

## MATERNITY BENEFITS: OVERLOOKED GENDER RIGHTS IN THE FEMINIZED WORKPLACE OF BANGLADESH'S READY-MADE GARMENT SECTOR

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### ABSTRACT

This article explores maternity rights and needs in the women-intensive ready-made garment (RMG) sector in Bangladesh through qualitative research involving 20 female workers, seven factory staff, and three labour rights activists. While some compliant factories follow maternity policies, many violate labour laws regarding employment duration that needs to be fulfilled to be entitled to maternity leave and the value of monetary benefits. Subcontract factories lack maternity provisions, leaving women vulnerable. Even in compliant settings, pregnant workers face health neglect, denial of sick leave, and rejection of options for lighter duties, pressuring some to resign. Mistreatment and forced resignations are common. For those who remain, returning to work eight weeks after childbirth is challenging due to the absence of day-care facilities. These issues heighten stress and hinder the possibility of balancing work and motherhood. The study reveals the exploitation of cheap female labour alongside a disregard for their reproductive roles in this highly feminized RMG industry. It calls for stricter enforcement of existing maternity laws, improved protections, alongside reforms to maternity laws.

**Keywords:** Feminized Workplace, Maternity Benefits, Overlooked Gender Rights, Day-care Facilities, Bangladesh's RMG Industry

### INTRODUCTION

Maternity protection is acknowledged as a fundamental labour right worldwide; nonetheless, millions of women still risk losing their jobs upon becoming mothers (ILO, 2012). The International Labour Organisation (ILO) reports that approximately 40.6% of employed women globally are legally entitled to maternity leave, while merely 34.4% possess a statutory right to receive cash benefits during this period, resulting in a significant majority of women workers lacking sufficient maternity protection, with about 80% of those affected residing in Africa and Asia (Addati et al., 2014). In Bangladesh's ready-made garment (RMG) industry, the nation's predominant export sector which employs a predominantly female workforce, this disparity between legal entitlements and actual workplace practices is particularly pronounced; pregnancy is the primary cause for women exiting the RMG sector (Mastura & Teng, 2020).

Pregnancy and maternity are likely to be vulnerable phases for working women and their families. Pregnant and nursing mothers require special protection for their health, as well as that of their foetus and infant. They need adequate time away from work to deliver their babies,

recover, and breastfeed (WHO, 2025). Therefore, working women must have maternity benefits in the form of work leave, particularly during the critical stages of childbirth and postpartum care. This leave should ensure that they do not face job loss, suspended salaries, or loss of recognition for earlier work experience, retirement benefits, or seniority. Maternity protection is recognized as a vital human and labour right, closely linked to inclusive work-family policies. It is essential for ensuring maternal and child health while also combating discrimination against women in the workplace (Addati et al., 2014).

Women's participation in the labour market contributes to a country's economic development and is a significant pathway toward women's empowerment. Labour force participation among working-age women has substantially increased worldwide over the last century (Ortiz-Ospina & Tzvetkova, 2017). However, working women face vulnerabilities related to maternity issues, encountering threats such as job loss, delayed salaries, and health risks during pregnancy due to inadequate protections. This problem is especially acute in developing countries, where many women employed in the informal sector do not receive adequate maternity coverage (Kimani-Murage, 2016). As a result, the increasing participation of women in the workforce has raised global concerns about the need for effective workplace policies to protect women's rights during pregnancy and give adequate time to care for their new-born and recover after childbirth. Maternity leave plays a crucial role in shaping women's economic empowerment by allowing expectant and nursing mothers to maintain paid employment (Htun et al., 2019).

Bangladesh has long been a patriarchal society, characterized by gender norms which dictate that "men should be the main providers" and practices like "*purdah*" that largely exclude women from the formal labour market (Amin, 1997; Bridges et al., 2011; Kabeer, 1991; 2000). Despite these challenges, there has been remarkable growth in women's employment since the mid-1980s. Female labour force participation rose from about 8% in the mid-1980s to 30% in 2010, and reached 42.67% by 2022 (BBS, 2022; Mahmud & Bidisha, 2018). A significant driver of this change has been the expansion of the export-based RMG industry during the 1980s and 1990s, which created substantial employment opportunities for women (Afsar, 2003). Today, the garment sector is predominantly operated by women, leading to the feminization of labour. This feminized industry has enjoyed nearly forty years of success, positioning Bangladesh as the second-largest exporter of manufactured garments in the world and serving as the primary source of the country's total export earnings (BGMEA, 2020; Swazan & Das, 2022). The sector employs approximately 3.5 million workers, with around 60.5 percent being women (Mastura & Teng, 2020).

Numerous studies have identified women's employment in Bangladesh's garment sector as a vital pathway out of poverty and a means of fostering women's empowerment within the household (Kabeer & Mahmud, 2004; Karim, 2014; Khan et al., 2014; Hossain, 2012; Sharmin & Khanam, 2017). This sector has provided millions of women with access to paid work, enabling them to contribute financially to their families and gain greater autonomy. However, despite these potential benefits, women in this industry face significant vulnerabilities in the workplace. Feminization of labour in this industry has occurred but at the expense of low wages that often do not meet basic living standards, health hazards stemming from poor working conditions, and widespread violations of labour and gender rights (Akhter et al., 2019; Anner, 2019; Anwary, 2017; Islam & Zahid, 2012).

