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## THE STATUS, SOCIOLOGICAL, AND MEDICAL STANDARD OF THE FEMALE TEA GARDEN WORKERS UNDER THE LEGAL STRUCTURE OF BANGLADESH

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**Abstract:** The Status of Women in the Workplace Women make up 45.4 percent of the global workforce today. The primary observation and survey of this research report are to explore the legal status and standard of tea garden workers in Bangladesh. Women's formal and informal labor can transform a community from a largely self-sufficient civilization to a national contributor. The expansion of corporate and service-oriented firms, as well as devoted government policy, according to several academics, employers, and rights activists, has contributed to the increase in female employment. Furthermore, women's enrollment in educational institutions has accelerated female engagement in the labor market in the country. In Bangladesh's informal and official sectors, women make up 91.8 percent of the workforce. Day laborers, cleaners, and other service employees, as well as domestic servants (the vast majority of whom are women), have lost their jobs. However, tea garden workers in Bangladesh have been in a sad state for about 150 years. Readers will acquire a better knowledge of the socio-economic situation of Bangladesh's excluded female tea garden workers after reading this study article.

**Keywords:** Female workers Health opportunities, Health rights and directions under Constitution, Comparative applications of national and International Labor laws, Tea garden management and Socio development

**Introduction:** Tea cultivation is an important agro-based industry in Bangladesh. It plays an important role within the domestic economy. In Bangladesh most popular quencher is tea. Demand of tea consumes is being increased day by day. In Bangladesh, tea has evolved into a labor-intensive, export-oriented industry. The tea industry also meets domestic demand for the iconic beverage. In recent years, the industry has struggled to meet domestic demand as the local demand has risen dramatically. Tea staff make a significant contribution to the country's economy and industry. Despite the fact that tea garden women workers are the most dominated communities of people in terms of earning foreign currency and ensuring our country's growth, they are deprived of basic necessities and political rights, resulting in a new term: modern slavery. We must ensure the basic needs and health security of tea garden staff as well as the continuation of tea production in Bangladesh to ensure growth and maintain the international profile.

According to Bangladesh Tea Board, In Bangladesh there have 167 gardens. Keeping all of these constraints in mind, this article attempts to explain the real situation of tea garden female labour. On the basis of data from a baseline study, it depicts the real physical conditions of female tea labour. In the Sylhet area, a survey of ten tea gardens was conducted. The report was based on a physical examination of 10 gardens and interviews with 100 women labour who work in the gardens.

### The main research Questionaries' of this paper are:

- ❖ What are the evaluative knowledge regarding Maternity Opportunities and maternity treatment of the tea garden workers in Bangladesh?
- ❖ What are the common approaches in terms constitutional directives and state policy to settle medical and health assistance during childbirth and other fatal health issues?
- ❖ If facilities are available and accessible than why should the female tea garden workers hustle to get initial fundamental reliefs to get regular commodities and facility issues?
- ❖ There is a common connectivity of National Labour laws, international labour provisions, and the respective constitutional laws, but in term nutrition, sanitary and hygiene, why do female tea garden workers does not have enough social theoretical and practical frame of attainment to a common standard like other social human being?

**Research Methodology:** Analysis of the study primarily depends on qualitative and quantitative data drawn from interviews and discussions with Women Tea Worker at several tea gardens, also discuss with the doctor of the health community center of the garden, NGOs who are working for plantation workers at the grass root level. Qualitative data have also been collected from

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in depth interview and case study with the tea plantation workers in several articles and journal papers. In a word, a mixed combination of qualitative and quantitative method is used as an approach for conducting the research. The survey was done with the help of a pre structured questionnaire. Data were analyzed through frequency and percentage.

This paper is prepared on the basis of both primary and secondary sources. Secondary source has been taken from various books, journals, online articles, reports, research works and relevant websites etc. Primary data has been collected through staying the actual field and from local dispensary. In terms of technique of data collection, the research has adopted the method of in depth interview and questionnaire method. My data collection time duration was 20 days from 10 to 30 January in 2021. Between those timeline I have collected data. The report was made on a physical examination of 10 gardens and interviews with 100 women labour who work in the gardens.

### **Literature Review:**

**Philip Gain et al. (2009)** elaborately discussed the tea plantation workers in Bangladesh in his book “The Story of Tea Workers in Bangladesh”. This book deals with tea plantation workers in Bangladesh. In any case, the beginning of tea development in what is presently Bangladesh, its development, proprietorship, privileges of the tea laborers and their battle for real requests, the utilization of land allowed for tea development, and various patterns have likewise been highlighted to help comprehend the conditions wherein the obligated tea estate laborers have been kept.

**UNICEF (2009) conducted an evaluation of the condition of children and women in Bangladesh's tea gardens** (Abul Barkat et al.). The survey was conducted in 900 households from 65 different types of gardens in Bangladesh (in terms of management and ownership). The condition of children and women is found to be significantly worse in certain places than that of their peers in Bangladesh as a whole. The child mortality rate in the tea gardens, for example, is nearly twice as high as the national average, according to the report. Extreme poverty and malnutrition was both higher than the national average.

In this specific article, Zerina Shabnaz Akkas and Khurshed Alam talk about the different understandings of ‘girl child protection’ among NGOs and the tea communities. Government should take child protection in remote tea plantations strictly, relating to UNICEF, Bangladesh has the fourth rate that is highest of child marriage on earth Dr. Rehena Parvin discusses about the health and economic condition of women in the article “Health and Economic Conditions of Tea Garden Female Workers: A Study on Legal Rights”. In this paper she said that while being a very promising industrial market, the tea industry is on the decline. Since the industry is not financially viable, tea garden owners employ a labor-constrained approach. As a result, the concerns of tea garden workers are not discussed, worker dissatisfaction is rising, and the industry has become an unfriendly sector for workers.

**Common knowledge about the female tea garden workers:** To comprehend the common knowledge and current elements of a female tea garden worker's learning involvement on her personal improvement, it is required to first comprehend the concept and features. The research, extension and further procedure, examine how it can cover the impact of a female worker's in order to learning, participation in the intervention factors of low-skilled worker's learning participation and improvement.

Human Capital Theory (HCT) is a common way of examining worker learning, participation and effectiveness from an economic viewpoint, in addition to the educational and social perspective that highlights such possibilities of female worker participation. Regarding Human capital theory is founded on the economic relationship inside the input-output mechanism. On the notion that a female tea garden worker's ability and knowledge may provide economic value a combination of education and experience (Becker, 1964). Furthermore, it is a mandatory measure for a workstation to maintain a balance that the persons in charge of or in charge of a workplace must ensure, to the best of their ability, that the workplace, the means of entering and exiting the workplace, and anything arising from the workplace are free of risks to the health and safety of any person.

This means that it is the employer's responsibility to establish and maintain a safe and adequate working environment. It is possible for duty bearers to share facilities. But in terms our female tea garden workers this issue is totally absent indeed the respective authority have no ache to design or develop these legal issues to provide a common knowledge and standard to these female workers.

**Rationale of the study:** Tea garden workers are one of the vulnerable and weightless groups of people who are severely deprived from basic rights and political participation. Bangladesh is one of the poorest countries in the world with 24.3 per cent of its total population are living below the poverty line (Bangladesh Economic Review, June 2018). The poverty rate is expected to decline to 13.5 per cent by 2021. Poverty reduction has got the top most priority agenda of the government of Bangladesh. The number one target of MDGs was to reduce extreme poverty and hunger by half by 2015. The 2030 Agenda of the United Nations which is Sustainable Development Goals (SDGs) also targets to end poverty by 2030. The Perspective Plan (2010-2021) of the Government of Bangladesh is a strategic document which wishes to make vision 2021 into reality by achieving the goal of reaching middle income status. All policy documents, like perspective plan and 7th five year plan, align with the SDG target of eradicating poverty by 2030.

For realizing the status of middle income country and ending poverty, it is important to increase labor productivity. Proper wage and fulfillment of basic needs can improve the productivity of laborers. So, it is important to investigate into the livelihood and poverty level of the tea garden workers as they are the most isolated community in the society. Their living conditions are very effective tool to investigate in this regard. Health, literacy and wage are very significant for improving their livelihood and basic rights as tea garden worker is the integral part in our country.

**Backdrop of Tea production in Bangladesh:** Bengal was the boundary of the Tea Horse Road connecting the subcontinent with China's early tea-growing areas in Yunnan. Atisa is considered as one of the earliest Bengali drinkers of tea. Black tea cultivation was familiarized in Bengal and Assam for the duration of the British Empire, mostly in Assam's Sylhet district (Colleen Taylor Sen (2004). In 1834, Robert Bruce exposed tea plants in the Khasi and Jaintia Hills and other hilly zones in the northeast. This led to the foundation of the Assam Tea Enterprise in 1839 and several businesspeople such as Haji Mohammed Hashim, Dwarkanath Tagore and Mutty Lall Seal were strongly involved in this company.

The company was connected with Calcutta's Bengal Tea Association. European dealers established the first subcontinental tea gardens in the port city of Chittagong in 1840, when plantations were set up beside the Chittagong Club using Chinese tea plants from the Calcutta Botanical Garden. The first home-grown tea was made and tasted near the Karnaphuli River in Chittagong in 1843. Profitable gardening of tea began in the Mulnicherra Estate in Sylhet in 1857. The Surma River Valley in the Sylhet region emerged as the center of tea cultivation in Eastern Bengal. Estates also flourished in Lower Tippera (modern Comilla) and Panchagarh which is in North Bengal. Panchagarh is the only third tea region in Bangladesh and the most necessitated teas are cultivated here.

Tea was a chief distribute of British Bengal. The Assam Bengal Railway acted as a lifeline to the industry, bringing tea to Chittagong Port exporting producers in the Surma Valley and Brahmaputra Valleys. (Ishrat Alam; Syed Ejaz Hussain (2011). Syed Abdul Majid was a very prominent developer in the native tea industry.

In the early twentieth century, many local industrialists also started founding their own companies such as Syed Abdul Majid, Nawab Ali Amjad Khan, Muhammad Bakht Majumdar, Ghulam Rabbani, Syed Ali Akbar Khandakar, Abdur Rasheed Choudhury and Karim Bakhsh. The Chittagong Tea Auction was founded in 1949 by British and Australian traders. British companies such as James Finlay and Duncan Brothers once dominated the trade. The Ispahani family was also a major actor in the field.

**The Concept of Social exclusion:** Workers on tea plantations established themselves as a different group. However, there are sub-groups within the tea plantation community that are divided by ethnicity and background. Within the same religious community, rules and customs can differ in some cases. Workers from various Indian states were brought in by British firms, and many still identify with their ethnic identities. A segment of the Bengalese population has worked on tea plantations over time. Bengalese are identified by the places from where they have moved, and they tend to associate with others of the same ancestry. Among Tea worker, I have found that most of the people are Hindu. Few people are Muslim and others religion. In several garden, I also have met with some aboriginal castes, such as Sawtal, Khasia, Monipuri etc.

Among the tea worker of Hindu religion, there have lots of caste. According to Primary data the most common castes are:

- Mudhi
- Kairi
- Baraik
- Nayek
- Das
- Mal
- Karmakar
- Ganju
- Bhowmik
- Bhunarji
- Kalendi
- Guwala
- Kahar etc.

While the caste system was formally abolished in India in 1950, its social traces still exist. Under unofficial social norms followed by Hindu Indians, the caste into which one is born still defines one's social rank, job, and marriage. Many sectors of society, like as education, healthcare, and worship, continue to separate Dalits from other castes. When it comes to education, Dalits are badly disadvantaged. In actuality, about 10-20% of Dalit men and women can read or write, with only 2-3% of Dalit women being literate. The education gap between Dalits and other castes is obvious, with over 50% of the Indian population illiterate. On the other Hand Bangladesh is outdated in this regard. When it comes to schooling, Dalit children face a unique set of challenges. Because Dalit pupils are separated from the rest of the class, other students frequently abuse or criticize them because of their caste. Female Dalit students are also required to do various jobs around the school that other students are not required to do, such as cleaning the bathroom. Even though India has abolished the caste system, poverty affects the Dalits, or untouchables, disproportionately in contrast to the other castes. Half of the Dalit population lives in poverty, and 60% of Dalit children are chronically malnourished. The majority of Dalits work in low-wage jobs that are despised by other castes.

