IS OHS NEGLIGENCE AND EVASION AN “ERROR OF JUDGEMENT” OR “WHITE-COLLAR CRIME”? AN INTERPRETATION OF APPAREL MANUFACTURERS IN BANGLADESH

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ABSTRACT

This paper investigates the managerial interpretation of the terms “error of judgement” and “white-collar crime” in relation to the evasion or negligence observed in administering occupational health and safety (OHS) provisions in the apparel manufacturing sector of Bangladesh. The research is qualitative in nature and follows an interpretivist paradigm. The questionnaire responses were collected from 20 mid- and top-level managers from 10 large apparel manufacturing factories located on the outskirts of Dhaka. The research reveals that all of the respondents have adequate knowledge about the relevant OHS provisions and safety protocols imposed on them by the local government and the global supply chain. They believe that the correct administration of the OHS provisions will reduce workplace accidents effectively. The research unfolds that the respondents interpret in different ways the terms “error of judgement” and “white-collar crime” in association with OHS negligence and evasion. Although empirical evidence shows that this type of negligence and evasion are considered as white-collar crime and punishable, most of the respondents in this research do not subscribe to this notion and alternatively believe that it is an “error of judgement” and therefore non-punishable.

Keywords: occupational health and safety, negligence, evasion, error of judgement, white-collar crime.

INTRODUCTION

Several disasters that have occurred in the readymade garment (RMG) factories in Bangladesh in the last few years, claiming thousands of lives, have notoriously become the subject of much concern recently, both in the country itself as well as internationally among globally-renowned buyers, trade unions, and monitoring authorities. Although occupational health and safety (OHS) provisions are designed and implemented with the purpose of deterring workplace accidents, all of these recurrent accidents have placed a big question mark over the proper administration of

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

This study investigates the managerial interpretation of “error of judgement” and “white-collar crime” in relation to the evasion or negligence observed in administering the OHS provisions in the apparel manufacturing sector of Bangladesh. It aims to study the theory of “error of judgement” and “white-collar crime,” and their connection with the intentional or unintentional negligence or avoidance of the OHS provisions and safety protocols. The epistemology framing of this qualitative research is interpretivism and constructivism since the researcher’s ontological position confirms that people’s knowledge, views, understanding, interpretations, and experiences are meaningful properties of the social reality.

**Literature**

While the dictionary meaning of “error of judgement” is “taking a bad or wrong decision,” it usually involves calculated risks, evaluating options, and executive decision making (Burton, 2007; Meibergen, n.d.). Error of judgement has been categorised into two types: (a) harmless error of judgement—where despite its occurrence the ultimate outcome of the judgement or decision is unaffected or unchanged; and (b) harmful error of judgement—where the decision or judgement turns out to be wrong, or brings about a biased or negative outcome (Hill & Hill, 2002). Very few empirical studies and anecdotal sources are found about error of judgement, and thus literature on this is rare. However, Walton (1998) commented that it is very common for people to make mistakes and errors of judgement, and in most cases this may result in disciplinary proceedings if the outcome of the error is harmful towards human life.

Although a wealth of definitions is available to describe white-collar crime, this concept remains ambiguous and inconsistent; for example, the USA Federal Bureau of
Investigation defined white-collar crime as any action by a human which involves lying, cheating and stealing in an organisational setup (FBI, n.d.). In far broader terms, Hill & Hill (2005) described white-collar crime as a generic term for crimes involving commercial fraud, cheating consumers, swindles, insider trading on the stock market, embezzlement, and other forms of dishonest business schemes. Nonetheless, this study focuses on white-collar crime within the context of certain deviant actions (e.g. negligence or the avoidance of a certain policy that may cause harm to people and property) which are seen to be taken by RMG manufacturers.

