source of competitive advantage. The effectiveness and evaluation of OHS provisions can be found in the studies of Morillas et al. (2013), Neitzel et al. (2013), Saifullah and Ismail (2012), and Hohnen and Hasle (2011).

Although a large number of studies have focused on areas like the technical reasons for the workplace accidents (CIPD, 2013; ILO, 2013; ILRF, 2013; Zaman et al., 2013; Ahmed, 2012; Ahmed and Hossain, 2009), the competitiveness of Bangladesh's RMG industry (Haider, 2007), and industrial

relations issues (Bhuiyan, 2013; Yunus and Yamagata, 2012; Berik and Rodgers, 2008; Absar, 2001), most of these are inconclusive about the concept of deterrence and explaining how it works in relation to OHS. Similarly, a few other researchers have suggested different processes for exercising regulatory controls over the conduct of individuals, corporate bodies and courses of actions to protect workers from workplace injuries and accidents (Davies et al., 2011; Bhuiyan and Haq, 2008; Kawakami et al., 2004). Moreover, the understanding of white-collar crime in relation to evading and ignoring the OHS provisions by the factory owners was not elucidated in their research.

Notably, many of these studies on deterrence, OHS breaches and white-collar crime, which have been highlighted in this section are based on advanced economies. Given that these contexts are quite different from that of Bangladesh, the data from these researches must be approached with caution. Further, the majority of these researchers did not take Bangladesh into their research account, and few focused on the context of Bangladesh's RMG industry. Therefore, a missing link in evading OHS and labelling it as white-collar crime, and the concept of deterrence in the context of workplace accidents between these developed countries and an underdeveloped country like Bangladesh is found.

## **2.7 Summary**

This chapter discussed the empirical studies and literature on the concept of deterrence, rational-choice theory and white-collar crime, in relation to the practice of OHS provisions as a deterrent to workplace accidents. The chapter has also highlighted the OHS research, together with various aspects of it. It also explained the trend observed among the RMG factory owners in Bangladesh to implement OHS provisions of any sort imposed on them by the government, global supply chain and different monitoring authorities. In fact, by looking at the catastrophic accidents within the RMG sector over the past few years, the concept of OHS as a deterrent to accidents cannot be seen as being properly understood by employers. Therefore, it is important to examine the understanding of the concept of deterrence among factory owners in relation to the escalated demand by the concerned authorities and governing bodies who administer the OHS provisions. It is important for this study to examine the managerial interpretation of white-collar crime in relation to the rational choice of avoiding or neglecting the OHS provisions.

Additional to this discussion, this chapter further highlighted the research which had been conducted on OHS as a deterrent factor, the nature of workplace accidents, the evasion of OHS provisions and the relationship with white-collar crime by many prominent scholars. Following this, the research gap is clearly identified. The research questions are presented in the following chapter.

## **CHAPTER 3: RESEARCH QUESTIONS**

*This chapter presents the research questions which this study posits and aims to answer. A brief explanation is added in the end to justify the research questions.*



### 3.1 Research Questions

Although it seems, from the literature review, that a large number of studies have been conducted on deterrence, white-collar crime, and OHS, these studies were inconclusive about the managerial perception of the OHS requirements as a deterrent factor, in light of the concept of deterrence and rational-choice theory. Similarly, these studies did not answer the questions related to improper OHS practices and the negligence of appropriate OHS practices as white-collar crime; and thus did not provide how these concepts work in relation to OHS in a particular organisational setup. As the proposed research questions of this study are not elucidated by any of these studies, in order to minimise this apparent knowledge gap, this research thus aims to tackle the research questions with the implications for the development of new knowledge for academic and non-academic settings.

The research questions for this research have been formulated by following the guideline of White (2009), and are appropriately aligned with the aim and objective of the study. Within the scope of the study, the research questions are descriptive in nature (de Vaus, 2001) and aim to generate answers to the research problems. The research questions are:

**Question 1:** What is the managerial view of administering OHS provisions as a deterrent to workplace accidents?

**Question 2:** What is the managerial interpretation of white-collar crime in relation to the negligence or avoidance associated with administering OHS provisions.

The first question is designed to investigate the perception of the RMG factory owners about administering OHS provisions which are imposed on them by the government, global buyers, and monitoring authorities to prevent workplaces accidents. The second question is designed to investigate the RMG factory owners' interpretation of white-collar crime in relation to their conformity with the OHS legislation or negligence in administering the OHS provisions in terms of the rational choice made by them either to conform or to neglect these provisions. Both of the questions are built on the literature about the previous empirical work and theoretical ideas, and is therefore capable of contributing to an accumulation of knowledge.

## **CHAPTER 4: METHODOLOGY**

*This chapter contains the philosophical standpoint of the researcher and the methodology of the research. It starts with a discussion on the ontological and epistemological position of the researcher, which is then followed by the structure of the research. After that, the details of the research methods, sampling, data collection, and data analysis phase are explained, and the justification for choosing these methods is also provided. Ethical considerations of the research are explained at the end of the chapter.*

## 4.1 Philosophical Standpoint

The epistemology framing of this qualitative research is interpretivism and constructivism. Both these are related approaches to research that are characteristic of particular philosophical world views. This epistemological approach asserts that different people interpret and construct meaning in different ways, even when experiencing the same event (Crotty, 1998). Crotty identified several assumptions of constructivism, three of which are fundamental to this study: (1) because meaning is constructed by human beings as they engage with the world they are interpreting, qualitative researchers tend to use open-ended questions, so that the participants can share their views; (2) humans engage with their world and make sense of it based on their historical and social perspectives; (3) the basic generation of meaning is always social, arising in and out of interaction with a human community. Schwandt (1994: 118) describes these terms as sensitising concepts that steer researchers towards a particular outlook, *“Proponents of these persuasions share the goal of understanding the complex world of lived experience from the point of view of those who live it. This goal is...for understanding meaning, for grasping the actor’s definition of a situation”*. The research interpretations and findings in this research, therefore, are context-specific.

The researcher’s ontological position confirms that people’s knowledge, views, understanding, interpretations and experiences are meaningful properties of the social reality which his research questions are designed to explore. This view of the researcher can further be established by observing the dominance of interpretivists studies highlighted in the literature review. Though there are a few researchers who followed a positivist ontology by highlighting the significance of distinguishing between fact and value judgement, a significant number of studies are based on interpretations. It is also to be noted that, most of the empirical works which have been studied to conduct this research were inspired by the subjectivists standpoint where the qualitative, interpretivist, and social constructivist approaches are followed. These research works constitute intensive qualitative interviews, researchers’ observations, case studies, and other forms of secondary text and literature sources. In agreement with this view, in an attempt to understand and construct the meaning of the participants’ perceptions and experiences, this research similarly follows a constructivist paradigm.

This research aims to study the concept of deterrence and rational choice, and their connection with OHS in terms of avoiding workplace accidents in the context of Bangladesh RMG sector, which has

not yet been studied by any other researcher so far. As a result, this study concentrates on the theories and frameworks suggested by researchers from developed countries, where the epistemological considerations of those researchers precisely probed into the dimensions of deterrence in relation to OHS provisions, and the concept of white-collar crime in relation to the employers who tend to neglect OHS provisions. Epistemology is concerned with providing a philosophical grounding for deciding what kinds of knowledge are possible and how we ensure that it is adequate and legitimate (Maynard, 1994). Considering this, a dominant constructivist approach can be found among many researchers' studies on deterrence and white-collar crime. For example, many researchers who examined OHS and deterrence showed a relativist, transactional, and subjectivist approach in conducting their analysis. Adopting a relativist stance means that there is no objective truth to be known (Hugly and Sayward, 1987) and it emphasises the diversity of interpretations that can be applied to the world. These empirical works were transactional and from the social constructivism perspective, which argues that the truth arises from interactions between elements of a certain rhetorical situation (Berlin, 1987), and is the product of these interactions and the individual's thoughts as constructed realities (Denzin and Lincoln, 2005).

On the other hand, several researches on white-collar crime followed a 'grounded theory' approach (Walker and Myrick, 2006) where the researchers discovered the truth that lies within the object of investigation, with reality existing independently of any consciousness. As highlighted by Charmaz (2006, p.330), research based on grounded theory is consistent with a constructivist epistemology and ontology by "*...placing priority on the phenomena of study and seeing both data and analysis as created from shared experiences and relationships with participants and other sources*". However, some researchers have alternatively followed a philosophical hermeneutics stance to explain the topics, whereas others have relied on the grounded theory approach by comparing and contrasting the concept of white-collar crime and deterrence in various social context.

Correspondingly, other researchers have followed interpretivism to investigate this topic. The concept of white-collar crime, deterrence, OHS, and workplace accidents belong to the social science arena, and so these researchers preferred interpretivism over empiricism in conducting their research. In this case they focused on understanding the interpretations that social actions have for the people being studied in their research. In order to study the deterrence concept and its understanding among the factory owners, these researches applied the intentionalism approach — where the actual meaning of

the information is determined by the research participants and interviewees (Collingwood, 1946). It is argued by Schwandt (2005) that understanding the meaning of human action requires grasping the subjective consciousness or intent of the actor from the inside. He further claimed that constructivism more generally was synonymous with an interpretivist approach. He opposed the application of the positivist approach to the social sciences, since people's actions are unrelated to the general laws of nature, being highly complex and dependent on their habits, emotions, beliefs and rationales.

