

**Exploring the Legal Status of Women Home-Based
Workers in the RMG Value Chain:
A Comparative Legal Analysis**

Final Report

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I. Introduction

Home-based work refers to any kind of employment or work that is conducted within the confines of an individual's residence, or in a structure or area directly connected to their home.¹ HomeNet South Asia (HNSA), which is the first and only network in the region for home-based workers, defines home-based *workers* (HBWs) as a category of “informal sector workers” who carry out remunerative work from their own homes or adjacent premises.² HNSA estimates that there are 100 million home-based workers (HBWs) globally, of whom, over 67 million are based in Bangladesh, India, Nepal and Pakistan collectively, with millions of HBWs across South Asia unaccounted for due to insufficient data and monitoring.³ HNSA also reports that 10.6 million HBWs are based in Bangladesh, according to data from the Labour Force Survey 2016.⁴

Hamida Khatun, Founder of the Bangladesh Home Based Workers' Welfare Association (BHBWWA), explains that while above figure pertains to HBWs who are spread out across various sectors in Bangladesh, disaggregate data of workers contributing to specific, individual and/or cross-cutting sectors is not reflected in existing labour data compiled by the Bangladesh Bureau of Statistics, as these workers are part of the informal economic sector and therefore, remain undocumented.⁵ The unorganised, unregulated informal sector comprises the majority of the workforce in South Asia, and about 84.9% of Bangladesh's labour force is engaged in informal employment (Labour Force Survey 2022). And women HBWs workers comprise a significant portion of this informal taskforce,⁶ not only in Bangladesh but across the world.

In Bangladesh, home-based work constitutes a diverse range of income-generating activities that are conducted within households or small workshops. This includes traditional cottage industries producing handicrafts and household items, agricultural and non-agricultural sectors, and also the textile and ready-made garment

¹ This is a working definition provided by the Bangladesh Labour Foundation, based on definitions adopted as part of the Home Work Convention, 1996 and data collected based on the lived experiences of home-based workers in communities in Ashulia, Gazipur and Savar.

² HomeNet South Asia.

³ HomeNet South Asia

⁴ Bangladesh Labour Force Survey 2016, HNSA VAW Policy Paper Bangladesh March 2023.

⁵ Interview with Hamida Khatun, 24 February 2025.

⁶ BLF, cited by Dey 2015; HomeNet South Asia.

(RMG) industry, which is one of the country's largest sectors for home-based work, and constitutes the premise of this study. There are approximately 1,100 RMG factories that outsource production work to the informal sector.⁷ HBWs in Bangladesh's RMG sector, the majority of whom are women, engage in 'piece-rate' or wage-based work from their homes or the vicinity of their homes, both independently and in groups, to produce goods for the local and international RMG markets.⁸

Various tasks within the production process in the RMG value chain are outsourced to women HBWs, including the cutting and handling of fabric, attaching buttons and zippers, attaching mirror and stone embellishments, creating seams and hems, ironing, sewing, different types of embroidery, and the finishing of export-oriented garments, both by hand and using relevant machinery. Raw materials for work are sourced primarily from subcontracting factories and HBWs engage in self-employed (by directly contacting outsourcing factories) or subcontracted work (consignments received through intermediaries who are connected to outsourcing RMG factories, usually in line management and supervisory positions), often leveraging prior connections with factories for new orders. In the global fashion industry, these workers are often referred to as "hidden hands", even as they provide crucial and flexible manual labour to hold up supply chains and production.

Despite the informal sector's crucial contributions to the RMG value chain and to the country's overall economy, there is no formal recognition of HBWs in Bangladesh's labour laws and policies. The scope of existing labour rights and protections extends only to workers employed in the formal sector, who make about 10% of the country's total workforce. This lack of legal recognition and protections creates particular vulnerabilities for women HBWs, whose face multiple, intersecting inequalities, including the lack of financial security, lack of access to better work opportunities, limited literacy, limited or lack of capacity to undertake skilled work, lack of access to social welfare and benefit schemes, and lack of agency and decision-making in the family.

The following chapters/sections explore how women HBWs in the Bangladeshi RMG sector seek to negotiate their access to fair wages, social welfare and employment benefits, safe and decent working conditions, and to legal protection

⁷ Interview with Naimul Hasan Jewel, 01 March 2025.

⁸ Bangladesh Labour Foundation (2025). Assessment on the Socio-economic Condition of Home-Based Read-Made Garment Workers in the RMG Supply Chain. February 2025.

and remedies, in the absence of any robust legal, policy or institutional frameworks that recognise the labour rights of workers who are embedded in the informal economic sector. The insights captured in this research are informed by a comparative desk review of labour laws and policies in South Asian countries, studies on HBWs in Bangladesh, and Key Informant Interviews conducted with leaders of workers' associations, federations and trade unions and experts whose work focuses on advocacy and research on the rights of HBWs in the RMG sector.

II. Methodology

This comparative analysis engaged qualitative methods for the purpose of data generation and collection. A comprehensive desk review was undertaken, which explores relevant literature and scholarship focused on home-based work in RMG sectors across South Asia; reviews existing national labour laws and policies and relevant institutional policies and guidelines; review international legal and human rights instruments, including ILO Conventions and other relevant policies; and reviews relevant legal and policy frameworks regulating the RMG value chain in selected South Asian countries (insert:), to additionally provide a regional overview on legal protections available to women HBWs in the RMG sector.

Four (04) key Informant Interviews (KIIs) were conducted, with trade union/federation representatives, founder of a HBW welfare association, and members of workers' rights NGOs/organisations. Interlocutors for the KIIs were selected and contacted in consultation with the project management team at Karmojibi Nari. All interviews were recorded with the consent of the interlocutors and conducted primarily in Bangla, which is the first language of each interlocutor as well as the researcher. Any and all statements, quotations and insights by interlocutors used in this study have been translated into English by the researcher.

In analysing comparative laws and developing KII insights, this researcher used feminist and intersectional lenses to talk about positionalities and protection gaps for women HBWs in the RMG industry. The study additionally drew on Marxist feminist theories to explain how women HBWs' lack of recognition as workers, and disadvantages of the unregulated informal sector, are compounded by patriarchal social norms that extract unpaid and uncompensated reproductive labour and care work from women, and capitalist ventures that reinforce women's exploitation.

