• WageIndicator



Iftikhar Ahmad

WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected data on national websites, serving as an online library for wage information, labour law, and career advice for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people every month. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

The Authors

Iftikhar Ahmad is the Global Lead - Labour Law at the WageIndicator Foundation. He is the founder of the Centre for Labour Research, the global labour law office of the WageIndicator Foundation. He can be contacted at iftikharahmad@wageindicator.org.

Acknowledgements

Many people contributed to developing the Decent Work Check as a tool and to this document for Bangladesh. Those who contributed to the development of the tool include Paulien Osse, Kea Tijdens, Dirk Dragstra, Leontine Bijleveld, Egidio G. Vaz Raposo and Lorena Ponce De Leon. Iftikhar Ahmad later expanded the work to new topics in 2012-13 and made the work more legally robust. Daniela Ceccon, Huub Bouma, and Gunjan Pandya have supported the work by bringing it online by building and operating labour law database and linking it to the WageIndicator websites. Special thanks are due to the WageIndicator global labour law office (headed by Iftikhar Ahmad), which has been working on Decent Work Checks since 2012. The Minimum Wages Database, developed by Kea Tijdens, is supported by Paulien Osse, Kim Chee Leong, and Martin Guzi. Khushi Mehta updated the Minimum Wages Database before 2020.

The Minimum Wages Database and Labour Law Database are maintained by the Centre for Labour Research (Labour Law Research team), together with the country and regional teams. The team currently comprises Iftikhar Ahmad (team lead), Ayesha Kiran, Ayesha Mir, Razan Ayesha, Seemab Haider Aziz, and Sobia Ahmad. The 2025 update was done by Iftikhar Ahmad and reviewed by the BLF team in Bangladesh.

Bibliographical information

Ahmad I (2025) Bangladesh Decent Work Check 2025. Amsterdam, WageIndicator Foundation, February.

For an updated version in the national language, please refer to https://mywage.org.bd/

Copyright 2025 by WageIndicator Foundation. All rights reserved.

WageIndicator Foundation, 2025

Address: Mondriaan Tower, 17th floor, Amstelplein 36, 1096 BC, Amsterdam, The Netherlands.

Email office@wageindicator.org



TABLE OF CONTENTS

NTRODUCTION	1
MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR	2
01/13 WORK & WAGES	3
02/13 COMPENSATION AND WORKING HOURS	6
03/13 ANNUAL LEAVE & HOLIDAYS	g
04/13 CONTRACTS AND DISMISSALS	13
05/13 FAMILY RESPONSIBILITIES	18
06/13 MATERNITY & WORK	20
07/13 HEALTH & SAFETY	24
08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT	28
09/13 SOCIAL SECURITY	32
10/13 FAIR TREATMENT	35
11/13 MINORS & YOUTH	40
12/13 FORCED LABOUR	43
13/13 TRADE UNION	46
QUESTIONNAIRE	50



INTRODUCTION

Decent Work is the type of work to which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); the social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working since late 2007 to raise awareness of workplace rights through a unique tool, i.e., Decent Work Check. The Decent Work Check considers different work aspects deemed necessary in attaining "decent work". The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour scores standards and the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face, and its score decreases (and vice versa). It then allows workers to compare their onground situation with national regulations. Finally, workers can compare their personal score with the national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their workplace rights while enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, or labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysis of the impact of regulatory regimes.

MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

- Constitution of the People's Republic of Bangladesh 4th November 1972, last amended in 2011
- 2. Bangladesh Labour Act 2006
- 3. Bangladesh EPZ Labour Act 2019
- 4. Bangladesh Labour Rules, 2015

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Bangladesh has not ratified the Conventions 95, 117 & 131.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and their family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Bangladesh Labour Act 2006
- Bangladesh Labour Rules, 2015

Minimum Wage

In Bangladesh, minimum wages are set industry-wise by the government based on recommendations from the Wages Board, considering economic factors. Employers failing to comply face fines or imprisonment.

The term minimum wage is not defined by the Labour Act 2006 rather it sets a procedure for fixing industry wise minimum wage rates. Minimum wage rates are declared by the Government on an industry basis following recommendations by the Wages Board, a specialist tripartite board established under article 138 of the Labour Act 2006. In making its recommendation, the Wages Board takes into consideration cost of living, standard of living, cost of production, productivity, price of products, capability, inflation business economic and social conditions of the country and of the locality concerned and other relevant factors. The Minimum Wages Board (MWB) is obliged to revise its recommendations if any of the aforementioned criteria change (within one to three years). The minimum rates of wages for any industry may be re-fixed after every five years as may be directed by the Government. Minimum wage rates are set on an industry basis and are binding on all employers concerned. Failure to pay workers the minimum wage is punishable by imprisonment for up to one year, or by fine up to Tk. 5,000 or by both.