Furthermore, some researchers followed interpretivism by conducting structured or unstructured interviews to explore people's individual and collective understanding of these research issues, a model highlighted by Mason (2013), and Blaikie (2000). It can be confirmed from these researchers' ontological position that people's knowledge, views, understanding, interpretations and experiences are meaningful properties of the social reality which their research questions were designed to explore. In light of this, these researchers further examined other secondary data sources like texts and constitutions; for example, the factory Code of Conduct, the compliance standard of foreign retailers and the OHS provisions. Thus, it can be claimed that the interpretivist epistemological approach of this research facilitates an in-depth investigation of particular instances of phenomena on deterrence and can be regarded as a suitable research methodology for analysing this research topic. Therefore, in terms of analysis, the interpretive theoretical perspective provides a framework for understanding the ways in which the RMG factory owners interpreted and made meaning of the OHS provisions as a deterrent to workplace accidents, and white-collar crime in relation to the negligence or avoidance associated with administering the OHS provisions. The interpretive tradition asserts that researchers should begin by examining the context to be studied through actions and inquiry, as opposed to predisposed assumptions.

Yet, it should be noted that claims to be subjectivist in nature and epistemologically follow interpretivism or constructivism may have several implications for research. Lincoln and Guba (1985) highlighted that, in such an epistemological standpoint social research produces multiple constructed realities that must be studied holistically. They further argued that humans should be the primary data collection instrument, since it is difficult to investigate non-human instruments that could interact with participants in a way that would reveal their multiple constructed realities. Additionally, as they highlighted "*...the knower and the known are inseparable...*" (Lincoln and Guba, 1985: 37), so the

research participants should be in a natural setting, since the participants' realities are a whole that cannot be understood in isolation from their context.

In the end, in this research the researcher's ontology is thus influenced by the Schwandt's (1994: 118) ideology, which states that, "*The world of lived reality and situation-specific meanings that constitute the general object of investigation is thought to be constructed by social actors*". The researcher believes that, constructivism and interpretivism are the appropriate philosophical frameworks for this research. According to Stake (1995), out of all roles that the researchers play, the role of gatherer and interpreter is central. "*Most contemporary qualitative researchers nourish the belief that knowledge is constructed rather than discovered. The world we know is a particularly human construction*" (Stake, 1995: 99).

## **4.2 Research Design**

Deterrence in the OHS arena is informed primarily by the criminological discourse and is generally understood in terms of the causality between sanctions and outcomes (Tombs and Whyte, 2013; Jamieson, 2005; Thornton et al., 2005). The study of OHS provisions, other legal requirements, and compliance standards from the international buyers' perspective are studied empirically by researchers in the context of factory governance and industrial management (Ahmed et al., 2014; Asuyama et al., 2013; Guo, 2012) and industrial safety and risk research (French and Martin, 2013; Bjerkan, 2010; Geldart et al., 2010); but this study aims to adopt a qualitative approach consisting of case study analysis and a qualitative questionnaire to answer the research queries on deterrence, OHS and crime — one that draws on the sociological thinking about the dynamics of the organisational processes associated with it. Considering the research contexts [i.e. factory owners' perception of deterrence, OHS, and white-collar crime, and the owners' rational choice and views about administering or neglecting the OHS provisions], the researcher also endorses the idea that people have free will and are capable of choosing their own actions. Statistical methods that study people objectively, are assumed to reduce people's experience to numbers rob research of its richness and meaning, so these are avoided in this study, where the researcher favours qualitative research methods which allow him to study other people subjectivity.

Similarly, the understanding of the true situation could be prejudiced in terms of the individuals associated with this study. Therefore, an investigation is required that relies on the respondents' views

of the situation being studied (Mackenzie and Knipe, 2006). In other words, every participant in the research process, including the researcher himself, bring their own individual perspectives and interpretations of the world, and so the researcher would need to approach this problem based on the attitudes and the values of all of the participants involved.

It is therefore, very important that the researcher follows a flexible research structure to generate knowledge from value-laden socially constructed interpretations, as Blumberg et al. (2011: 256) commented, "...to gain insight into what the respondents consider relevant and how they interpret the situation". The topic of this study thus demands an approach to be more receptive to meanings in human interactions and capable of making sense of what is perceived as multiple realities. As a result, the researcher's selection of the qualitative methods to achieve triangulation to conduct the study are valid and the evidences generated through this methodology can be confirmed robust and reliable.

### **4.3 Case Studies**

The qualitative case study method facilitates the exploration of a phenomenon within its context using a variety of data sources. According to Baxter and Jack (2008), the case study approach provides tools for researchers to analyse complex phenomena within their contexts. It allows researchers to explore individuals or organisations by intervening in their context and relationships, and supports the deconstruction and subsequent reconstruction of various phenomena (Yin, 2009). The case based approach is also suggested by Schofield (2007) and Leedy (1997), since case study is the 'fact' of any particular issue, the contents of which require an in-depth focus on the social science area to understand its phenomenon on the basis of it being an individual problem. Furthermore, Blumberg et al. (2011) claimed that, case studies shed more light better on a phenomenon from multiple perspectives as defined by its context compared to other approaches. In this study, the case study method gives the researcher flexibility and similarly ensures that the answers to the research questions are not explored "*through one lens, but rather a variety of lenses*" (Baxter and Jack, 2008: 544), which allow for multiple facets of the phenomenon to be revealed and understood.

Contextual conditions are of extreme importance to this study. Therefore, this study uses two deviant and extreme cases: (a) Tazreen Fashions Limited, and (b) Rana Plaza, to aid the analysis by giving a more detail picture of workplace accidents within the Bangladeshi context to show what can happen in

extreme situation. The cases are prepared based on secondary data analysis. Both cases are descriptive in nature and were chosen for two purposes. Firstly, to describe the phenomenon [e.g. workplace accidents that occur due to OHS negligence] and the real-life context in which it occurred. Secondly, by keeping in mind the complex scenario of the COCs of the supply chain, and subcontracting nature of the business, the cases are presented with respect to the information obtained through actual compliance audits performed by leading auditors from internationally-renowned consumer products service companies. The reason for choosing multiple cases over a holistic case is that it allows the researcher to analyse the phenomenon within each setting and across setting, thereby making it possible to examine the similarities and differences between the phenomena.

According to the framework of Creswell (2006) and Stake (1995), the case studies contain the following aspects:

- Arrangement of the details of the case events in a logical and sequential order.
- Data to put into meaningful groups or categories.
- The sources of evidence [such as quotes and statements] to be examined in relation to the case.
- Different patterns or themes to be identified from the data and interpretations.
- Conclusion of the case.

Nevertheless, Yin (2009) highlights that evidence generated from case studies can sometimes become difficult to analyse because of the complex nature of the case events. Therefore, in addition to the case studies, the researcher adopted a qualitative questionnaire as the second method for this research.

## **4.4 Qualitative Questionnaire**

This study, as its second method, selects a qualitative questionnaire to obtain the interpretation of the phenomena through subjective thoughts and ideas, which confirms the significance of interpretivism which is to see the research phenomena through the eyes of the people being studied, allowing them to construct multiple perspectives of reality (Greener, 2008). Qualitative research operates from the perspective that knowledge is situated and contextual (Mason, 2013). Therefore, a qualitative questionnaire ensures that the relevant contexts are brought into focus so that situated knowledge



can be produced. It is also assumed that the data and knowledge are constructed by deciphering the answers received from the participants via the questionnaire responses (Mason, 2013). However, from this perspective, meanings and understandings are created by the researcher from the responses he receives, which is effectively a co-production, involving the researcher and the respondents (Kvale, 1996). A qualitative questionnaire therefore tends to be seen as involving the construction or reconstruction of knowledge more than its excavation by many researchers (Mason, 2002). Blumberg et al. (2011) confirmed that a questionnaire is useful if the research problem refers to a wide-ranging problem area and the researcher needs to detect and identify the issues relevant to understanding the situation. Leedy and Ormrod (2014) mentioned that, with the help of questionnaire responses, a great deal of information can be gathered.

In this study the researcher believes that the perception of individual respondents is very important to analysing the topic, as every person has their own unique way of perceiving and understanding the world, and that the things that they do only make sense in this light. This study therefore, incorporates a structured questionnaire, which allows access to the respondent's views and experiences without imposing the researcher's ideas about the study on them. Nonetheless, Kumar (2011) highlights that, although the questionnaire is a favoured method of data collection where in-depth information is gathered, the quality of the collected data depends on the quality of the questions and the understanding of the questions by the respondents.

However, to ensure quality and rigour, a number of techniques recommended by Guba and Lincoln (1989) and Merriam (2009) were used to obtain non-biased, trustworthy responses. For example, to ensure that the findings reflect the reality faced by the participants, the researcher worked towards saturation within the sample, where the quality of the responses was given priority over the quantity of the responses. Similarly, the respondents were encouraged to be honest, reminding them of confidentiality, that there are no right or wrong answers, and encouraging a plain, simple style of writing to put them at ease.

#### **4.4.1 Sampling and Data Collection**

Following the property of intensity sampling, 12 Bangladeshi RMG factories located on the outskirts of Dhaka city were selected to facilitate the exploration of deterrence and the OHS provisions and phenomena associated with it. This selection was aided by the members' directory published by the

BGMEA, which contains a complete list of all members' garment factories together with a brief description. The selected factories were categorised into two aspects: (a) outsourced factories which manufacture and export apparel directly for foreign retailers; and (b) subcontracted factories which are given work-orders by the outsourced factories to manufacture apparel on their behalf. All of these factories are 100% export-oriented, and they manufacture apparel for European and North American retailers. Through this intensity sampling, the researcher selected a small number of rich discussions that provided in-depth information and knowledge of the phenomena of interest. However, extreme or deviant cases were avoided, for example, exclusion of Rana Plaza and Tazreen Fashions Ltd. [these two factories are considered for the case study] and any other factory where an industrial accident had occurred in recent times. These factories were excluded due to the severity of the accidents which left the workers and other associated people bereaved, shocked and traumatised. The aim of the research does not cover the involvement of any respondent from such a vulnerable group.