**Social Exclusion and Global Approach:** The Dynamics of Social Exclusion: Systemic social exclusion is not the same as being shut out on a daily basis. The notion highlights the close link between "processes driving inequality, power connections, and agency (exclusion by whom?)" and the various characteristics of disadvantage and deprivation (exclusion from what?). Social deprivation, economic disadvantage, and democratic disqualification are three distinct facets of the overall issue of social exclusion that are interconnected and mutually reinforcing. Part of social deprivation is a systemic denial of social capital, in which the informal social networks that lubricate one's daily existence through "norms of reciprocity and trustworthiness" are structured and available in different ways based on race, gender, and class. Economic disadvantage refers to limitations on how certain groups of individuals can engage as workers, shoppers, or business owners. Laws, government regulations, and private entity norms; informal practices and connections; and police, state-sanctioned private violence, and bureaucracy enforce the complex of rules that control each of these elements of social exclusion.

In this sense, social deprivation serves as the trio's disciplinarian. It defines who belongs where in the broader national community and in specific locations and how they belong there. It uses racial concepts to explain and naturalize social exclusion, economic disadvantage, democratic disqualification, and even deeper social deprivation all in order to divert attention away from who is to blame for inequality. Ibram X. Kendi argues in his thorough examination of the history of anti-black, racist ideologies, "Time and time again, racist ideas have not been cooked up from the boiling cauldron of ignorance and hate." Powerful and clever men and women have repeatedly invented racist concepts in order to explain their era's discriminatory policies and to shift blame for racial inequities away from those policies and onto Black people. Social exclusion is more than a notion or a set of guidelines. Social isolation is the result of a series of choices and actions. White nationalist and racist views have been used by the economically and politically strong few in the United States to further concentrate their wealth and power. They've enlisted the help of others, even non-whites, to impose the social marginalization of black people through seemingly insignificant acts. Economic disadvantage and democratic disqualification are justified and naturalized by social deprivation, allowing the politically and economically dominant few to centralize their power even more. The systematic disenfranchisement of people with felony convictions, as well as aggressive purges of voter rolls, closures of voting and registration sites, prohibitive voter restrictions, and systematic disenfranchisement of people with felony convictions, all contribute to limiting black communities'

democratic voice. Gerrymandering and the overabundance of money in politics erode black political power even more. The tea industry employs a vast number of people in several units. There are little reports available on the health of tea garden employees. The goal of this cytogenetic bio monitoring experiment was to look into the genotoxic effects of employees in the tea industry in southern Assam. Chewing smokeless tobacco with betel nut is a frequent practice among employees. Workers are also exposed to a pesticide mixture on a regular basis. Additionally, The living conditions of female tea garden employees in Bangladesh, looking at their social and working environments as well as their level of consciousness as a dismal scenario of their lives. This study was conducted in a tea garden in Bangladesh's Sylhet region, known as Tea Estate, which was chosen at random as the study area. It demonstrates that female workers are oppressed and stifled in every aspect of life, from family life to the workplace. It also shows that 68 percent of female employees have no control over their own earnings. 94 percent of people do not have inherited property ownership, despite the fact that they are legally entitled to it from their ancestors. This work closely follows Sen's formulation of the idea of social exclusion, which is now widely used in both the south and the north. Sen links it to concepts of capabilities and entitlements. Focusing on social exclusion "may greatly aid in the causative as well as constitutive analyses of poverty and deprivation," he says, analyzing the idea within a "framework of freedoms and capabilities" (2000:47). According to him, the "perspective of social exclusion fosters... the notion of poverty as a lack of capability."

Scholars and activists have highlighted the implications of changes in property regimes (common property resources, IPRs, patents, land alienation, and so on) for people's livelihoods and well-being over the last few decades. However, the precise method by which livelihood sources and coping abilities are determined is unknown. Modifications that have been harmed by these changes are not well understood. Furthermore, legal changes have ramifications. Which undercut diverse approaches and, as a result, individual entitlements and talents Households and communities haven't been properly planned. Shortly, Social exclusion is a social and institutional process in which some groups of individuals or communities are denied full participation in certain economic activities. Caste, community, economic disparity, and gender are all factors that contribute to sociological exclusion. Scheduled castes, Scheduled tribes, other Backward Communities, and persons from minorities are thus the most marginalized in society. Among the excluded, women are the most marginalized.

**Relation between tea Garden worker and mainstream community:** Tea plantation communities operate and reside within tea garden areas, most of which are isolated from the outside world. Of the tenth tea garden areas, only two were close to the mainstream and most people used to avoid leaving the tea garden in these garden areas. According to respondents, some leave the tea gardens to sell and buy firewood and have mixed experiences with the general community during their encounter. One of their leading Panchayet figures indicated that language and communication obstacles make interacting with the mainstream populace difficult for tea plantation employees. A number of indigenous people have lived on tea plantings since time immemorial, together with tea plantation laborers. The administrators of the teas garden, who labeled them as unauthorized tenants, are under the fear of removal and restriction. Sometimes the proprietors of tea plantations cause obstacles for the usage by communities living near the garden, notably in the Khasi community, in order to make use of the tea garden roads. This situation disrupts the communal harmony in the tea plantation areas.

Tea Garden workers appointment Process: Procedure for Appointing Tea Workers Employees' appointment letters and identity cards are the initial valid documents of a worker's working identity in general, and this is also true for tea workers. According to the Bangladesh Labor Act 2006, the employer is required to provide workers with appointment letters and identification cards (Bangladesh Labor Act 2006, Clause 1 (d)). It also states that no employer shall employ any worker without first providing that worker with a letter of appointment, as well as an identity card with a photograph. "Working Hour Guideline for Tea Pickers (Bangladesh Labor Act 2006, Clause 5) there is a clear indication on all industrial workers' working hours in Bangladesh in the 'Bangladesh Labor Act 2006,' and this act follows the worldwide working hour standard created by the International Labor Organization (ILO). based on "No adult worker shall usually be required or allowed to work in an establishment for more than eight hours in any day: Provided, however, that any such person may work in an establishment for no more than ten hours in any day, subject to the provisions of section 108.' (Bangladesh Labor Act 2006, Clause 100).

'Any worker in any establishment shall not be liable to work either (a) For more than six hours in any one day unless he has been allowed an interval of at least one hour during that day for rest or meal; b) For more than five hours in any one day unless he has been allowed an interval of at least half an hour during that day for rest or meal; or (c) For more than five hours in any one day unless he has been allowed an interval of at least half an hour during In 'The Tea Plantation Labor Rules of 1927,' the situation is the same. According to it.

Tea gardens abound in this country, and tens of thousands of people labor in them. However, they have long faced discrimination in numerous social, political, and economic areas. They are still left out of these things. In reality, they are undereducated and unqualified for any other occupation. As a result, they sell their labor in the garden for a low price. This little income is insufficient to support their families. The most of the time, they are battling hunger. They have been unable to secure three males for their family. Their position isn't always secure. And their pay is insufficient to build a new home and maintain a new property. They have a slim probability of getting credit and keeping a second job. As a result of their circumstances, they are poor. They are barely surviving in poverty. Poverty also kept them from participating in social and political activities. Their children do not receive a suitable education, and parents are unable to provide further and higher education for their children due to poverty. These challenging circumstances drive their children to return to the garden. Tea garden workers' and their family members' health is likewise in terrible shape. Although each tea garden has a medical center, the cost of treatment is extremely high. They also do not receive any additional compensation for medical treatment as part of their income. They work hard in the garden for a long time, and this affects their interactions with their family members. Working in a tea garden is not a socially respectful job. Socially, workers are not acceptable everywhere. Outsiders to the tea garden do not treat the tea garden worker with enough respect. As a result, they are barred from the world of tea gardens. Because their colony, medical center, and workplace are all in the same location, they rarely leave the garden and have little understanding of the outside world.

They are unconcerned about their civil liberties. As a result, they do not have proper excess in government offices. They never leave the garden, thus they are not allowed to use public services. They are also barred from participating in local and national politics. The majority of them are uninterested in politics. They occasionally participated in the electoral system as a result of Tea Garden Company's influence. They are unaffected by local and national politics. They are encircled in the tea garden, and they sink into a circle of poverty. Not only because of economic difficulties, but also because of the tea industry's mechanism, they were unable to be educated, healthy, and skilled. As a result, they were shut out of social, economic, and political activities.

**Educational opportunity:** It is largely agreed that children's educational chances should be equitable. This thesis is based on two observations about education and children: first, that education has a significant impact on a person's life chances in terms of labor market success, democratic citizenship preparation, and general human flourishing; and second, that children's life chances should not be determined by morally arbitrary birth circumstances such as social class, race, or gender. However, there is considerable disagreement on the actual meaning of the objective of educational equality, as well as its implications. While discrimination based on gender is rarely apparent with relation to access to education, it occurs in tea garden areas. Tea plantation workers are aware of the importance of education according to key informants and many of them send their sons and girls to elementary and high schools. Several of the participants felt that occasionally parents do not feel comfortable to send their children to high school or college since they had to go alone for lengthy distances. As a result, girls in high schools and schools are poorly attended and the drop-out rate is increased.

Another factor that was responsible for dropping out of school was the children's marriage. Sometimes parents engage their daughters in home activities, such as cooking, sibling care, firewood gathering and thus cannot attend school. Few youngsters were discovered to be involved or work elsewhere as assistants for their parents. Parents are forced to send their girls to school rather than work due to significant financial issues. The authorities in the tea garden prefer to recruit girls since they are thought to be more manageable and truthful. The number of boys and girls in the tea plantation community is growing, yet most educated young people are not qualified for a government employment quota system. Key informants expressed a controversial opinion about the subject. Some members of the tea garden community can be included in a quota system if they receive a Bangladesh Adivasi forum certificate. One must be a part of an indigenous group registered in the forum to get a certificate.

Conversely, education for human flourishing can be seen as a non-positional good because an individual's attainment of the intrinsic goods of education (e.g., to enjoy literature, to be intellectually curious) is not compromised by others' success in this realm; it is not a competitive field. In fact, one's ability to enjoy the arts might be increased by others' ability to do so too. An adequacy threshold for distributing educational opportunities directed at human flourishing may therefore be justified. As our educational goals vary, so too might the distributive principles for educational resources need to change. Education for human flourishing, on the other hand, can be viewed as a non-positional good because an individual's attainment of the intrinsic goods of education (e.g., to enjoy literature, to be intellectually curious) is unaffected by the success of others in this realm; it is not a competitive field. In reality, one's ability to appreciate the arts may be

enhanced by the ability of others to do so as well. It may thus be appropriate to set an adequate criteria for dispersing educational opportunities aimed at human wellbeing. As our educational objectives change, so may the distribution principles for educational resources.

Child marriage was identified by respondents as another factor responsible for dropping-out from school. In some cases parents engage their daughters in household activities such as cooking, taking care of siblings, and collection of firewood and as a result, they are unable to attend school. Few children were found to be engaged as helpers for their parents or working elsewhere. Due to acute financial crises, parents are forced to send their daughters to work instead of school. Tea garden authorities prefer to recruit girls as they are considered to be more manageable and sincere than boys. The number of boys and girls receiving higher education is increasing in the tea plantation community but most educated youth are not eligible for the quota system for government employment. Key informants opined that the issue was controversial. Some in the tea garden community have the opportunity to be included in a quota system as long as they obtain a certificate from the Bangladesh Adivasi Forum. To obtain a certificate, one must be a member of an indigenous group, which is listed with the forum.

- Although most of tea gardens are located in Sylhet division, the Labour Court is located in Chittagong, which restricts access for workers. The Labour Court should be established in each district. Any change in existing laws and formation of new laws relating to tea plantation workers should be based on effective dialogue amongst the Government, tea garden authorities and tea garden workers.
- The tea garden authority denies the right to own land by showing leasing documents issued by the Government. The tea community is always under threat of eviction by the tea garden authority. The Government can lease the cultivable land to tea community people who are already using that land.
- Childcare facilities should be available in all tea gardens. Tea garden workers must feel comfortable to send their children to crèche in order for crèches to be set up.
- There are a few services available including training for worker leaders by the Department of Labour and various NGOs in welfare, education, water, sanitation and hygiene. Workers however have limited access to the services due to the restriction of tea garden authorities. Access to these services should be ensured

### **The dignity of female workers under the constitutional framework of Bangladesh:**

Human dignity, at its most fundamental level, is the conviction that everyone has a unique value based purely on their humanity. It has nothing to do with their social class, race, gender, religion, or ability, and everything to do with the fact that they are human. The term "dignity" has changed over time. The Latin, English, and French words for "dignity" originally had nothing to do with a person's intrinsic worth. It was much more in line with someone's "merit." Someone who was "dignified" had a high social rank. They belonged to monarchy or the church, or they had money at the very least. As a result, the phrase "human dignity" is absent from the US Declaration of Independence and Constitution. The phrase as we know it today did not become popular until 1948. The Universal Declaration of Human Rights was ratified by the United Nations. The original definition of the word "dignity" was that someone deserved respect due to their position. That premise was flipped on its head in the Universal Declaration of Human Rights. "All human beings are born free and equal in dignity and rights," according to Article 1. People's dignity was no longer something they earned due to their social class, color, or other benefit.