The challenges for women are further exacerbated during pregnancy, as many are deprived of adequate maternity benefits and support systems that could facilitate better health and well-being (Akhter, Rutherford & Chu, 2017; Awaj Foundation, 2019). This lack of support

not only affects their health but also impacts their job security and overall economic stability. While labour rights violations in Bangladesh's RMG sector have received considerable attention in the literature (Akhter et al., 2019; Anner, 2019; Anwary, 2017; Islam & Zahid, 2012), however the specific violation of maternity rights of women RMG workers are underexplored. Thus, this article seeks to address this gap by situating fieldwork findings within broader debates on labour rights and gender equity in a feminized sector, specifically examining women garment workers' experiences and perspectives on the barriers to accessing maternity benefits and protections. The specific objectives of this study are to examine the current state of maternity policies in Bangladeshi RMG factories; to identify the challenges and mistreatment women encounter during pregnancy, particularly in accessing maternity leave benefits; and to assess the quality and availability of day-care facilities within these factories.

By addressing these objectives, the study aims to provide a comprehensive understanding of the maternity benefits landscape and to highlight the systemic challenges that affect women workers in the RMG sector. Gaining insight into these experiences can contribute theoretically, for it can deepen knowledge on the intersectionality of the profit motives of capitalism and the rising involvement of women in the labour market as an inexpensive workforce, especially in a highly feminized sector where labour and gender rights are neglected within the neoliberal industrial contexts. Such an analysis is crucial for identifying gaps in the current policies and practices surrounding maternity benefits, as well as for assessing the effectiveness of existing benefits. It highlights the challenges faced by pregnant workers, including the adequacy of leave, the quality of workplace safety, and the social support available to them. Ultimately, this research is essential for informing policy reforms that can enhance maternity protection and improve the overall well-being of women workers in the RMG sector.

## **WOMEN'S RIGHTS TO MATERNITY PROTECTION IN THE WORKPLACE**

The ILO has identified maternity protection for working women as a primary concern, leading to the first Maternity Protection Convention in 1919 (No. 3), followed by a revision in 1952 (Convention No. 103). The most recent convention, adopted in 2000 (No. 183), mandates a minimum maternity leave period of 14 weeks, which is an increase of two weeks compared to previous conventions (Cerise et al., 2013). The ILO further recommends extending this duration to at least 18 weeks to ensure adequate rest and recovery for mothers (Addati et al., 2022). The ILO emphasizes protective measures for pregnant women and those who have recently given birth, including the need to avoid exposure to health and safety risks during and after pregnancy. Key rights include access to paid maternity leave and break for breastfeeding, maternal and child health care, protection against discrimination in recruitment and dismissal, and a guaranteed right to return to work after maternity leave (Addati et al., 2014). Moreover, the cash benefits associated with maternity leave should be sufficient to support the well-being of both the mother and child, preventing poverty and hardship, particularly for women in the informal sector. According to ILO standards, cash benefits should be at least 67% of the woman's earnings prior to maternity leave, with a recommendation to increase this to a hundred percent if feasible (Addati et al., 2022).

Most ILO member countries adhere to the maternity convention; however, only about 34% fully meet the requirements for the duration of maternity leave and the amount of cash benefits specified under Convention No. 183 (Addati et al., 2014). Nevertheless, nearly all countries in Eastern Europe and Central Asia, as well as those in developed economies, meet or

exceed the ILO standard of 14 weeks of maternity leave (Addati et al., 2014). While many developed countries prioritize maternity benefits through paid leave (Tikkanen et al., 2020), a large majority of women workers, approximately 830 million globally, lack adequate maternity protection, with most of those affected being in Africa and Asia (Addati et al., 2014). Researchers have expressed concern over the failure of most developing countries to meet the ILO standards for maternity leave duration (Cerise et al., 2013). The ILO emphasizes the need for maternity protection (including paid maternity leave) for women in precarious and informal employment, particularly in the context of developing countries where women often work in unsafe and informal sectors (ILO, 2010; OECD, 2012).

Female employees in Bangladesh are entitled to eight weeks of paid maternity leave before and after the anticipated delivery date ( 16 weeks in total), as stipulated in Section 46 of the Bangladesh Labour Act (BLA), 2006. However, to qualify for this benefit, employees must have worked for the same employer for a minimum of six months prior to giving birth. Additionally, the benefit applies only to women with no surviving children or only one surviving child, meaning that newly hired workers and mothers with multiple children are excluded from these benefits (Karim, 2024). Moreover, the implementation of this law has been inconsistent, leading to varied practices across different sectors. For instance, public sector employees receive six months of maternity leave, highlighting disparities within the system. The law also excludes specific offices and individuals in managerial positions, creating further gaps in benefits. In addition, the informal sector, where many women are employed, remains largely unregulated (Karim, 2024).

Despite women comprising the majority of the labour force in Bangladesh's RMG sector, the industry has not established a formal directive regarding maternity leave, resulting in a lack of consistent standards across the sector (Awaj Foundation, 2019). A 2015 report by the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) found that 82% of the 3,225 factories inspected provided some form of maternity benefits. However, a subsequent study conducted by the Awaj Foundation (2019) indicates that compliance with maternity benefits law is low, with many factories often denying the mandatory benefits altogether. When benefits are provided, they are frequently below the legally mandated amount or are offered inconsistently. Female workers also face numerous obstacles in accessing maternity benefits, particularly regarding pre- and post-partum accommodations. These challenges can lead to various issues, including inadequate breastfeeding practices, unsatisfactory conditions in day-care facilities, and instances of discrimination and harassment directed at pregnant or nursing workers. Furthermore, in the past, the BGMEA has suggested reducing the legally mandated maternity leave from 112 days to 84 days, citing practices from other garment-exporting countries such as Malaysia, Korea, India, and the Philippines, where maternity leave ranges from 60 to 90 days (The Daily Star, 2012).