In order to establish a purposeful sample providing saturation, guidance was taken from Creswell (2006) who suggested saturation for his study at 5 to 25 participants, while Morse (1994) suggested at least 6 participants. However, Mason (2013) argued that the cut-off point is always inevitably arbitrary, and thus focused on the richness of data and the interaction between the researcher and respondent to yield rich insights rather than quantity. This research, therefore, utilised an intensive semi-structured questionnaire with a sample size of 24 respondents, considering that the quality of the data depends on the point of saturation and feasibility, from which no new information would hope to be gathered from the respondents. There were two respondents from each factory: (a) the factory owner [or a director from the management board]; and (b) the factory manager [or the production, compliance, or human resources manager].

The questionnaire (Appendix A) was designed to take approximately 30 to 45 minutes to complete and the responses were submitted online. With the aid of Google Docs, the questionnaire was prepared. The questionnaire were split into five sections consisting of 37 questions, as follows:

- Section 1: The purpose, target respondents, time frame and ethical issues were presented.
- Section 2: Instructions to fill out the questionnaire is provided.
- Section 3: Five questions were asked to gather information about the participants and their job.
- Section 4: Five questions were provided to collect information about the factory.
- Section 5: Seventeen questions were asked about the OHS provisions and compliance issues.

- Section 6: Ten questions were asked about the issues of OHS negligence, avoidance and white-collar crime.

The questionnaire was designed in such a way as to encourage the respondents to engage in a thought process to provide the answers from their perceived knowledge and views on deterrence and OHS provisions, and the usefulness of the provisions in protecting the workplace from accidents. Their decision-making in light of a 'rational choice', whether complying or deviant, was also explored to see if they believed that that evasion or negligence with regard to administering OHS provisions is a deviant act, and can be considered a white-collar crime, and their further views on this issue.

Because of the physical distance between the researcher and the respondents [i.e. the researcher was in Scotland and the respondents in Bangladesh], the questionnaire was sent out by email along with the URL link to access the questionnaire. The respondents were 15 days to submit their answers online. It should be noted that the non-research focused culture and societal hindrance usually make the factory owners reluctant to participate in any voluntary activities so it is difficult to gain access to the top level management or factory owners via any direct approach. Therefore, the researcher used the snowball sampling technique, where existing study subjects recruit future subjects from among their acquaintances. For example, the questionnaire was initially sent to five respondents, and then other potential respondents were targeted through those initial respondents. Blumberg et al. (2011) supported this technique when respondents are difficult to access and thus best located through referral networks.

## **4.5 Ethical Issues**

The following ethical issues have been considered during the data collection phase:

### **4.5.1 Information Page**

The participants are provided with the following information highlighted on top of the questionnaire:

- The name of the researcher and the title his study.
- The authorisation of the researcher and his research by his university and research supervisor (Appendix E).
- The reason for selecting the target group as respondents.
- The role they are expected to perform.

- The risk factors (if any) exists, and protection from any kind of harm (if any). In this case, there is no risk factor associated with the research and the participants as a result of their participation.
- The level of anonymity and confidentiality to be maintained by the researcher.
- The usage and secure storage or disposal of the information provided by the respondents.

#### **4.5.2 Informed Consent**

Given the male-dominated, private nature of the establishments under study, and the fact that Bangladeshi culture is non-research focused and traditional with regards to privacy, the researcher obtained informed consent from the participants before they completed the questionnaire. This ensured enhanced cooperation between the respondents and the researcher.

#### **4.5.3 Degree of Freedom**

Individual participants had been fully informed about their degree of freedom to take part in the questionnaire or not, in addition to the consent taken from the factory owners when the participants were mid-level managers. Privacy and confidentiality issues had also been considered carefully in relation to the answers provided by the respondents. Since the online responses were recorded through the use of Google Docs and Google Drive software, the data storage policy including suitable encryption and safety protocols was paid especial attention.

#### **4.5.4 Degree of Fairness**

The researcher, to ensure that bias-free, voluntary responses were gathered, confirmed that no incentive was available to the respondents for their participation. In addition, the participants and their organisations' names were not mentioned in the report in order to prevent these institutions from facing any criticism for participating in this study. However, the researcher identified and explained to the respondents the potential benefits of the research for the RMG sector and for society in general.

#### **4.5.5 Researcher's Own Principles**

The researcher has a duty to avoid, prevent or minimise harm to himself and others during the research period. The researcher, by ensuring utmost respect to human dignity at all times, did not attempt to discriminate against any individual or group regardless of their gender, cultural, and ethnic differences, and guaranteed that any procedures and practices that might cause any sort of harm

were not be used. Prior to undertaking the research, the acquisition of formal ethics approval from the relevant ethics committee had been sought by submitting information regarding the project's nature, aims, goals, objectives, time-frame, and recruitment methods.

The researcher further confirms to demonstrating integrity when reporting the findings of his research by acknowledging his sources and avoiding conflicts of interest. A careful consideration of intellectual property rights, confidentiality and the responsible representation of individuals and groups are vital to his research. Plagiarism, fabrication, the falsification of results and all other kinds of academic and professional misconducts were avoided completely. In addition, the researcher was aware of any legal requirements that might regulate his research, which had been undertaken with regard to the current UK and Bangladeshi legislation and regulations within the field.

## **CHAPTER 5: CASE ANALYSIS**

*This chapter contains two case studies to approach the research phenomenon and facilitate an in-depth, detailed examination of two deviant events — the fire of Tazreen Fashions and the collapse of Rana Plaza. To illuminate and further investigate the research questions, the cases allow the researcher to generate some themes for further analysis.*

## 5.1 Case One: Tazreen Fashions Limited

Tazreen Fashions Limited is a sister concern of the Tuba Group, which is a large business corporation in Bangladesh. Situated in the Ashulia district on the outskirts of Dhaka, the factory was established in 2010 and employs 1,500 workers (Documentcloud, n.d.). It produces apparel for American, British, German, Italian, Spanish and Swedish buyers including Carrefour, Delta Apparel, Dickies, Disney, Edinburgh Woollen Mill, El Corte Ingles, Enyce, IKEA, Karl Rieker, KiK, Piazza Italia, Sears, Teddy Smith, Walmart, and the U.S. Marine Corps (CCC, 2013; Bergman and Rashid, 2012; Mosk, 2012). On 24 November 2012, fire broke out in the factory at around 7 p.m., while it was in operation. Although the total number of people who were killed and injured due to the accident cannot be verified due to the inconsistent reports of journalists and the media, researchers and investigators later estimated these to have been 111-124 deaths and 200-300 people injured (AMRC, 2013; BBC, 2013a; Zaman, et al., 2013; Ross, 2013; Ahmed, 2012; Ahmed and Paul, 2012; Bergman and Rashid, 2012).

According to the report of the Asian Network for the Rights of Occupational and Environmental Victims, it is believed that more than 1200 people were working inside the nine-storey building when the fire began (AMRC, 2013). Eyewitnesses and fire defence officials mentioned that the fire broke out on the ground floor, where piles of fabric and yarn were stored in an open space when they should ideally have been stored in a room with fireproof walls. The blaze quickly spread across the ground floor and fire and toxic smoke spread to the upper floors. Many employees tried to escape via the interior staircase, as the factory lacked a sprinkler system or fire exit (CCC, 2013). However, it was also reported that the managers on a few floors ordered workers to continue working despite hearing the fire alarm, assuming it to be a fire drill. With the locked gates on most of the floors of the nine-storey factory, this initial refusal to evacuate left many workers trapped inside when the fire engulfed the entire building. The smoke-filled staircases and iron grilles on the windows prevented the trapped workers from escaping. A few desperate workers managed to break windows and escape, while others jumped from the upper floors to the ground, which left them badly injured or dead. A few others managed to leap onto the roof of a nearby building (Manik and Yardly, 2013). According to the Bangladesh Fire Service and Civil Defence official Abu N. M. Shahidullah and operations director Mahbubur Rahman, most of the workers who died due to the lack of adequate exits and suffocation by smoke were on the first and second floors. In addition, these officials highlighted that the factory

lax necessary closed-circuit television monitoring system and had not received an operating licence from the fire service authority upon the expiration of the previous one (Bustillo et al., 2012).

Afterwards, the Bangladesh Occupational Safety, Health and Environment Foundation (OSHE) carried out an independent investigation into the incident to highlight the root causes and failures. Some of the major identified causes were: no fire or emergency exits or stairways, the provision of only one main entrance and exit on the ground floor which was itself insufficiently wide to accommodate the number of workers in the factory, inadequate fire extinguishers and fire defence materials, locked collapsible gates on different floors that stopped workers from evacuating when the fire alarm went off, the factory owner's negligence with regard to following the building code [constructing a nine-storey building when there was permission to build only three floors], raw materials storage on the ground floor in close proximity to high voltage electricity transformers, the expired fire safety certificate, and the lack of fire safety training [only 40 of the 1,500 workers has attended basic fire safety instruction] (AMRC, 2013). It was also found that the fire extinguishers available in the factory were not used at the time of the incident. This ignorance and carelessness among the floor managers and workers reflect the irresponsibility and severe negligence of the management in understanding the importance of following the OHS guidelines. Industry officials and rescuers stated that the people who could not escape from the fire were burnt alive and many of their bodies were beyond recognition, as they were burnt to ash along with the raw materials and equipment, thus creating confusion about the actual number of deaths (New Age, 2013; Ross, 2013; Bajaj, 2012; Chowdhury, 2012; Mezzofiore, 2012).