A discussion of Gayatri Chakravorty Spivak's insights on the subaltern consciousness also becomes useful,⁹ in exploring what a lack of formal 'worker' recognition means for women HBWs who are unable to participate in workers' unions and voice their specific demands themselves.

III. Limitations of research

There is very limited scholarship on the rights and lived experiences of women HBWs in Bangladesh, and mainstream workers' rights discourse and movements do not reflect the issues and concerns of HBWs, or look into why the absence of legal protections affects women workers in the informal sector disproportionately and intensifies vulnerabilities that already exist.

This reflects a need for greater documentation of HBW experiences, greater accumulation of data, statistics and insights for comparison, and further research into legal and policy reform processes that can ensure protection of fundamental rights. This study hopes to add to the scant and emerging body of qualitative and evidence-based work on women HBWs.

However, this researcher is additionally mindful of the fact that insights captured in the study could be better informed through further engagement with women HBWs, and could be better developed if more time were allocated for KIIs and expert interviews, and for analyses of data received.

IV. Gaps in legal protection: HBWs' access to labour rights and remedies in Bangladesh

The Bangladesh Labour Act 2006 (BLA), supplemented by the Bangladesh Labour Rules of 2015, constitutes the main body of legislation outlining the rights and obligations of workers and employers engaged in the country's formal economic sector. It repeals, amends and consolidates twenty-five different laws dating back to the period of British colonial rule over the subcontinent, and is the first major labour

⁹ Spivak, Gayatri Chakravorty (1985). 'Can the Subaltern Speak?', Wedge Press.

reform since Bangladesh's independence in 1971. Amended initially in 2013 and subsequently in 2018 by way of the Bangladesh Labour (Amendment) Act 2018, the current legislation strengthens access to fundamental rights and protections for workers, but it is limited in scope when defining a *worker*, which leaves out many workers, including HBWs, from the purview of crucial rights and remedies and impedes their access to justice mechanisms and other necessary services.

A 'worker' for the purposes of the BLA, is "any person including an apprentice employed in any establishment or industry, either directly or through a contractor, by whatever name s/he is called, to do any skilled, unskilled, manual, technical, trade, promotional or clerical work for hire or reward, whether the terms of employment are expressed or implied,"¹⁰ without the exception of persons employed in managerial, administrative or supervising positions.

The absence of recognition for home-based work and the lack of inclusion of HBWs within the existing definition of 'worker' means that despite making substantial contributions to the labour market and driving economic growth, informal sector workers do not have the standing to legally challenge the violation of their labour rights and hold employers and factory-owners accountable for breach of their obligations.

While the RMG sector is the largest provider of formal employment in Bangladesh, with 65% of the RMG workforce comprising women workers,¹¹ it is also the biggest industry to outsource work to the unregulated informal sector for export purposes. This presents complexities in the applicability of legal protections and remedies, as it means that the different actors (factory workers, HBWs, factory owners, intermediaries) involved in various stages of the RMG supply chain do not have the same recourse to legal rights and remedies, thus giving rise to the risk of multiple forms of exploitation.

Right to minimum wage

¹⁰ Section 2(65), Bangladesh Labour Act 2006; Imran, Hassal Al (2020). Definition of Workers and Application of the Bangladesh Labour Act 2006: An Appraisal. E-Journal of International and Comparative Labour Studies, Vol.9, No.1, January 20202, ADAPT University Press.

¹¹ Interview with Naimul Hasan Jewel, 01 March 2025.

The **right to a minimum wage** is amongst the most crucial of workers' rights, and the Governing Body of the International Labour Organization agreed in March 2024, that a minimum wage must be a 'living wage', the kind of wage that is necessary for workers and their families to afford a decent standard of living, taking into account the specific contexts and circumstances of the country where a worker is based, and calculated for the work performed by a worker during regular working hours.¹² While there is a national minimum wage in Bangladesh, it is not applied uniformly across different trades. For the RMG sector, the minimum wage for workers is set at 12,500 BDT. For HBWs who are self-employed or subcontracted by factories on a piece-rate basis, this minimum wage simply does not exist.

Most HBWs in the Bangladeshi RMG sector are 'piece-rate' workers,¹³ meaning that they are paid for each piece of garment that they produce.¹⁴ Most RMG production work is outsourced by factories to HBWs through intermediaries, who retain a share (often substantial) of the profits provided to HBWs as part of their commission for facilitating the outsourcing.¹⁵ This payment system continues to be in violation of Bangladesh's obligations under the Equal Remuneration Convention (ILO Convention No. 100). According to Khatun, a minimum wage standard should apply to all kinds of remuneration for labour providing, ranging from monthly salaries to daily and weekly wages, annual salaries, as well as piece rate work, which should have a minimum rate.¹⁶ However, since there is no uniform pricing standard, outsourcing factories are free to arbitrarily determine the rates of work and have no obligations to pay a living wage rate in exchange for the labour provided by HBWs. Since BLA protections do not extend to HBWs, they have no bargaining power and no room for negotiating a fair price and better rates with either the factories, or the intermediaries. They must, therefore, complete higher volumes of work orders to bring home very meagre earnings.

This lack of regulation and lack of accountability on the part of RMG factory-owners exposes women HBWs, particularly in remote and marginalised communities, to the exploitation of both physical labour, which is very underpaid, and reproductive labour and care work which is completely unpaid and unacknowledged. While home-based work allows women lacking employment opportunities and financial security

¹² <https://www.ilo.org/resource/news/ilo-reaches-agreement-issue-living-wages>

¹³ Interview with Hamida Khatun, 24 February 2025.

¹⁴ HomeNet South Asia.

¹⁵ Interview with Naimul Hasan Jewel, 01 March 2025.

¹⁶ Interview with Hamida Khatun, 24 February 2025.

to contribute to the family income by working from their homes, the patriarchal and gendered division of household labour in Bangladesh society requires women to shoulder the disproportionate burden of both care work in the family and income-generating work for the factories. Khatun explains that for most women HBWs, there is no respite from labour. “They have no designated working hours and no time off. They are cooking for family members, cleaning, washing up, feeding and taking care of the children, and at the same time, sewing away, sitting at their machines in the corner of the room.”¹⁷ She also adds that many women HBWs work as domestic workers in different households during the day, and come back in the evening to carry out piece-rate work for garment factories, which means that they engage in different types of labour in a single day.¹⁸

Unequal power dynamics, reinforced by patriarchal social norms, further prevent women from speaking up and demanding better rates and working options, as they have little agency, autonomy and decision-making power, and have to defer to male authority, including in the family. This is also compounded by high rates of poverty and unemployment, meaning that women HBWs risk the chance of losing work assignments to other workers should they attempt to negotiate better prices for their labour.