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

Furthermore, Geis (1982) expressed a different view from Sutherland's (1944) attempt to ascribe corporate crimes as upper-class criminality. He mentioned that these upper-world crimes cannot be readily analysed in terms of the participants' psychological experiences, because the offenders are usually unavailable for direct investigation. This seems similar to Edelhertz's (1970) view of the covert and nonphysical nature of the crime committed by high status offenders. Both Geis and Edelhertz used common terms to explain white-collar crime as that committed by high-ranking people for whom, due to their social power and influence, it is difficult to bring under direct investigation. Although these authors critiqued Sutherland's concept of white-collar crime, all of them seemed to agree that white-collar crime is associated with those people with power and prestige, who usually belong to the prominent class in society and thus it is difficult to prove and hold them responsible for their deviant deeds. Despite all of these explanations, Friedrich's (2002) notion that the conceptual confusion about white-collar crimes is greater than in any other area of criminological theory cannot be ignored by any researcher who realises its profound complexity.

There are 21 labour and industrial laws in operation in Bangladesh. Several of these cover OHS issues adequately (i.e. Bangladesh Labour Act, 2006 and the amendment of
2013, Bangladesh Labour Rules, 2015). It is a legal requirement for any RMG factory owner in Bangladesh to administer and comply with these provisions. However, evidence can be found from empirical studies that, during the last decade, the majority of workplace accidents which occurred in the RMG sector in Bangladesh were related to the employers’ lack of administration, negligence and avoidance of the OHS provisions (Ahmed & Hossain, 2009; Bhuiyan & Haq, 2008; ILO, 2013). The societal expectation of the factory owners is that they should make a rational choice with regard to undertaking responsible business practices. Thus, they must have a reasonable understanding of the OHS regulations and policies imposed on them by the government and the global supply chain in order for the regulation to work as a deterrent factor to occupational accidents. However, this does not appear to be the case. The explicit reason for the confounding number of workplace deaths in the RMG sector is the reluctance observed among many factory owners with regard to conformity to the OHS provisions (Chowdhury & Tanim, 2016; Zaman et al., 2013). The evidence shows that these high-status people in society are uninterested in making calculative decisions to implement OHS as an incentive to safeguard their factories against undesirable catastrophes.

In terms of empirical evidence, this type of ignorance and evasive tendency with regard to standard factory compliance and global supply chain’s Code of Conduct (COC) requirements can be considered white-collar crime. Negligence or disrespectful attitudes towards responsible business practices and social welfare among employers and corporate bodies have been generalised as “crime” with different definitions by criminologists and academics around the world. The concept of criminology in modern times can be traced back to the “criminaloid” studies by Ross (1907) and by Lombroso in 1876 (in Gibson & Rafter, 2006). A “criminaloid” is a person who projects a respectable, upright facade, in an attempt to conceal a criminal personality (Gibson & Rafter, 2006; Ross, 1907). In response to the more sophisticated corporate crimes and organisational deviances, the emergence of the concept of “white-collar crime” can be seen in the subsequent research work of Sutherland (1940; 1944), Chambless (1967), and Edelhertz (1970). Furthermore, “organisational crime” by Schrager & Short (1978), “corporate crime” by Clinard & Yeager (1980), “organisational deviance” by Ermann & Lundman (1981), “upper-world crime” by Geis (1982), “occupational crime” by Green (1997), and “elite deviance” by Simon (2006) have also been found in these prominent studies. These studies cover many incidents of organisational deviance, including the unjustifiable exclusion of the self-withdrawal of employers from the process of ensuring safety and security in the workplace.

However, it can be argued that the terms “crime” or “white-collar crime” can be rejected by employers based on the claim that they are unconnected with the responsibility of the harm caused by accidents. Factory owners may believe that the injuries and deaths that occur in their workplaces are not due to their negligence in ensuring safety but because of the employees’ carelessness, fate, or system failure. As a result, from the employers’ perspective, they cannot be considered criminals, as there was no criminal intention from their part and, therefore, they should not be prosecuted. This type of employer arguments can be found in the research by Schofield et al. (2009), where some of the Australian employers defended themselves when charged with the OHS violation which resulted in workplace accidents. Similarly,
drawing on 50 years of empirical research on judgement and decision making, Hammond (1996) examined the possibilities for wisdom and cognitive competence in the formation and application of social and legal policies. His study suggested that uncertainty can seldom be fully eliminated, thus error is inevitable, and injustice for some is unavoidable.