Furthermore, the inquiry report of the Ministry of Home Affairs Bangladesh stated that the utmost negligence of the factory owner was responsible for the accident and the subsequent deaths of the workers. The report blaming the factory owner for negligence, further identified that nine mid-level managers and supervisors prevented the workers from leaving the workplace even after the fire alarm had gone off. It was also suggested by the report that the fire was 'an act of sabotage', although no evidence was brought forward to support this claim (Manik and Yardley, 2012). *"We have come to the conclusion that it was an act of sabotage. We are finding out as of now who exactly the saboteurs are and all culprits will be brought to book"*, said the interior minister M. K. Alamgir (Mosk and Berkowitz, 2012). The government enquirer M. U. Khandaker claimed that the investigation had found no evidence of an electrical short circuit, and that eyewitnesses had suggested possible foul play (Manik



and Yardley, 2012). Accordingly, the BGMEA termed the accident 'sabotage', claiming that people had infiltrated the factory and that they might have been an ill-motive behind the fire (AMRC, 2013; News Network, 2012).

However, this assertion of the government and BGMEA has exposed the deep tension among many researchers and investigators, as they also claim that the severe negligence and carelessness of the factory owners have been contributing to the disastrous industrial accidents in Bangladesh for decades (Zaman et al., 2013; Ahmed and Hossain, 2009). Given the proliferation of the use of the OHS provisions as a deterrent to workplace accidents, the factory owners' unwillingness to act rationally is resulting in a havoc in the overall apparel manufacturing sector of the country. Israfil Alam, the Bangladesh government's spokesperson from the Ministry of Labour and Employment, criticised these 'sabotage' claims, terming the accident as 'act of arson'. He commented that these reports were designed to save the employer of the factory and termed them ill-motivated, defensive and biased. He concluded by saying, "*The garment factory owners are yet to become humans. They are still owners of garment factories!*" (AMRC, 2013).

Regardless of the source of the fire, it is verified that the serious level of unsafe working condition within it and the negligence on the part of the factory management team were the primary reasons for such an accident and the resulting death toll (BBC, 2012).

## **5.2 Case Two: Rana Plaza**

Rana Plaza was a nine-storey commercial building, located in Savar, a sub-district of Greater Dhaka. It housed five separate RMG factories, employing around 5,000 people on different floors, several shops, and a bank. The first three floors of the building contained around 300 shops and the bank whereas the five RMG factories occupied the higher floors, and the ninth floor was under construction. These RMG factories had been manufacturing apparel for 28 retailers from Canada, Italy, Ireland, Spain, the UK and the USA, including brands like: Benetton, Bonmarché, El Corte Ingles, Joe Fresh, Mango, Matalan, Primark, The Children's Place, and Walmart (Luckerson, 2013; O'Connor, 2013; Smithers, 2013). The building was owned by Sohel Rana, a leading member of the local wing of the ruling political party, the Awami League (Bdnews24, 2013).

The building collapsed at about 9 a.m. on 24 April 2013, with a death toll of 1,129 lives and approximately 2,512 injured (Alam and Hossain, 2013; Butler, 2013). Within hours of the collapse, the United Nations offered to send expert rescue teams with dogs, micro-cameras and other equipments to the site, but this offer was rejected by the government authorities. Similar offers of international search and rescue assistance, including a formal offer to send a team of specialists from Britain, were also rejected (Nelson, 2013). Although the local rescuers provided food, water and oxygen to those trapped and tried their best to rescue them; the pace of the rescue operation was slow due to a lack of necessary training, tools and equipment. The relatives of the victims vented their anger over the slow pace and attempted to participate in the rescue operation by removing the debris with their bare hands. The general public and different organisations responded spontaneously and contributed cash, food, medicine and equipments, according to their capacity (Mustafa, 2013).

According to the report by the Centre for Policy Dialogue, 1,129 dead bodies were recovered, 2,438 workers were rescued alive from the rubble, and a large number of people remain missing since the accident took place (CPD, 2013). It is estimated that a total of 332 people who were working in different factories located in the building could not be identified. The preliminary results of a government inquiry found that heavy machinery, high-capacity generators, and the use of substandard materials during the construction of the building were largely responsible for its collapse. The inquiry official also suggested that the top three floors of the nine-storey building were added without the permission of the planning authority and that the building had been constructed on marshland which, in turn, could have been the root cause of its faulty structure (Campbell, 2013; Than, 2013; Watkins and Ahmed, 2013). Similar results were found by a BGMEA investigation committee who identified nine causes for the Rana Plaza collapse, including deviation from the original building design and layout, shoddy construction, the low capacity of the pillars, the installation of heavy generators on the rooftop, the inappropriate use of the building for industrial rather than retail purposes, and the setting up of heavy machines in the garment factories (APPG, 2013; Hossain and Alam, 2013). Afterwards, other experts and analysts also concluded that, the very low-quality construction materials, poor structural design, under-developed swampland on which the building was constructed, the piling up of heavy industrial machinery on the upper floors, the lack of a fire escape, and the complete absence of building safety standards also contributed to this incident (Asif, 2013; BBC, 2013b; Manik and Yardley, 2013).

A number of officials reported that the building showed cracks on the day before its collapse, and recorded footage of the cracks were shown in various TV channels. But Sohel Rana, its owner, dismissed these as 'nothing serious'. He later claimed to the media that the building was safe to use and the workers should return to work (Libcom, 2013). "*The building is strongly made to last the next 100 years, so get back to work. Nothing will happen to you*", Sohel Rana was reported to have told the workers on the morning of the disaster when they refused to enter the factories (Clothes to Die For, 2014). While the bank managers and shop owners took the cracks seriously and kept their respective offices closed on the day of the collapse, the garment factory owners along with Sohel Rana ignored the risk and kept the factories open. Many survivors reported that the managers of the factories ordered the workers to ignore the potential risk and return to work. They threatened the workers by saying that their salaries would not be paid if they did not follow the order, and thus the workers were forced to return to work (Clothes to Die For, 2014). Four days after the accident, Sohel Rana was arrested as he was attempting to flee to India. In March 2014, he was granted six month's bail in the High Court (Daily Star, 2014).

Because of the severity and intensity of the accident, this incident is now being considered the most devastating RMG factory accident in history, as well as the worst accidental structural failure in modern human history (BBC, 2013b; Hossain and Alam, 2013).

## **CHAPTER 6: FINDINGS**

*This chapter contains the findings of the case analyses and questionnaire responses. Four major themes emerged from the data collected from the cases and questionnaire responses which are discussed in detail to generate arguments and evidence.*

## 6.1 Themes from the Cases and Questionnaire Responses

After analysing case one, it appears that the main reason for the accident was the negligence of the owner and the midlevel managers of the factory. Despite hearing the fire alarm, the managers prevented the workers from evacuating the workplace by locking the collapsible gates on several floors. This caused many workers to be trapped inside the building. Another reason for the accident is the lack of adequate fire exits. Moreover, the storage of raw materials like fibre and yarn in an open space near the high voltage electric transformers accelerated the spread of the flames. Also, the lack of sufficient fire extinguishers and inadequate preparedness and training to handle accidents contributed considerably to the incident.

The analysis of case two suggests that the main reason for the accident was the negligence of the owner of the building and the owners of the RMG factories. Despite noticing the cracks in the building the day before the accident, the owners neglected the risk factor and forced the workers to return to work. Other reasons that contributed to the accident included the violation of the original building design and specifications by adding additional, higher floors, the use of substandard materials during the construction on marshland, the installation of heavy generators on the rooftop, setting up heavy machinery in the factories, and, the complete absence of security and safety measures within the building.

The questionnaire responses received from the 24 respondents indicate that most of the respondents have little or no knowledge about the new national labour law, and also possess very little understanding about the terms and conditions of the COCs provided by the foreign retailers. All of the respondents agreed that any intentional negligence and avoidance of any safety and security measures constitutes a criminal act. Furthermore, though they showed a clear understanding of the definition of white-collar crime, they showed a mixed reaction towards labelling negligence or avoidance of the OHS provisions as white-collar crime.

The following themes emerge from the cases and questionnaire responses:

- **Theme 1:** What is the factory owners' understanding of: (i) OHS practices, and, (ii) OHS provisions as a deterrent to workplace accidents?
- **Theme 2:** What is the factory owners' view about the accidents that occur due to a lack of adequate OHS arrangements?

- **Theme 3:** What are the issues related to the outsourcing and subcontracting of work-orders and the pressure from the global supply chains?
- **Theme 4:** What is the factory owners' view about criminal acts when accidents occur due to negligence or carelessness associated with the implementation of OHS provisions?

## 6.2 Theme 1

This theme is discussed based on the participants' questionnaire responses relating to their understanding of the existing OHS practices, and the role of the OHS provisions in deterring accidents. The respondents were asked several questions to establish their knowledge about the existing OHS provisions [e.g. the Bangladesh Labour [Amendment] Act, 2013, COC of BGMEA and foreign retailers, ILO ratifications]. Surprisingly, only one respondent was found to be aware of the specific sections of the Bangladeshi labour act which deals with health and safety issues. The remaining 23 respondents answered that they are aware of the existence of the labour act but could not list any specific OHS sections of it. Similarly, none of the respondents could remember any of the ILO conventions on OHS issues related to the RMG industry which the country has ratified. However, half of the respondents (12) were able to highlight some of the basic security and safety requirements [e.g. the provision of fire drills, emergency exits, etc.] mentioned in the COC of BGMEA and specific COCs of the foreign retailers (Appendix C). This level of ignorance is contradictory to these 24 respondents' claim to be practising the OHS provisions imposed on them by the government, the BGMEA, the ILO, and foreign retailers.