This agreement was continued with the adoption of the International Covenant on Civil and Political Rights in 1966. "These rights come from the fundamental dignity of the human person," according to the preamble. This viewpoint is compatible with the universality of human rights. Only those who were made dignified by their status were accorded respect and rights in the past. It establishes universal rights by describing dignity as something that everyone possesses.

Article 14 regarding 'Emancipation of peasants and workers' provides that, Emancipation of the toiling masses, peasants and workers, and backward sectors of the population from all types of exploitation shall be a fundamental obligation of the state. It shall be the State's fundamental responsibility to achieve, through planned economic growth, a steady increase in productive forces and a steady improvement in the material and cultural standard of living of its citizens, with the goal of ensuring to its citizens –

- (a) the provision of basic necessities of life, such as food, clothing, shelter, education, and medical care;
- (b) the right to work, i.e., the right to guaranteed employment at a reasonable salary, taking into account the quantity and quality of work;
- (c) the right to reasonable rest, recreation, and leisure;

Article 19 sub-article 2 provides that, The State shall take appropriate efforts to eliminate social and economic disparities between men and women, as well as to ensure an equitable

distribution of wealth and opportunities among citizens, in order to achieve a uniform level of economic development throughout the Republic. As well as, Article 20 sub article 2 states that, The state will work to establish conditions in which people will not be able to enjoy unearned wages as a general rule, and in which human labor, in all of its forms, intellectual and physical, will become a more complete expression of creative endeavor and human identity.

**Current legal provisions of the safety, health and hygiene under the BLA 2006:** It is necessary to know the statutory structure to provide specific remedy towards specific community so that in this research paper the narrative opportune for the researchers divided this title divided into two part

1. Effective rules, regulations and provisions for the female tea garden workers, and;
2. Ineffective rules, regulations and provisions for the female tea garden workers

**The ineffective provisions and rules to the female tea garden workers:**

Totally ineffective Sections are eleven such as:

Section 45 states regarding “Employment of women worker prohibited during certain period”

(1) No employer may knowingly employ a lady in his or her firm for the first eight weeks after her delivery.

(2) During the eight weeks following the day of her delivery, no woman shall work in any establishment.

(3) No employer shall employ any woman for any work that is strenuous in nature, requires long periods of standing, or is likely to be harmful to her health; if he has reason to believe or if she has informed him that she is likely to give birth to a child within ten weeks; or if she has given birth to a child within the previous ten weeks:

Provided, however, that in the case of a tea plantation worker, a woman worker may perform light work if and for as long as the medical practitioner of the concerned tea estate certifies that she is physically fit to do so; and, for the days that she performs such work, she shall be paid at the prevailing rate of pay for such work, and such pay shall be paid in addition to the maternity benefit that she may be entitled to.

Section 46 provides “Right to, and liability for, payment of maternity benefit”

(1) Every woman employed in an establishment is entitled to, and her employer is responsible for, the payment of maternity benefit for the eight weeks preceding her predictable delivery date and the eight weeks immediately after her delivery date.

Provided, however, that a woman will not be eligible for such maternity benefits unless she has worked for the employer for at least six months prior to the day of her delivery.

(2) If a woman has two or more surviving children at the time of her labour, she will not be eligible to maternity benefits, but she will be entitled to the leave she would otherwise be entitled to.

Section 47 provides procedure regarding ‘Payment of Maternity Benefit’

(1) Any pregnant woman entitled to maternity benefit under this act may give notice to her employer on any day, either orally or in writing, that she expects to be confined during the next eight weeks, and may nominate a person to receive maternity benefit in the event of her death.

(2) Any woman who has not given such notice and has given birth to a child must provide her employer comparable notice that she has given birth to a child within seven days.

(3) When a notice referred to in sub-sections (1) or (2) is received, the employer must allow the woman to leave work the day after the date of notice in the situation referred to in sub-section (2) until eight weeks after the day of delivery.

(4) An employer must pay maternity benefit to a woman who is entitled to it in one of the following ways:

(a) An employer must pay maternity benefits to a woman who is entitled to them in one of the following ways:

(a) for eight weeks, within three working days of the production of a certificate signed by a registered medical practitioner stating that the woman is expected to be confined within eight weeks of the date of the certificate, and for the remainder of the period for the remainder of the period.

(b) For the remainder of the period for the remainder of the a child, and for the remainder of the said period, within eight weeks of the production of such proof; or

(c) for the entire period, within three working days of the production of proof that she has given birth to a child: Provided, however, that a woman shall not be entitled to any maternity benefit, or any portion thereof, whose payment is contingent on the production of proof

under this sub-section that she has given birth to a child, unless such proof is produced within three months of the d.

(5) The proof required under sub-section (4) shall be a certified extract from a birth register under the Births and Deaths Registration Act, 2004, or a certificate signed by a licensed medical practitioner, or such other proof as the employer may accept.

Section 48 deals with 'Maternity benefit amount'

(1) The maternity benefit payable under this act shall be computed at the rate of daily, weekly, or monthly average salaries, as the case may be, and shall be paid entirely in cash in accordance with sub-section (2).

(2) The daily, weekly, or monthly average wages, as applicable, are determined by dividing the total wages earned by the woman during the three months immediately before the day on which she gives notice under this act by the number of days she actually worked during that period.

Section 49 says about 'Payment of maternity benefit in case of a woman's death'

(1) If a woman entitled to maternity benefit under this act dies at the time of her delivery or within the next eight months, the employer shall pay the amount of maternity benefit due, if the newly born child survives her, to the person who undertakes the child's care, and if the child does not survive her, to the person nominated by her.

(2) If a woman dies while receiving maternity benefits but before giving birth to a child, the employer is only liable for the time up to and including the day of her death, provided that any sum already paid to her in excess of such liability is not recoverable from her legal representative, and any amount due at the woman's death is paid to the permanency fund.

Section 57 states about 'Lighting'

(1) A sufficient and acceptable illumination, natural or artificial, or both, shall be provided and maintained in any portion of an establishment where workers are working or passing.

(2) All glass windows and skylights used for workroom lighting in every establishment must be kept clean on both the outer and inner surfaces and free of obstruction as much as practicable.

(3) Effective provisions shall be made in every establishment, to the extent practicable, for the prevention of (a) glare, either directly from any light source or by reflection from a polished surface, and (b) the formation of shadows to the extent that they cause eye strain or pose an accident risk to any worker.

Section 59 provides provision regarding Latrines and urinals

In every establishment-

(a) Enough latrines and urinals of defined types shall be supplied in every establishment, conveniently located and available work place to workers at all times while they are working.

(b) Separate latrines and urinals must be provided for male and female workers;

(c) Such latrines and urinals must be appropriately lit and ventilated; and

(d) All such latrines and urinals shall be maintained in a clean and sanitary condition at all times with suitable detergents and disinfectants.

Section 72 deals with 'Floors, stairs and means of accesses

In every establishment -

(a) all floors, stairs, corridors, and gangways shall be of sound construction and adequately maintained, and where safety is required, substantial handrails shall be provided on steps, stairs, passages, and gangways;

(b) There shall be provided and maintained, as far as is practically practical, a safe means of access to every area where any person is required to operate at any time; and

(c) all floors, ways, and stairways shall be clean, wide, and clear of all impediments.

Section 77 regarding 'Precautions against dangerous fumes'

(1) No person shall enter or be permitted to enter any chamber, tank, vat pit, pipe, flue, or other confined space in which dangerous fumes are likely to be present to the extent that it poses a risk of persons being overcome unless it is equipped with a manhole of the size required or other effective means of egress.

(2) No portable electric light with a voltage greater than twenty-four volts shall be allowed in any establishment for use within any confined space, as defined in subsection (1), where the fumes present are likely to be allowed to be used in such confined area.

(3) No person in any establishment shall enter or be permitted to enter any such confined space until all practicable measures have been taken to remove any fumes that may be present and to prevent any fume ingress, and unless either-

(a) A competent person has issued a certificate in writing, based on his own test, that the space is free of dangerous fumes and fit for persons; or

(b) A certificate in writing has been issued by a competent person, based on his own test,

(4) In every establishment, suitable breathing apparatus, reviving apparatus, belts and ropes must be maintained ready for immediate use beside any such restricted place. As previously stated, any person who has entered, as well as all such apparatus, shall be periodically examined and certified as fit for use by a competent person; and a sufficient number of persons employed in each establishment shall be trained and practiced in the use of all such apparatus and the method of restoring respiration.

(5) No person shall be authorized to enter any establishment, boiler furnace, boiler, flue chamber, tank, at, pipe, or other confined area for the purpose of working or performing any examination until it has been adequately cooled by ventilation or otherwise to be safe for persons to enter.

- Section 93 regarding 'Shelters': Appropriate and acceptable shelters or rest rooms, as well as a suitable lunch room with supply for drinking water, where workers can eat meals brought by them, shall be provided and maintained for the use of the workers at every establishment where more than fifty workers are regularly employed. Provided, however, that any canteen maintained in line with section 92 shall be considered part of the requirements of this subsection: Furthermore, where a lunch room is available, no worker shall eat in the workroom. The shelters, rest rooms, or lunchrooms supplied under subsection (1) must be adequately lighted and ventilated, as well as kept cool and clean. Separate shelter rooms must be maintained in establishments with more than 25 female workers, and separate and suitable areas with screens must be provided in establishments with fewer than 25 female workers.
- Section 94 regarding 'Rooms for children': A appropriate room or rooms for the use of children under the age of six years of such mothers shall be supplied and maintained in any establishment where forty or more workers are regularly employed. Such rooms must be adequate in size, well-lit and ventilated, and kept clean and sanitary, and they must be supervised by a woman who is trained or experienced in the care of children and infants. Processes that are noisy are being carried out. Such rooms must be easily accessible to the mothers of the children housed there, and they must not be located in close proximity to an area of the establishment where noxious fumes, dust, or odors are released, or where excessively noisy processes are carried out, as far as is reasonably practicable. Such rooms must be well-constructed, with all walls and roofs made of suitable heat-resistant materials and watertight. The height of such rooms must be at least 360cm from the floor to the lowest section of the roof, with a minimum floor area of 600sq. cm for each child to be accommodated. Effective and reasonable provisions for securing and maintaining appropriate ventilation by the circulation of fresh air shall be made in every portion of such room. Such rooms must be adequately furnished and equipped, including one suitable cot or cradle with necessary bedding for each child, at least one chair or equivalent seating for each mother to use while feeding or attending to her child, and a sufficient supply of appropriate toys for the older children. For older children, a suitable fenced and shady open-air playground shall be provided; provided, however, that the chief Inspector may exempt any establishment from compliance with this sub-rule by written order if he is satisfied that there is insufficient space available for the provision of such a playground.

**The effective and partially allowable provisions and rules to the female tea garden workers:**

The applicable Sections are three such as: Section 95 provides 'Recreational and educational facilities in tea plantation' The Government may, in relation to the plantations:

- Make rules requiring every employer to provide such recreational facilities for the workers and their children as may be prescribed;
- Make rules requiring the employer to provide educational facilities for the children of the tea plantation workers between the ages of six and twelve who number more than twenty-five in number.
- Adequate medical centers for employees and their children shall be provided in every tea plantation, as may be regulated by regulation.

Section 96 states as to 'Housing facilities in tea plantation' every employer on a tea plantation is required to provide housing for every employee and his family that lives on the plantation.

Section 97 deals with 'Facilities for daily necessities, etc. in tea plantation' every employer on a tea plantation must provide facilities for the workers to obtain the everyday essentials of life within easy reach.