In the context of Bangladesh, the RMG factory owners’ negligence and laxness in regulating the OHS provisions can be analysed using framework of crime suggested by Clinard & Quinney (1973). Building on Sutherland’s (1944) concept, Clinard and Quinney suggested two divisions of white-collar crime: (a) corporate crime, and (b) occupation crime. Corporate crime is illegal behaviour that is committed to benefit the organisation or business; and occupational crime is violations of the legal codes in the course of activity in a legitimate occupation (Clinard & Quinney, 1973). Maintaining the compliance factors and OHS regulations provided by the local government, global supply chain, and social compliance authorities requires employers to employ industrial advocates and human resource management experts, along with introducing a makeover of their poorly-designed factories with modern facilities, safety equipment, and health arrangements. These transformations require investment which industrialists are reluctant to make. Therefore, these employers are persuaded to continue their likely evasion of OHS provisions to generate more profit which, in fact, falls under the category of corporate crime. Correspondingly, whenever factory owners avoid or neglect any provision of the OHS legislation, it is a violation of the legal requirement and thus is turning into an occupation crime. Furthermore, additional to Clinard and Quinnery’s framework, the concept of a “duty of care” is imposed on employers, as they are responsible for taking all necessary steps which are reasonable to ensure workers’ health, safety and wellbeing (ACAS, 2012). If this duty is found to be breached by employers, a legal liability is imposed on them (e.g. Donoghue v. Stevenson, UKHL 100 [1932] AC 562). Therefore, the failure to implement the OHS provisions by the Bangladeshi RMG factory owners to ensure safety and security in their workplace is a serious breach of the duty of care principle. This contravention can thus be considered as illegal behaviour committed by employers. So, based on this theoretical analysis, it can be claimed that the evasion of any OHS legislation or legal requirement imposed and mandated on the factory owners by the government, the global supply chain, or any monitoring and social compliance authority constitutes, in fact, white-collar crime.

**Research Questions**

In order to minimize the apparent knowledge gap, this study aims to tackle research questions with implications for the development of new knowledge for academic and non-academic settings. The research questions for this research have been formulated by following the guideline of White (2009), and are appropriately aligned with the aim and objective of the study. Within the scope of the study, the research questions are descriptive in nature and aim to generate answers to the statement of the problem. The research questions are as follows:

Question 1: What is the managerial view of administering OHS provisions as a deterrent to workplace accidents?
Question 2: What is the managerial interpretation of “error of judgement” and “white-collar crime” in relation to the negligence or avoidance associated with administering OHS provisions?

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

**Methodology**

This study employed a qualitative questionnaire to obtain the interpretation of the phenomena through subjective thoughts and ideas. This confirms the significance of interpretivism which involves seeing the research phenomena through the eyes of those being studied, allowing them to construct multiple perspectives of reality (Greener, 2008). In this study, the researcher believes that the perception of individual respondents is very important when analysing the topic, as each person has their own unique way of perceiving and understanding the world, and that the things that they do only make sense in this light. This study, therefore, incorporates a semi-structured questionnaire, which allows access to the respondent’s views and experiences without imposing the researcher’s ideas about the study on them. From this perspective meanings and understandings are created by the researcher from the responses received, which is effectively a co-production, involving the researcher and the respondents. To ensure quality and rigour, a number of techniques recommended by Guba & Lincoln (1989) and Merriam (2009) were used to obtain non-biased, trustworthy responses. For example, to ensure that the findings reflect the reality faced by the participants, the researcher worked towards saturation within the sample, where the quality of the responses was given priority over the quantity of the responses. Similarly, the respondents were encouraged to be honest, reminded of confidentiality, that there are no right or wrong answers, and encouraged to adopt a plain, simple style of writing to put them at ease.

Following the property of intensity sampling, 10 Bangladeshi RMG factories located on the outskirts of Dhaka were selected. This selection was aided by the members’ directory published by the BGMEA (Bangladesh Garments Manufacturers and Exporters Association). However, extreme or deviant cases were avoided; for example, factories where an industrial accident had occurred in recent times were excluded, due to the severity of the accidents which left the workers and other associated people bereaved, shocked, and traumatised. The aim of the research does not cover the involvement of any respondent from such a vulnerable group.