## **ANALYTICAL FRAME: FEMINIZATION AND LABOR VULNERABILITY IN THE GLOBAL RMG SECTOR**

In this paper, we are guided by the theoretical lens of feminization of labour and women's vulnerabilities in the global RMG manufacturing sector. Feminization of labour refers to the mass entrance of women into the workforce (Momen, 2006), an idea that emerged as a focal point of academic debate after the release of Ester Boserup's book *Women's Role in Economic Development* (1970).

The 1970s observed a significant transformation in the global division of labour, as companies across various industries started to turn to developing nations not just for raw materials but to relocate the manufacturing processes (Dicken, 1998; Porter, 1990). This relocation trend gained momentum during the 1980s and 1990s, assisted by regional trade agreements and the creation of special economic zones aimed at export manufacturing. Importantly, this transformation in transnational production arrangements was deeply gendered, with women constituting the majority of recruits in these relocated industries (Collins, 2002). Scholars have argued that the increase in the feminized workforce has happened as a result of search for cheap labour (Elson & Pearson, 1981; Nash & Fernandez-Kelly, 1983; Standing, 1989), and this has led to labour exploitation under the guise of economic inclusion. In different export-based industries in low-income countries, poor women remain as the cheapest labour force as they constitute the main available labour. In addition, as a result of their long-term oppressed, subordinate, and secondary status, they hold low 'aspiration wages' and low 'efficiency wages' (Standing, 1989), causing employers to implement feminized employment strategies in order to reduce production costs. Women employed in these feminized sectors frequently endure precarious, low-wage, and unstable working conditions. Academics have characterized the feminization of the workforce as a manifestation of gender-based discrimination, wherein female labourers in export-oriented manufacturing are portrayed as victims of the global capitalist framework (Elson, 1999; Hancock & Edirisinghe, 2012; Pyle & Ward, 2003). Both foreign and domestic investors in the restructured global apparel manufacturing industry prefer the disposability, low cost, dexterity, and submissiveness of female workers from the global south (Elson, 1983; Wright, 2013). This practice guarantees substantial profit margins for investors within the global supply chain.

The mass recruitment of women as low-cost workforce has been a unique characteristic of the global apparel and garment industries (Taplin, 2014). This trend has provided a gateway for rural women's participation in the formal economy, offering a potential pathway for them to overcome extreme poverty (English, 2013). Nevertheless, these jobs are usually precarious and exploitative. The profit motive of transnational global capital in this sector has created a race to the bottom in terms of wages and working conditions (English, 2013). Women in these industries frequently work long hours in hazardous and unhealthy conditions for very low pay, while also facing harassment, violence, and discrimination (Caleca, 2014; Tager, 2016).

Thus, the process of feminization of labour in the RMG sector inevitably results in women's vulnerability in the workplace. We argue that, in this regard, the lack of maternity leaves and benefits stands out as a specific area of vulnerability. Pregnancy and childbirth frequently increase the risks of termination, loss of earnings, and exclusion from opportunities for career progression. We relate that in the feminized workspace of export-oriented RMG factories in Bangladesh, women's vulnerabilities are extended to the violation of numerous gender rights, particularly, the disregard of their reproductive roles and neglect of maternity protection within workplace policies and practices, which have been revealed in some studies (Akhter et al., 2017; Awaj Foundation, 2019). Such violations occur in the context of the intersection of capitalism and patriarchy, where the pursuit of profits overlooks the recognition of women's reproductive rights. In addition, transnational global capital is reluctant to share the cost of maternity benefits and insists on upholding the inhumane production targets set by them, squeezing local employers' profit. Thus, local employers engage in manipulative practices to dodge incurring the cost of maternity benefits.

## **RESEARCH METHODS AND MATERIALS**

This paper is based on research conducted on various aspects of women workers in the RMG sector in Bangladesh, with a particular focus on pregnancy and maternity benefits. The study employed a qualitative research approach to gather in-depth data (Creswell, 2009; Halmi, 1996) on workplace practices related to pregnancy and maternity benefits in the RMG sector.

Bangladeshi factories producing ready-to-wear garments for export are broadly divided into two categories: factories within the Export Processing Zone (EPZ) and factories outside the EPZ. The economic benefits for workers in EPZ factories are better than those in non-EPZ factories. However, EPZ factories only employ 12% of the garment workforce, while the remaining 88% of garment workers are employed in non-EPZ factories (Shill, 2019). Therefore, this study included workers from non-EPZ factories, which employ the majority of women garment workers. Furthermore, in Bangladesh, the major garment industrial hubs are located in Dhaka, Gazipur, Narayanganj, and Chittagong, despite the recent development of garment factories in other parts of the country. This study focused on Savar, Ashulia, and Mirpur, three key industrial sites in the greater Dhaka area, which are also home to a large number of garment workers. The decision was based on two factors: first, these industrial sites of greater Dhaka are one of Bangladesh's garment industry hubs. Second, these sites were selected with the researcher's travel convenience in mind.

A total of 20 female workers from different garment factories were purposively selected for the study, all of whom were sewing operators or helpers; women are predominantly employed in these jobs in Bangladesh's RMG factories. Initially, there was a plan to conduct at least 30 in-depth interviews with women workers. However, after conducting 15 interviews, recurrences of various data patterns were observed, and data saturation was achieved within the 20 interviews. The participants were drawn from both compliant (n=14) and non-compliant subcontract factories (n=6). Compliant manufacturers are required to adhere to structural safety regulations and labour rights norms, as they enter into official contracts with overseas buyers. Conversely, tiny subcontract factories are not under any compliance regulations. The proprietor acquires contracts via the primary complying factory and thereafter outsources portions of the manufacturing process to smaller subcontracting factories. Local investors in the garment business face challenges in negotiating advantageous rates with overseas buyers; hence, subcontracting enables them to mitigate compliance expenses, ultimately leading to the exploitation of female workers.

