A man working next door to the factory when the fire broke out said, “I was upstairs in our work-room when one of the employees who happened to be looking out of the window cried that there was a fire around the corner. I rushed downstairs, and when I reached the sidewalk the girls were already jumping from the windows. None of them moved after they struck the sidewalk … Bodies were falling all around us … They stood on the windowsills tearing their hair out in the handfuls and then they jumped.”

The above could be a description of recent industrial fires with hundreds of deaths and injuries in Thailand or China, but the statement was made on 25 March 1911 by the junior partner of Levy and Son, adjacent to the Triangle Shirtwaist factory in New York, USA.

146 workers, almost all young women, died because of ‘security’ - doors and windows were locked to minimise chances of theft - or blocked by inflammable material, leaving the women no choice but to try to reach a floor that had open windows to jump from; more than a third of the deaths occurred when workers jumped out of upper floor windows.

Firemen found the rest of the dead workers piled up against locked doors.

The owners of the company were charged with manslaughter but were acquitted in 1914 provided they agreed to pay an insulting $75 damages to the families of 23 victims who had sued.

The story made headline news around the world because it was the world’s worst factory fire to date. This grisly record was not broken for almost a century when the Kader toy factory fire near Bangkok killed 188 workers – again most of the victims were young migrant women who were unable to open illegally locked and blocked doors and windows on lower floors.

An Industry Department inquiry after the Kader fire showed that 144 of 244 factories employing more than 100 workers had inadequate fire escapes and fire alarms. The inquiry showed that accidents were increasing at a rate of 20 to 30 percent annually, compared to annual industrial growth of 12 to 15 percent. The official inquiry showed that industrial injuries and illnesses rose from 37,000 in 1987 to 50,000 in 1988, 125,000 in 1991 and over 150,000 in 1992. Including unreported accidents, the report estimated that 5,000 workers died at work per year. Although the inquiry concluded that Kader management had violated safety laws with the connivance of government officials, it took over a year of pressure to force the government to charge a factory engineer and three board members. Compare this to the detention of a Kader worker; Viroj Yusak was charged almost immediately after he admitted smoking a cigarette just before the outbreak of fire.

These and other cases were concluded in early 2003. Kader was fined the equivalent of US$12,300 for negligence. Charges against 14 company officials including the managing director, an engineer, and a shareholder were dropped. But Viroj Yusak was jailed for ten years.

The Kader building where most of the deaths occurred was illegally constructed. Overhead walkways linking the four buildings that composed the factory complex had not been approved under the Building Control Act.

The Factory Act was violated; instead of being built with reinforced concrete the factory was made with cheaper uninsulated steel, resulting in rapid collapse, killing many of the workers who had not escaped.

Kader had not obtained the legally required local construction certificate. This was possible because the government does not employ enough qualified engineers to ensure the law is enforced. Demonstrating that nothing has materially changed since the 1993 fire, on May Day 2003, The Nation reported “Safety and environment standards in the factories are generally low. A senior official admits that only 10,000 plus factories can be inspected each year while there are 300,000 factories nationwide.

Solutions

Three proposals can improve factory safety:

1) Create an independent occupational safety and health (OSH) group with regulatory powers - because the government cannot generate enough money to allow civil servants to enforce OSH laws, it is doubtful that an independent group could finance itself; because it would have to be enormous, and consequently cost a fortune, to inspect all the factories concerned. Furthermore in 2000 more than two thirds of Thailand’s factories employed less than 10 workers, who are not legally protected by the Workmen’s Compensation Fund. It is unlikely that OSH standards in these factories could be policed by an outside group. And what of all the factories that operate illegally?

2) Increase trade union involvement in education and participation - unfortunately it is improbable that campaigns by existing trade unions could effectively improve OSH accident/incident rates, since only three percent of workers in Thailand are organised into unions – the prevalence of factories with less than 10 workers as already noted, is a huge obstacle to serious improvement in the rate of worker organisation.

3) Reform OSH laws - although worthwhile, the proposal to reform OSH laws misses the point. In both the Triangle Shirtwaist factory disaster and in the Kader fire, death tolls were so high because the buildings were illegally built or illegally operated or both. Had the laws been followed in 1911 New York and 1993 Bangkok, the fires would not have broken out in the first place, and in the case of Kader, the building would not have collapsed before the workers had escaped.

These ideas are valuable components of an OSH system, but the only effective solution is for companies and governments to tackle OSH by letting workers control their own safety. Instead of repressing independent democratic trade unions, they must instead discourage the small companies that are often sweat shops, and alternatively advocate worker participation in democratic trade unions that represent all workers, and allow workers to inspect and bargain working conditions with employers.

Unless governments and businesses understand this suggestion, OSH protection for workers will remain the dream it has been since 1911.