

Labour and Industrial Laws of Bangladesh

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PREFACE

Whenever we talk about industrialization and socio-economic progress, labor occupies a pivotal role. Labor as such makes a significant contribution to the economic development of a country. The Prophet of Islam (s.a.w.) upheld the dignity of the worker by saying that “No meal eaten by one of you is better than the meal he eats from the work of his own hands”. In the latter, Carl Marx acknowledged labor as a “source of all wealth”. The issues of labor were given the highest priority when ILO was founded in 1919 as the oldest body of the United Nations (UN). Since Bangladesh is a signatory to the ILO Conventions, it is also keen to give the highest priority to labor matters in Bangladesh.

This is perhaps the first book on Labor and Industrial Laws of Bangladesh considering labor issues as well as Islamic insights related to those matters. This book encompasses a wide range of subject matter in relation to labor standards, welfare as well as the industrial and working environment. It arranges every chapter in a simple and easily understandable manner by incorporating headings and sub-headings with chronology and coherence of the theme while bearing in mind the needs of the students, as labor law is one of the core courses of law and social work department at the undergraduate or postgraduate level of all universities in Bangladesh. Therefore, students, researchers, law practitioners, and labor administrators may be able to learn essential knowledge from the book, while lessons from Islamic perspectives will serve as an additional opportunity. The aim of this book is to provide knowledge about labor issues in accordance with traditional and Islamic precepts. Furthermore, by this work, the authors would like to contribute to the Muslim Ummah as a whole and Muslim policymakers in particular and are also seeking mercy as well as the pleasure of the almighty Allah (s.w.t) both here and here after.

In the backdrop of rapid industrialization, a number of Export Processing Zones, (EPZ), and a Special Economic Zone (SEZ) have been established by the Government of Bangladesh. A large number of industries and other establishments are being set up there. This has also inflated the volume of the labor force. As a result, both the coverage and domain of labor law and other related matters have assumed importance both for academicians, students, researchers, and practitioners. The government is also playing a significant role in safeguarding the overall interest of labor and updated labor laws in 2006 keeping in view the expanding field of applications.

The first initiative was ventured by Prof. Dr. Mir Nazmul Karim prepared the first draft of this text-book on labor law around 1988 and approached the Oxford University Press Limited to publish the book. But for some reason or other, it could not see the daylight. After, Prof. Karim again approached the Bangladesh Institute of Islamic Thought (BIIT) to publish the book in 2015. This time, his venture succeeded when Dr. Abdul Aziz (E.D.) of the Bangladesh Institute of Islamic thought (BIIT) gave me the green signal to submit the manuscript of the book for publication. Eventually, I offered to collaborate with Prof. Karim for completing the task. It was very difficult for me to improve my writing because it appears that most of the laws upon which Prof. Karim worked on were repealed and new laws are already being in operation. Therefore, I, and my beloved wife Farjana Haque Nepa, who is well acquainted with labor issues as she perused a Specialized Master's in Industrial Relations and Labor Welfare and also a practicing lawyer in the Supreme Court of Bangladesh began to reorganize the contents, select the new laws, and rewrite the book. After four years of our sincere effort, the manuscript of the book was prepared for submission. Thereafter, we submit it to the BIIT for further formalities of publication. We hope and believe that this humble book will become very useful for everyone.

This is the happiest moment for us to see that we are placing this volume of works on "Labour and Industrial Laws of Bangladesh" for readers. We are the utmost grateful to the almighty Allah (s.w.t) for granting us the opportunity to write this book and without His blessings it would not be possible to translate our desire into reality. Our sincere thanks and gratitude are to the executive director of BIIT, Dr. Abdul Aziz for his relentless encouragement and support. Finally, our sincere appreciation goes to the honorable reviewers and all others in this process of publication. Finally, as a human being, none is error-free in this universe. Thus, it would be highly appreciable to let us know if anyone finds any errors in this book. We are regretting our mistake or error which may have unintentionally escaped my attention. Therefore, your valuable suggestion would be appreciated and remembered in the next edition. InshaAllah.

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ABBREVIATIONS

ALW	:	Annual leave of Adult Worker
AC)	:	Advisory Committee
BEPZA	:	Bangladesh Export Processing Zone Authority
BLL	:	Bangladesh Labour Law
BLA	:	Bangladesh Labour Act
BOT	:	Board of Trustees
CBA	:	Collective bargaining agent
CWH	:	Compensatory Weekly Holiday
CEO	:	Chief Executive Officer
CLW	:	Casual Leave of the Worker
DWH	:	Daily Working Hour
EPZs	:	Export Processing Zones
FAA	:	First-Aid Appliances
ILO	:	International Labour Organization
LLC	:	Labour Law Commission
LAT	:	Labor Appellate Tribunal
NWH	:	Normal Working Hours
MLW	:	Maternity Leave of the Worker
MWB	:	The Minimum Wage Board
OWH	:	Overtime Working Hours
PC	:	Participation Committee
RMG	:	Ready-Made Garments
SPF	:	Statutory Provident Fund
SLW	:	Sick Leave of the Worker
TU	:	Trade Unions
WWH	:	Weekly Working Hours