There is a separate EPZ Minimum Wages Board with representation from all parties including workers, employers and government. While the Board recommends the minimum rates of wages for workers, the EPZ Authority has the power to declare such rates.

Labour inspectors are authorized to ensure implementation of labour law including minimum wage provisions. A worker who is paid less than the minimum wage may apply to the Labour Court for recovery of the same within one year from the date on which the amount became due to the worker. Moreover, an employer who pays his workers' wages at a lower rate can be punished with imprisonment for a term which may extend to one year or a fine which may extend of 5,000 taka or both.

Source: §138-142, 148-149, 289(1) and 329 of the Labour Act 2006; §65-72 of the Bangladesh EPZ Labour Act, 2019

Regular Pay

Employers in Bangladesh must pay workers' wages monthly, no later than the seventh working day after the wage period ends. Wage payments must be timely, in legal tender or digital means, with a mandatory annual increase.

The term "Wages" means all economic benefits including salary, any bonus, remuneration for overtime work, holiday or leave, termination of employment or other additional remuneration payable under the terms of employment. Every employer is responsible for the payment of wages to workers employed by him. In case where the wages of a worker employed by a contractor are not paid by the contractor, the wages must be paid by the employer of the establishment. The maximum wage period is one month. The wages of every worker must be paid before the expiry of

the seventh working day after the last day of the wage period in respect of which the wages are payable. Similar provisions are found in the EPZ Labour Act 2019.

Where the employment of a worker is terminated by retirement or by the employer, whether of bν way retrenchment, discharge, removal, dismissal or otherwise, the wages payable to him must be paid before the expiry of the 30th working day from the day on which his employment is so terminated. Wages have to be paid in legal tender, through cheque and in some cases given the requirement of the workers) through an electronic transfer in favour of the bank account of the worker or through any other digital medium. Wages must be paid on a working day. No deduction can be made from the wages of a worker except those authorised by the Labour Act.

The 2022 Amendment in 2015 Rules includes a requirement for the mandatory yearly increment of wages at the rate of at least 5% of the basic wages. But the Government of Bangladesh has recently announced a 9% annual wage increase for RMG workers, effective from December 1, 2024.

Source: §120-125 of the Labour Act 2006; SRO No. 284- Law/2022, "Amendment of Bangladesh Labour Rule 2015"; §26 of the Bangladesh EPZ Labour Act, 2019; Revision of Minimum Wage and Yearly Increment, Gazette Published on January 5, 2025 (Gazette No-40.00.0000.016.009.24-207)

02/13 COMPENSATION AND WORKING HOURS

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

Bangladesh has ratified the Convention 01 only.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, the overtime pay rate should not be less than one and a quarter-time (125%) of the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires the performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions fare found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, they should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the following week. Similarly, if a worker has to work on a public holiday, they must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation and working hours:

- Bangladesh Labour Act 2006
- Bangladesh Labour Rules, 2015

Overtime Compensation

In Bangladesh, workers can work 8 hours a day and 48 hours a week, with overtime limited to 12 hours weekly at double pay. Overtime requires worker consent, and some sectors may get temporary exemptions.

The normal working hours are 08 hours a day and 48 hours a week. The "hours of work" is defined as the time during which the workers are at the disposal of the employer, excluding intervals for rest and meals. Overtime is work performed on any day or week for more than the hours fixed under the Labour Act 2006, i.e., 8 hours a day and 48 hours a week. The maximum working hours, inclusive of overtime, may not exceed sixty hours in any week and on the average fifty-six hours per week in any year. Thus, maximum overtime is two hours a day and 12 hours a week. However, the average overtime hours in a year must not exceed 08 hours per week. Similar provisions are found regarding working hours and overtime in the EPZ Labour Act 2019.

Maximum working hours for young people between 16 and 18 years of age who work in factories or mines is five hours a day and 30 hours a week; for other establishments the maximum is seven hours a day and 42 hours a week and maximum overtime is six hours a week (36 hours for factory and mine workers and 48 hours for workers of other establishments). In the case of road transport workers, the total overtime hours cannot exceed 150 hours per year.