Having the legal right to a minimum wage, and consequently, to ask for fair remuneration in exchange for labour provided, would ensure that women HBWs in the RMG sector have greater autonomy and power over their own time and labour, greater employment security, and increased financial independence, which are significant factors in reducing inequalities for women in Bangladesh.

Right to participate in trade unions and workers’ federations

All workers have the right to form a trade union and to join a trade union of their choice, under section 176 (a) of the BLA;¹⁹ all workers’ trade unions can form and join federations, and such unions or federations have the right to affiliate with any international organisation or confederation of workers’ organisations, under section 176(c).²⁰ The right to form and joint trade unions is one of the most essential labour rights, as it upholds freedom of association and collective bargaining for workers.

¹⁷ Interview with Hamida Khatun, 24 February 2025.

¹⁸ Ibid.

¹⁹ Section 176 (a), Chapter XIII, The Bangladesh Labour Act 2006.

²⁰ Section 176 (c), Chapter XIII, The Bangladesh Labour Act 2006.

Unions allow workers to be an organised body and have a collective voice, which is crucial in advocating for safe and decent working conditions, negotiating with employers for better wages and fairer terms of employment, demanding accountability from employers for breach of obligations, and improving employment security amongst workers. Trade unions operate as a strong support network for workers, and is usually the first point of contact when a worker's rights are violated, as trade unions can help identify the appropriate legal remedies and connect workers to service providers.

The informal nature of home-based work prevents women HBWs, who are already confined to their homes and compelled to fulfil traditional gender roles, from connecting with mainstream workers' support networks and self-help groups in workers' communities, which can support women HBWs to build their collective bargaining powers and advocate for their rights.²¹ Since HBWs are not formally recognised as workers, they cannot exercise this very crucial right. Lack of access to and participation in trade unions and/or workers' federations further invisibilises women HBWs and distances them from workers' rights movements.

Right to safe and decent working conditions

Since HBWs complete work orders that are outsourced to them by factories, they are not able to participate in a formal workplace setting which is under the control of employers responsible for maintaining decent working conditions, which includes paying heed to environmental standards. Most Women HBWs are confined to their homes and have no separate workspace. Their sewing machines are set up in the same room where the family sleeps and eats, thus disrupting living conditions for family members.²² This additionally prevents women from concentrating solely on their work, as they are expected to attend to household chores and the caregiving needs of their families while at home.

The lack of 'worker' status for women HBWs in the RMG sector and consequently, their lack of access to safe and decent working conditions, reflects an absence of check and balance. Factories and contractors operate on a clandestine basis, often issuing work orders to women HBWs orally or without a paper trail, and not

²¹ Bangladesh Labour Foundation (2025). Assessment on the Socio-economic Condition of Home-Based Read-Made Garment Workers in the RMG Supply Chain. February 2025.

²² Interview with Hamida Khatun, 24 February 2025; interview with Naimul Hasan Jewel, 01 March 2025.

revealing such arrangements to organisations at the buyer end of the supply chain, which allows factory-owners to escape any accountability mechanisms.²³

The absence of robust inspection and monitoring mechanisms for factories in RMG supply chain additionally means that women HBWs are not covered under Occupational Safety and Health (OSH) standards, leaving them exposed to unsafe and unhygienic working environments.²⁴

Access to complaint and redressal mechanisms for sexual harassment

Women HBWs also face sexual harassment and other forms of sexual violence from intermediaries and sub-contractors, but these instances go unreported and unaddressed, as they do not have access to sexual harassment prevention committees and complaint mechanisms on account of not being formally employed in a workplace/factory.²⁵

The High Court directives on eliminating sexual harassment in workplaces and educational settings, issued in 2009,²⁶ supplemented by further guidelines issued in 2011,²⁷ can be interpreted in progressive and robust ways to offer protection to women HBWs and hold factory owners accountable for failing to ensure safe working conditions, but the lack of ‘worker’ status/recognition restricts women HBWS’ access to the crucial protections offered under the directives.

Access to social protections

Article 15(d) of the Bangladesh Constitution protects the right to social security for all citizens.²⁸ The National Social Security Strategy 2015, and its accompanying Action Plan (2018) reinforce this fundamental right, with proposed initiatives to introduce a National Social Insurance Scheme (NSIS) that would cover sickness, maternity pay and protection, old-age pensions, workplace accidents and

²³ Interview with A K M Ashraf Uddin, 05 March 2025.

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²⁵ Ibid.

²⁶ *BNWLA vs. Bangladesh & Others* (2009) 29 BLD HCD 145.

²⁷ *BNWLA vs. Bangladesh & Others* (2011) 2011 BLD (HCD) 31.

²⁸ [Article 15\(d\), Part II: The Fundamentals of State Policy, The Constitution of the People’s Republic of Bangladesh.](#)

unemployment benefits for workers in the formal economy.²⁹ While access to protections under the proposed Scheme is limited to the formal sector insofar as it relates to workers, the 2015 Strategy acknowledges that the employment market in Bangladesh is dominated by informal workers and recognises the need to roll out the same protections for the informal sector once a programme has been established.

However, the NSIS has still not been implemented, and the existing social safety net programmes in Bangladesh remain uncoordinated and very limited in scope. As a result, HBWs, the majority of whom are from lower socio-economic backgrounds, are excluded from access to education, healthcare, financial support, and opportunities for skill development to seek better employment.

Maternity benefits

Under section 46 of the BLA, all women workers are entitled to 16 weeks of maternity benefits, which is paid leave for eight weeks preceding the expected date of delivery, and the same for the eight-week period immediately following the date of delivery, provided that she was worked under a particular employer for more than six months before she is due to give birth.³⁰ While this key BLA provision has not been enforced uniformly across the different industry sectors in Bangladesh, leading to disparate practices for women workers,³¹ the right to maternity benefits remains a very crucial component of the social protections that are afforded to workers all over the world and enshrined in multiple human rights instruments.³²

Since women HBWs are not part of the formal sector, the right to maternity benefits does not apply to them. Already lacking access to regular employment, the absence of any maternity protections exposes women HBWs to financial hardship and insecurity, as they face the risk of losing out on a continuous income as a result of being pregnant and/or being responsible for childcare, which leaves them with limited time to seek work.