In order to establish a purposeful sample providing saturation, guidance was taken from Creswell (2006) who suggested saturation for his study at 5 to 25 participants. This research utilised an intensive semi-structured questionnaire with a sample size of 20 respondents, considering that the quality of the data depends on the point of
saturation and feasibility, from which no new information would hope to be gathered from the respondents. There were two respondents from each factory: (a) the factory owner or a director from the management; and (b) the factory manager/head of department (production, compliance, human resources). The questionnaire was designed to take approximately 30-35 minutes to complete. It was split into three sections consisting of 17 questions, as follows:

• Section 1: The purpose, target respondents, time frame, ethical issues, and instructions were presented.
• Section 2: Five questions were asked to gather information about the participants and their job.
• Section 3: Twelve questions were asked about the practice of OHS provisions, OHS negligence and avoidance, error of judgement, and white-collar crime.

The written answers from the respondents were collected on the same day as the questionnaire distribution. It took 20 days to visit all of the factories and collect the responses. The data collection was conducted in July 2015.

Findings

The questionnaire responses received from the participants indicate that most of them possess knowledge about the new national labour law, and also a good understanding about the terms and conditions of the COCs provided by the global supply chain. The following two themes emerge from the findings of the responses: (a) the respondents’ view about intentional or unintentional negligence or avoidance of OHS provisions being a white-collar crime and thus a punishable act; and (b) the respondents’ view about intentional or unintentional negligence or avoidance of OHS provisions being an error of judgement and thus a non-punishable act.

The participants were asked several questions specifically to determine their interpretation of the concept of white-collar crime and whether labelling any intentional or unintentional action of negligence or evasion of OHS provisions should be considered a criminal offence or not. Fewer than half of the participants (six respondents) agreed that any intentional negligence or evasion of safety and security measures constitutes a criminal act. This means that any rational decision-making or act of negligence, evasion, or avoidance of the OHS provisions which leads to an occupational accident is a criminal act perpetrated by the factory owner or decision-maker. A more detailed clarification of this notion is observed from the answers provided. For example, “If an accident happens due to the willful avoidance of the safety and security protocols, this is a crime,” stated one general manager of HR and Compliance. In spite of the fact that these respondents agreed to consider the deliberate negligence and evasion of OHS practice as a crime, the majority of the participants (17 respondents) failed to demonstrate a clear understanding of the definition of white-collar crime but linked accidents which occur to negligence and evasion with punishable crime. The remaining three respondents somewhat agreed that any kind of negligence, whether it contributes to an accident or not, is a crime. The majority of the respondents also stated that, if not necessarily the owner, but anyone from the factory administration team or any floor supervisor or machine operator avoids or neglects the OHS provision intentionally, resulting in an accident, then this is a crime. One CEO commented, “…[if] anyone from the factory, perhaps an
operator or a manager, whoever, shows carelessness in following safety protocols that results in any accident, it is a crime."

As a result, the factory owner cannot be held responsible for an accident that occurs as a result; rather, the individual person who avoids the provision or neglects it for whatever reason is liable for the offence and thus punishable. Similarly, a mixed reaction was found among the respondents when they were asked to what extent they think that the workers or owners are to be blamed and punished when an accident happens in the factory. Fifteen respondents agreed that workers can be held liable if they are found to cause of any accident that is due to their negligence or carelessness. One factory owner responded,

*We have many examples where our workers show carelessness repeatedly even after we offer them safety awareness training. A few days ago, we found two staff members handling dyeing chemicals without wearing gloves, and also found an electrician welding without wearing any protective glasses. But they all know the safety protocols - they just don't take them seriously.*

In contrast, the remaining five respondents argued that it is the sole responsibility of the owner, “…to train and teach the workers to identify hazards and to ensure the safety protocols are followed all the time.”