The Government may exempt a sector from these regulations for a maximum of six months if it considers that public interest or economic development is at stake. Overtime is paid at double (or 200% of) the basic wage rate, "dearness allowance" and interim pay, if applicable.

No criterion was imposed regarding when a worker may be requested or required to work overtime however under 2015 Labour rules, worker's consent must be gained for overtime and he/she must be informed at least two hours prior to the commencement of overtime. For workers who are paid on a piece rate basis, employers may (in consultation with the workers' representatives) fix time rates equivalent to the workers' average rate of earnings which will be deemed the workers' ordinary basic wage for the purposes of overtime work.

Source: §100, 102, 105, 108, 111, & 113 of Labour Act 2006; Rule 99 of the Labour Rules 2015; §38, 40 & 45 of the Bangladesh EPZ Labour Act, 2019

Night Work Compensation

In Bangladesh, night work rules restrict adolescent workers (16-18) from working between 7 PM and 7 AM, and women cannot be forced to work at night without consent. There are no extra pay rates or reduced hours for night workers under the Labour Act.

Labour Act 2006 talks about night work in relation to restrictions on working of adolescent and women workers and the way in which a night worker's weekly rest periods are to be calculated. Where an adult worker in an establishment works on a shift which extends beyond midnight, his

day of rest is a period of 24 consecutive hours beginning from the end of his shift. Women cannot be forced to work at night (in an establishment between the hours of 10.00 p.m. and 6.00 a.m.) without their consent. Adolescent workers (16-18 years old) cannot work between the hours of 7:00 p.m. and 7:00 a.m. No payment at premium rates is found in Labour Act for night workers. Similarly, there is no provision for hour reduction for night workers in the Labour Act.

Source: §41(3), 106 & 109 of Labour Act 2006

Compensatory Holidays / Rest Days

If a worker is required to work on weekly rest days, he is entitled to compensatory holidays of equal number to the holidays so deprived of as soon as the circumstances permit.

Similarly, if a worker is required to work on a festival/public holiday, he is entitled to two days' additional compensatory holidays with pay and a substitute holiday without any deduction of wages.

Source: §103, 104, & 118(3) of the Labour Act 2006

Weekend / Public Holiday Work Compensation

In Bangladesh, no extra pay is mandated for work on weekly rest days, but workers get a substitute day off. For work on public holidays, workers receive 300% wages plus a substitute day off.

No premium rate is prescribed for work performed on a weekly rest day and public holiday. Rather, the worker is entitled to a day-off in lieu of working on a weekly rest day and two days' additional compensatory holidays (and a substitute holiday) in case of work on festival/public holidays.

Under a 2018 amendment in Labour Act and 2022 Amendment in 2015 Rules, a worker engaged on a public holiday shall receive a substitute day-off and compensatory wages for two days which in essence means 300% wages and a substitute day-off for working on a public holiday.

Source: §104 & 118(3) of the Labour Act 2006)

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days. In addition, for several industries, different Conventions apply.

Bangladesh has ratified the Conventions 14 & 106 only.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave, excluding national and religious holidays. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours every 7 days, i.e., a week.

Regulations on annual leave and holidays:

- Bangladesh Labour Act 2006
- Bangladesh Labour Rules, 2015

Paid Vacation / Annual Leave

In Bangladesh, workers get fully paid annual leave based on industry and age, (ranging from 11 to 22 days) after one year of service. Leave can be carried forward within limits, taken in periods, or compensated if denied.

The annual leave entitlements vary according to the worker's age and industry and are capped on a similar basis.

The qualifying period for all workers' annual leave entitlement is one year of continuous service in an establishment with a minimum of 240 days of service within the previous twelve months. A year's service is taken to be continuous despite any interruption in service due to any holiday, leave with wages, leave without or without wages due to sickness or accident, maternity leave not exceeding 16 weeks, period of lay-off or legal strike or lock-out. An adult worker is entitled to one day's paid annual leave: for 18 days of work (for workers employed in shops, commercial or industrial establishments, factories, or road transport service); for 22 days of work (for tea plantation workers); and for 11 days of work (for newspaper workers).

An adolescent worker (16-18 years old) is entitled to one day's paid annual leave: for every 15 days of work (factory workers); for every 18 days of work (tea plantation workers); and for every 14 days of work (for shop or commercial or industrial establishment's workers). The workers in

export processing zones are entitled to one day of paid annual leave for every 22 days of work performed during the preceding twelve months.

Annual leave period is inclusive of any holiday which may occur during such period.