²⁹ [National Social Security Strategy of Bangladesh, Planning Commission, July 2015.](#)

³⁰ Section 46, Chapter V, The Bangladesh Labour Act 2006.

³¹ [Awaj Foundation \(2019\). Maternity Rights and Childcare in Bangladesh: A Study of Workers in the Ready-Made Garment Sector. September 2019.](#)

³² This includes the ILO Maternity Protection Convention 2000 (No. 183).

The lack of employment security further prevents many women HBWs, particularly in low-income households, from taking a period of much-needed rest to recover from pregnancy, childbirth and child rearing, affecting a safe experience of maternity. Access to pre- and post-natal reproductive healthcare and the guarantee of physical and mental health and well-being are also not accounted for when it comes to women HBWs receiving outsourced work orders from RMG factories. Women HBWs have to devote a disproportionate division of time between childcare, household chores, and the physical labour required to complete work orders, which reinforces discriminatory gender roles that deprive women from equally participating in work and family as their male counterparts.

Access to skills development and capacity building trainings

Limited literacy and limited access to education, compounded by the lack of access to any skill development programmes, confines women and other HBWs to low-paying, repetitive tasks, while the absence of collective bargaining mechanisms leaves them without the power to negotiate fair wages or better working conditions. Gendered vulnerabilities further exacerbate these challenges for women HBWs, particularly in the RMG sector, as they must balance household and caregiving responsibilities with completing work orders for the supply chains, while at the same time competing with factory workers who are more skilled and therefore have greater employment stability and financial security.³³

Proposals by the Labour Reform Commission formed under the Interim Government of Bangladesh

The Labour Reform Commission was formed by the Interim Government of Bangladesh in November 2024, as part of ongoing efforts to identify areas of legal, institutional, structural, administrative and other reforms needed to protect fundamental citizens' rights and ensure good governance and accountability. The Labour Reform Commission focused on improving labour rights and workers' welfare, through addressing various structural, institutional, and operational

³³ Bangladesh Labour Foundation (2025). Assessment on the Socio-economic Condition of Home-Based Read-Made Garment Workers in the RMG Supply Chain. February 2025.

weaknesses concerning workers' lives and livelihoods. In its Report submitted in January 2025, the Commission for the first time highlighted the concerns of workers engaged in the informal sector, speaking to the lack of legal and social safety protections for these workers. Although home-based work or HBWs were not expressly addressed in the report, the Commission proposed, among other key recommendations, that the government take steps to formalise workers of the informal sector, which, according to the Commission, currently constitutes approximately 85% of Bangladesh's 85 million workforce.³⁴

According to Hossain, who remains wary of the extent of implementation of these reforms, this is but a starting point. It requires workers' rights groups and civil society actors to initiate and undertake dedicated advocacy efforts, pushing for the recognition of HBWs as workers and ensuring their access to all labour law protections and social welfare protections afforded to formally employed workers.³⁵

V. Rights in comparison: Existing labour protections for HBWs across South Asia

The Kathmandu Declaration,³⁶ adopted in October 2000 by Bangladesh, India, Nepal, Pakistan and Sri Lanka, was the first policy framework emerging out of South Asia which sought to address the rights of HBWs. Among other key concerns, such as the need to protect the right of HBWs to organise, minimum remuneration, occupational health and safety, access to statutory social protections and maternity benefits, and access to skill development trainings, the 2000 Declaration highlighted the need for each participating country to adopt a national policy for HBWs.³⁷ The following sections take a look at the progress achieved by a selection of these countries, and other RMG industry competitors, in ensuring legislative protections for HBWs, and the extent to which HBW rights are protected, if at all.

Pakistan

In May 2018, the federal government of Pakistan's Sindh province enacted the Sindh Home-Based Workers Act 2018,³⁸ which was not only the first piece of law in

³⁴ [Star Business Report \(2025\). Introduce national minimum wage, uniform labour law. *The Daily Star*, 13 January 2025.](#)

³⁵ Interview with Abul Hossain, 13 March 2025.

³⁶ [Kathmandu Declaration, 2000.](#)

³⁷ [HomeNet South Asia \(2021\). Policy Support Document for Home-Based Workers, India. July 2021.](#)

³⁸ [The Sindh Home-Based Workers Act, 2018, Sindh Act No. XXXVII of 2018.](#)

Pakistan to underscore the country's formal recognition of HBWs, but also the first legislation in South Asia to expressly address and apply to HBWs. The 2018 Act recognised HBWs as employees, thereby protecting their rights to unionise, participate in collective bargaining, access social protections and use dispute resolution mechanisms, and has paved the way for other provinces to adopt similar legislation ensuring the rights of HBWs, such as the Khyber Pakhtunkhwa Home-Based Workers (Welfare and Protection) Act 2021, the Balochistan Home-Based Workers Act 2022, and the latest to be enacted, the Punjab Home-Based Workers Act 2023.

This landmark legislation was a result of nearly twenty years of mobilising, organising, and advocacy by HBWs across Pakistan, with a significant thrust of the efforts led by the Home-Based Women Workers Federation (HBWWF).³⁹ In the early 2000s, workers' rights activist Zehra Khan, then a master's student, conducted research that revealed the exploitation of women HBWs who contributed heavily to Pakistan's informal sector and economy, including particularly to the textile, garments and glass bangles supply industries, but were not eligible for any sort of legal protection because they were simply not visible within the formal workforce. Policymakers were unwilling to enact new labour laws for workers who seemingly did not exist (HNSA 2019).⁴⁰

Khan, along with trade union leaders and workers' rights activists, began to informally organise HBWs by making contact at their homes, and inviting them to participate in study circles that raised awareness amongst HBWs about their rights, and also set up cooperatives that aimed to provide a safe space for HBWs to discuss their concerns, develop advocacy and bargaining capacities, and drawing upon Marxist praxis, to build up a collective voice and consciousness towards demanding and claiming their rights. HBWs' participation in the study circles illuminated concerns and contexts that went past lack of solely 'labour' issues, such as lack of legal recognition and access to minimum wage and social protections; this was a space for women workers to raise concerns around gender-based violence, lack of access to water, electricity and gas and other public amenities, and lack of housing security. It allowed the cooperatives to approach these issues from an intersectional perspective, to see how the lack of labour law protections for HBWs connected and/or exacerbated issues around their civic and socio-political rights, and to gradually engage with women HBWs' groups in other provinces and eventually act

³⁹ <https://www.wiego.org/wp-content/uploads/2023/02/wiego-organizing-law-brief-No-13.pdf>

⁴⁰ Ibid.

at the national level as pressure groups which would lobby Labour Ministry officials to take their concerns forward.