Some workers shared their personal experiences with pregnancy and maternity benefits, while others discussed broader workplace practices related to these issues. In selecting the participants, we considered factors such as age, marital status, length of service, and factory type to ensure a diverse sample (Neuman, 2011). Additionally, seven factory staff members—two top-level managers, four mid-level supervisors, and one welfare officer—along with three labour rights activists, participated as key informants in the study.

Before data collection, informed consent was obtained from research participants. Participants were provided with an informed consent form that outlined the study's purposes in detail, as well as their right to withdraw from the study at any time. The consent form was signed before the interviews, indicating their agreement to participate. All research participants were assigned pseudonyms to ensure anonymity and confidentiality. However, labour rights activists gave consent to use their real names. Data collection methods included in-depth interviews using an open-ended, unstructured question guide. Interviews with female workers and supervisory staff were scheduled in advance and conducted at their homes on weekends.

Interviews with top managers and labour rights activists were held on weekdays in their respective factories and offices.

The interviews with female workers were conducted as friendly conversations (Neuman, 2011), rather than as formal "question and answer" sessions. The interviews were conducted in Bengali, the native language of both the research participants and the interviewer (the first author). All interviews were audio-recorded with the participants' consent. Additionally, informal time was spent in the workers' residential areas, allowing for interactions with family members, other RMG workers, and local residents, which provided valuable insights into the workers' lives. Observations made during these informal interactions were documented. Secondary sources were also used to supplement the data.

The data was analysed using a thematic approach, with assistance from NVivo 10 software. All recorded interviews were transcribed, translated and imported into NVivo for coding and memo writing. Each interview transcript was carefully read and reread in coding the data (Saldaña, 2009). The next phase involved organizing and grouping the coded data into categories and subcategories based on common characteristics, and then generating major themes (Saldaña, 2009). In the findings section, the themes are explained, with examples from the data and direct quotes from research participants.

## **FINDINGS**

### **Inconsistent maternity benefits in RMG factories**

According to the two top-level managers who participated as key informants, compliance factories typically follow the maternity policies outlined in the Bangladesh Labour Act, 2006, which are often mandated by foreign buyers. Mr. Khurshed (Human Resource Manager, Male, Age: 41) provided a detailed overview of maternity leave, economic benefits, and safety measures in RMG factories. He explained that female workers in these factories are entitled to 16 weeks of maternity leave—8 weeks before delivery and 8 weeks after—provided they have worked at the factory for at least six months prior to delivery and have no more than one surviving child.

The economic benefit during maternity leave is calculated based on the total wages earned in the three months preceding the leave, divided by the number of days worked in that period. This benefit is paid in two phases: the first payment, covering 8 weeks before delivery, is issued before the leave begins, based on a doctor's certificate confirming that the worker is expected to be confined (deliver the baby) within 8 weeks. The remaining benefit is paid during the 8 weeks following delivery, upon submission of proof of delivery.

Mr. Khurshed also mentioned that, for 10 weeks before and after childbirth, female workers are reassigned from physically demanding tasks. For example, a machine operator would be moved to a helper's role rather than working on the machine. He emphasized that such policies are strictly enforced in his factory:

‘We strictly adhere to the compliance rules of maternity benefits in our factory. Currently, there are nine pregnant workers in the sewing production lines. They have

already given the certificates of their pregnancy.<sup>1</sup> The welfare officers and the supervisors have been instructed to monitor any hazards they may face. They will go on leave in the prescribed time as per law and get economic benefits' (Mr. Khurshed, Human Resource Officer, Age: 41).

It appears that executives in the RMG industry, like Mr. Khurshed, try to present the practices regarding maternity benefits as aligned with the law. However, discussions with female workers reveal that these practices are inconsistent and sometimes applied arbitrarily. While women workers in certified compliance factories are generally aware of the maternity benefit laws, they reported a key discrepancy: all 14 workers of the compliance factories in this study stated that to be eligible for maternity benefits, a woman must work at least one year in her current factory, rather than the six months as stipulated by law.

Some workers mentioned that their colleagues had received monetary benefits under maternity leave, but when asked about the specific amount, their responses varied—often falling below the legally required sum. It seems that women are unclear about the exact calculation of their maternity benefits and, as a result, tend to accept whatever amount offered by their employers. However, a few women in well-regarded compliance factories, like Halima, expressed satisfaction with the maternity benefits they received. In the third month of her pregnancy, Halima reported it to the welfare officer. The officer advised her to submit a doctor's ultrasound report. The officer also notified the assembly line supervisors about her pregnancy so that they could monitor any complications she might experience:

I operated the machine until I was six months pregnant, after which I was reassigned to helper duties until I took maternity leave. I was also restricted from working overtime. When I took my leave, I received fifty percent of the economic benefit. I returned to work two months after giving birth and submitted proof of delivery from my doctor. I worked for about eighteen more days before receiving the remaining portion of my benefit' (Halima, Operator, Separated, Age: 21).