The period of annual leave accrued in a year is to be taken in the subsequent period of 12 months, provided that any untaken leave is added to the following year's entitlement up to a maximum entitlement of 40, 60 or 80 days. In the case of adult workers, accumulated leave may be carried forward to the following year at the rate of up to 40 days in a factory or road transport establishment and up to 60 days in a tea plantation or any shop, commercial or industrial establishment.

In the case of adolescent workers, accumulated leave may be carried forward to the following year at the rate of up to 60 days in a factory or tea plantation and up to 80 days in a shop or commercial or industrial establishment. The annual leave for workers in export processing zones may be carried forward up to a limit of 30 days. Employees can be compensated financially in lieu of taking leave if employer refuses leave in the interest of company.

Annual leave may be split in different periods however it can be implied from the Labour Act that the minimum duration of annual leave at one time cannot be less than four days for adult workers and five days for adolescent workers.

During the term of annual leave, workers are paid their full-time daily wage, including dearness allowance and ad-hoc or interim pay (if any) but excluding any overtime allowance and bonus.

Payment of wages for the period of leave is to be made, before the period of leave begins where the period is: four or more days in the case of adult workers; and five or more days in the case of adolescent workers. The 2022 Amendment in Labour Rules also addressed the computation and payment of compensation for employees beginning annual leave.

Other than annual leave, all workers, except those employed in a tea plantation, are entitled to 10 days paid casual leave during a calendar year.

Similar provisions on earned leave (annual leave) and casual leave are found in the EPZ Labour Act 2019.

Source: §14, 115, 117 & 119 of the Labour Act 2006; §11 of the BEPZA Instruction No.1 Of 1989; §82 of the SRO, No. 284-Law/2022 "Amendment of Bangladesh Labour Rule 2015"; §50 & 52 of the Bangladesh EPZ Labour Act, 2019

Pay on Public Holidays

In Bangladesh, workers receive 11 paid festival holidays annually, covering religious and national events. Employers must also provide two festival bonuses yearly, and if workers work on a holiday, they get two compensatory days off with full pay.

Every worker is allowed in a calendar year eleven days of paid festival holidays. Some of the public holidays in Bangladesh are of religious nature while others are of memorial nature. Public holidays in Bangladesh may include Eid Milad-un-Nabi (Birthday of the Prophet Muhammad PBUH-12th of Rabi ul Awwal), Language Martyrs' Day (February 21), Independence Day (March 26), Bangla New Year's Day

(April 14), May Day (May 1st), Buddha Purnima Day (determined by the traditional lunar calendar), Shab-e-Barat, Lailat-ul-Qadr, , Eid-ul-Fitr (End of Islamic month Ramadan-3 days), National Mourning Day (August 15) Krishna Janamashtami (August 17), Vijaya Dasami/Durga Pooja, Eid ul-Adha (10th of Islamic Month ZilHaj- 3 days), Ashoora (10th of Muharram), Victory Day (December 16) and Christmas Day (December 25).

On public holidays, workers are paid their full-time daily wage, including dearness allowance and ad-hoc or interim pay (if any) but excluding any overtime allowance and bonus.

Employers are required to pay festival bonus equivalent to two months' basic wages to each permanent worker in a calendar year during their own religious festival.

Under the EPZ Labour Act, workers are entitled to 11 festival holidays per year. If a worker is required to work on such festival holidays, employer must provide two days' compensatory leave with full wages within the following 30 days.

Source: §118 & 119 of Labour Act 2006; §53 of the Bangladesh EPZ Labour Act, 2019; §111 of the Labour Rules 2015

Weekly Rest Days

In Bangladesh, workers in shops and commercial establishments get 1.5 days of weekly rest, while factory and transport workers get one full day. No wage deductions apply for these rest days, which are usually Friday-Saturday.

An adult worker employed in a shop or

commercial establishment, or in an industrial establishment, is allowed in each week one and half days as weekly rest. An adult worker employed in a factory and establishment (as well as road transport service) is allowed one day (of 24 consecutive hours) as weekly rest. No deduction is to be made from the worker's wages on account of such weekly rest days. The weekly rest days are usually Friday-Saturday.

Source: §103 & 114 of Labour Act 2006

04/13 CONTRACTS AND DISMISSALS

IIO Conventions

Convention 158 (1982) on employment termination

Bangladesh has not ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirements are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed-term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written; however, workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed for workers to learn new skills. During this period, a newly hired employee may be fired without any negative consequences.