Consequently, a number of questions were explored the participants' opinions about the existing OHS provisions [e.g. their view on the country's existing labour act, the COCs of BGMEA and foreign retailers, and the ILO provisions]. All of the respondents agreed that the appropriate implementation of the existing OHS provisions can deter accidents successfully. However, further analysis of their answers revealed that most of the participants face various difficulties related to complying with the OHS provisions in terms of the availability of experienced and expert health and safety management personnel, and the cost of implementing an efficient OHS plan in their factory in order to comply with the national legislation. For example, one employer commented,

*...there is no training centre or institute from where a person can learn safety and security related issues to practice OHS in our factories. We rely on our common sense and*

*instinct when it comes to safety measures". Similarly, another respondent commented, "BGMEA training institute is the only place to get training on it [OHS issues]. This is a very little facility for an industry of this big size.*

Furthermore, the cost of implementing a strategic OHS plan is also seen as a major hindrance by the factory owners. Because of the worldwide improvement in health and safety issues (Sousa et al., 2014; Janicak, 2008), which significantly improved the OHS conditions in advanced nations (Noweir, 2013; Bjerkan, 2010; Geldart et al., 2010), there exists a contrasting situation in the RMG sector in Bangladesh where the number of accidents has increased significantly. The global supply chain has also become stricter about the implementation of advanced OHS measures and demands that all local factories must comply with their advanced OHS standards. This pressure places the local factory owners in a difficult situation. Das (2008) found that an abrupt decrease of CMT [i.e. cut the fabric, make and trim the garment] price paid by foreign retailers in recent years, and increasing pressure to comply with their individualistic COCs with advanced OHS requirements have resulted in additional expenditure in the form of overhead costs for the majority of factory owners. The Frustration among the factory owners is reflected in the comment of one respondent,

*They [the foreign retailers] must understand that this is a poor country and the government itself does not have enough resources to support our industry. How can we comply with all their [buyer's/retailer's] requirements when the country cannot not provide any security for our investment and the buyers reduce their payment rate significantly?*

Another respondent similarly added that,

*if they [the foreign retailers] want us to increase our labour wage and follow all the conditions of their COC, they have to increase their payment for our production, otherwise, from where this additional money will come?*

## **6.3 Theme 2**

This theme is analysed with respect to the two cases and questionnaire responses obtained from the participants. Several questions were put to the factory owners to elicit their views about the accidents which occurred because of the insufficient OHS arrangements. All 24 respondents agreed that any accident is unexpected and unwelcomed by them. They similarly agreed that a proper investigation to find the reason for the accidents and the taking of punitive measures against the offenders must be

implemented appropriately by the government. Though the majority of the participants confirmed the deterrent effect of the existing OHS provisions, only 4 respondents suggested upgrading the OHS provisions by including extra guidelines in fire safety and building structure and design. This is reflected in the comment of one respondent,

*Many of the garment factories are in operation in buildings in residential area which were constructed 20 years or more time ago. These buildings are not ready for industrial use. So, we need more strict guideline to relocate these factories to new buildings which are made for industrial use.*

Referring to two extreme incidents (the fire at Tazreen Fashions and the collapse of Rana Plaza) the following responses can also be highlighted,

*If the authority can check all factory buildings time to time, a disaster like Rana Plaza can be avoided...*

*The recent fire in Tazreen Garments, Chowdhury Knitwear, KTS Mill, all are avoidable if the authority could monitor the fire safety plan on time.*

When the participants were asked whether their factory has a building safety certificate for industrial use from the concerned authority, more than half of the owners (14 respondents) answered that their factory is located in rented premises so it is the building owner's responsibility to obtain all of the necessary certification. The remaining 10 participants responded that they own the building and they have obtained an occupancy certificate for the commercial use of the building. A mixed reaction was found among the respondents when they were asked to what extent they think that the workers or the owners are to be blamed when an accident happens in the factory. The majority (20) of the respondents agreed that, workers can be held liable if they are found to be the cause of any accident that is due to their negligence or carelessness. A factory owner responded,

*I can give many example in my factory where the negligence of the worker is the main cause of an accident. For example, last month we found a careless worker who entered in the chemical room when smoking. We warned him immediately, and this could start a big fire in the factory.*

In contrast, only 4 respondents agreed that it is the sole responsibility of the owner,



*...to train and teach the workers to identify hazards. Being the owner, the responsibility is on our shoulder to keep the workers and workplace safe, risk free.*

Similarly, an important perspective emerged from one of the participants when he commented, *The workers are uneducated and they do not know all safety and security issues. So, when any accident occurs because of any worker's mistake, the responsibility is go on the owner. No one will blame the worker for the accident but everyone will blame the owner for it.*

So, according to these few respondents, it is the owner who must be held responsible for any accidents that occur due to the negligence of any worker or member of the factory personnel.

Furthermore, more than half of the participants (17 respondents) showed their frustration in their responses because of the negligence observed among a group of factory owners who are repeat offenders. These employers are highlighted as being highly-motivated by profits and,

*...do not think twice to put the live of the workers at stake to generate more profit.*

commented one respondent. Similar concern is also reflected in the following comments from other respondents:

*These law breakers are never caught, and do not face any punishment for their unacceptable business practice. The government is too busy to pay attention to this sector.*

*Even if it is difficult to practice all the OHS provision, it is not impossible. Many factory owners are less interested to do so because they know no one cares about the way they do business.*

## **6.4 Theme 3**

This theme is discussed in the light of the participants' questionnaire responses and their experience with the global supply chains. Interestingly, more than two-thirds of the respondents (20) pointed out that the COCs provided by the foreign retailers are, in most cases, very difficult to follow. This is particularly associated with the strictness of the COCs terms and uncompromising nature of the contracts between the local factories and the foreign retailers. It has become the norm for these

retailers to state a reduced lead time, and refuse to accept the manufactured goods if there has been any delay in their shipment. Further, the foreign retailers, upon cancelling a work-order, may make a re-offer to the manufacturers to buying the apparel at a third of the original cost of production. This situation is exemplified in the following quotes:

*The buyer refused to accept the whole lot [of clothes] which we manufactured and cancelled the entire work order because we are delayed only 2 days in shipment. We faced stock-lot for that.*

*...they [the buyers] cancelled the work-order and told us that they will buy the products if we are willing to accept only one-third of the cost [of manufacturing]. This is the penalty we pay for shipment delay.*

Another respondent, the owner of one of the largest garment factories in the country, stated,

*After 4 years of successfully manufacturing products for Reebok, without any prior notice they stopped from any further work-order without giving us any reason and also cancelled the existing work order. We had Reebok's trousers in our production line during that time which was due for shipment. They moved their entire work-order to Indonesia. We faced huge stock-lot for that and the factory was closed for 4 years.*

As a result, to save the business from closing down or protecting the factories from stock-lot\* this situation forces the outsourced manufacturers to allocate part of their original work-order to subcontracted factories which are sometimes not listed in the BGMEA directory. Many of these subcontracted factories also operate illegally. The OHS provisions have usually lapsed, and no effort of is made to ensure safety and security whatsoever in these illegal establishments (Bajaj, 2013; Zaman et al., 2013; Ahmed and Hossain, 2009). For example, one respondent who is a direct manufacturer of various retail brands, mentioned,

*Without subcontracting to other factories, we cannot finish our production and make shipment. These subcontracted factories do not always follow OHS provisions...When*

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\*A 'Stock-lot' is the newly-made garment (still in the factory in various stages of labelling and packing) by the manufacturer, which the purchaser/retailer has declined to buy or take from the manufacturer due to a breach of work or shipment contract, or any other reason. Stock-lot items cannot be sold in the local market of the manufacturer's country, or to any other buyer when the product contains the label of the original purchaser/retailer. However, a common practice is that, by removing the label or making minor changes to the product, the products are sometimes sold at a very low price (the warehouse price) to various specialist buying houses abroad (Anjoran, 2009).

*Walmart places order for half-million piece of T-shirts and shorts, we have to send some part of the work to smaller factories. Yes, I cannot officially do it, but unofficially I can.*

In comparison, the comment of another respondent who manufactures under subcontract can be highlighted,

*It is not our responsibility to fully comply with the COC of the buyers [foreign retailers], because we do not sign any contract with them, nor we take any work-orders from them. We make clothes for the large factories when they need us for their big orders.*

It is important to note that this process of 'subcontracting' occurs without the knowledge of the foreign retailers and is unauthorised by them. For example, Rana Plaza housed 5 garment factories, most of which were subcontracted factories. None of these factories received any direct work-orders from foreign retailers, however, they were found to be manufacturing products for 28 European and American brands. Only Primark confirmed that one of the factories in Rana Plaza was within their supply network (Primark, 2013). Matalan (2013) commented: "Our only relationship with a factory in Rana Plaza was before the tragedy occurred". Similar statements were also made by Benetton, Children's Place, Dress Barn, the Walt Disney Company, JCPenney, JoeFresh, Walmart and other brands, who commented that none of their work-orders were placed in Rana Plaza during the collapse. Walmart commented, "There was no authorised Walmart production in that building" (Johnson and Alam, 2013). "Our investigation of the Rana Plaza building site after the collapse revealed no evidence of authorised or unauthorised production at the time of the tragedy", stated a Walmart spokesperson, Kevin Gardner (Greenhouse, 2013), to claim their disengagement with Rana Plaza factories. Similarly, Tazreen Fashions was also found to be manufacturing products for Walmart during the fire. However, Walmart commented, "The factory was no longer authorised to produce merchandise for us but that a supplier subcontracted work to it, which is a direct violation of our policies" (Burke, 2012). However, clothes carrying the brand labels/tags of these retailers were found in the debris in both cases (Luckerson, 2013).