While there are some instances of maternity leave practices in compliance factories, maternity benefits policies and practices are virtually non-existent in subcontract factories, which make up a significant portion of garment factories in Bangladesh. In these subcontract factories, women do not even have access to unpaid maternity leave. Pregnant workers are often forced to leave the factory before delivery and are required to re-join as new employees after childbirth. In reality, the management of these factories often encourage pregnant women to resign, as they are seen as less able to handle the production pressure during pregnancy:

'There are currently seven pregnant women on our production floor. Two of them are about six months pregnant and still operating the machines. Once the pregnancies were disclosed, the supervisors urged these women to resign, saying, 'Why take on this pressure when you won't get maternity benefits?' Despite this, the

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<sup>1</sup> As per the Bangladesh Labour Act 2006, maternity benefit payable for 8 weeks preceding delivery shall be paid within 3 working days following the submission of the certificate provided by a doctor that the woman is expected to be confined within 8 weeks, and the remaining benefits shall be paid 3 days after submission of proof of the delivery. However, in many factories, the authority asks for such a certificate in the preliminary stage of pregnancy.

women have decided to continue working until delivery to save money' (Nur Banu, Operator, Married, Age: 27).

On the one hand, compliant factories frequently disregard the fundamental legislation pertaining to maternity benefits. On the other hand, they can avoid maternity benefits obligations and the costs related to such benefits by outsourcing to subcontract factories. The price squeeze benefits the leading firms, resulting in supplier factories maintaining low production wages. Consequently, in order to preserve their profits, suppliers must give up a number of labour and gender rights. Both the suppliers and buyers in the RMG supply chain ensure their profit margins are protected at the expense of women's maternity rights, resulting in women's precarious conditions during pregnancy, job loss, and insecurity.

### **Obstacles to accessing maternity benefits**

Although reputable compliance factories have provisions of paid maternity leave, some pregnant women are unable to continue working eight weeks before their due date due to health complications, which prevents them from qualifying for maternity leave. To be eligible, a woman must work until at least eight weeks before her due date. Rekha, Nur Banu, and Romela shared their experiences in which they were unable to meet this requirement, leading them to resign from their jobs and become ineligible for maternity benefits. Rekha worked until six months of pregnancy before leaving the factory due to health issues. Nur Banu, who became severely ill early in her pregnancy, faced obstacles when she requested sick leave. She recounted her experience:

'At that time, I was about three months pregnant. I had complications and was also infected with jaundice. I informed the management about both my pregnancy and my illness. I was so weak that I couldn't even operate the machine. I requested medical leave to rest and return to work later, but the management suggested I resign and return after giving birth' (Nur Banu, Operator, Married, Age: 27).

During the first month of her pregnancy, Romela resigned from her job due to the intense production pressure, which she felt was detrimental to both her health and her unborn child. There is a policy that pregnant workers should be assigned fewer production goals, but in practice, supervisors are unable to enforce this because they are under pressure from upper management to meet production targets. At the time of the interview, Romela had quit her job just ten days earlier:

'In our factory, the production pressure is overwhelming. I was absent twice during my first month of pregnancy due to illness caused by the extreme pressure. How could I have continued like this for the next six months?' (Romela, Helper, Married, Age: 20).

It is clear that in the feminized RMG workplace, reproductive roles are viewed as personal or private concerns, instead of being recognized as essential components of work-family dynamics that ought to be considered in workplace policies and labour protections. Consequently, management remains insensitive to pregnancy-related health needs, resulting in pregnant women being forced to quit their jobs.

### **Malpractices that violate labour rights and job protection during pregnancy**

Although compliance factories are expected to be sensitive to pregnancy and maternity issues, this study uncovers several hidden malpractices that violate the rights of pregnant women. Traditionally, a pregnant woman within ten weeks of her due date should not be assigned labour-intensive or standing-intensive tasks. Some workers reported that pregnant operators are reassigned to helper roles during the final stages of their pregnancies and, in some cases, given slightly lower production targets. While the majority of helpers are required to stand during their duties, pregnant helpers are sometimes provided with stools to allow brief periods of rest between tasks. However, some workers experienced the contrary:

‘I have seen many pregnant women in our factory continue to operate the machines until the last day before their maternity leave, and they were still required to meet the same production targets as everyone else. Even a pregnant helper must stand unless she arranges a chair for herself’ (Rikta, Operator, Age: 19)

Interestingly, the majority of female workers reported that pregnant women are prohibited from working overtime, a policy that management portrays as gender-sensitive, aligning with the practice of assigning less strenuous tasks to pregnant workers. When a supervisor in this study was asked about safety measures for pregnant women in his factory, he specifically mentioned this practice:

‘We are concerned that pregnant women should not face a heavy workload, so we allow them to leave the factory at 5 p.m. and they are not required to work overtime’ (Babor, Supervisor, Age: 27).

However, the welfare officer at one factory, a key informant in this study, revealed the hidden reason behind this so-called gender-sensitive measure. Though as a staff member she was not supposed to disclose such information; after building rapport and trust, she agreed to share the truth on the condition that a pseudonym be used. She explained that exempting pregnant women from overtime is a strategy to reduce the cost of maternity benefits. According to her, the economic benefit of maternity leave is calculated by dividing the total wages earned during the three months preceding the leave by the number of days worked during that period. Overtime pay is included in this calculation. So, if pregnant women are exempt from overtime, the employer can save a significant amount of money that would otherwise be included in the calculation of maternity benefits:

‘Without overtime, an operator typically earns around 8,000 Tk per month. This means her maternity leave benefit would be about 34,000 Tk for 112 days. However, most operators earn an average of 11,000 Tk per month, including overtime. In that case, her maternity benefit would be about 47,000 Tk’ (Ms. Mehenaz, Welfare Officer, Female, Age: 26)

Women workers in this study also shared that many pregnant women refrain from disclosing their pregnancy in the early stages for fear of being exempted from overtime work. Not all pregnant women face complications, and some prefer to continue working overtime.