Depending on the length of service an employee has, an employer may require a reasonable notice period before severing the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on Contracts & Dismissals:

- Bangladesh Labour Act, 2006
- Bangladesh Labour Rules, 2015

Written Employment Particulars

In Bangladesh, employers must issue appointment letters, ID cards, and service books to workers, documenting employment details. The service book is kept by the employer but can be accessed by the worker and must be handed over upon termination.

An employer is required to provide a new worker with a letter of appointment and an identity card with photograph at the start of his/her employment.

Employers are further required to provide a service book to every worker employed. The service book must be of such size and in such form as is prescribed by rules and a photograph of the worker must be affixed to it. This service book is kept in the custody of the employer however a worker can get the duplicate copy of this service book at his own cost.

The service book contains the following particulars, namely: name of the worker, name of parents and address of the worker, (in appropriate case name of husband/wife are written); date of birth; particulars necessary for identification; name and address of the employer under whom previously employed, if any; period of employment; occupation or designation; wages and allowances (if any), leave availed; and conduct of the worker. Similar details also contained in are the appointment letter.

Employer is required to handover the service book to the worker on termination of employment. Other than service book, employers are further required to maintain a workers' register which contains necessary information about all the workers employed.

The provisions on appointment letters, identity card and service book are also located in the EP7 Labour Act.

Source: §5, 6(1), 7, 9 of the Labour Act 2006; Rule 19-20 of the Bangladesh Labour Rules, 2015; §6-7 of the Bangladesh EPZ Labour Act, 2019

Fixed Term Contracts

In Bangladesh, workers are classified into various categories, including permanent, temporary, casual, and probationary. Jobs lasting over 180 days are considered permanent, restricting temporary hires for such roles. Moreover, contracted workers must receive pay equal to permanent employees.

The Labour Act does not regulate the use of fixed-term contracts, but it classifies the workers into following classes:

- A badli (transfer/replacement worker) is a worker who is employed during the absence of a permanent worker or of a probationer worker.
- A casual worker is a worker who is appointed in an establishment temporarily for a work that is casual in nature.
- A temporary worker is a worker who is employed to perform work which is essentially of temporary nature and is likely to be finished within a limited period.
- A probationer is a worker who is

provisionally employed in an establishment to fill a permanent vacancy in a post and has not completed the period of his probation in the establishment.

- An apprentice is a worker who is employed in an establishment as a learner and is paid an allowance during the period of his training.
- A permanent worker is a worker employed in an establishment on a permanent basis or who has satisfactorily completed the period of his probation in the establishment.
- Seasonal Worker is a worker who finds employment only in certain seasons.

From the above-mentioned definition, we can infer that reasons connected to the temporary nature of the work are present in the Labour Act in order to hire a badli or a temporary worker and therefore such workers cannot be hired to perform tasks of permanent nature. Similar provisions are found in the EPZ Labour Act, 2019.

The 2022 Amendment in Rules provides that to determine the classification of workers, we need to find out whether work is temporary or permanent. If a work continues in an establishment without interruption for a period of 180 days, such work shall be considered as the primary work or permanent work of such establishment. This essentially means that employers might not be able to engage outsourced workers for tasks of permanent nature. The amendment further requires that wages of a worker supplied by a contracting agency shall not be less than the wages of a permanent worker or employee of a similar rank, engaged in the same workplace. The basic salary of the same also cannot be less than 50% percent of the total or gross salary.

Source: §4(1-7) of the Labour Act 2006; SRO No. 284- Law/2022, "Amendment of Bangladesh Labour Rule 2015"; §5 of the Bangladesh EPZ Labour Act, 2019

Probation Period

In Bangladesh, the probation period is 6 months for clerical workers and 3 months for others, with a possible 3-month extension for skilled workers. After probation, workers automatically become permanent, and those rehired within three years are exempt from repeating completed probation.

According to Labour Act, the probationary period is 6 months for a worker exercising functions of clerical nature; and 3 months for other workers. Similar provisions are found in the EPZ Labour Act, 2019.

The period of probation of a skilled worker can be extended by an additional period of 3 months if it has not been possible to determine the quality of the work within the first 3 months' period of probation. After completion of the three months or extended period of probation, the concerned workers must be treated as permanent even if s/he is not issued any letter of confirmation. If the employment of a probationer is terminated but s/he is employed by the same employer within the next three years, s/he is exempted from the period of probation previously completed.

Source: §4(8-9) of the Labour Act 2006; §5 of the Bangladesh EPZ Labour Act, 2019

Notice Requirement

In Bangladesh, employers must give notice before termination, except for serious misconduct where workers can defend themselves. Employees can also resign with 30 days' notice (15 for temporary workers) or pay in lieu thereof.