RATIFICATION OF THE CONVENTIONS OF INTERNATIONAL LABOUR ORGANIZATION (ILO) BY BANGLADESH

- i. Forced Labour Convention 1930
- ii. Freedom of Association and Protection of the Right to Organize Convention 1948
- iii. Right to Organize and Collective Bargaining Convention 1949
- iv. Equal Remuneration Convention 1951
- v. Abolition of Forced Labour Convention 1951
- vi. Discrimination in Employment and Occupation 1958 and
- vii. Elimination of the Worst Forms of Child Labour 1999

LIST OF LAWS REPEALED BY THE LABOUR ACT, 2006

- i. The Workmen's Compensation Act, 1923 (VIII of 1923)
- ii. The Children (Pledging of Labour) Act, 1933 (II of 1933)
- iii. The Workmen's Protection Act, 1934 (IV of 1935)
- iv. The Dock Labourers Act, 1934 (XIX of 1934)
- v. The Payment of Wages Act, 1936 (IV of 1936)
- vi. The Employer's Liability Act, 1938 (XXIV of 1938)
- vii. The Employment of Children Act, 1938 (XXVI of 1938)
- viii. The Maternity Benefit Act, 1939 (IV of 1939)
- ix. The Mines Maternity Benefit Act, 1941 (XIX of 1941)
- x. The Motor Vehicles (Drivers) Ordinance, 1942 (V of 1942)
- xi. The Maternity Benefit (Tea Estate) Act, 1950 (XX of 1950)
- xii. The Employment (Records of Service) Act, 1951 (XIX of 1952)
- xiii. The Bangladesh Plantation Employees Provident Fund Ordinance, 1959 (XXXI of 1959)
- xiv. The Coal Mines (Fixation of Rates of wages) Ordinance, 1960 (XXXIX of 1960)
- xv. The Road Transport Workers Ordinance, 1961 (XXVII of 1961)
- xvi. The Minimum Wages Ordinance, 1961 (XXXIV of 1961)
- xvii. The Plantation Labour Ordinance, 1962 (XXIX of 1962)
- xviii. The Apprenticeship Ordinance, 1962 (LVI of 1962)
- xix. The Factories Act, 1965 (IV of 1965)
- xx. The Shops and Establishment Act, 1965 (VII of 1965)
- xxi. The Employment of Labour (Standing Orders) Act, 1965 (VIII of 1965)
- xxii. The Companies Profits (Worker's Participation) Act, 1968 (XII of 1968)
- xxiii. The Industrial Relations Ordinance, 1969 (XXIII of 1969)
- xxiv. The Newspaper Employees (Conditions of Service) Act, 1974 (XXX of 1974) and
- xxv. The Dock Workers (Regulation of Employment) Act, 1980 (XVII of 1980).

LIST OF LAWS OPERATING BESIDE THE LABOUR ACT, 2006

- (i) The Fatal Accident Act, 1855
- (ii) The Mines Act, 1923
- (iii) The Boilers Act, 1923
- (iv) The Provident Fund Act, 1925
- (v) Metalliferous Mines Regulations, 1926
- (vi) The Cotton Industry (Statistics) Act, 1926
- (vii) The Boilers Rules, 1928
- (viii) The State Aid to Industries Act, 1931
- (ix) The Industrial Statistic Act, 1942
- (x) The Consolidated Mines Rules, 1952
- (xi) The Chittagong Hill-Tracts (Labour Laws) Regulations, 1954
- (xii) The Industrial Labour Statistic Rules, 1961
- (xiii) The Trade Organization Ordinance, 1961
- (xiv) The Control of Employment Ordinance, 1965
- (xv) The Bangladesh Cha Sramik Kallyan Fund Ordinance, 1968
- (xvi) The Public Corporations (Management Co-ordinance) Ordinance, 1968
- (xvii) The Public Servant (Retirement) Act, 1974
- (xviii) Inland Shipping Ordinance, 1976
- (xix) The Bangladesh Export Processing Zones Authority Act, 1980
- (xx) The Emigration Ordinance, 1982
- (xxi) Agricultural Labor (Minimum wages) Ordinance, 1984
- (xxii) The Bangladesh Oil, Gas and Mineral Corporation Ordinance, 1985
- (xxiii) The Bangladesh Export Processing Zones Authority Instruction No.I of 1989
- (xxiv) The Bangladesh Export Processing Zones Authority Instruction No.II of 1989
- (xxv) The Inland Water Transport (Regulation of Employment) Act, 1992
- (xxvi) The Code of Conduct, 1993
- (xxvii) The Bangladesh Private Export Processing Zones Act, 1996
- (xxviii) The State-Owned Manufacturing Industries Workers (Terms and Conditions of Service) Ordinance, 1993
- (xxix) The Export Processing Zones Workers Union and Industrial Relations Act, 2004