Given the high cost of living in urban areas, the additional income from overtime is crucial for them. As a result, many pregnant women try to conceal their pregnancy until it becomes physically noticeable.

At the time of the interview, Khadiza was five months pregnant, though her pregnancy was not immediately apparent. She wore an *Urna* (a long, unstitched cloth worn to cover the upper body), which helped her hide the visible signs of pregnancy. She shared her experience:

‘Currently, I am five months pregnant, but I didn’t inform my supervisors until I was four months along. Until then, I worked from 8 a.m. to 7 p.m. If I had reported my pregnancy earlier, I would only have been allowed to work from 8 a.m. to 5 p.m., with no overtime. Recently, my supervisors noticed some of my complications, and I then informed them. Now, I have been exempted from overtime work’ (Khadiza, Operator, Married, Age: 30).

The welfare officer also revealed an additional issue. While foreign buyers require compliance with pregnancy and maternity regulations from suppliers, local RMG employers are often unhappy about the financial burden of maternity leave benefits. During pregnancy, women tend to be less productive; however, compliance rules state that no woman can be fired due to pregnancy-related complications and employers are expected to accommodate this requirement. In practice, however, upper management frequently instruct welfare officers to find ways to encourage pregnant workers to resign. The welfare officer shared that she had convinced many pregnant women to resign, sometimes through persuasion and other times through intimidation. She expressed her regret that she is forced to do it to keep her job. However, she felt a sort of relief to finally reveal the truth about the mistreatment of pregnant women that this research can help expose:

‘It’s easy to manipulate female workers and violate their rights. We often encourage pregnant employees to resign by emphasizing health concerns. We also mislead them into believing that if they don’t return to work after maternity leave — even though the law doesn’t require it to receive maternity benefits — their names will be blacklisted, and they won’t be able to find work in other factories. Many women are unsure if they’ll be able to return to work after maternity leave, and this uncertainty creates fear. As a result, women who lack legal knowledge often feel pressured to resign’ (Ms. Mehenaz, Welfare Officer, Female, Age: 26).

Hosneara shared an incident involving her co-worker, Mukta, who was asked to resign about two months into her pregnancy:

‘Once her pregnancy became known, the supervisors began mistreating her. They complained that her productivity had dropped and that she couldn’t meet production targets, though this wasn’t true. She always put in her best effort. Eventually, management got her to sign a resignation document and instructed her to leave the factory. Because she signed it herself, it was considered a resignation, not a termination’ (Hosneara, Operator, Married, Age: 28).

While foreign buyers ask the Bangladeshi supplier factories to adhere to the rules of pregnancy and maternity benefits, they do not share the responsibility for the cost of the maternity benefits. Instead, they exert pressure to lower the prices of products sourced from supplier factories, leading to suppliers facing challenges in providing various worker benefits,

such as maternity benefits. Unfortunately, rather than bargaining with foreign buyers for fair prices, Bangladeshi RMG suppliers not only deprive the women of their maternity benefits but also mistreat and humiliate them during pregnancy. The labour rights activists involved in this study also voiced their concerns about pregnancy-related mistreatment in RMG factories. Mr. Saikat Mollik, a consultant with the Worker Rights Consortium (WRC), shared two particularly troubling cases that had been reported to them by workers:

‘In one case, Lili, a helper, was five months pregnant. She was taking a break and sitting on a chair between tasks. When the supervisor noticed it, he became angry and pushed her off the chair. This caused severe bleeding.... leading to the loss of the foetus and serious health complications for Lili. In another case, the supervisor encouraged Puspa, an operator, to terminate her three-month pregnancy. He procured abortion pills from a nearby dispensary and told her to take them. She followed his instructions, but the pills caused uncontrollable bleeding, and she was on the brink of death’ (Mr. Saikat Mollik, Consultant at WRC, Male, Age: 30).

### **Lack of or absence of day-care facilities**

Returning to work just eight weeks after childbirth is often too soon for nursing mothers, who are still recovering from the physical and emotional stress of delivery. Many women who receive half of their maternity financial benefits before childbirth choose not to return to work afterward to collect the remaining benefit. In some cases, they return briefly, collect the remainder of the benefits, and then leave again. Two top managers confirmed this reality:

‘About 20 percent of pregnant workers who receive half of their monetary benefits before taking leave do not return after childbirth. Around 50 percent return briefly to collect the remaining payment but leave soon after. They prioritize nursing their infants over continuing work. Only about 30 percent of women who take maternity leave return to full-time employment’ (Mr. Kaizer, Administrative Manager, Male, Age: 38).

For some women, the difficulty of returning to work just 8 weeks after childbirth prevents them from accessing their economic benefits and the leave as well. Masuda (Operator, Divorced, Age: 28) worked until eight weeks before her due date (which indicates the fulfilment of the requirement to access maternity benefits). However, she didn’t take full advantage of maternity leave because she wasn’t sure if she could return to work afterward. Management also asked about her commitment to return after leave, so she ended up not receiving any financial benefits and found a new job in another factory six months after giving birth.