A written notification should be served on a worker who is to be dismissed in case of Retrenchment, dismissal (on the ground of serious misconduct) or termination by the employer with notice without a cause. In the event of a retrenchment, the employer gives the emplovee one month's notice. In the event termination without cause, the employer has to observe the following notice period:

- For permanent workers: 120 days' notice if the worker is paid on a monthly basis; and 60 days' notice to other workers.
- For temporary workers (when termination is not due to the completion, cessation, abolition or discontinuance of the temporary work for which the workers was appointed): 30 days' notice if the temporary worker is paid on a monthly basis; and 14 days' notice to other temporary workers.

Similar provisions are found in the EPZ Labour Act. No statutory notice requirements exist for conduct and capacity-related dismissals. The employer can opt for paying the wages in lieu of notice in the cases of retrenchment. termination without conduct-related cause or capacity related discharge. No notice period is required if a worker is dismissed on the grounds of misconduct and criminal conviction. The worker is informed of the allegations against him in writing, is granted a period of seven days to provide a defence and has the right to be heard. All dismissed workers have the right to seek redress within a period of 30 days by addressing their grievance to the employer (section 33). If no settlement is

reached, the matter is referred to a labour court.

If a worker wants to terminate the employment contract, they must serve 30 days' notice in writing or pay in lieu of such notice. In the case of temporary workers, the length of required notice is 15 days.

Source: §20(1), 24 & 26 of the Labour Act 2006; §22-23 of the Bangladesh EPZ Labour Act, 2019

Severance Pay

In Bangladesh, severance pay varies based on termination type and years of service, with higher benefits for longer tenure. Provident funds are mandatory in EPZs but optional elsewhere, and EPZ workers also benefit from a welfare fund for social security and emergency support.

Under the Labour Act, severance pay is payable to a worker who has been continuously employed for at least one year in the event of a termination based on physical or mental incapacity or continued ill-health (referred to as 'discharge'). The worker is paid at the rate of thirty days' wages for every completed year of service, or gratuity, if any, whichever is higher. Under the 2013 Amendment Act, the rate of gratuity payment is 30-day wages for each year of service for up to 10 years of service. The gratuity is raised to 45 days' wages for each year of service for more than 10 years of service.

In the case of termination with notice by the worker, the worker is paid at the rate of fourteen days' wages for every completed year of service, if he has completed five years of continuous service or more but less than ten years; (b) at the rate of thirty days'

wages for every completed year of service, if he has completed ten years of continuous service or more; or gratuity, if any, whichever is higher. Workers are not entitled to severance pay in the event of termination on the ground of misconduct (referred to as 'dismissal').

In the event of retrenchment, any worker with at least one year of continuous service with the employer is entitled to a payment of at least 30 days' wages for each completed year of service. If an employer decides to terminate a worker's contract on grounds of retrenchment after a 45-day layoff period, the worker is entitled to 15 days' wages in addition to redundancy pay.

In the event of worker's death in service after a continuous service of at least two years, his/her survivors are entitled to 30 days' wages for every year of service for normal death and 45 days' wages for every year of service for accidental death.

Under the EPZ Labour Act, in the event of resignation from employment by a worker, the gratuity is payable by the employer on the following rates:

- 15 days' wages for each completed year of service where the length of service is 5-10 years of employment.
- 30 days' wages for each completed year of service where the length of service is 10-25 years of employment.

While the EPZ Labour Act requires employers to constitute and maintain provident fund for their workers, the general Labour Act 2006 makes it optional unless where 75% of the workers demand an employer to establish such a fund. Employers are further prohibited from reducing any existing financial liability or other benefit for the members of provident

fund. Workers are required to contribute 7-8% of the monthly basic wage. Employers are required to contribute the same percentage to the Fund.

Under the EPZ Labour Act, where a worker is a member of any provident fund and is entitled to any benefit from such fund including the employer's contribution, such worker cannot be deprived of such benefit irrespective of the reason for termination of employment, i.e., retrenchment, discharge, dismissal, retirement, removal or termination of service or death.

Under the EPZ Labour Act, there is also a provision for employer-buyer-worker participatory fund for the welfare of workers employed in EPZs. The main objectives of this Fund are to bear the expense of emergency assistance, social security, etc. to the workers.