**Common concept and approach about concern terms:** The social and economic repercussions of biodiversity loss are significant. Farmers are unable to innovate and adapt to changing conditions, resulting in a significant reduction in their capacity. They begin to lose their endowments, resulting in both direct (output) and trade entitlement failures. Because industrial

agriculture, export orientation, and commercialization contribute to homogenization and a preference for standardized products, farmers are pushed to participate in globalization. Farmers are compelled to participate in this process of biodiversity loss as a result of market factors such as price declines for local varieties and pressures to adopt new technology for their potential benefits. Several biotechnology developments immediately jeopardize the independence of farmers all around the world. Vasavi says that commercialization of agriculture and/or the introduction of technological innovations result in the "separation of the economic dimension of local agriculture from its established cultural bases," because the social implications in terms of "disjunctions" and "dissonances" within society are not considered.

There are many relevant task to know the title so we are going to discuss, to gain more control over agricultural production and prevent local adaptations and inventions, new international and national rules and agreements are reinforced with legal issues. Contracts are difficult to enforce in undeveloped countries, and costly litigation is also involved.

**The concept of health:** Health is a condition of complete physical, mental and social prosperity and not simply the shortfall of sickness or illness (Official Records of WHO, no. 2, p. 100). An individual with good physical health is likely to have bodily functions and processes that are at their peak. This is not just because there is no illness. Regular exercise, a balanced diet and sufficient rest all contribute to healthy living. People are given medical attention to maintain balance, when required. Physical wellbeing involves maintaining a healthy lifestyle to reduce the risk of disease. Maintaining physical condition, for example, can protect and develop the stamina of a person's breathing and cardiac endurance, muscle strength, suppleness, and body composition.

Taking care of physical health and well-being also reduces the risk of injury or health problems, like:

- To reduce workplace hazards.
- Prevent the use of smoking, consumption of alcohol or illicit drugs.
- Use birth control during sex.
- To keep maintain efficient hygienic.

It is more challenging to define mental health than physical health because individual psychological diagnosis are depend on one's perceived experience.

Mental health includes our emotional, psychological, and social well-being. It affects how we think, feel, and act. It likewise decides how we handle pressure, identify with others, and settle on decisions. Mental well-being is significant at each phase of life, from youth and puberty through adulthood. (U.S. Department of Health & Human Services, 200 Independence Avenue, S.W. Washington, D.C. 20201). Mental illness, as depression or anorexia, can have an effect on body weight and overall function.

For keep good mental health individual may have to:

- Feel happy
- Avoid quarrel
- Feel secure
- Get entertainment
- Rejoice life

**Concept of education, food security and nutation:** Education, discipline that is concerned with methods of teaching and learning in schools or school-like environments as opposed to various formal and informal means of socialization (e.g., rural development projects and education through parent-child relationships), (Chen, Theodore Hsi-en, et al.2021). Education is the way by which knowledge, skills, values, behavior, beliefs and practice are learned or acquired. Educational process include instruction, training, narration, discussion and directed research. Education often occurs under the leadership of educators, but learners can also educate themselves. Education can happen in formal or casual settings and any experience that formatively affects how one figures feels or acts can be considered instructive. The instructive philosophy is alluded to as teaching method. According to the 1996 World Food Summit, "Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for active and healthy life." Food security is generally measured at national, local, and household levels. At the national level, Food security is determined by the availability of enough resources for the whole population.<sup>3</sup> Food security at the local level can be measured by comparing nutritional requirements of regional with availability of dietary calories per head. In Bangladesh, there is considerable regional variation in food security. At the household level, food security is measured by actual dietary intake of all household members using household income and

expenditure surveys.<sup>4</sup> At the family level, food security is subject to a family's admittance to enough food.<sup>5</sup>

**Concept of medical Right to treatment:** 'Treatment' means the management and care of a patient; the services rendered by members of the health professions for the benefit of a patient.<sup>6</sup>A legal right, recognized at various tiers of government, which guarantees that individuals with disabilities or dysfunctions (typically chronic, prolonged, or recurrent) hold the right to obtain proper care and therapy commiserate with their particular requirements. These legitimate rights may apply on a public level, or inside explicit states or common locales, or be restricted to specific sicknesses and handicaps. A basic doctrine which states that any facility which has assumed the obligation of providing treatment for an individual is lawfully required to render medication and therapy that is deemed both sufficient and suitable. (N., Pam M.S., 2013)

**Important legal and scientific terminologies:** There are many important terminologies which effectively connected with the understandability of this research paper and the extension are:

- Paramedic- a person who is trained to do medical work, especially in an emergency, but who is not a doctor or nurse.
- Prenatal Care- care relating to the medical care given to pregnant women before their babies are born.
- Postnatal Care- care relating to the period of time immediately after a baby has been born.
- Gynecological- the area of medicine concerned with disorders and functions of women's reproductive organs.

**Primary survey report and the concurrent result of research observation:** When a woman becomes pregnant, she is entitled to a long period of paid maternity leave. The employer is not required by law to provide you with paid maternity leave, but you are entitled to four months off in a row. Maternity leave can commence at any moment, as long as it is at least four weeks prior to the baby's delivery. The payment of maternity benefit, which is the sum given to her at the rate of the average daily income for the length of her real absence, is something that every woman is entitled to, and her employer is responsible for. Maternity Benefits should strive to control women's employment in specific institutions for specific times before and after childbirth, as well as give maternity and other benefits.

**Table: 1 shows that, after completion of survey concerning "knowledge regarding maternity facilities"**

| Have Knowledge | Percentage |
|----------------|------------|
| Yes            | 93%        |
| No             | 7%         |
| No Response    | 0%         |
| Total          | 100%       |

Research found that most of the Women Tea Labour do not have any idea about Maternity Opportunities, even regarding rights are provided by 'The Bangladesh Labour Act, 2006'. Although they get others opportunity as citizen of country, But they face obstacle in respect of Right of get information due to lack of consciousness and communication with authority. NGO, which are very few, are trying to aware labours of the Tea state or garden about rights.

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*\*\*\*The so-called "untouchability practices" are a key aspect of caste discrimination. It is based on the idea that different caste groups have differing degrees of purity and pollution, with Dalits and other caste-affected groups being so polluted that they can pollute other caste groups. Surprisingly, men from dominant castes do not consider sexual violence and rape against Dalit women to be polluting. When Dalits and other caste-affected groups protest untouchability practices, they are frequently subjected to physical retaliation and social boycotts. Untouchability practices and other types of caste-based discrimination result in widespread abuses of human rights.*

**Labors associated to caste And Human Rights:** The notion that "all human beings are free and equal in dignity and rights," as stated in Article 1 of the Universal Declaration of Human Rights, runs counter to the hierarchical division of a society that places inherent privileges and restrictions based on birth. Massive abuses of civil, political, economic, social, and cultural rights occur as a result of caste prejudice. Communities afflicted by caste are denied a life of dignity and equality. According to a comprehensive UN research on discrimination based on job and descent, caste discrimination leads to a number of human rights violations:

- The right to physical security and life and the right to be free from violence
- The right to equal political participation
- The right to fair access to justice
- The right to own land
- The right to equal access to public and social services
- The right to freedom of religion
- The right to marriage on free will
- The right to education
- The right to cultural identity
- The right to equal opportunity and free choice of employment
- The right to equal, just and favorable conditions of work
- The right to be free from forced or bonded labour
- The right to be free from cruel, inhumane or degrading treatment
- The right to health
- The right to adequate food, water, sanitation, clothing and housing

The judiciary and law enforcement systems are rife with impunity for perpetrators of crimes against caste-affected communities and non-implementation of legislation. Cases involving Dalits are frequently not adequately reported, investigated, or prosecuted. Police officers, lawyers, and judges are frequently members of dominant castes who refuse to investigate, prosecute, or hear cases involving crimes against Dalits. Only a small percentage of offenses against Dalits result in conviction. With specific reference to caste-affected communities, the United Nations Committee on the Elimination of Racial Discrimination recommends that all states "take the necessary steps to ensure equal access to the justice system for all members of descent-based communities, as well as ensure the prosecution of persons who commit crimes against members of descent-based communities and the provision of redress for victims of crimes against descent-based communities."

**Treatment and First Aid service to pregnant workers:** The care given to a sick or injured person before they receive complete medical treatment is known as first aid. It may be the only care someone requires in certain circumstances, while it may keep them safe until paramedics come or someone else transports them to the hospital in others. In line with that,

**Table: 2 shows that, after completion of survey concerning “regarding getting maternity treatment”**

| Who has got treatment | Percentage |
|-----------------------|------------|
| Yes                   | 90%        |
| No                    | 6%         |
| No Response           | 4%         |
| Total                 | 100%       |

Many workers complain that they are not getting adequate rest and care for their pregnancy. The tea gardens have insufficient medicine supplies, doctors and other medical equipment. All the gardens do not have MBBS doctors. Although a couple of gardens have qualified doctors, they just do not work full time. They show up only one time a week. Paramedics run a lot of the dispensaries and also the majority of these para-medics have no professional training.

Legal construction in terms of hospital facilities survey shows that,

| Hospital | Percentage |
|----------|------------|
| Yes      | 95%        |
| No       | 5%         |
| Total    | 100%       |

It is true that most of the garden have hospital at least one, even in large garden has one central and two or three health care zone. It is incredible that no gardens have an ambulance for patents, even doesn't have vehicles for Compounder doctor who serve care to patent full time in the large garden. Generally, Garden's Common jeep is uses for such purpose. From the worker's perspective, the primary issue is consultation with male physicians in the clinic. Women workers, who are generally illiterate, are reluctant to see male doctors, particularly when it comes to gynecological problems. Medicine and treatment is inadequate. So the workers have to sell their domestic animals or take loans for better medical treatment from outside as there are no modern health care facilities in gardens.

Knowledge in terms of childbirth facilities

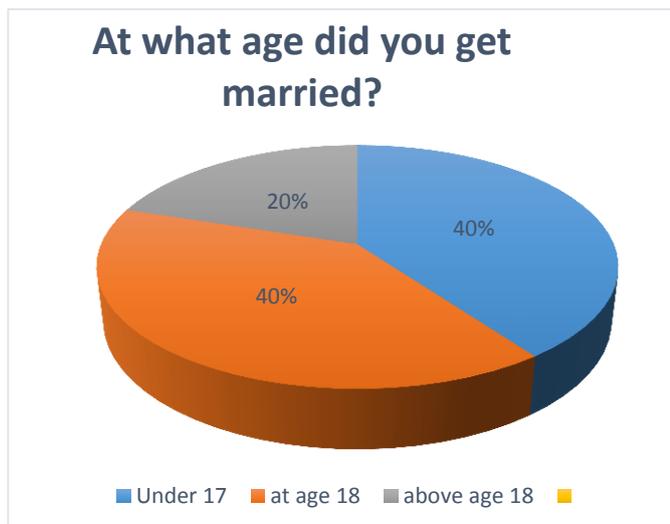
| Assistance | Percentage |
|------------|------------|
| Yes        | 70%        |
| No         | 30%        |
| Total      | 100%       |

A statutory provision for appointment of lady doctor seems to be essential in view of the large number of female workers in tea gardens. Facilities for pre-natal and treatment that is post-natal also inadequate and are usually to be improved. Frequent and average check that is medical ups also significantly help in enhancing the health associated with the tea garden workers as a whole while the women workers in particular. In Hospital of Garden, there have no any Operation theater or tools for critical treatment as well as professional Gynecologist. Normal Delivery conducted by Dia (Mid-wife) but in critical situation the pregnant woman is referred to Govt. hospital of city or town.

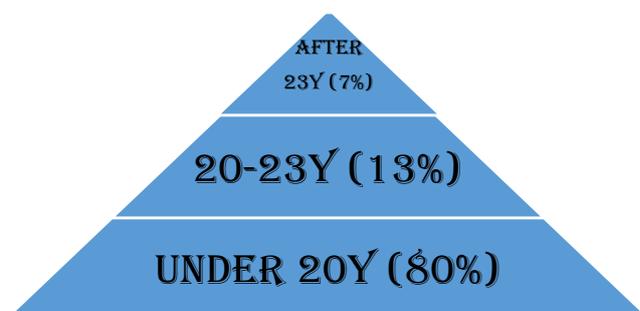
I have found during research that only for permanent workers, cost of treatment and medicine for seizer delivery is conveyed by the Garden. No worker who is casual or contract basis get any financial support in respect of outside treatment even at the time giving birth.