These facts, on the one side, demonstrate the illegal nature of the practice of subcontracting which commonly occurs without the knowledge of foreign retailers, and, on the other side, show the pressure placed on to the factory owners by the foreign retailers to complete to produce large work-orders within a short time, as well as to comply with their strict COC terms. As pointed out earlier, the

majority of the respondents argued that the restricted lead-time for manufacturing and strict conditions of the COCs force them to subcontract. These manufacturers do not have sufficient capacity for in-house production to fulfil the retailers' needs. However, conversely, more than half of the participants (14 respondents) stated that many employers accept work-orders that are beyond their capacity, intentionally to make more profit, and deliberately use subcontracted factories to get the job done. A respondent commented,

*Very profit making mentality drive these employers to take more and more orders from their buyers and give half of their work to substandard factories which are illegal". Another respondent attempted to justify this by saying, "If we do not subcontract, we will not survive. Whole industry will collapse then..."*

## **6.5 Theme 4**

This theme is discussed in the light of the responses received by the participants about their interpretation of white-collar crime, and the labelling of employers' rational choice to practice the negligence and avoidance of OHS practices which may lead to accidents. The participants were asked three questions specifically to determine their interpretation of the concept of white-collar crime, and whether labelling any intentional and unintentional action of neglecting any OHS provision by them should be considered as a criminal offence or not. All of the respondents seem quite clear about their idea of white-collar crime. They have a preconceived notion that any violation of a law or any legal provision is a criminal act, and when this is done by upper-class people in society, it constitutes white-collar crime. To exemplify this,

*I think any business owner who involves in any activity that go against the country's law is a crime.*

responded one participant. Another respondent said,

*I think owner's act of negligence and avoiding any terms and condition of the contract and labour law is a white-collar crime.*

A considerable number of participants (21 respondents) agreed that any rational decision making or act of negligence, evasion, or avoidance of the OHS provisions which leads to an occupational accident is a criminal act perpetrated by the factory owner or decision maker. A more detailed clarification of this notion is observed from the answers provided. For example,

*Anyone who thinks or makes a decision to avoid a OHS provision [legal] or COC condition [within the contract between the local manufacturer and global retailer] which results in an accident is a crime.*

mentioned one factory manager. Similar types of responses were provided by the other respondents. This means that the factory owners and managers believe that, if, not necessarily the owner, but anyone from the factory administration team or any floor supervisor takes any decision to avoid or neglect the OHS provision, whether intentionally or unintentionally, then this is white-collar crime. As a result, the factory owner cannot be held responsible for the crime, but rather the person who avoids the provision or neglects it for whatever reason is responsible for the crime.

In contrast, the remaining 3 participants differentiated between 'mistakes', 'human errors' and 'crimes'. According to them, an act of avoidance or negligence of OHS practice is a human error or a mistake, as people intentionally do not want to be involved in any wrongdoing. So, even when the decision to avoid OHS practices is taken rationally, it is not a crime, but rather a mistake — perhaps sometimes a costly mistake. One respondent stated that,

*Human error is a common thing. To err is human. So, we should not label these mistakes as a criminal offence and cannot label the accidents as the result of any crime.*

Another respondent, by referring to the recent collapse of Rana Plaza and fire accidents of several garment factories, wrote that,

*We must understand the difference between mistake and criminal act. These people are not criminal, but what they did was very stupid and careless. No one wants to intentionally do anything that kill people or shut down business. It was a big mistake and they are not criminal.*

## **CHAPTER 7: DISCUSSION**

*This chapter contains the discussion of the findings. This discussion, based on the research questions being investigated, explains the new understandings and unfolds fresh insights from the findings in light of the literature which was reviewed earlier.*

## **7.1 Reiteration of the Research Objective**

The first research objective was to identify the managerial viewpoint in administering OHS provisions as a deterrent to workplace accidents, and the second was to determine the managerial interpretation of white-collar crime in relation to negligence or avoidance associated with administering the OHS provisions. Four prominent themes have been identified from the case studies and questionnaire responses, which were found to be significant to the detailed discussion on which to base the answers to the research questions.

## **7.2 Different Interpretations of the Respondents**

The research findings show that the participant factory owners believe that the existing OHS legislation and provisions of the country (labour act and BGMEA's COC) OHS requirement imposed by the global supply chain (foreign retailers' COC), and the ILO conditions [which the country has ratified so far] are sufficient to reduce workplace accidents, provided that these provisions are implemented and followed properly. Interestingly, the research has detected different interpretation between the owners of outsourced and subcontracted factories on the following issues: (a) conformity to the OHS provisions by outsourced and subcontracted factories, (b) OHS as a deterrent factor, and (c) the evasion of OHS provisions and white-collar crime.

### **7.2.1 Conformity with the OHS Provisions by Outsourced and Subcontracted factories**

The findings of this research explore a new dimension of the situation which was neither predicted nor assumed beforehand. It is interesting to find that, on the one hand, the outsourced factory owners comply closely with the OHS provisions, especially the COCs of foreign retailers while, on the other, the subcontracted factory owners tend to ignore many OHS provisions. The findings further reveal that the cost of OHS practices is high, the availability of experienced health and safety professionals is low, and that proper safety auditing and the investigation of accidents of any kind by the government or any other authority are not in practised. In this situation, two different standpoints are found between the outsourced factory owners and the foreign retailers.

Firstly, this research finds that the outsourced factory owners admit that their practice of unauthorised subcontracting is wrong, but, they also admitted that the foreign retailers are also culpable because they often award contracts to manufacturers, whom they know do not have enough machines and

workers to do the job. These retailers avoid subcontracting because they would rather manage a fewer big contracts, and the price per-piece garment falls with bigger orders. Similarly, the factory owners do not turn down large work orders because they fear that they will be shut out of future orders. No factory owner can even consider refusing a work-order because they are desperate for more and more orders, and the subcontracted factories, the lowest on the ladder, compete intensely and cannot afford to upgrade their workshops. As a result, although this unauthorised subcontracting to smaller, un-inspected factories is not supposed to happen, it remains an entrenched practice. In contrast, the case studies show that the foreign retailers completely denied their involvement with subcontracted factories. They made a clear that they do not authorise any of their outsourced factories to subcontract work and that is completely against their policy.

Furthermore, this research similarly finds two different perspectives between the outsourced and subcontracted factory owners in relation to the compliance with OHS provisions. The outsourced factory owners are found to be highly accommodating in complying with the foreign retailers' COC imposed on them. A possible reason for them possessing this obliging nature is that their factories are direct partners of the supply network of the global retailers. They accept work-orders directly from these foreign retailers and, as a precondition for the apparel manufacturing process, these factory owners must have adequate OHS facilities present in their factories. Similarly, these factories are subjected to a strict compliance-audit process, conducted by the foreign retailers. A failure of this audit would result in the cancellation of the existing work-orders or withholding of future orders, and the factory being designated a 'high-risk' manufacturer. As a result of this, in addition to the stock-lot faced by the factories, they would also be avoided by other retailers with regard to future work, and eventually the factories would shut down. Therefore, these factory owners are highly compliant and their factories are fully compliant with the OHS requirements.

On the other hand, the owners of the subcontracted factories are unwilling to comply with the COCs of the global supply chain, and instead show an interest in abiding by the country's legislation to some extent. These factory owners, not being a direct partner in the supply chain network, give an impression of non-conformity with the COC terms since they do not have any contractual relationship with the foreign retailers in regard to manufacturing apparel for them. Being unauthorised by the foreign retailers, these factories are not subjected to any audit performed by them. Therefore, the



foreign retailers do not take any responsibility for any accidents that may occur in these factories during their unauthorised production process.

Furthermore, another finding of this study is that all of the participants claimed to follow the country's OHS legislation [labour act, BGEAM's COC and ILO conventions] imposed on them. However, this contradicts to the fact that, except for one, all of the other participants were found to be ignorant of the OHS provisions in the labour act, BGMEA's COC and ILO conventions. This is similar to the findings of Ahamed (2012), Bansari (2010), Ahmed and Hossain (2009), and Bhuiyan and Haq (2008), which revealed that the implementation of OHS provisions and ILO conventions is poor across the whole garment sector, and the compliance with international labour standards has declined in several areas, especially in the OHS area. However, these studies did not differentiate between the outsourced and subcontracted nature of the factories, and some of these studies were conducted only on deviant cases where leniency in OHS practices was found to be the main cause of accidents. In spite of this ignorance, all of the participants were found to be deeply concerned about ensuring the safety and security in their factories, through their use of common sense and instinct.

Correspondingly, this study also finds that the outsourced factories, due to their conformity to the OHS provisions, experience fewer accidents compared to the subcontracted factories, where the OHS provisions are frequently overlooked [e.g. Rana Plaza and Tazreen Fashions]. The subcontracted factory owners tend to take advantage of the situation where, firstly, their factories are excluded from the foreign retailers' audit and, secondly, an ineffective and weak monitoring system by the government of the country increases their chance of not being caught and prosecuted, thus promoting an environment in which to continue their business with minimum OHS practice. This finding is similar to the results of the empirical studies conducted by Rashid et al. (2014), Bajaj (2013), French and Martin (2013), and Zaman et al. (2013), where it is found that subcontracted factories do not make efforts to ensure safety and security, and frequently violate the OHS legislation of the country. However, none of these studies provided any reason for this evasive tendency, which this study attempts to unfold in the following section.

### **7.2.2 OHS as a Deterrent Factor**

The concept of deterrence assumes that, when punitive measures are imposed on offenders, these may deter or prevent them from committing further crimes, and also the fear of punishment may

prevent others from committing similar crimes (Wright, 2010). Although there are many other reasons which may deter an offender from committing a crime, empirical evidence was presented earlier to show that the wide practice of OHS legislation serves as a successful deterrent and so reduces the number of workplace accidents in many countries. In the context of Bangladesh's RMG sector, a similar type of OHS provisions has been imposed on the factory owners by different authorities, where these provisions are designed to act as a deterrent factor. This research, from its questionnaire responses, discovers that the majority of the participants believe that the existing OHS provisions of the country are capable of safeguarding their factories from accidents. This indicates that, if the OHS provisions are practised properly and adequately, the number of accidents can successfully be reduced. In an attempt to find out whether these provisions can act as a deterrent factor to prevent factory owners from neglecting or disrespecting the health and safety requirements, this research finds two contrasting views from the participants.