In 2009, HBWs in Sindh organised their first convention and the first union of women HBWs was formed for Hyderabad's bangle industry, followed by a union of embroidery workers in Balochistan, with the aim that unionising would allow HBWs to better negotiate wages with employers and demand fair wages and rights at the policy level. Both of these unions subsequently came together to register a federation, the HBWWF, applying Article 17 of the Constitution of Pakistan, which outlines freedom of association and the right to form trade unions, so that they could have greater bargaining power, advocate for HBW rights more effectively, and challenge the violation of Constitution rights in demanding recognition and protection for HBWs.⁴¹ The Federation was also a way for grassroots movements, led by HBWs, to connect with mainstream social and political struggles, which increased their visibility and strengthened collective voice, agency and decision-making. The Federation's work alongside that of its allies, centering HBW concerns, eventually led to the enactment of the Sindh Home-Based Workers Act 2018.

Mapping the above trajectory in Pakistan reveals that this welcome legislative step has been methodically driven by the power of workers' unions and federations, mobilising firstly at local and subsequently at regional and national levels, through sustained advocacy efforts highlighting concerns about working conditions, wages and social welfare protections for HBWs. Trade unions similarly have a strong presence in the RMG sector in Bangladesh and have long been part of wider workers' rights movements demanding fair wages, a national minimum wage, and decent working conditions.

Organisations like BHBWWA have been raising demands about women HBWs' rights in their advocacy and movement-building efforts. However, as Abul Hossain [insert titles] points out, HBW issues continue to be under-represented in ongoing workers' struggles in Bangladesh. "Trade unions are the key driving force behind workers' rights movements, they are responsible for organising and mobilising workers, taking up their demands, fighting for legal protection of their rights. Mainstream trade unions in Bangladesh are more focused on the formal sector, because it is easier to organise workers who are formally employed, who can pay

⁴¹ <https://www.jamhoor.org/read/domestic-defiance-on-pakistans-first-trade-union-federation-for-home-based-workers>

union membership fees. So HBWs from the informal sector are not included within these wider workers' struggles."⁴²

India

Much like Bangladesh, India is also a significant player in the global textile industry, and a key competitor to Bangladesh's RMG export sector, also relying predominantly on an informal workforce. Despite existing Constitutional provisions guaranteeing equal treatment, the right to work, right to adequate livelihood, and access to humane working conditions, India has also not yet adopted any specific legislation or policy that formally recognises HBWs as workers, regulates the terms of their employment (usually similarly outsourced in the RMG sector), and upholds their access to fundamental labour rights and social protections.

However, there are scattered pieces of laws and policies that may be pulled together to afford some protection to HBWs in India. For example, the Unorganised Workers' Social Security Act 2008 required central and state governments in India to establish welfare schemes for 'unorganised workers' (which includes HBWs, daily-wage workers and self-employed workers) covering disability, health and maternity benefits, old age benefits, and any other social welfare benefits determined by the central government.⁴³ This Act has since been consolidated, along with nine other labour laws/policies, into the Code on Social Security 2020,⁴⁴ with the broader aim of extending social security benefits to all workers, irrespective of their engagement in the formal or informal economic sector.⁴⁵ A Draft National Policy for Home-Based Workers (2017), drafted by HomeNet South Asia in collaboration with the Ministry of Labour and Employment is still under consideration and is yet to be enacted.⁴⁶

Sri Lanka

HBWs are largely excluded from the purview of labour law protections in Sri Lanka, which does not legally recognise home-based work or HBWs. Existing labour laws in Sri Lanka broadly categorise workers into 'dependent workers' and 'independent workers',⁴⁷ with the laws not being applicable to the latter category (comprising the

⁴² Interview with Abul Hossain, 13 March 2025.

⁴³ [HomeNet South Asia \(2021\). Policy Support Document for Home-Based Workers, India. July 2021.](#)

⁴⁴ [The Code on Social Security 2020, Ministry of Law and Justice, Republic of India.](#)

⁴⁵ [V.V. Giri National Labour Institute, 'FAQs on the Code on Social Security, 2020', Ministry of Labour and Employment.](#)

⁴⁶ [HomeNet South Asia \(2021\). Policy Support Document for Home-Based Workers, India. July 2021.](#)

⁴⁷ [WageIndicator 2025 - Salary.lk - Home-based workers in Sri Lanka.](#)

unorganised, unregulated informal labour and employment sector). Since HBWs, part of supply chains and receiving outsourced work, fall within the category of *independent worker*, their rights are not protected under any labour laws, and any remedies for contractors upholding payment obligations towards independent workers may only be sought under contract law provisions.⁴⁸

Most HBWs in Sri Lanka are engaged in the RMG sector or the production of traditional good and crafts, with the majority of the workforce consisting of women workers. Not organised into any groups or networks, not represented in any national statistics or labour force surveys, and not formally contracted, women HBWs in Sri Lanka continue to face unsatisfactory working conditions, low wages, the absence of collective bargaining capacity and opportunities, the lack of or no social security coverage, no coverage under labour laws, and all the occupational risks associated with home-based work, including vulnerability to sexual harassment.⁴⁹

Cambodia

Cambodia, which is another major player in the global RMG industry, amongst the top garment exporters in South Asia and highly integrated into the global supply chains, has been linked to discriminatory and exploitative labour practices and human rights abuses, with law enforcement agencies and security forces cracking down on Cambodian workers amidst industry-wide protests in January 2014 demanding a higher minimum wage.⁵⁰

While Cambodia does not have legislation specifically recognising HBWs, the Cambodian Labor Law, enacted in 1997 (and amended multiple times since), guarantees general protections (with certain exceptions, e.g. lack of applicability to unpaid work) for all workers, including HBWs, with the exception of home workers who do not have a clear employer-employee relationship. These protections include the right of HBWs, as all workers, to be entitled to minimum wage and the same rates of overtime compensation as workers in the formal sector, to form and join trade unions, engage in collective bargaining to negotiate wages, enjoy equal treatment and freedom from discrimination in the workplace, and also have access to workers' benefits.