They think that the owner has a responsibility to keep the workers and workplace safe and risk-free. Similarly, an important perspective emerged from one of the participants when he commented,

*The workers are uneducated and they do not know much about the safety and security issues. So, when an accident occurs because of a worker’s mistake, the responsibility lies with the owner. No one will blame the worker for the accident but everyone will blame the owner for it.*

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

Contrastingly, the participants showed a mixed reaction towards considering unintentional negligence or avoidance of the OHS provisions a white-collar crime. They showed a clear understanding of the term “error of judgement” and a significant number of the participants (14) denied that unintentional avoidance or negligence is a crime. To exemplify this, “…factory owners who do not follow the labour law properly and neglect or avoid the COC conditions are making a judgemental error,” responded one participant. Similar responses were provided by most of the respondents, who differentiated between “error” and “crime.” According to them, an act of unintentional avoidance or negligence of OHS practice is a human error or mistake, as people do not intentionally seek to engage in wrongdoing. Interestingly, several respondents commented that, even when the decision to avoid OHS practice is taken rationally, it is not a crime, but rather a mistake—perhaps sometimes a costly mistake. One respondent stated that, “Human error is very common in large factories like ours…we
should not label these mistakes as a criminal offence and cannot consider the accidents as the result of a crime committed by anyone.”

Another respondent wrote that, “We must understand the difference between human error and criminal acts. These people are not criminals, but what they did was very stupid and careless.”

Referring to some of the industrial accidents that have occurred in the last few years, one factory owner mentioned, “No owner wants intentionally to do anything that kills people or shuts down businesses. It was a big mistake and they are not criminals.”

**Discussion**

In conjunction with this theoretical evidence, the evasion of the OHS provisions by the factory owners can be considered white-collar crime. According to the studies of Friedrich (2002), Edelhertz & Overcast (1982), Robin (1974), and Sutherland (1940), industrialists are considered to be wealthy, high-status people in society. In this regard, RMG factory owners are industrialists, and can perhaps be considered as belonging to the high social status group. Therefore, disrespecting the OHS provisions and thus endangering life and property can be considered white-collar crime on their part. Similarly, the theory posited by Schofield et al. (2009) and Shapiro (1990), which links the concept of white-collar crime with social class, highlights that these crimes are deeply intertwined in every social structure. This theory also agrees with the postulation of Geis (1982) and Edelhertz (1970), both of whom use common terms to explain the white-collar crime committed by high-ranking people for whom, due to their social power and influence, it is difficult to bring under direct investigation. All of these authors seem to agree that white-collar crime is associated with those with power and prestige, who usually belong to the upper class of society and thus it is difficult to prove and hold them responsible for their deviant deeds. Interestingly, this study shows that fewer than half of the participants think that the intentional evasion, negligence, or avoidance of the OHS requirements is a criminal offence and thus punishable; but the majority of the participants think that, when it is unintentional, it is an error of judgement, not a crime. Similarly, some of the participants also think that people do not intentionally avoid or neglect the OHS requirements imposed on them, but rather all evasions are unintentional and thus these are judgemental errors and therefore non-punishable. This is very similar to the findings of Schofield et al. (2009) which was highlighted earlier.

Notwithstanding, in line with the theoretical and empirical evidence, this interpretation of “error of judgement” or “unintentional mistake” by the participants appears to be unconvincing. The factory personnel are likely to possess the awareness to take decisions rationally, in precise terms, due to the probability of detection and punishment. It is therefore assumed that, to avoid penance, people will make better-informed operational and strategic decisions with regard to the administration of the OHS provisions. Nevertheless, overwhelmingly persuasive evidence can be drawn from the past studies to show that the factory owners in Bangladesh are in no position to claim that they are ignorant of the effectiveness of the OHS provisions or labour laws (Islam et al. 2013; French & Martin 2013; Ahamed 2012; Berik & Rodgers 2008) and, additionally, there is their sense of ethical and moral obligations which every sane human being is supposed to possess. In fact, in many cases, the factory owners’
willingness to act rationally is somewhat compromised in a situation where there is ample empirical evidence of a lack of worthwhile safety audits, and nor has any kind of justifiable investigation been observed whatsoever by the government of the country or social compliance authorities (Ahmed et al., 2014; Chowdhury & Tanim, 2016; Yunus & Yamagata 2012; Zaman et al., 2013). On several occasions, people in the factory make decisions intentionally to become involved in a deviant act by taking advantage of the situation whereby their factories are excluded from the foreign retailers’ audit process or because of the government’s incapability to monitor and impose sanctions on them (Ahmed et al., 2014; Chowdhury & Tanim, 2016; Zaman et al., 2013). This shows that this evasive nature is not an “error of judgement,” but a rational choice whereby an individual acts to balance the costs against the benefits to arrive at action that maximises his/her own personal advantage.