**Chart: 1**

The remote location of tea gardens in Bangladesh mean the laborers that cultivate them are generally very isolated. The little one marriage and child labour are typical when you look at the tea garden communities. The rights infringement are related with neediness, lack of education and conventional normal practices and young ladies are especially vulnerable. However, day by day it will be going decrease because when I asked about child marriage and awareness of health to many girls who are 12-16 years old and also students, they surprised me by giving strong position against child marriage as well as dowry.



**Chart: 2 (Age strategy and common ratio as to giving birth)**



Pyramid is made according to Primary data, in which shows that usually Woman Tea Worker giving birth a child at the age below 20 years. It's basically within 1 year of marriage, by which they are suffered from various health problem. Among health problem, I found lack of nutation, high blood pressure and weakness mostly. Incredibly, a lot of health problem is found on those who got

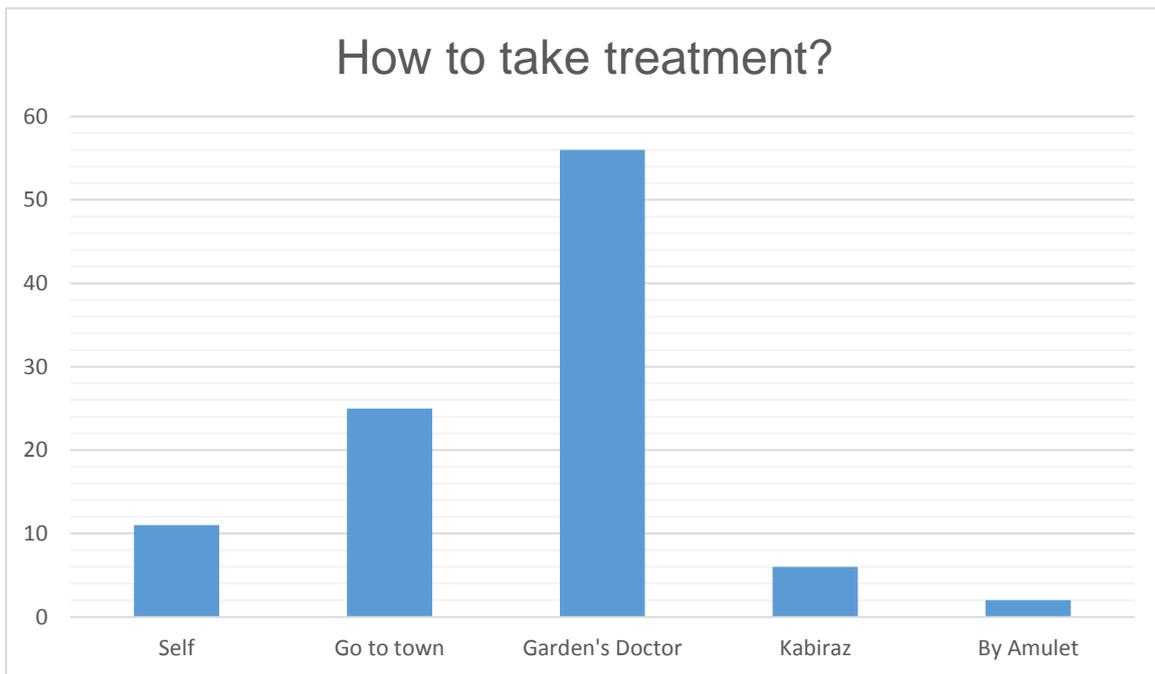
novateurpublication.com 56

marriage at the age under 18, such as anemia (a low concentration of hemoglobin in the blood), Gestational hypertension, breathing problems, serious intestinal problems, bleeding etc.

“WHO's Guidelines for Reducing Early Pregnancy and Adverse Fertility Outcomes in Teenagers in Developed Countries,”<sup>21</sup> to improve and validate program support tools, create resources, and pilot programs in the limited yet increasing number of countries that recognized the need to address adolescent health. (UNESCO. International Technical Guidance on Sexuality Education: An evidence-informed approach for schools, teachers and health educators. Paris: UNESCO; 2009.)

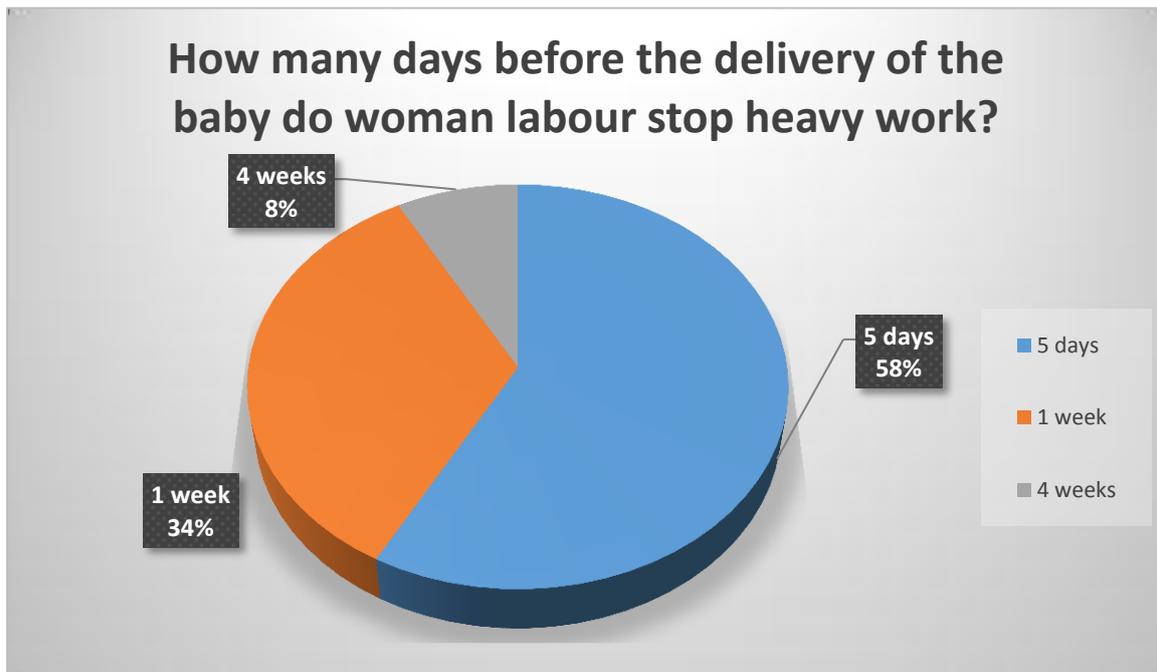
A low-birth-weight baby is one that weighs under 5.5 pounds at the hour of birth. Few children suffer from diseases or other ailments in their first days of childhood, while others may have long-term issues such as developmental difficulties or delayed motor and social development. According to a University of Pennsylvania report, premature babies weighed less than 4.5 pounds at birth are "five times more likely to develop an autism spectrum disorder (ASD) than babies born at an average weight."(He, Fan, et al. "Abdominal obesity and metabolic syndrome burden in adolescents Penn State Children Cohort study." *Journal of Clinical Densitometry* 18.1 (2015): 30-36.) Almost 10% of adolescent mothers have a low-birth-weight infant. Unfortunately, these babies are more than twenty times more likely to die in their first year of life than a normal child.

Chart: 3



Mostly, Treatment is given by Hospital of Garden. As inadequate medical supplies, doctors and other medical devices are included in the Tea Gardens. There are no MBBS physicians in all the gardens. While many gardens do not work full-time, they have skilled physicians. Just once a week they turn up. Paramedics staff a large number of the clinics, and most of them are non-professional. That is why they have to go city or town for get higher treatment although it needs high cost. Another worker go to *kabiraz* and amulet, which proportion is one-tenth total.

Chart: 4



Women's work continued across the year and through seasons; for example, tea plucking did not cease during rain or monsoon. Such work was particularly challenging during the monsoon season due to the lack of a lunch break shelter, the chance of injury due to slick roads, and the impact rains would have on plucking quotas. A woman at a private plantation, for example, described an incident in which she fell on the road and injured her wrist while holding plucked leaves on her head. She was on her way to drop them off. She couldn't bend her hand any more.

As part of their household labor, both women performed a variety of duties. For the most part, labor started at 4 a.m. and finished at 10 p.m., when they went to sleep. On working days, they would complete household tasks from 4 a.m. to 7.30 a.m. before reporting to work at 8 a.m. They were given an hour lunch break from 1 to 2 p.m. at work, which they often missed in order to reach regular plucking deadlines, working until 4 p.m. They will return home to cook supper, fetch water, and feed their families. They will go to bed between 9 and 10 p.m. after dinner and cleaning the kitchen. Regardless of the kind of plantation or deal, women adopted this routine.

Regular target of plucking is 23kg, But for extra income every woman try to pluck leap more than 40kg. Tea leaps is measured at the company. In general, company is situated far away from section (work place), that is why they have to carry this heavy beg on head and waiting on feet in line for measure. Health hazards also arise from working in bare feet. The laborers admit that working long time on feet in the tea garden is one reason for their medical issues.

"The Bangladesh Labour Act, 2006" provides Maternity benefit to worker by sections 45 to 50. Exception of section 45 provides that tea plantation worker can undertake light of work if and for so long as the medical practitioner of the concerned tea state certifies that she is physically fit to do so, and for such work. They want to take maternity leave after the birth of child due to feeding breast and proper take care of child.

Women Tea Labour get 4 months full paid leave as Maternity Leave which is given at the time first 2 child. No Worker is given any other allowance or food for nutrition of pregnant woman. "World Health Assembly (WHA) Resolution" provides **Global Strategy for Infant and Young**

**Child Feeding** (WHO: *Infant and young child nutrition: Global strategy on infant and young child feeding*, Report of the Secretariat, World Health Assembly, 55<sup>th</sup> Session, (Geneva, 2002)):

**Paragraph 4:** Scope

Maternity protection legislation should include all working women in agricultural, formal and informal sectors.

**Paragraph 12:** Specific measures of protection

Women in paid employment can be helped to continue breastfeeding by being provided with minimum enabling conditions, for example, paid maternity leave, part-time work arrangements, on-site crèches, facilities for expressing and storing breast-milk and breastfeeding breaks.

**Paragraph 28: Role of governments**

Mothers should also be able to continue breastfeeding and caring for their children after they return to paid employment. This can be accomplished by implementing maternity protection legislation and related measures consistent with different provisions

- ILO Maternity Protection Convention, 2000 No. 183
- Maternity Protection Recommendation, 2000 No. 191.

These are commonly covers the Maternity leave, day-care facilities and paid breastfeeding breaks should be available for all women employed outside the home.

**Paragraph 34: National legislation**

A comprehensive national policy, based on a thorough needs assessment, should foster an environment that protects, promotes and supports appropriate infant and young child feeding practices...

For protection: Adopting and monitoring application of a policy of maternity entitlements, consistent with the ILO Maternity Protection Convention and Recommendation, in order to facilitate breastfeeding by women in paid employment, including those who are described by the standards as performing a typical form of dependent work, such as part-time, domestic and intermittent work.

**Paragraph 45: Role of employers and trade unions**

Employers should ensure that all women in paid employment receive their maternity benefits, including breastfeeding breaks or other workplace arrangements – such as facilities for expressing and storing breast milk for later feeding by a caregiver to make breast milk feeding easier once paid maternity leave has ended. For women of reproductive age, trade unions play a direct role in securing proper maternity benefits and job security.

**Paragraph 46: Child-care facilities**

Other groups: child-care facilities, which permit working mothers to care for their infants and young children, should support and facilitate continued breastfeeding and breast-milk feeding.

**Table: 5 (The authoritative measures to take any arrangement in respect of nutrition of children):**

|             | Percentage |
|-------------|------------|
| Yes         | 2%         |
| No          | 98%        |
| No Response | 0%         |
| Total       | 100%       |

In garden there have no any arrangement for child nutrition. Six month after birth of child breast feeding is most significant. Most of child are suffered by lack of healthy food and adequate breast milk. Because maternity leave is only 4 month. Tea labor's financial situation is vulnerable. So they have to go for earn daily livelihood.

**Innocent Declarations, 1990 and 2005:**

On the 30th July to 1st of August 1990, UNICEF, the WHO, USAID, and the Swedish International Development Authority (SIDA) co-sponsored a conference in Florence. Governments should have met the following four organizational milestones by 1995, according to the declaration, which was adopted by the 45th World Health Assembly.