Cambodia is also currently implementing the National Social Protection Policy

⁴⁸ Ibid.

⁴⁹ [International Labour Organization \(2021\), The working conditions of home-based workers in Sri Lanka: A literature review.](#)

⁵⁰ [Star Online Report, Failures in Cambodia RMG Sector, The Daily Star, 20 March 2015.](#)

Framework 2017, which provides social security protections for citizens in both the formal and informal sectors who have insufficient income, and social assistance for people living below or near the poverty line,⁵¹ which can be extended to offer protections to women and other HBWs in low-income communities.

However, despite having laws that do provide a set of protections, implementation of these laws to ensure HBW rights remains limited, as most HBWs are still part of the invisible, informal sector and lack awareness of legal rights and access to resources and capacity development.⁵²

VI. Human rights frameworks and international labour standards

Bangladesh's existing legal and policy frameworks on labour rights need to be studied against a broader global framework of rights and obligations in relation to good labour practices, decent work, and protections for workers across different socio-economic backgrounds and a diverse range of labour, employment and economic contexts. The International Labour Organization (ILO), which is a specialised United Nations agency responsible for setting and promoting international labour and human standards relating to rights at work, social protections, and social and economic justice for workers across sectors, has adopted multiple core Conventions, Protocols and Recommendations that address workers' concerns, including protecting freedom of association, the right to collective bargaining, the right to decent wage and working conditions, and elimination of discrimination in employment and occupation. The Bangladesh government, which became a member of the ILO in 1972, has signed onto over 30 ILO Conventions, but has yet to ratify the instrument most relevant to the subject of this comparative analysis, the Home Work Convention, 1996 (Convention No. 177).⁵³ A review of the relevant ILO Conventions is a useful starting point for this section, which will be followed by a discussion of human rights practices.

⁵¹ [WIEGO, Resource Document No. 30, Home-Based Workers' Access to Social Protection: Lessons Learned from the IDPoor Programme in Cambodia. January 2023.](#)

⁵² [WageIndicator 2025 - Prake.org - Home-based Workers in Cambodia.](#)

⁵³ [The International Labor Organization \(ILO\), CO177 – Home Work Convention, 1996, No.177, 20 June 1996.](#)

International Labour Organization: Key Conventions

ILO Convention No. 177: The Home Work Convention, 1996

The Home Work Convention 1996 defines *'home work'* as “work carried out by a person, to be referred to as a homemaker,⁵⁴ in his or her home or in other premises of his or her choice, other than the workplace of the employer; for remuneration; which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used, unless this person has the degree of autonomy and of economic independence necessary to be considered an independent worker under national laws, regulations or court decisions.”⁵⁵ Employers can assign this type of work either directly or through an intermediary (as is the case in most home-based work situations in the Bangladeshi RMG supply chain). However, the key distinction is that the worker must not have ‘employee’ status during any part of performing any such work at home, in the vicinity of their home, or in premises of their choice.⁵⁶

The Convention outlines various legal protections for HBWs (referred to as ‘homeworkers’ in the Convention), including setting up a monitoring mechanism that ensures compliance with laws and regulations applying to home-based work (Article 9); and most importantly, requires all Member States ratifying the Convention to adopt and implement a periodically reviewed national policy on home-based work, which must promote equal treatment for HBWs on par with other wage earners occupying equivalent positions in regular employment, with regard to equal remuneration, protection against discrimination in employment and occupation, protection in the field of occupational safety and health, maternity protection, and freedom of association and collective bargaining, among other rights (Article 4).

As highlighted earlier, Bangladesh, despite having a robust informal economic sector and an informal workforce that surpasses formal labour and employment numbers, has yet to ratify the Convention. “Ratifying the Home Work Convention would mean that the government is obligated to make provisions in domestic law which

⁵⁴ The term ‘home-based worker’ has been adopted in the Bangladeshi context (by workers’ rights organisations, activists, what little scholarship is available) to refer to homeworkers, as defined by the Convention. ‘Home-based worker’ is the term that will be used for the purpose of this study.

⁵⁵ Article 1, ILO Home Work Convention 1996.

⁵⁶ *Ibid.*

ensure that HBWs are able to receive a decent, liveable wage for the work they produce. This would be one of the first and most crucial steps towards protecting HBWs' rights in Bangladesh," says Naimul Hasan Jewel.⁵⁷ He explains that this would finally provide HBWs a legal basis upon which to negotiate with factories and intermediaries and demand better prices for their work. This in turn would empower HBWs, particularly women, with greater capacity to bargain, find better work, have more reasonable working hours due to fairer rates, have greater financial security, and seek legal remedies if they are deprived of appropriate remuneration.

In addition to ensuring a decent, living wage, ratifying the Home Work Convention and incorporating it into the national legal framework would give

Other relevant ILO Conventions include the Equal Remuneration Convention, 1951 (No. 100),⁵⁸ which seeks to ensure that men and women receive equal remuneration for work of equal value, promoting gender equality and eliminating wage discrimination, and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111),⁵⁹ which aims to eliminate discrimination in employment and occupation, ensuring equality of opportunity and treatment for all workers. Despite signing onto both of these Conventions, the labour and employment sector in Bangladesh has not been able to eliminate the gender discriminatory wage gap; nor are there any effective laws or policies in place to address workplace discrimination.

United Nations Guiding Principles on Business and Human Rights

In June 2011, the UN Human Rights Council unanimously adopted the UN Guiding Principles on Business and Human Rights,⁶⁰ which recognises the obligations of Member States to respect, protect and fulfil human rights and fundamental freedoms, which includes the responsibility to protect against human rights abuses by businesses; the responsibility of business enterprises, which are specialised organs of society performing specialised functions, to comply with all applicable laws and to respect human rights, and the need for rights and obligations.

⁵⁷ Interview with Naimul Hasan Jewel, 01 March 2025.