The decision to evade or neglecting the OHS provisions taken intentionally or unintentionally is an individual conduct that is shaped by the costs and benefits that might follow as a consequence of that conduct. Tombs & Whyte (2013) and Bodman & Maulby (1997) highlighted this as a rational calculation that weighs the chances of being caught and the severity of the punitive measures against the benefits of committing a crime. Chowdhury & Tanim’s (2016) study showed that RMG factory owners and managers make intentional decisions about nonconforming with the OHS provisions where the benefit of evading these OHS provisions is considered to be more profitable than complying with them. This means that rational choice depends upon the factory personnel’s knowledge of the “benefit of not being caught,” rather than the “risks of being caught.” Therefore, these factory owners tend to neglect or ignore the OHS provisions to increase their gain, as they do not fear being caught and punished for their evasive nature. This finding is further supported by the empirical evidence found in other studies which shows that neither a safety audit nor even any kind of proper investigation of accidents have ever been carried out to date to find the offenders and bring them under sanctions by the country’s government (Ahmed et al. 2014; Ahmed & Hossain 2009; Haider 2007; Yunus & Yamagata 2012; Zaman et al. 2013).

Although, theoretically and empirically, it is suggested that any intentional or unintentional negligence or evasion of the OHS provisions is a deviant act and can be labelled a white-collar crime, and the offenders are to be punished, it is noteworthy that the respondents to this research tend to possess a different notion. The majority of the participants think that, when the evasion or negligence occurs unintentionally, it is not a criminal act but an error of judgement and therefore the person associated with this error is not an offender or violator and so should not be punished as such. Similarly, a few of the respondents also think that every kind of act of evasion or negligence is an error of judgement, which, although it can result in accidents, it does not constitute a crime. Therefore, these evaders or neglecters are not wrongdoers or criminals, but, rather, poor decision-makers and should not be punished.
CONCLUSION

No one can argue with the fact that workplace safety is of immense importance, yet it is often overlooked in Bangladesh, leaving thousands of human lives exposed to risk in the workplace. The research investigated the managerial interpretation of “error of judgement” and “white-collar crime” in relation to the evasion or negligence observed in administering the OHS provisions in the apparel manufacturing sector of Bangladesh. The study found that all its participants possess adequate knowledge about the relevant OHS provisions and safety protocols imposed on them by the local government and the global supply chain. They believe that the correct administration of the OHS provisions can effectively reduce or prevent workplace accidents. The respondents also seem to have different interpretations of the term “error of judgement” and “white-collar crime” in association with OHS negligence and evasion. Past studies show that this type of negligence and evasion is considered as white-collar crime, and people who are repeat offenders or associated with this type of evasive nature are considered guilty of crime, and thus penalised. Nevertheless, most of the respondents to this study believe that this type of negligence or evasion is not a crime, but an “error of judgement,” a poor strategic choice made by individuals, and therefore those involved are not guilty of a crime and therefore non-punishable.

This study possesses limitations that are consistent with those found in prior qualitative studies of this kind. For example, the generalisability of the sample is questionable, as it consisted of only 20 male participants from 10 factories, from an industry which contains almost 5,000 factories. Yet, a study of this type, by default, must limit the number of participants due to the difficulty associated with their recruitment, especially in a country which is not research-focused and where societal hindrance makes factory owners reluctant to participate in research voluntarily. Despite these limitations, this research aspires to stimulate the stakeholders in the RMG industry by raising awareness, and informing, engaging, and promoting the research and its findings, especially the fact that OHS negligence and evasion at any time must be questioned, and that the OHS protocols must be strictly administered.
REFERENCES


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