**Target 1:** Appoint a national breastfeeding coordinator of appropriate authority, and establish a multi-sectoral national breastfeeding committee composed of representatives from relevant government departments, non-governmental organizations and health professional associations.

**Target 2:** Ensure that every facility providing maternity services fully practices all ten of the 'Ten Steps to Successful Breastfeeding'.

**Target 3:** Take steps to put all articles of the International Code of Marketing of Breast-milk Substitutes and later applicable World Health Assembly resolutions into effect in their full.

**Target 4:** Enact imaginative legislation protecting the breastfeeding rights of working women and establish means for its enforcement.

**Innocent Declaration on Infant and Young Child Feeding, 2005** (UNICEF: 1990–2005)

*Celebrating the Innocent Declaration on the Protection, Promotion and Support of Breastfeeding, Past Achievements, Present Challenges and the Way Forward for Infant and Young Child Feeding* Geneva, 2006.) In 2005, the *Innocent Declaration on Infant and Young Child Feeding* was adopted by UNICEF, WHO and several NGOs. While reinforcing the four original targets, it adopted five new ones.

**Target 5:** Comprehensive policy

**Target 6:** Optimal breastfeeding, with attention to supporting women in the community

**Target 7:** Complementary feeding with continued breastfeeding

**Target 8:** Infant feeding in exceptionally difficult circumstances

**Target 9:** New legislation and other measures

**Global Maternity Leave Policy:** For many working people, starting a family is a dream come true. Pregnancy and motherhood, on the other hand, represent a particularly vulnerable period for working women and their families. Expectant and nursing mothers require additional safeguards to preserve their own and their children's health, as well as enough time to give birth, recover, and nurse their children. Simultaneously, they seek protection to ensure that they do not lose their jobs due to pregnancy or maternity leave. Such protection not only assures a woman's equal access to job, but it also ensures the continuation of frequently important income that is essential for her family's well-being. In comparison to EU member states, Swedish legislation on this subject is more gender neutral. Parental leave, rather than maternity leave, is the most significant, as seen in the graph. Each parent is entitled to 240 days of paid parental leave (all but 90 days of which can be passed to the other parent), as well as unpaid leave before the child reaches the age of 18 months. Within 60 days of childbirth, maternity leave may be taken before or after the birth. In Portugal, There are no maternity or paternity leaves available; only parental leave is available. You may take either 120 or 150 days of leave, with 120 days being paid at 100% and 150 days being paid at 80%. If both parents share the leave time, an additional 30 days are eligible. Except for the initial parental leave reserved for the mother, which is shown in the graph, the father can take any part.

In Belgium, mothers who breastfeed will extend their paid leave as unpaid leave until the end of the fifth month, and breastfeeding breaks for women returning to work are required by law in France and Norway. In Spain, women are given 75% of their income during maternity leave, while in Denmark and France, they get 90%. Belgium, the Netherlands, and Germany all allow 100% up to a certain limit. Belgium, Denmark, Germany, France, Ireland, the Netherlands, Norway, Spain, Switzerland, and the United Kingdom all offer paid maternity leave and immediately place pregnant women in non-strengthening employment.

In Canada, parental leave was significantly extended in 2000, from 10 weeks to 35 weeks split between the two parents, with the option of extending it to a year. Parental leave in Canada is covered by the Work Insurance scheme. In many other Western nations, people who have worked for their current employer for a certain amount of time are entitled to parental leave. Maternal leave lasts anywhere from nine weeks in Ireland to two years in Bulgaria. (National legislation (e.g. MISSOC), websites of national institutions, European Commission website, and relevant reports (e.g. International Net-work on Leave Policies and Research)).

**EU - Proposed Reform to amend Council Directive 92/85/EEC:**

In 1992, the EU released *Directive 92/85/EEC on the improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding*. The directive represented an important step towards a regional framework of global standards for maternity protection. The European Parliament adopted a first plan to update this system in October 2010, with the aim of ensuring greater compliance with existing ILO guidelines on maternity rights at work and beyond. The table below shows how the provisions of Directive 92/85/EEC might be reformed and how they would compare with the Maternity Protection Convention, 2000 (No. 183).

|                 | Proposal 2010  | C183  | 92/85/EEC   |
|-----------------|--|---|---|
| Right to return | Each worker is guaranteed the right to return after maternity leave to the same position or one equivalent with same pay, and must benefit from any promotions, raises or improvement of working conditions implemented during leave | Each worker is guaranteed the right to return to the same position or one equivalent with same pay at the end of her maternity leave  | Each worker is guaranteed the right to return to the same position with equivalent pay or adequate allowance after her maternity leave.   |
| Cash Benefits   | Workers on maternity leave shall be paid their full salary and the allowance shall be 100 per cent of the last monthly salary or the average monthly salary  | The amount of benefits for maternity leave shall not be less than two-thirds of the worker's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits | Income at least equivalent to that which the worker concerned would receive in the event of a break in her activities on grounds connected with her state of health, subject to any ceiling laid down under national legislation. |
| Maternity Leave | Not Less than 20 weeks   | Not Less than 14 weeks  | Not Less than 14 weeks  |
| Postnatal leave | Compulsory leave 6 weeks   | Compulsory leave 6 weeks  | Compulsory leave 2 weeks  |
| Breastfeeding   | Two separate periods, one hour each, paid, with 30 additional minutes per additional child of breastfeeding age  | One or more daily breaks, paid, no specified duration   | No provision  |

(European Parliament: Texts adopted at the sitting of Wednesday 20 October 2010, P7\_TA-PROV (2010)10-20, (Brussels, EU, 2010)).

**Maternity Rights protection By International Law:**

Equal opportunities for access to employment must be guaranteed, to workers of both sexes, before and during the hiring process. Employment agencies, both governmental and private, should encourage fair employment opportunities by:

- Encouraging all qualified workers, men and women, to apply; and examining both sexes' recruitment records;
- Rejecting discriminatory requests from prospective employers and notifying them of equal opportunity laws and procedures.
- Informing job seekers about their right to fair employment chances;
- Notifying applicants of any rules or practices relating to work family balance measures.

Pregnancy or motherhood shall not be a source of discrimination in the workplace, according to Convention No. 183, and member states should take adequate measures to achieve this. Pregnancy tests or confirmation of non-pregnancy should not be needed of a woman applying for work, unless national laws or regulations prohibit the employment of pregnant or nursing women in certain instances, such as work that is deemed dangerous to the mother or child. In terms of access to employment for employees with family responsibilities, Convention No. 156 demands for the right to work without discrimination, the freedom to choose jobs, and training and counseling to help these individuals find work. These ideas are expanded upon in Recommendation No. 165. In both developed and developing countries, small and micro-enterprises in a range of economic sectors are key sources of employment and self-employment for women, and the number of women entrepreneurs has increased significantly.

❖ **Universal Declaration of Human Rights (UDHR), 1948:**

**Art 25(2):** Motherhood and childhood are deserving of special attention and support. Women have some human rights under the Directive Principles of State Policy enshrined in Part IV of the Constitution. Women have three rights in particular. Clause (a) states that all citizens, men and women alike, have the right to a sufficient means of subsistence. Clause (d) states that men and women receive equal compensation for equal work. Clause (e) ensures that employees' health and strength, as well as the health and strength of men and women, and the tender age of children, are not exploited, and that citizens are not compelled by economic necessity to engage in labor that is unsuitable for their age or strength.

While the right to labor concept, equitable wage principle, just recompense principle, and freedom of association principle are all established in Article 23. There are various components to the right to work principle. The article specifies that any resident, not just citizens, has the right to participate in the job market. The right to work means that a person should be able to pick his or her own job without intervention from the government. Forced labor, in any form, is condemned. However, having access to the labor market is useless if the working circumstances are not suitable. Before the right to work has any real value, wages and working conditions must reach a particular level. The same can be said regarding the right to choose one's own job in terms of unemployment protection. If the unemployed are left unprotected, there can be no free choice. Employees' right to work can be viewed as a precondition for their protection against discrimination, freedom of association, and other economic and social rights.

The United Nations Charter, the Universal Declaration of Human Rights, and the International Covenants on Human Rights all contain fundamental concepts that are enshrined in the Declaration on the Elimination of Discrimination against Women, which was adopted in 1967. It reaffirms the importance of advancing women's status in family life, social, political, economic, and cultural affairs at the national and international levels. It establishes the following principles: Discrimination against women, which denies or limits their equality of rights with men, is fundamentally unjust and an affront to human dignity.

❖ **International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966**

The social status of women has not opened up at the same pace at which women have been brought into the workplace. They may have increasing opportunities at work, but they are prone to domestic violence and unequal expectations at home. It has become a mantra at development organizations, including the World Bank and United Nations, that investing in women is the best way to improve a range of societal concerns and that women's full participation in society is a critical factor in economic development. But more importantly, women's rights groups have long recognized that full equality is not possible unless women can speak out for themselves.

**Art. 10(2):** Mothers should be given special protection before and after childbirth for a fair period of time. Working mothers should be given paid leave or leave with substantial social security benefits during this time.

❖ **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979**

Women are an important component of the economic and social fabric that holds their communities together, but their labour is rarely appreciated equally to that of males. A lot of it has to do with the chances that they have. Women are disproportionately poor, undereducated, and employed in low-wage or unpaid jobs, and they are more likely to be fired for marrying or having children. In many industries, women's rights to regular salary and working hours, equal compensation for equal work, permanent contracts, safe and non-hazardous work conditions, and freedom of association are routinely denied.

**Art. 11:** Non-discrimination in employment; health and safety at work; prohibits dismissal during pregnancy and maternity leave; maternity leave with pay; services enabling women to combine family obligations and work (child-care facilities); protection against work harmful during pregnancy.

- a) (1) States Parties shall take all necessary steps to prevent discrimination against women in the workplace, in order to ensure that men and women have the same rights, in particular: [...]
- b) f) The right to protection of one's health and safety at work, including the preservation of one's reproductive function.
- c) (2) States Parties shall take adequate measures to prohibit discrimination against women on the basis of marriage or motherhood and to ensure their effective right to work:
- d) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- e) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- f) To encourage the provisions of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the creation and expansion of a network of child-care centers;
- g) To provide special protection of women during pregnancy in types of work proved to be harmful to them.

Art. 12.2: States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

❖ **Convention on the Rights of the Child (CRC), 1989**

Art. 18(2): States Parties shall provide appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities, as well as ensure the development of institutions, facilities, and services for the care of children, in order to guarantee and promote the rights set forth in the present Convention.

**Art. 18(3):** States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

The Maternity Protection Convention, 2000 (No. 183), covers:

- Extension of protection to all employed women.
- 14 weeks of maternity leave, including six weeks of compulsory postnatal leave.
- Additional leave in case of illness, complications or risk of complications arising out of pregnancy or childbirth.
- Cash benefits during leave of at least two-thirds of previous or insured earnings (or at an equivalent level where benefits are not calculated on the basis of previous earnings).
- Access to medical care, including prenatal, childbirth and postnatal care, as well as hospitalization when necessary.
- Health protection: the right of pregnant or nursing women not to perform work prejudicial to their health or that of their child.
- Breastfeeding: minimum of one daily break, with pay. Employment protection and non-discrimination

**Constructive ILO Explanation:** Since its inception in 1919, the ILO's work has been guided by the principles of non-discrimination and equality promotion. These concepts are central to the International Labour Organization's (ILO) Decent Employment Agenda, which promotes decent and productive work in conditions of freedom, equity, security, and human dignity, as well as the Millennium Development Goals. Workers in the formal economy, as well as those in the self-employed, casual, and informal economies, as well as those working in the care economy and private households, primarily women, have the right to decent employment. International labor standards are one of the ILO's key tools for improving women's and men's working and living conditions, as well as promoting workplace equality for all employees. With a few exceptions, such as those addressing maternity and women's reproductive roles, all ILO standards apply equally to men and women. However, there is still a disconnect between workers' rights as outlined in national and international norms and their actual circumstances. In order for these rights to be effective in practice, they must be implemented. A major impediment to workers exercising their rights is a lack of knowledge of their existence. The Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in instance, has such a broad scope of application that it hasn't been cited under every area to which it pertains. It's worth noting that conventions are referred to in abbreviated form: "C. 88: Employment Service, 1948" means "the Employment Service Convention, 1948 (No. 88)," while

"R. 150: Human Resources Development, 1975" means "the Human Resources Development Recommendation, 1975 (No. 150)." Many still-in-force labor regulations predate the relatively recent concern with gender-neutral vocabulary, or terminology that does not presuppose that the typical worker is a man. Although revised guidelines have updated the wording in some circumstances, some still refer to "workmen" and use "he" as the generic pronoun. When a male pronoun is used in a non-gender-specific way, it should be construed to encompass both male and female workers. The ILO's Office of the Legal Adviser (JUR) has developed a manual for creating ILO instruments that provides guidelines on how to utilize gender-inclusive terminology when drafting standards.