⁵⁸ The International Labour Organization (ILO), *CO100 – Equal Remuneration Convention, 1951*, No.100, 29 June 1951.

⁵⁹ [The International Labor Organization \(ILO\), *CO111 - Discrimination \(Employment and Occupation\) Convention, 1958, No.111, 25 June 1958.*](#)

⁶⁰ [Office of the United Nations High Commissioner for Human Rights, , *Guiding Principles on Business and Human Rights, 2011.*](#)

The Guiding Principles underscore that labour rights are human rights, and that businesses, companies, factories and employers must continuously conduct human rights due diligence (HRDD) in fulfilling their responsibility to respect these rights. HRDD is therefore an ongoing process, and businesses must identify, prevent, mitigate, and account for the adverse human rights impacts of their operations across the entirety of the value chain, including workers, supplies, contractors and other stakeholders, which means that within the RMG supply chain, HBWs are a key component of actors whose human rights must be ensured by buyers and factory owners.

HRDD in Bangladesh RMG sector

Naimul Hasan Jewel, workers' federation leader (and insert other positions), explains that HRDD creates obligations that are multi-fold – on both organisations at the buyer end of the supply chain, mostly based in developed countries of the Global North region, who outsource the garment manufacturing to RMG industries in the Global South to exploit the cheap labour that is so readily available in the competitive RMG markets in the latter region, and on the local factories bringing up the production end.⁶¹

Organisations in countries that have signed on to HRDD commitments have the obligation to ensure that human rights are being upheld every step of the way along the supply chain, or risk being fined heavy penalties for failing to do due diligence. This then requires organisations at the production end of the supply chain to also practice HRDD, which means ensuring decent wages, decent working conditions, health, safety and hygiene management, protection against workplace sexual harassment, access to employment benefits, employment security – a host of crucial factors that are absolutely missing from contemporary labour practices in the Bangladesh RMG sector. This means that organisations that produce garments, or outsource the entirety, or parts of, the production to home-based workers, cannot ensure transparency and accountability about their failure to comply with HRDD practices to buyer organisations – the factory owners then risk being blacklisted and not looked at for garment export orders.

⁶¹ Interview with Naimul Hasan Jewel, 01 March 2025.

“One of the first things that HRDD compliance would automatically ensure is increased and fair wages for workers across the board,” Jewel points out. “That’s one of the first steps in ensuring that a worker is able to make a decent livelihood.”⁶² But therein lies the problem – most factory owners are not very keen on doing their HRDD. Those who wish to, are unable to do for the most part because of the practices of other, bigger factories in the sector are not taking HRDD measures, which renders it non-feasible for smaller factories to take those extra steps. (analyse this further!)

UN Convention on the Elimination of All Forms of Discrimination Against Women 1972

The Convention on the Elimination of All Forms of Discrimination (CEDAW) is the core international legal framework for ensuring that women and girls in all their diversities have equal and non-discriminatory access to fundamental rights, freedoms and protections in all spheres of private and public life, which extends to the economic, social and legal rights of women HBWs. The Committee on the Elimination of All Forms of Discrimination, in multiple Concluding Observations, has called for implementing Member States to take effective measures to ensure that informal workers, including HBWs, are able to exercise their labour rights, including their right to social security without discrimination.⁶³

Bangladesh ratified the CEDAW in 1984 and its Optional Protocol in 2003. While it has retained certain reservations (Article 2; taking legislative and policy measures to ensure elimination of discrimination against women; Article 16.1(c): equal rights and decision-making with regard to marriage and family) on two core provisions of the Convention, Bangladesh’s existing obligations under the CEDAW require the government to recognise the work of women HBWs, and ensure that they do not face discrimination in terms of fair wages, working conditions and have access to social protections and legal remedies.

⁶² Ibid.

⁶³ CEDAW, Concluding Observations [CEDAW/C/BIH/CO/4-5 \(CEDAW, 2013\)](#) and [CEDAW/C/DJI/CO/1-3 \(CEDAW, 2011\)](#)

VII. Recommendations for reform: policies, practices, organising

Analyses based on the comparative review of South Asian labour policies and insights received from expert interviews indicate the need for a multi-pronged approach towards recognition and reforms for legal protection, carried out through concerted efforts by policymakers, workers' rights activists and movement leaders, and civil society actors.

The recommendations outlined below reflect the responsibilities and obligations of different actors and stakeholders in effectively ensuring that legal and social protections are afforded to HBWs, including women HBWs in the RMG sector.

Recommendations for legislative and policy reforms

- Amend the existing definition of 'worker' in section 2(65) of the Bangladesh Labour Act 2006 (amended 2013) to legally recognise home-based workers as 'workers' and bring them within the purview of the rights and protections that all workers are guaranteed under the Act and the Bangladesh Labour Rules 2015.
- Ratify the ILO's Home Work Convention 1996 and take steps to legally implement the obligations it imposes with regard to ensuring rights and protections for home-based workers, including ensuring that all legislative and policy amendments undertaken are in line with the Convention.
- Prioritise women workers' access to rights and remedies by taking into account women's lived experiences and specific contexts, including in assigning work; ensuring safe and decent working conditions; ensuring a living wage; ensuring access to paid menstrual leaves, maternity leaves and benefits; and ensuring protection from discrimination, sexual harassment and sexual and gender-based violence at the workplace and in home-based work settings.
- Clarify the definition of 'home-based work' and 'home-based worker' for brands, buyers and employers in the RMG supply chain, as well as for workers' rights groups and activists.
- Create and implement frameworks to regulate the informal labour sector and set up accountability and redressal mechanisms.