Source: §2(10), 16(7), 19, 20(3), 22(2), 27(4), 29 & 264 of the Labour Act 2006; §23, 25, 164 & 172 of the Bangladesh EPZ Labour Act, 2019

05/13 FAMILY RESPONSIBILITIES

IIO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

Bangladesh has not ratified both the Conventions 156 & 165.

Summary of Provisions under ILO Convention

Paternity leave is for new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take a long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

- Bangladesh Labour Act 2006
- Bangladesh Labour Rules, 2015

Paternity Leave

No provision for paternity leave benefits identified in Labour Act 2006. However, new fathers may use the casual leave provision of 10 days when a child is born. The only exception is tea plantation workers who cannot get casual leave.

Source: §115 of Labour Act 2006

Parental Leave

No provision for parental leave benefits identified in Labour Act 2006.

Flexible Work Option for Parents / Work-Life Balance

No provision for flexible work option for workers with minor children and other family responsibilities identified in Labour Act 2006.

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks, of which a period of six weeks of compulsory leave should be after childbirth.

Bangladesh has not ratified both Conventions 103 & 183.

Summary of Provisions under ILO Convention

A worker should be entitled to medical and midwife care during pregnancy and maternity leave without additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two-thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to the same or equivalent position after availing maternity leave.

After childbirth and re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Bangladesh Labour Act 2006
- Bangladesh Labour Rules, 2015

Free Medical Care

No medical benefit entitlements identified in the Labour Act 2006.

No Harmful Work

In Bangladesh, pregnant workers are prohibited from arduous work 10 weeks before and after childbirth, with exceptions for light work if medically approved. Employers must provide facilities for new mothers, prohibit night shifts without consent, and ensure safe working conditions for pregnant workers.

There is a prohibition on employing women in unsafe or unhealthy work for a period preceding and following the day of delivery (10-week pre-natal and 10-week post-natal prohibition on employment of women in arduous work). Similar provisions on protection of women before and after childbirth are found in the EPZ Labour Act, 2019.

An exception applies to tea plantation workers, who may perform light work (during above mentioned 10-week prenatal and 10-week post-natal periods) if they are certified fit to do so by the tea estate's medical practitioner. The performance of such work cannot affect the worker's maternity benefits entitlement. It is also the duty of employers to provide room facilities for new mothers and children (under the age of six years). Night work between the hours of 10:00 p.m. and 6:00 a.m. is also prohibited for all women

workers (whether pregnant, a new mother or otherwise), without her own consent.

Labour Rules require the employer and workers to avoid making a comment when she gets insulted or humiliated. The Rules require employers not to engage her in hazardous work declared by government or any work hazardous for the pregnant worker's health. Employers are further required to transfer the pregnant workers to woke where there is no hazard and to allow her to use lift during work (instead of taking stairs).

Source: §45(3), 94 & 109 of the Labour Act 2006; Rule 37 of the Bangladesh Labour Rules, 2015; §29(3) of the Bangladesh EPZ Labour Act, 2019

Maternity Leave

In Bangladesh, women workers are entitled to 16 weeks of paid maternity leave, with adjustments if delivery is delayed. They must notify employers before or after birth, and in case of miscarriage, they receive four weeks of paid leave for recovery without salary deductions.

Women workers are entitled to 16 weeks of maternity leave (eight weeks pre-natal and eight weeks' post-natal paid leave allowed).

A pregnant woman must give oral or written notice of her expected confinement within the 8 weeks preceding the expected date of birth or give notice of the fact that she has given birth within 7 days of the actual date of birth. Employers are prohibited from knowingly employing a woman in an establishment, and women are also prohibited from working in any establishment, during the eight weeks

immediately following the day of her delivery. No entitlement to leave is identified in the case of illness or complications arising during the pregnancy. Similarly, there is no extension in maternity leave in the case of multiple births. Similar provisions on maternity leave are located in the EPZ Labour Act, 2019.

Furthermore, according to the amended Rule, 2022, if a woman gives birth after the planned schedule of eight weeks following her projected day of delivery, these days shall be adjusted in the post-natal leave period. A woman worker can avail the post-natal maternity leave for at least 8 weeks after the birth of her child, even if she had not disclosed her pregnancy before delivery.

Second, if a woman miscarries before the planned date of maternity leave, she will be entitled to four weeks leave for health reasons; no deductions from earnings will be made, and such time cannot be combined with any other leave she is entitled to. The new regulations also clarify the computation of maternity benefits, and the rule allows money for the provident fund to be deducted from the maternity benefit.