Generally, deterrence theory is applied with the aim of deterring people from committing or repeating a crime through the implementation of a policy, provision, or punitive measure. Tombs and Whyte (2013) further added that, in certain cases, punishment is implemented as a deterrent to those who are least capable of acting rationally. This research, nonetheless, shows that the factory owners in Bangladesh do not belong to that 'least capable' group, and are likely to possess sufficient awareness to take decisions rationally, in precise terms — the probability of getting caught and punished. It should therefore be a logical expectation that to avoid any penalty for non-conformity with the OHS provisions, the factory owners are supposed to comply fully with the OHS provisions imposed on them.

Nevertheless, it is found from the Rana Plaza and Tazreen Fashions cases that a severe level of leniency or negligence is observed among the factory owners in administering the OHS provisions, which resulted in the accidents in these factories. More convincing evidence can also be found to show that those factory owners were in no position to claim that they were unaware of the existing OHS regulations. Rather, the cases showed that their rational choice of respecting the OHS provisions was compromised in a situation whereby they were involved in subcontracting which was not authorised by the foreign retailers and, thus, no safety audit was made of those factories.

The theory of deterrence and rational choice suggests that individual conduct is shaped by the costs and benefits that might follow as a consequence of that conduct — a rational calculation that weighs the chances of being caught and the severity of the punitive measures against the benefits of committing a crime (Tombs and Whyte, 2013; Bodman and Maultby, 1997). In relation to these two deviant cases, and the responses of the majority of participants in this study, it is suggested that a cost-benefit analysis by the subcontracted factory owners was made rationally, where the benefit of evading the OHS provisions was considered more profitable than complying with them, that is to say, rational choice depends upon the factory owners' knowledge of the 'benefit of not being caught', rather than the 'risks of being caught'. Therefore, these factory owners tend to neglect or ignore the OHS provisions to increase their gain, as they do not fear the chance of getting caught and punished for their evasive nature. This finding is further supported by the empirical evidence found in other studies which shows that neither a safety audit nor even any kind of proper investigation of accidents have ever been carried out to date to find the offenders and bring them under sanctions by the Bangladeshi government (Ahmed et al., 2014; Zaman et al., 2013; Yunus and Yamagata, 2012; Ahmed and Hossain, 2009; Haider, 2007; Kawakami et al., 2004). Furthermore, Becker's (1968) theoretical formulation on deterrence is that an increase in the probability and/or severity of punishment reduces the potential criminal's participation in illegitimate activities. In relation to this formulation, the findings of this study also show that the government's weakness in conducting proper safety audit, and apprehending and punishing the offenders escalated this aberrant behaviour among these subcontracted factory owners. Therefore, this might suggest that the OHS provisions did not act as a deterrent factor to the subcontracted factory owners, who continued their evasive nature towards the practice of OHS provisions, which resulted in disasters like those that occurred at Rana Plaza and Tazreen Fashions.

However, in terms of the outsourced factory owners, the research shows that these owners find it very difficult to comply with the COCs of foreign retailers, since fulfilling these terms increases the cost of production significantly. The participants are found to claim that the country's OHS legislation is considered easier to practice compared to the foreign retailers' COC. This could be why foreign retailers have become increasingly stringent about complying with their COCs and conduct periodical compliance audits of these factories, whereas, the Bangladeshi government does not engage in any similar practices. This can further supported by Ahmed's (2012) findings, which showed that the Compliance Monitoring Cell formed by the government to ensure the implementation of the OHS

legislation in RMG factories did not work and was shut down because of a lack of skilled staff, an absence of logistical support, and the rigid structure. On a similar note, it could be due to the reason that the foreign retailers' COCs are more advanced and sophisticated in terms of ensuring a safe and healthy workplace compared to the OHS legislations of the country. Though these participants have been found unaware of the specific OHS provisions in the country's labour act, and ILO provisions, they have been found to be considerably aware of the overall health and safety issues for protecting their workers and factories from accidents. Therefore, it might be suggested that the OHS provisions worked as a deterrent factor for the outsourced factory owners, prevented them from disrespecting these provisions.

### **7.2.3 Evasion of the OHS Provisions and White-Collar Crime**

Though the broad concept of white-collar crime was elaborated earlier, in a nutshell, it refers to financially motivated, nonviolent crime committed by upper class people. This study finds that most of the participants believe that the evasion, negligence or avoidance of any OHS requirements, either intentional or unintentional, is a criminal offence and thus can be labelled white-collar crime. According to the literature on the studies of Friedrichs (2002), Edelhertz and Overcast (1982), Robin (1974), and Sutherland (1940), industrialists are considered to be wealthy, high-status people in society. In this regard, RMG factory owners are industrialists, and perhaps can be considered as belonging to the high social status group. Therefore, disrespecting the OHS provisions and thus endangering life and property can be considered white-collar crime on their part. Similarly, the theory posited by Schofield et al. (2009) and Shapiro (1990), which links the concept of white-collar crime with social class, highlights that these crimes are deeply intertwined in every social structure. This theory also agrees with the postulation of Geis (1982) and Edelhertz (1970) in which both use common terms to explain the white-collar crime committed by highly-ranked people who, due to their social power and influence, it is difficult to bring under direct investigation. All of these authors seem to agree that white-collar crime is associated with people with power and prestige, who usually belong to upper class of society and thus it is difficult to prove and hold them responsible for their deviant deeds.

In conjunction with this theoretical evidence, this study suggests that the evasion of the OHS provisions by the factory owners can be considered white-collar crime. The rationale behind this claim is supported by the findings of this study. The findings show that, although a few of the respondents

commented that the evasion of the OHS provisions of a sort of 'human error' or 'unintentional mistake' instead of labelling it as crime, the rest of the respondents agreed that it is a white-collar crime. Notwithstanding, in line with the rational choice theory, this interpretation of 'human error' or 'unintentional mistake' does not seem convincing. According to one precept of the rational choice theory, an individual acts as if balancing costs against benefits to arrive at action that maximises personal advantage (Cornish and Clarke, 1987; Friedman, 1953). Therefore, it is an intentional decision taken by the factory owners to become involved in a deviant act by taking advantage of the situation where their factories are excluded from the foreign retailers audit process, or because of the government's incapability of monitoring and imposing sanctions on them. This shows that, this, evasive tendency is not a 'human error' or 'unintentional mistake', but rather a rational choice.

It is generally expected that the factory owners will make a rational choice to engage in responsible business practices. Therefore, they must possess a reasonable understanding of the OHS provisions made available to them but this study identifies the reluctance of the factory owners in relation to the administration of OHS practices. This unwillingness is not necessarily displayed by all of the factory owners who participated in this study, but it was by a few participant subcontracted factory owners, and other factory owners [who did not participate in this study] identified by them. In accordance with the 'subcontracting' nature of apparel manufacturing explained earlier, this claim is also found to be correctly reflected in the case of Rana Plaza and Tazreen Fashions, where the OHS provisions were found to be severely disregarded, either intentionally or carelessly. Evidence from the findings also supports the view that these factory owners were neither concerned nor interested in making a good decision to implement the OHS provisions to safeguard their factories from undesirable catastrophes. This finding is in accordance with the results of the empirical studies conducted by Zaman et al. (2013) and Ahmed and Hossain (2009), where the factory owners' negligence was found to be intentional. As a result, it can be suggested that, a rational choice to avoid OHS provisions by the factory owners is a deviant act and can be labelled white-collar crime.

### **7.3 Summary**

According to the responses received from the participants, and by looking at those two deviant cases, an overall picture of the situation can be presented, which might illustrate the different natures of the outsourced and subcontracted factory owners. For example, all of the participants claimed that they fully comply with the Bangladeshi OHS legislations which are in force. Of these, a few subcontracted

factory owners argued that they do not find it reasonable to follow the foreign retailers' COCs since there is no contractual relationship between themselves and the retailers, although they manufacture apparel for them. However, despite the finding that all of the participants are eager to ensure safety in their factories, in reality, they do not have much knowledge about this legislation but, on the contrary, think that they can stop or reduce accidents by relying on their common sense and instinctual practice of OHS issues. The government's weakness in monitoring and enforcing the country's OHS legislations has resulted in this ignorance and carelessness. As a result, the foreign retailers' COCs seems more difficult for the factory owners to comply with compared to the country's OHS provisions. Furthermore, the non-unified nature of the terms and conditions of the COCs and the stringency of the foreign retailers regarding their implementation is found to be another reason for this current situation. The research additionally shows that some RMG factory owners who are breaching the OHS legislation and getting away with it, who, according to the participants, are mostly subcontract factory owners. The case studies can be used to support this claim, where a serious lack of OHS practices is found in those subcontracted factories.

In relation to the function of the OHS provisions as a deterrent, the research suggests that the OHS provisions perhaps work as a deterrent factor for the outsourced factory owners which prevents them from disrespecting these provisions, but seem dysfunctional to the subcontracted factory owners. It was found that, in the two extreme cases, that the factory owners neglected and avoided the OHS provisions, which possibly suggests a rational choice of a cost and benefit analysis, where the benefit of evading the OHS provisions was considered to outweigh the benefit of complying with them. Consequently, the research shows that, although a few of the participants showed a different explanation for labelling the deliberate negligence of OHS provisions as white-collar crime, the majority of the respondents agreed that any intentional or unintentional act of negligence or evasion of the OHS provisions constitutes white-collar crime. This research further attempted to align this nature of the factory owners with the theoretical aspect of the concept of deterrence and rational choice.