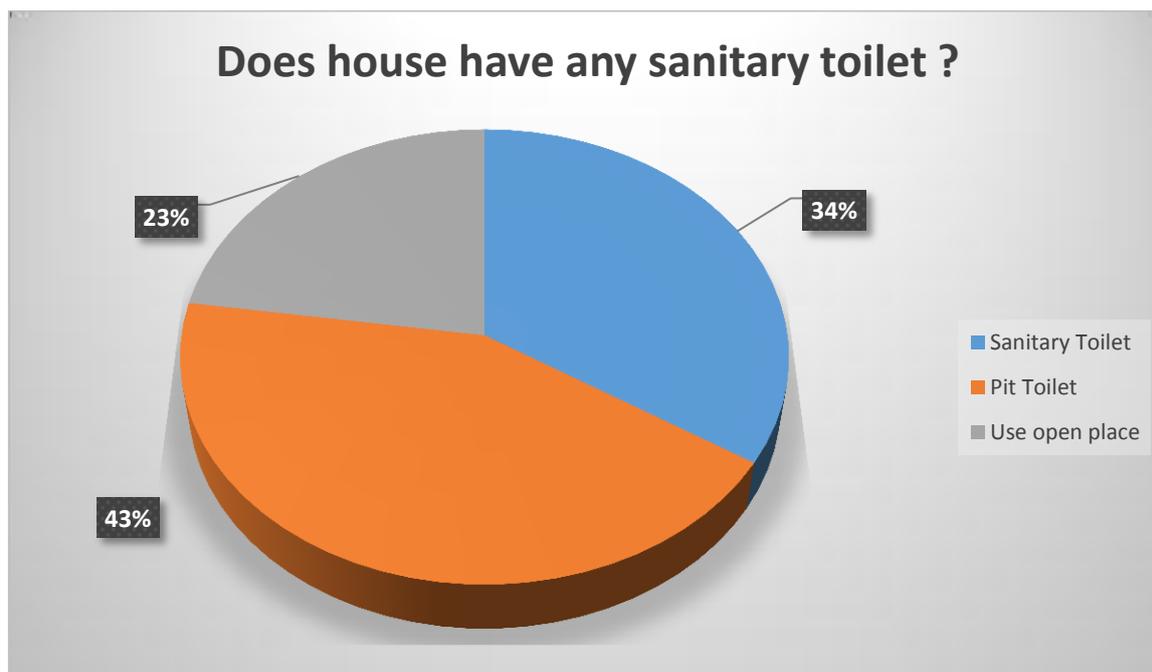
Conventions are international accords that ILO member states can ratify. Ratification entails a country's commitment to apply the ratified Convention's provisions in law and practice, as well as to subject to frequent international oversight on the scope of application. Ratifying nations must provide regular reports to the ILO on the measures they have taken to implement the Convention, and they must accept ILO compliance oversight. If a member state has not yet ratified a convention, it is still a work in progress. In fact, even if a country has not (yet) joined ILO Conventions, millions of employees benefit from national legislation affected by them. The Equal Remuneration Convention, 1951 (No. 100); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Workers with Family Responsibilities Convention, 1981 (No. 156); and the Maternity Protection Convention, 2000 have all been designated as key instruments for achieving gender equality in the workplace (No. 183).

Promoting the ratification and application of labor standards relevant to equality is a significant tactic utilized by the ILO to attain the worldwide aim of decent employment. The four core equality Conventions are particularly important, but additional gender-related Conventions and Recommendations are also advocated, such as those concerning employment advancement, working conditions, and migrant workers. It's also worth noting that promoting gender equality in the application of standards that aren't expressly gender-related has nothing to do with promoting equality in the application of standards that aren't specifically gender-related. This guide focuses on the rights of women workers and gender equality drawn from international law, i.e. the corpus of internationally agreed-upon instruments, which includes the ILO's own Conventions and Recommendations as well as other relevant instruments such as those described above. International labor standards are intended to be basic criteria that describe general principles such as fair pay, equal opportunity, and treatment of men and women. Individual countries may go even further and give a higher level of protection, such as a longer maternity leave term or other favorable regulations.

Many countries have passed legislation outlawing discrimination in the workplace and encouraging equality, and many national constitutions include provisions stating such equality. Recently, the focus has shifted to governments' positive responsibility to prevent discrimination and promote equality. However, the law is not consistently administered, and inequity continues to exist. Now, a greater emphasis is being placed on enforcement through legal, administrative, and promotional efforts to close the gaps between the law and its application, which are being filled by specific institutions. As a result of ostensibly "neutral" measures in laws or collective bargaining agreements, women workers frequently face de facto disadvantages. This could be interpreted as a form of indirect discrimination. Discrimination might be "direct," resulting in a clear distinction between the sexes, or "indirect," resulting in inequity and so constituting "indirect" discrimination. Both forms of discrimination are under the jurisdiction of the relevant Conventions.

The distinction is significant because, while direct discrimination appears to be on the decline, indirect discrimination, which is more difficult to detect or establish, appears to be on the rise. Institutional discrimination also exists, as a result of labor market factors or structural inequities in employment and occupation. The labor inspectorate oversees most countries' equality legislation, which takes the form of labor codes, equal opportunities laws, or general employment statutes. This validates that the premises and records are in order by inspecting them. The law's requirements are met by the businesses under investigation. Modern labor inspection services are less and less seen as "workplace cops," and instead see their duty as offering information and advice to employers and employees on the most efficient ways to comply with the law. Labor inspectors may have the authority to refer a complaint to the proper authorities or to file a complaint with the competent courts or tribunals. Agriculture continues to employ more people than any other sector of the global economy - 40% in 2005. (ILO, 2006a, p. 25). The majority of women workers in the globe still live in rural areas, where they work mostly in farming but increasingly in non-agricultural industries. Women work in agriculture more often than males in economies where agriculture is a key economic sector (ILO, 2004a, p. 25). Women's involvement rates in these industries are frequently greater than in most other industries, although this is mainly due to the way employment is organized in these industries, which have a high proportion of family-owned small farms and non-farm units.

**Chart: 5**



The greater part of the gardens don't have adequate sanitary latrines.. Findings of the present survey show that 23% of the tea plantation workers use open space for defecation. The defecation practice has not changed over time. About 34 percent respondent have sanitary latrines. The employers allege that the workers are not habituate to using sanitary latrines. But the workers dismiss the allegations and complain that they have insisted time to time for adequate number of tube wells and sanitary latrines but the authority has ignored them.

**Table: 6**

❖ The tea garden have/has system of clean drinking water and hygienic maintain in your house

|             | Clean water | Hygienic maintain |
|-------------|-------------|-------------------|
| Yes         | 78%         | 10%               |
| No          | 32%         | 87%               |
| No Response | 0%          | 3%                |
| Total       | 100%        | 100%              |

Survey shows that some garden no have facility to enough clean drinking water. Worker complain that, they give prayer to employment for establish adequate tube-well but authority ignore that time to time. Some garden I found then clean water is supplied by an NGO or Other company, although they have to pay per week 20 take for each home.

Another major cause of their medical problems is a lack of drinking water at work. Since they work in the field, tea workers are always thirsty. According to section 58 of the BLA 2006, in every plantation, a daily supply of sufficient supply of drinking water shall be given and established at suitable points at each work site, conveniently accessible to all staff. They primarily depend on the water from small-drains (chara) flowing through the tea gardens as a source of drinking water.

**Table: 7 (Ratio and percentage to cover regular sanitization and other physical hygiene by female laborers)**

|             | Percentage |
|-------------|------------|
| Yes         | 92%        |
| No          | 3%         |
| No Response | 5%         |
| Total       | 100%       |

Most of Women use cotton cloth at the time of period. They told that sanitary napkin price is high and they are not usual with that. It is not possible to buy napkin while they earn only 120 taka daily. By this unhygienic cloth, they are suffered by various uterus disease. Among many, Uterus Infection is most common, even sometimes uterus cancer may be happened.

Enhancing Social Protection for Female Tea Garden Workers: Through this Joint Programme, female tea garden workers and their families in Sylhet Division, one of the country's most marginalized population groups, will have better access to national social protection coverage and local social services in a more empowering and non-discriminatory environment. Women and their families, as well as trade unions, will be better able to assert their rights to social protection and development, knowledge and participation, and labor rights on the ground. While all rural employees face long hours, low pay, and occupational safety and health risks, women are disproportionately affected by these factors due to their higher concentration in occasional and seasonal work. International labor standards on the right to freedom of association in agriculture, adopted as early as 1921 and in 1975, covered all rural workers defined as persons engaged in agriculture, handicrafts, or related occupations in rural areas in order to provide some protection against such adverse conditions. Debt bondage is used to force people to work in rural areas in a number of nations, mainly in South Asia. The farm industry is characterized by indirect bonding, in which women and children are linked through the male household leader. Women may be "traded" as part of a man's debt, and they are frequently expected to undertake both domestic and farm labor for the landlord. Some South Asian countries, most notably Pakistan, are stepping up their efforts to combat bonded labor in both agriculture and businesses. Casual work is work that has no set duration and is conducted by workers who are called on to work as and when the company need them. They may work full-time or part-time for varied durations of time. Casual labor is highly dependent on demand levels and fluctuations, and casual workers may work for as little as a few days or as long as several weeks at a time. Casual workers' employment contracts, where they exist, can specify their minimum and maximum hours of work, as well as the notice period that must be adhered to when they are required to work. Along with that by 2021, tea garden workers and their families, particularly women, will benefit from enhanced social protection and access to high-quality public services, including health, education, and decent work, all in a safer and more empowered environment.

1. Policy and Legislative Reform: The government has strengthened its ability to detect and rectify gaps in social protection programs, the Bangladesh Labour Law, and other applicable laws, as well as prioritize efforts for tea garden workers, particularly women and children.
2. Data and analysis: Using primary disaggregated data on maternal and child health, education and skills, child protection, occupational safety and health, working conditions, collective bargaining, and women and child empowerment, the government, Bangladesh Tea Association, and other actors have increased their capacity to monitor the situation of tea garden workers and their families.
3. Service and Delivery: Public service providers, including the government and tea garden owners, have increased their capacities to enhance systems and implement services/programs specified in laws and regulations to improve the living and working conditions of tea plantation employees, particularly women and their families.
4. Access to Service: Tea garden workers and their families, particularly women and children, are empowered to access public services such as family planning, child and maternal health and nutrition, education and skills training, and child protection services as a result of increased awareness and knowledge of social protection, human rights, and labor standards.
5. Rights to Holder: Tea garden workers, particularly women workers, have increased their capacity to negotiate and exercise collective voice to influence policies and hold the Bangladesh Tea Association and the government of Bangladesh accountable for improved integration of tea garden workers into the national social protection system.

### **Recommendations:**

- ❖ Tea garden management should strictly follow labor laws. Wages and work advantages ought to be given by labour law.
- ❖ Pure water is called the life. The provision of sanitation and proper drinking water facilities in the garden must be increased.
- ❖ Medical facilities and professional gynecologist need to be increased. Also install equipment for face emergency critical patents.
- ❖ The plantation workers should be encouraged to produce nutritious vegetables as well as raising poultry in their yards for their own consumption as this can make a difference in improving diets for their households.
- ❖ A sufficient number of toilets and bathrooms must be installed in the labor lines for the use of the employees who are stationed there; such latrines and urinals must be provided

separately for male and female workers and kept clean. It must be well lit and ventilated. When female staff need to use the toilet in the tea gardens, they face a slew of issues. As a result, when staff work in tea gardens, the garden authority must have bathrooms.