One of the main reasons women do not return to work after maternity leave is the lack of effective day-care facilities where they can breastfeed and care for their new-borns. Labour rights activists strongly supported this concern. According to labour law, factories with 40 or more women must provide suitable rooms for children under six, staffed by trained caregivers. These rooms must also provide space for mothers to breastfeed. However, during fieldwork, it was observed that many factories fail to meet these requirements. In one factory visited, the day-care room was empty, and the necessary furniture was stored in a corner, indicating that it was rarely used. In another factory, there were only six children in a day-care room, despite approximately 3,000 female workers worked there. This stark mismatch highlights that compliance with day-care regulations is minimal.

While women from compliance factories confirmed these findings, women from subcontract factories reported the complete absence of day-care facilities. Additionally, many mothers expressed dissatisfaction with existing day-care services. If they use the day-care, they must bring their child's food for the entire day, which is an added burden. The quality of care was also a concern, as only one staff member was assigned to look after the children:

'I have two children—my daughter is five, and my son is two. I'm divorced and have no relatives nearby. How can I take care of them when I'm at the factory from early morning to night? If I put them in day-care, I must bring food for two meals, which is an additional burden. The day-care facility isn't functioning properly either. So, I leave them with my mother in the village. Although I miss them, I believe they are safer and healthier with my mother than in the day-care' (Masuda, Operator, Age: 28).

Additionally, factory management typically discourages women from utilizing day-care facilities, as reported by several workers. Khadiza (Operator, Married, Age: 30) reported that the management at their factory implemented a policy where a working mother can only use the day-care facility for one child and for a maximum of one year during her employment. Additionally, they discouraged enrolling breastfeeding infants in day-care. Afrin shared a story of a colleague who was denied access to the day-care facility because she had been working there for less than six months, despite the fact that no such restriction exists in labour law:

'Latifa, my workmate, has recently joined the factory. Her husband and she both work outside, and they have no relatives in the city. Their child is only two years old. She was crying when she approached the administration for day-care, but they told her that she couldn't use the facility because of her short tenure at the factory' (Afrin, Operator, Married, Age: 38).

The welfare officer (Ms. Mehenaz, Female, Age: 26) confirmed this issue, revealing that RMG employers are generally unhappy with the regulations regarding day-care facilities. According to labour law, employers must provide 250 milligrams of milk per day for children under the age of one who are in day-care, and must also allow two breaks per day for breastfeeding mothers. However, many employers view these requirements as costly and impractical in terms of time and money. As a result, they often discourage mothers from using day-care facilities.

The welfare officer's perspective on the issue also highlights the indirect consequences for breastfeeding and nursing mothers:

'Employers are reluctant to comply with day-care regulations because they perceive them as too costly. They also see nursing mothers as less able to focus on their work. While they incur a minor loss due to the benefits paid during maternity leave, employers are often relieved when mothers don't return to work after maternity leave, as they believe it reduces productivity' (Ms. Mehenaz, Welfare Officer, Female, Age: 26).

## **DISCUSSION**

Through a theoretical lens of feminization of labour, patriarchy, and capitalist interests, this paper explores women's vulnerability during pregnancy and deprivation of their maternity

benefits in the Bangladeshi RMG sector. The diverse investors (local suppliers and foreign buyers) in the RMG supply chain prefer to hire women from developing countries like Bangladesh as cheap labour in this sector. This ensures their high profit margins at the expense of deprivation of numerous rights such as maternity benefits for their workers. The buyers' denial of standard prices for the products outsourced to Bangladeshi RMG suppliers results in women's miseries and humiliation during pregnancy and violation of maternity rights in many ways. Further, the patriarchal mindsets of the factory managerial authority perceive reproductive roles as personal concerns and exhibit an insensitive attitude towards pregnancy-related needs, which interconnect with the profit motives of all investors in the RMG supply chain. Consequently, women workers' maternity rights remain overlooked in the feminized workplace of Bangladeshi RMG industries. This paper as such reveals how maternity rights violation occurs in these RMG factories in numerous ways.

The findings of this study reveal significant gaps in the implementation of maternity leave benefits and the provision of essential support for pregnant women working in the RMG sector in Bangladesh. While certified compliance factories are required to have maternity policies to meet foreign buyer requirements, the actual practices often deviate from the legal provisions. A notable discrepancy is the common practice of employers requiring female workers to have at least one year of service to qualify for maternity benefits, rather than the six months mandated by the Bangladesh Labour Act (BLA). This issue is corroborated by a study done by Islam (2015), which indicates that factory authorities frequently alter these requirements to reduce costs. Additionally, the value of maternity benefits paid is inconsistent, and in many cases, the benefits provided fall short of the legally required minimum. Other studies on RMG factories in Bangladesh also indicate that the maternity benefits payment system is complex, and employers mostly do not adhere to the existing provision concerning payment of maternity benefits as outlined in the country's labour law (Awaj Foundation, 2019; Islam, 2015). Women generally do not receive even the minimum entitlement of leave and benefits as stipulated by the law (Awaj Foundation, 2019).

Moreover, subcontract factories, which make up a significant portion of the RMG industry, lack maternity policies altogether, leaving pregnant workers with no formal protections or benefits. This situation highlights the vulnerability of female workers in the sector, who are not only denied basic maternity benefits but are also often subjected to mistreatment and pressure to resign due to pregnancy-related complications. As demonstrated in previous research (see for example Akhter et al., 2017), the physical demands and high-pressure work environment in RMG factories exacerbate the health risks for pregnant women, further limiting their ability to access maternity benefits.