## **CHAPTER 8: CONCLUSION**

*This chapter contains the conclusion of this research. The chapter features the research aim and objectives at the beginning, then reestablishes the framework and methods used for the analysis. A summary of the findings and discussion are then presented and the limitations of the research are highlighted. Recommendations for further research work are also suggested based on the foundations laid by this research as a pioneer study in this field. This section is then followed by the practical implications of the research which show the applicability and usefulness of the research results in the practical business arena. A concluding remark is presented at the end of the chapter.*

## **8.1 Synopsis of the Research**

The objective of this research was, firstly to investigate the managerial perception of the administering of OHS provisions to reduce workplace accidents and, secondly, to explore the managerial interpretation of the idea of white-collar crime in relation to the avoidance of, or negligence in, administering the OHS provisions. This research particularly focused on the RMG sector in Bangladesh. It was qualitative in nature and followed an interpretivist and constructivist philosophical paradigm. Data were collected from two deviant cases and from the questionnaire responses of 24 participants from 6 outsourced and 6 subcontracted RMG factories in Dhaka respectively. The research discovered that the application of OHS as a deterrent to accidents exists among the outsourced factory owners but not among the subcontracted factory owners. The research also found that all of the factory owners believe in the appropriateness of OHS provisions in effectively reducing workplace accidents. The research also unfolded different interpretations of white-collar crime between the outsourced and subcontracted factory owners, although, based on further analysis of the empirical evidence, it is suggested that the evasion of OHS practices can be labelled white-collar crime.

## **8.2 Limitations of the Research**

This research possesses some limitations that are consistent with those found in prior qualitative studies of this kind. For example, one limitation is related to the generalisability of the sample which consisted of only 24 male participants from 12 factories, from an industry which contains almost 5,000 factories employing a large number of females (Chowdhury and Ullah, 2010; Afsar, 2004). However, a study of this type, by default, must limit the number of participants due to the difficulty associated with their recruitment, specially in a country which is not research-focused, and societal hindrance makes the factory owners reluctant to participate in any voluntary activities. For example, recruiting the factory managers was particularly challenging, despite assuring them of their confidentiality and anonymity, for fear of being criticised for their participation. Whilst the sample characteristics might suggest that the interpretation of the results is context specific, it is believed that these findings are applicable to the broader span of the RMG industry. This is reflected in the research findings which were not only in line with the deterrence and rational choice literature, but also with the concept of white-collar crime.



Another limitation is that there was no Bengali translation of the English questionnaire was provided for the respondents. It was assumed that, being top level executives, all of the participants would have adequate knowledge to understand and answer the questions in English. However, a few of the participants were found to be incompetent in understanding some of the questions, and therefore did not provide any meaningful answers to those questions.

The last limitation is the physical remoteness of the researcher for his participants, whereby the researcher was in Scotland and the respondents in Bangladesh, so the responses were received online in typed form. Because of the interpretive nature of the research, the findings would have been more robust if the researcher had been in a position to involve the participants into a semi-structured questionnaire based interview and discussion session to enhance the data collection.

### **8.3 Implications of the Research**

No one can argue with the fact that workplace safety is of immense importance, yet it is often intentionally or unintentionally overlooked in Bangladesh, leaving thousands of human lives exposed to risk in the workplace. Despite the limitations highlighted, this research hence intends to contribute to both academic and non-academic settings, and aims to minimise the existing knowledge gap in the academic arena by generating new literature. In this way, the research aspires to contribute in the non-academic setting by stimulating the stakeholders in the RMG industry through a knowledge sharing process consisting of raising awareness, informing, engaging and promoting the research and its findings.

### **8.4 Recommendation for Future Research**

Being a pioneer research in this field, this research may serve as a foundation for further research on the RMG sector in Bangladesh. For example, this research has initiated a new line of enquiry related to the global supply chain's position in pressurising and controlling the production of local factories. Similarly, this research has unfolded the different ideologies of the outsourced and subcontracted factory owners in relation to their understanding and practice of OHS provisions, which has never been addressed previously by any other researcher. Therefore, this may constitute a new area for

further investigation into what motivates them either to respect or disrespect the specific OHS provisions.

## **8.5 Concluding Remark**

The RMG industry in Bangladesh is a significant sector with regard to the country's economic development and growth. Despite the increasing global competition in apparel manufacturing, the sector remains one of the top outsourcing destinations for many Western clothing retailers due to its low labour costs and wide availability of raw materials. However, workplace accidents have recently become the main constraint on the growth of this sector. This research has investigated two important issues: firstly, the factory owners' perception of OHS practices and, secondly, their interpretation of white-collar crime in relation to the negligence or avoidance of OHS practices. It is imperative to correctly interpret and understand the data and the results of this study in order to take remedial measures to overcome this problem. The researcher believes that the results of this study may establish a platform for promoting the administering of the appropriate OHS provisions to keep the workplace safe from unwanted and unnecessary accidents.

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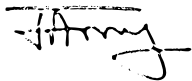
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# APPENDIX A: QUESTIONNAIRE SAMPLE

## Section 1: About the Questionnaire

**Purpose:** This questionnaire has been prepared for the researcher's Postgraduate Research thesis on Occupational Health and Safety provisions of the garment factories in Bangladesh.

**Authorisation:** Research supervisor's authorisation is attached with the questionnaire.

**Target Respondents:** Factory owners, factory managers (General, HR, Production, Compliance, OHS).

**Number of questions:** 37

**Time required to complete:** 30 - 45 minutes (approximately)

**Ethical Issues:** The researcher confirms the following ethical issues —

- This questionnaire has been prepared for academic research purpose only.
- All information of this questionnaire are confidential and anonymised, and will be treated as such. Results will be aggregated in the final report so individuals cannot be identified.
- The participation of this questionnaire is voluntary and participants have the right to withdraw from the study at any time.
- No incentive is attached for the respondents for their participation.

## Section 2: Instruction to complete the questionnaire

1. Please read the questions carefully and write the answers in as much detail as possible in the space provided.
2. If you need any assistance, please feel free to email the researcher: [faisol.chowdhury@icloud.com](mailto:faisol.chowdhury@icloud.com)
3. Completed questionnaire should be emailed back to the researcher or can be submitted online following the online submission link. Please send your responses by Friday, 25 July 2014.

## Section 3: About the Participant

1. Your Name (optional):
2. Your Designation/Job Title:
3. Gender: Male / Female
4. Your Age:
5. Educational Background:
  - (a) Primary
  - (b) Secondary (SSC or equivalent)
  - (c) Higher Secondary (HSC or equivalent)
  - (d) Undergraduate (Bachelor, Honours, or equivalent)
  - (e) Postgraduate (Master, MBA, or equivalent)
  - (f) Doctoral (Phd, DBA, or equivalent)

## Section 4: About the Factory

1. Name of the Factory (optional):
2. Factory Establishment Year:



3. Factory Size (floor area, number of storey):
4. Total Number of Workers/Employees:
5. Name of the foreign retailers for which the factory produces apparel:

### **Section 5: OHS Provisions and Compliance Issues**

1. Please tell what do you think about any recent amendments of the Bangladesh Labour [Amendment] Act 2013, of which you are aware (if not aware of any please state so).
2. Are you aware of the certain sections of the labour act which deal with OHS issues? Can you mention some of the sections?
3. Why do you think that BGMEA had to come up with their own Code of Conduct (COC) in addition to the prevailing labour act of the country?
4. Do you think that the OHS provisions of the labour act and the BGMEA's COC are up-to-date and capable of preventing accidents?
5. Do you suggest any modernisation or upgrade of these provisions?
6. Why do you think the foreign retailers have made it mandatory to follow their COC in addition to the Bangladeshi OHS legislations?
7. How appropriate do you think it is for the global buyers to have their own version of COC, which is mandatory for the garment factory owners to comply?
8. In your opinion what implication do ILO conventions have on your factory which the country has ratified?
9. Do you think all these provisions are too much to comply with, or reasonable for all factory owners to follow? Please answer for each set of provisions:
  - Labour Act:
  - BGMEA's COC:
  - Foreign retailers' COC:
10. Please explain the challenges that you face to implement the OHS provision in your factory.
11. Please explain the benefits that you get by practicing the OHS provisions.
12. Do you think Bangladesh has effective monitoring system to monitor the implementation of OHS provisions in the factories? Please explain.
13. Please explain what is your opinion about these OHS provisions and their capacity to reduce or deter accidents in the workplaces.
14. In your opinion, how can the factory owners be encouraged/motivated to practice the OHS provision in their factories?
15. Do you offer any training programme for your management personnel and workers to increase their awareness of any OHS provision?
16. Does your factory has building safety / occupancy certificate for industrial use from the concerned authority?
17. When is the last time your factory had a fire drill?

### **Section 6: Negligence, Avoidance and Crime**

1. Do you think all the factory owners follow the OHS provisions properly in our country?
2. In your opinion, what is the likelihood of a factory owner getting caught in Bangladesh for not practicing OHS provisions adequately?
3. If it is found that a factory is not practicing OHS provisions properly, can it be considered a crime in your opinion?
4. Considering the workplace accidents of the last 5 years in the garment sector, do you think security and safety lapses / OHS lapses are the main cause of the accidents?
5. Do you think factory owners possess any evasive tendency towards OHS practices?
6. In your opinion, can an intentional or unintentional action of neglecting any OHS provision by the factory owners be considered as a criminal offence?
7. How difficult do you think for factory owners to comply with all these OHS provisions in terms of the availability of experienced and expert health and safety management personnel?
8. How difficult do you think for factory owners to comply with all these OHS provisions in terms of cost?
9. Do you think the existing sanctions are deterrent (discouraging someone to stop doing something) to the unaccepted behaviour of those factory owners who avoided or neglected the OHS provisions?
10. To what extent do you think employees or workers to be blamed, instead of the owner of the factory, when the factory is affected by an industrial accident (e.g. fire, building collapse)?

*[Thank you for your kind participation]*