- ❖ Maternity Leave should be more flexible.
- ❖ Provides pre-natal and post-natal treatment and nutritious food to pregnant women.
- ❖ Although most of tea gardens are located in Sylhet division, the Labour Court is located in Chittagong, which restricts access for workers. The Labour Court should be established in each district. Any change in existing laws and formation of new laws relating to tea plantation workers should be based on effective dialogue amongst the Government, tea garden authorities and tea garden workers.
- ❖ The tea garden authority denies the right to own land by showing leasing documents issued by the Government. The tea community is always under threat of eviction by the tea garden authority. The Government can lease the cultivable land to tea community people who are already using that land.
- ❖ Childcare facilities should be available in all tea gardens. Tea garden workers must feel comfortable to send their children to crèche in order for crèches to be set up.
- ❖ There are a few services are available including training for worker leaders by the Department of Labour and various NGOs in welfare, education, water, sanitation and hygiene. Workers however have limited access to the services due to the restriction of tea garden authorities. Access to these services should be ensured

**Conclusion:** Overall, we see that Women Tea Worker doesn't have adequate facility in garden. They are suffered by various health problem during their life. It is important to educate the community about their rights for overall improvement of health condition of the women. The Bangladesh labour Act, 2006 has made it illegal for both employers and employees to work during pregnancy. Though the Act authorizes a pregnant tea garden woman worker to work for the previous ten weeks (Bangladesh Labour Act, s.45(3)), the garden authority should be lenient in enforcing it. Since the reality of a woman's work in a tea garden is difficult and difficult, they can have more and versatile maternity leave based on her physical condition.

It is high time to take appropriate steps to implement international guideline as to women health issue. So Government should look at this sector. Finally I would like to say that no recommendation can be effectively enforced unless all parties in the tea industry, namely the government, employers, and most importantly general staff work together.

### Abbreviation:

1. BLA: Bangladesh Labour Act.
2. NGO: Non-Governmental Organization.
3. UNICEF: United Nations International Children's Emergency Fund.
4. WHO: World Health Organization.
5. MBBS: Bachelor of Medicine, Bachelor of Surgery.
6. UNESCO: United Nations Educational, Scientific and Cultural Organization.
7. ASD: Autism Spectrum Disorder.
8. WHA: World Health Assembly.
9. ILO: International Labour Organization.
10. USAID: Agency for International Development.
11. SIDA: The Swedish International Development Authority.
12. EU: European Union.
13. MISSOC: Mutual Information System on Social Protection.
14. EEC: European Economic Community.
15. UDHR: Universal Declaration of Human Rights.
16. ICESCR: International Covenant on Economic, Social and Cultural Rights.
17. CEDAW: Convention on the Elimination of All Forms of Discrimination against Women.
18. CRC: Convention on the Rights of the Child.

### References:

1. The Bangladesh Labour Act, 2006, Ministry of Labour and Employment, Bangladesh.
2. Munck, R. (2005). *Globalization and social exclusion: A transformationalist perspective*. Kumarian Press.
3. Brown, P. (1995). Cultural capital and social exclusion: some observations on recent trends in education, employment and the labour market. *Work, employment and Society*, 9(1), 29-51.
4. Preamble to the Constitution of WHO as adopted by the International Health Conference, New York, 19 June - 22 July 1946; signed on 22 July 1946 by the representatives of 61 States

- (Official Records of WHO, no. 2, p. 100) and entered into force on 7 April 1948. The definition has not been amended since 1948).
5. Sochas, L. (2019). Women who break the rules: social exclusion and inequities in pregnancy and childbirth experiences in Zambia. *Social Science & Medicine*, 232, 278-288.
  6. U.S. Department of Health & Human Services, 200 Independence Avenue, S.W. Washington, D.C. 20201). Mental illness, as depression or anorexia, can have an effect on body weight and overall function.
  7. Chen, Theodore Hsi-en, et al. 2021.
  8. N., Pam M.S., "RIGHT TO TREATMENT," in *PsychologyDictionary.org*, April 28, 2013, <https://psychologydictionary.org/right-to-treatment/> (accessed March 12, 2021)
  9. Campbell, B. (2000). New rules of the game: the World Bank's role in the construction of new normative frameworks for states, markets and social exclusion. *Canadian Journal of Development Studies/Revue canadienne d'études du développement*, 21(1), 7-30.
  10. M A Kashem and M A A Faroque, A Country Scenario of food security and governance in Bangladesh, *J. Sci. Foundation*, 9(1&2): 41-50, June-December 2011.
  11. Carr, M., & Chen, M. (2004). Globalization, social exclusion, and work: With special reference to informal employment and gender. *International Labour Office Policy Integration Working Paper*, (20).
  12. Penna, S., Paylor, I., & Washington, J. (2000). Globalization, social exclusion and the possibilities for global social work and welfare. *European Journal of Social Work*, 3(2), 109-122.
  13. UNESCO. International Technical Guidance on Sexuality Education: An evidence-informed approach for schools, teachers and health educators. Paris: UNESCO; 2009.
  14. He, Fan, et al. "Abdominal obesity and metabolic syndrome burden in adolescents—Penn State Children Cohort study." *Journal of Clinical Densitometry* 18.1 (2015): 30-36.
  15. Basok, T. (2004). Post-national citizenship, social exclusion and migrants rights: Mexican seasonal workers in Canada. *Citizenship studies*, 8(1), 47-64.
  16. WHO: *Infant and young child nutrition: Global strategy on infant and young child feeding*, Report of the Secretariat, World Health Assembly, 55<sup>th</sup> Session, (Geneva, 2002)
  17. (UNICEF: *1990–2005 Celebrating the Innocent Declaration on the Protection, Promotion and Support of Breastfeeding, Past Achievements, Present Challenges and the Way Forward for Infant and Young Child Feeding* Geneva, 2006.)
  18. National legislation (e.g. MISSOC), websites of national institutions, European Commission website, and relevant reports (e.g. International Net-work on Leave Policies and Research).
  19. Directive 92/85/EEC
  20. Fraser, N. (2011). Social exclusion, global poverty, and scales of (in) justice: rethinking law and poverty in a globalizing world. *Stellenbosch Law Review*, 22(3), 452-462.
  21. Maternity Protection Convention, 2000 (No. 183).
  22. Allen, A. M. G. C. J., & Regional Studies Association. (1998). *Social exclusion in European cities: processes, experiences, and responses*. Psychology Press.
  23. European Parliament: Texts adopted at the sitting of Wednesday 20 October 2010, P7\_TA-PROV (2010)10-20, (Brussels, EU, 2010).
  24. Universal Declaration of Human Rights (UDHR), 1948
  25. International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966
  26. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979
  27. Convention on the Rights of the Child (CRC), 1989
  28. Topel, R. (2012). Introduction to "Job Mobility, Search, and Earnings Growth: A Reinterpretation of Human Capital Earnings Functions ". In 35th Anniversary Retrospective. Emerald Group Publishing Limited.

### **Bibliography:**

1. Anam, Rumana Liza. "Inadequacies and variations of maternity leave policies throughout the world: special focus on Bangladesh." (2008).
2. Dr. Rehena Pervin. "Health and Economic Conditions of Tea Garden Female Workers: A Study on Legal Rights" (June 2018)
3. Maternity Protection Convention, 1919 (No. 3)
4. Jubaer, S. M. O. F., Joly, J. A., Devi, A. D., & Shovon, A. I. (2021). WORK PARTICIPATION OF FEMALES AND EMERGING LABOR CIRCUMSTANCES IN BANGLADESH. *Journal of Marriage and the Family*, 949, 959.
5. Maternity Protection Convention, revised, 1952 (No. 103), (no longer open for ratification), and Recommendation, 1952 (No. 95)

6. Maternity Protection Convention, revised, 2000 (No. 183) and Recommendation, 2000 (No. 191)
7. Other ILO instruments related to maternity protection:
8. Equal Remuneration Convention, 1951 (No. 100)
9. Social Security (Minimum Standards) Convention, 1952 (No. 102)
10. Discrimination (Employment and Occupation) Convention, 1958 (No. 111) Holidays with Pay Convention (Revised), 1970 (No. 132)
11. Workers with Family Responsibilities Convention, 1981 (No.156) and Recommendation (No. 165)
12. Part-time Work Convention, 1994 (No. 175)
13. ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998)
14. Safety and Health in Agriculture Convention, 2001 (No. 184) and Recommendation (No. 192)
15. Jubaer, S. M. O. F. Research Project on:" An Effective association between the Constitution and Constitutionalism to set up a Constitutional Government.
16. Datta, M. (2017). The status of marginalized women tea garden workers in the mountain ecosystem of Darjeeling in a globalised village. In *Societies, Social Inequalities and Marginalization* (pp. 53-70). Springer, Cham.
17. Hossain, M. I., Al-Amin, M., & Parveen, S. S. (2017). Protection of Child Rights in Tea Gardens of Bangladesh: Social Work Perspective. *Social Work Chronicle*, 6(1), 39.
18. Jubaer, S. M. O. F., Rahman, F., Hoque, L., Oyes, I. B., & Sadi, S. H. The Concept of Social Inclusion and Exclusion: A Legal Observation.
19. Das, N. K. (2009). Identity politics and social exclusion in India's north-east: The case for redistributive justice. In *The Politics of Social Exclusion in India* (pp. 47-61). Routledge.
20. Jubaer, S. M. O. F., Dipto, S. D., & Deb, B. A formalistic necessity of the Rule of Law: Comparative Analogy.
21. Hossain, S., Khan, A. R., Islam, M. Z., & Khandaker, S. (2017). Socio-economic situational analysis of tea plantation workers: a case study from Lubachhara Tea Garden, Sylhet. *Bangladesh Journal of Public Administration*, 25(2).
22. Jubaer, S. M. O. F., Mostofa, S. H., Deb, B., Moumi, A., & Rahman, F. (2021). THE IDEA OF RIGHTS: A GLOBAL COMPARATIVE APPROACH.
23. Jubaer, Shah & Hoque, Lipa. (2021). The Concept of Education: A Western Rationalist Approach. *International Journal of Educational Advancement*. 04. 138-150. 10.31149/ijie.v4i6.1963.
24. Das, N. K. (2009). Identity Politics and Social Exclusion in India's Northeast. A Critique of Nation-Building and Redistributive Justice. *Anthropos*, (H. 2), 549-558.
25. Nepal, P., & Tirkey, F. L. P. (2015). Gender, Governance of Commons and Livelihood Security: A Study of the North Bengal Tea Region of West Bengal, India. *Dynamics of Public Administration*, 32(2), 109-126.
26. Jubaer, Shah & Bashar Oyes, Imrul & Sadi, Shariful & Hoque, Lipa. (2019). The Social Exclusion and Social Theory: A Comparative Approach. 03. 26-40.
27. International Labour Conference Resolution on Gender Equality, Pay Equity and Maternity Protection, 2004
28. Jalil, M. A., & Oakkas, M. A. (2018). The Experiences of Disadvantages and Discrimination Among the Tea Garden Workers in Bangladesh: An Overview. *Asian Social Work Journal*, 3(5), 1-8.
29. Zaman, M. O., & Abir, T. M. (2018). The Process of Social Exclusion of Tea Garden Workers: A Study on Sylhet City Corporation, Bangladesh. *Asian Journal of Humanity, Art and Literature*, 5(2), 101-108.
30. Ahmad, I., Yasin, M., Rowshon, A., & AKM, R. H. (2015). Study on socio-economic and educational condition of tea worker at Sylhet in Bangladesh. *Journal of Tea Science Research*, 5.
31. Iqbal, M. S., Palmer, A. C., Waid, J., Rahman, S. M., Bulbul, M. M. I., & Ahmed, T. (2020). Nutritional Status Among School-Age Children of Bangladeshi Tea Garden Workers. *Food and nutrition bulletin*, 41(4), 424-429.
32. Al-Amin, M., Hossain, M. I., & Parveen, S. S. (2017). Social exclusion & poverty among tea garden workers in Bangladesh. *Indian Journal of Industrial Relations*, 53(1), 21-36.
33. Promotion Framework for Occupational Safety and Health Convention, 2006 (No. 187)
34. International Labour Conference Resolution on Gender Equality at the Heart of Decent Work, 2009
35. Roy, S. (2017). Mobilisation of Adivasi Tea Garden Workers under Akhil Bharatiya Adivasi Vikas Parishad in North Bengal. *Madhya Pradesh Journal of Social Sciences*, 22(1), 11.
36. Universal Declaration of Human Rights (New York, 1948).

37. International Covenant on Economic, Social and Cultural Rights (New York, 1966).
38. International Covenant on Civil and Political Rights (New York, 1966).
39. Convention on the Elimination of All Forms of Discrimination Against Women (New York, 1979).
40. Convention on the Rights of the Child (New York, 1989).