- Enact and implement a Policy on the Protection of the Rights of Home-Based Workers that can provide necessary protections to workers in the informal sector until appropriate legislative and policy amendments are in effect and ensure their rights as workers. .
- Establish a national minimum wage that constitutes a credible living wage and ensure uniformity in the applicability of minimum wage standards across all working sectors and wages e.g. minimum rates for sub-contracted or ‘piece-rate’ work.
- Set up social safety net schemes that specifically prioritise the needs of home-based workers, and ensure they have access to social protections, such as access to pension schemes, savings, and housing.
- Protect home-based workers’ freedom of association by ensuring their right to unionise and participate in workers’ federations.
- Create and ensure home-based workers’ access to advocacy spaces to raise individual and collective concerns, and to resources for participation in collective workers’ rights struggles and mainstream social movements.
- Provide training to home-based workers to build their knowledge on workers’ rights guaranteed under existing labour policies, and their capacity on negotiating better wages and collective bargaining.
- Ensure Human Rights Due Diligence (HRDD) practices and commitments are implemented through both state and institutional policies that uphold fundamental rights, safe and decent working conditions, and fair wages for all workers.
- Establish and enforce monitoring mechanisms to review HRDD practices implemented by factories and institutions.
- Streamline outsourcing and contracting processes for home-based workers in the supply chain.
- Ensure that all outsourcing factories, companies and institutions (including in the RMG sector) are duly registered under the Department of Inspection of Factories and Establishments (DIFE) and have their licenses renewed periodically according to procedures.
- Strengthen the licensing provisions, implement DIFE’s monitoring of outsourcing factories, and establish DIFE rules and policies that regulate outsourcing of work to the informal sector, and protect the rights of home-based workers to demand a fair wage and to hold factories accountable if dues are not paid properly after completion of work assignments.

- Set up a national workers' database and take steps to register home-based workers as workers participating in the informal sector, so as to ensure that Labour Force Surveys conducted by the Bangladesh Bureau of Statistics and any other data collection processes reflect accurate information about home-based workers and their contributions to the labour market, to GDP and economic growth, and their experience of existing labour conditions.

Recommendations for trade unions and workers' federations:

- Organise and mobilise workers in the informal sector, including HBWs, to take part in wider, ongoing workers' rights struggles.
- Ensure the participation and representation of women HBWs in wider workers' rights movements.
- Amplify the voices of women workers and build their capacity to advocate for their demands and concerns.
- Provide safe and inclusive spaces for women HBWs and other women workers to organise and raise issues and share collective concerns.
- Work on the formation of trade unions that organise HBWs and empower them to advocate for their rights, through building awareness of labour laws and rights, building their capacity to negotiate better wages and working hours, and supporting them to demand greater regulation and monitoring of informal work to ensure their rights are protected.
- Ensure inclusion and representation of HBWs, particularly women, in mainstream workers' rights movements through connecting their specific concerns to existing demands and movements about fair wages, a national minimum wage, decent working conditions, and freedom from sexual harassment and violence in the workplace.
- Collaborate with civil society actors to build public discourse on ensuring rights and protections for HBWs in the informal sector.
- Use the Labour Reform Commission's Report to create pressure on the government to take steps to implement the specific recommendations in the report that cater to the rights of workers in the informal sector.
- Liaise with the International Trade Union Confederation on the allocation of funds and programmes that prioritise the informal sector in developing countries such as Bangladesh, and support initiatives to develop the capacity of HBWs to advocate for their rights.

- Create pressure on the Bangladesh government to ratify the Home Work Convention (ILO Convention No. 177).

Recommendations for civil society actors / workers' rights NGOs:

- Ensure meaningful inclusion of women HBWs' concerns and demands in mainstream women's rights movements and other social movements, through ensuring active participation of women HBWs in these spaces and amplifying their voices.
- Advocate with policymakers as civil society pressure groups to legally recognise HBWs and regulate labour in the informal sector, leveraging the Labour Reform Commission's recommendation for recognising informal work.

VIII. Conclusion

Women HBWs who are engaged in Bangladesh's RMG value chain play a vital role in driving forward the country's economic progress, yet their labour remains largely invisible and unprotected within existing labour laws and policies. This research highlights the systemic barriers in place that work in tandem to exclude HBWs from the scope of legal recognition, decent work and fair and minimum wage protections, social security benefits, collective bargaining power and participation in workers' unions. These exclusions reinforce HBWs' vulnerability to poverty and lack of financial and employment security. For women HBWs, who comprise the majority of the informal workforce in Bangladesh, the absence of such crucial protections creates the risk of multiple forms of exploitation as most women HBWs are part of low-income communities, have had limited access to education and vocational skill-building opportunities, and are subject to traditionally patriarchal and gendered social norms that limit their agency and decision-making and expose them to gender-based discrimination and violence.

A critical takeaway from this study is the urgent need for policy reforms that legally recognise HBWs as workers, which would be the first step to bridging the crucial protection gaps that exist for women HBWs in the RMG sector. Amending the

definition of ‘worker’ in the Bangladesh Labour Act 2006 would ensure their access to fundamental rights such as minimum wage protections, collective bargaining, and social security benefits. Ratifying the ILO Home Work Convention (No. 177) would be a significant step toward guaranteeing equal treatment and equitable access to labour rights for HBWs, and ensuring their fair integration into Bangladesh’s labour force. A comparative analysis of existing legal frameworks in South Asian countries also participating in the global RMG supply chain highlights the transformative potential of progressive domestic policies and interventions in addressing the rights and women and other HBWs, as reflected in the legal reform processes culminating in Pakistan’s Home-Based Workers Acts.

Additionally, stronger regulatory mechanisms are needed to formalise informal labour structures, strengthen monitoring of outsourced work and outsourcing factories, enforce fair and living wage standards, and establish grievance redressal systems for HBWs. Trade unions and workers’ federations must actively engage in organising women HBWs and advocating for their rights, while civil society actors can play a pivotal role in raising awareness of HBWs’ rights, building public discourse and pressuring policymakers for key reforms. Sustained collaboration between policymakers, trade unions, workers’ rights groups and civil society actors is essential in integrating HBWs into mainstream workers’ rights movements and ensure their inclusion in decision-making processes about labour reforms. Implementing Human Rights Due Diligence (HRDD) practices across supply chains can also help hold factory owners and intermediaries accountable for ethical labour practices that do not violate the basic rights of women and other HBWs.

Going forward, further research, centring the voices of women HBWs and workers’ communities, is necessary to document the lived experiences of women HBWs, study the impact of existing informal labour dynamics on gender equity and parity, and particularly, to explore the gendered dimensions of undertaking home-based work in a patriarchal society where discriminatory attitudes and practices deprive women of the opportunity for better education, employment and financial independence.

Prioritising the needs, concerns and demands of women HBWs, strengthening advocacy efforts, building collective bargaining power, and formalising HBWs within Bangladesh’s labour laws are the next key steps in improving the working conditions of women HBWs and moving towards a fairer, more equitable and sustainable economy that supports its drivers.