The study also revealed that many pregnant workers experience obstacles to access maternity leave. These obstacles are often rooted in the physically demanding nature of their work, the heavy production pressure, and the failure of factory management to adhere to legal provisions that prohibit assigning pregnant workers to strenuous tasks. While the BLA mandates that women should not be assigned to physically demanding work during the ten weeks before their due date, this provision is often ignored. Furthermore, such a provision does not apply during the earlier critical stages of pregnancy. Pregnant workers are frequently required to perform the same tasks as their non-pregnant counterparts, sometimes leading to early resignation due to health complications. This is a clear violation of both national labour laws and international standards for maternity protection, such as the ILO's Maternity Protection Convention (No. 183), which calls for adjustments to work conditions during pregnancy. Study findings expose that such adjustments of job task modifications are not maintained like providing

light duties for sewing operators and seating arrangements for the helpers, which were also revealed in other studies (Akhter et al., 2017; Islam, 2015). Akhter et al. (2017) indicate that expectant workers in the Bangladeshi RMG factories working in one position or stand for extended durations, may cause health hazards to pregnant workers. Even women are denied sick leave for pregnancy-related health issues; rather, they are forced to resign for requesting sick leave, which is also revealed in another study (see Osmani & Hossain, 2018).

Moreover, local owners are not pleased with the issue of monetary benefits awarded during maternity leave, as they are the sole bearers of this. Mahbub (2019) also disclosed that employers perceive maternity benefits as a financial liability. In addition, women's productivity decreases during pregnancy. In such a situation, the management manipulate or frighten the pregnant workers in a variety of ways to induce them to voluntarily resign from their jobs, as they cannot be easily terminated due to pregnancy regulations. One study demonstrates that garment workers' fear of losing their jobs discourages them from having children (Hossain et al., 2010). The constant fear that they will lose their job due to their pregnancy has also been identified in another study (see Akhter et al., 2017).

Another significant issue emerged in this study is the difficulty many women face in returning to work after childbirth, particularly due to the absence of functional day-care facilities. While some factories do provide day-care services, these are often poorly maintained or used only as a facade to comply with legal requirements during factory inspections (Awaj Foundation, 2019). Thus, the owners undermine the structural support systems, which are inevitable to support female workers' return to the labour market post-childbirth. Additionally, this study highlights that many women do not receive the full economic benefits of maternity leave because of the difficulty of early return to work post-childbirth. This is particularly problematic as many women face the pressure of balancing the economic need to continue working with the demands of caring for a new-born, often without the necessary support systems in place at the workplace. The government's failure to enforce effective maternity benefits and protection and the lack of functional day-care facilities directly contribute to women's inability to continue their work, despite their legal entitlements.

## CONCLUSION

The overall analysis of this study indicates that though the Bangladeshi RMG sector heavily relies on women's labour, which creates a distinctly feminized workplace, issues concerning maternity benefits and day-care facilities are consistently overlooked or undervalued. The profit motive of the capitalist employers' results in a lack of sensitivity concerning women's reproductive rights and needs, often infringing their entitlement to maternity benefits. This dynamic adds to the conception of women's increased vulnerability within feminized workplaces, where the demand for a low-cost female labour force exists alongside a systemic neglect of their reproductive roles. Overall, this situation indicates the structural marginalization of women and the negligence of women's rights in Bangladesh's RMG industry. In addition, the foreign buyers who may seem to support maternity protection and benefits are neither willing to share the cost of maternity benefits, nor reduce the production targets set by them as they want to maintain their profit margins. However, the local employers are left to manipulate their way into reducing the cost of maternity benefits and protection at the expense of the female workers' fundamental rights.

These findings contribute to the theoretical comprehension of women's roles as a significant labour force in numerous feminized enterprises, while their rights—especially

maternity rights—are infringed in these sectors, an area that remains predominantly unexamined. Instances of maternity rights violations within the feminized RMG sector contribute to discussions of feminized labour and gender rights. This research paves the way for future investigations on maternal rights across various feminized industries based on cross-country or longitudinal studies.

Given the findings, this study strongly recommends a comprehensive reform of maternity protection laws and practices in Bangladesh's RMG sector to better support female workers. Employers must be held accountable to adhere to the legal requirements regarding maternity leave, including the correct payment of maternity benefits and the implementation of job protections during pregnancy. Stronger government oversight is needed to ensure that both certified compliant and subcontract factories comply with these regulations. The current duration of maternity leave (total 16 weeks)—eight weeks before and eight weeks after the childbirth—is insufficient, especially for breastfeeding mothers. Extending the post-childbirth duration of the leave to at least 10 weeks would better align with international standards and allow mothers to recover from childbirth and adequately care for their infants. Besides, employers should be required to make reasonable adjustments to work conditions for pregnant workers, which includes providing lighter duties and seating arrangements for those whose work require standing. These should be a workplace policy for all pregnant employees, not just for those in the later stages of pregnancy. The government must ensure that day-care facilities are fully functional and meet the needs of working mothers. Moreover, factories should be incentivized to provide quality childcare services, including ensuring that breastfeeding mothers have the time and space to nurse their infants.

Given that foreign buyers benefit from the low labour costs in Bangladesh's garment sector, they should contribute to the funding of maternity benefits, alongside employers, and the government should also contribute a portion as well. This would ease the financial burden on employers, particularly in subcontract factories, and ensure that pregnant workers receive their full entitlements. A shared financing approach would also make the maternity benefits system more sustainable and equitable.

In conclusion, to ensure that female workers in Bangladesh's RMG sector can fully participate in the workforce without sacrificing their health or their children's well-being, stronger enforcement of maternity protection laws, enhanced support systems, and a more equitable distribution of financial responsibilities are needed. Only through these measures can the full potential of maternity protection be realized, ensuring that women's rights are protected and their contributions to the sector are respected as well as the industry's productivity and viability are maintained.

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