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PART-I

THE BANGLADESH LABOUR ACT 2006
(ACT NO. XLII OF 2006)

CHAPTER I

INTRODUCTION OF THE LABOR LAW AND PRILIMINARIES

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1.1 Brief History of Bangladesh Labor Law	1.5.6 Workshop and Factory
1.1.1 During The British Regime	1.5.7 Industrial Dispute
1.1.2 After The British Period	1.5.8 Wages
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1.2 Preamble and Purposes of the Act	1.5.10 Strike and Illegal Strike
1.3 Short Title, Commencement and Scope of the Act	1.5.11 Lock-Out and Illegal Lock-Out
1.4 Application of the Act	1.5.12 Lay-Off and Go-Slow
1.4.1 To Whom the Act is Applicable	1.5.13 Collective Bargaining Agent
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1.5 Definitions of Several Selected Terms	1.5.16 Retirement of the Worker
1.5.1 Worker	1.6 Labour & Labour Law in Islam
1.5.2 Employer	1.6.1 Dignity of Work and Worker
1.5.3 Establishment and Group of Establishments	1.6.2 Labour Laws in Islam
1.5.4 Industry and Industrial Establishments	1.6.3 Treatment of the Labour
	1.6.4 Islamic Perspective Labour Relation
	1.7 Conclusion

1.0 Introduction

Bangladesh is the number eighth most populated country in the world with 166 million (2020) people. More Than 70 million people are connected with national labour force. Bangladesh is observing a stable economic growth during the last two decades and gradually integrating with the global economy through international trade. In addition, it become the fastest-growing economies in Asia and by virtue of the constant economic growth, Bangladesh reaches a lower-middle-income country status in 2015. Furthermore, such economic development primarily

driven by the export-oriented industrialization, i.e. in Ready-Made Garments (RMG) Industry as well as ship breaking and fishing. Therefore, Government of Bangladesh established several Export Processing Zones (EPZs), the Bangladesh Export Processing Zone Authority (BEPZA) and a separate law known Export Processing Zone Labour Act, 2019. The objectives of these zones are promoting export and creating employment opportunity by attracting foreign investment.

However, the Bangladesh Labour Law (BLL) or Bangladesh Labour Act (BLA), 2006 is the mother law on labour rights and labour affairs in Bangladesh. The Labour Act is fairly a comprehensive and progressive law that consolidated and updated of the 25 separate acts. The Act covers number of common labour standards such as conditions of service and employment, Child and youth employment, maternity benefit, health and hygiene, safety, welfare, working hours and leave, wages and payment, workers' compensation for injury, trade unions and industrial relations, disputes, labour court, workers' participation in companies profits, regulation of employment and safety of dock workers, provident funds, apprenticeship, penalty and procedure, administration, inspection, etc. The revised Act further incorporates International Labour Organization (ILO) core labour standards that most of the international standards or Code of Conduct requires. The detail of the Bangladesh Labour Act (BLA), 2006, Export Processing Zone Labour Act, 2019 and other laws on labour and Industrial relation has been given in three distinct parts. First part deals with the BLA while second part discuss the EPZ labour Act and third part will summarizes the other laws on labour and Industrial relation.

1.1 Brief History of Bangladesh Labor Law

Labour laws are usually playing a significant role on industrial relation system that contributes in the economic enhancement and social advancement of a country. Similarly, Labour laws of Bangladesh are also playing a vital role on overall development of the country. The Bangladesh Labour Act (BLA) is undoubtedly an updated labour law in Bangladesh reflecting the International Labour Organization (ILO) guideline and principles. The labour law has developed and taken current shape by passing three distinct regimes i.e. the British, Pakistan and Bangladesh. Therefore, it is called that the labour law in Bangladesh has a century old background.

1.1.1 During the British Regime

The first labour law introduced in this sub-continent was The Factories Act, 1881 by the colonial Masters. However, this Act has been repealed two times by the Factories Act 1934, and the Factories Act 1965. Thereafter, the British Government legislated several laws on different labor issues such as working hour, employment of children, maternity benefit, trade union activities, wage, etc. The Workmen's Compensation Act (1923), Mines Act, (1923), Trade Unions Act, (1926), Trade Disputes Act, (1929), the Children (Pledging of Labour) Act, (1933), the Workmen's Protection Act, (1934), the Dock Labourers Act, (1934), Payment of Wages Act, (1936), the Employment of Children Act, (1938), the Employer's Liability Act, (1938), Maternity Benefit Act, (1939), the Mines Maternity Benefit Act, (1941), the Essential Services