Source: §45 & 47 of the Labour Act 2006; SRO No. 284- Law/2022, "Amendment of Bangladesh Labour Rule 2015"; §29(1 & 2) of the Bangladesh EPZ Labour Act, 2019

Income

In Bangladesh, women workers get 16 weeks of employer-funded maternity pay if they have worked at least 6 months before delivery. Benefit is not given if the worker already has two children, and if the mother dies, the benefit goes to the child's caretaker or her nominee.

The Labour Act 2006 entitles women workers to 16 weeks' maternity leave pay at their average daily, weekly or monthly wage received by the workers during the preceding three months. A worker must have worked under the employer for a period of at least six months immediately preceding the day of her delivery. The employer is not obliged to pay the maternity benefit until the worker has produced a certificate signed by a registered medical practitioner as to her expected confinement and/or another form of proof that she has given birth to a child. The proof required can be either a birth certificate, medical certificate or other proof as may be accepted by the employer. Further, the maternity benefit is not payable to any woman if, at the time of her confinement, she has two or more surviving children (although she will still be entitled to the relevant period of unpaid leave). The maternity benefit is payable in respect of the period of leave taken by the worker during the 8 weeks preceding the expected day of delivery and 8 weeks immediately following the day of delivery. The maternity benefit is employer funded and applies to every woman employed establishment. If a woman entitled to maternity benefit dies at the time of her delivery or during the next period of 8 months, the employer is required to pay the amount of maternity benefit due, if the newly born child survives, to the person who undertakes the care of the child, and if the child does not survive, to the person nominated by her, or if she has made no such nomination, to her legal representative(s). However, if a woman worker dies before giving birth to a child, employer is required to pay only for the period up to and including the day of her death although employer cannot recover the (excess) amount already paid to the worker as maternity benefit.

Similar provisions on payment to a woman worker during maternity leave are found in the EPZ Labour Act, 2019.

Source: §46(1-2), 47(4-5) & 49 of the Labour Act 2006; §30-33 of the Bangladesh EPZ Labour Act, 2019

Protection from Dismissals

In Bangladesh, women workers cannot be dismissed without cause during maternity leave, ensuring job security and entitlement to maternity benefits.

Employment of a worker is secure during her maternity leave. If a notice or order of discharge, dismissal, removal or termination of employment is given by an employer to a woman worker within a period of six months before and eight weeks after her delivery and such notice or order is given without sufficient cause, she will not be deprived of any maternity benefit to which she would have become entitled.

Similar provisions on protection from dismissal of a woman worker during maternity leave are found in the EPZ Labour Act, 2019.

Source: §50 of the Labour Act 2006; §34 of the Bangladesh EPZ Labour Act, 2019

Right to Return to Same Position

No provision for right to return to same position identified in Labour Act 2006. However, it is implied from § 50 of the

Labour Act that since employment of a worker is secure during her maternity leave, she can return to her job although not necessarily to same position.

Source: §50 of the Labour Act 2006

Breastfeeding/ Nursing Breaks

In Bangladesh, the Labour Act lacks provisions for nursing breaks, but employers with 40+ workers must provide childcare facilities and a breastfeeding-friendly environment.

No relevant provisions identified in Labour Act 2006 about nursing breaks or daily reduction of hours of work for working However, employers mothers. establishments with forty or more workers must provide and maintain a suitable room or rooms for the use of children under the age of 6 years and their mothers. The room has to be furnished with at least one chair or equivalent seating accommodation for the use of each mother while she is feeding or attending to her child. Labour Rules require the employer to make opportunity for breastfeeding and ensure the congenial atmosphere for this. Under the Bangladesh Labour Rules, employer must ensure breast-feeding facilities and environment for a female worker's child during postnatal period.

Source: §94 of the Labour Act 2006; §37(e) of the Bangladesh Labour Rules 2015

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

Bangladesh has ratified the Convention 81 only.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Bangladesh Labour Act 2006
- Bangladesh Labour Rules, 2015

Employer Cares

In Bangladesh, employers must ensure a safe, hygienic workplace, provide potable water, separate toilets, and exhaust systems for dust and fumes. Factories with 50+workers need a Safety Committee, while those with 100+ workers must establish a canteen and a managing committee.

Health and safety at work is a right to which all employees are legitimately and legally entitled. A safe and hygienic working environment must be provided to the workers, and best occupational health and safety practice must be promoted in workplace. The Labour Act 2006 specifies issues/areas related to occupational health and safety which include: cleanliness, ventilation and temperature, artificial humidification, overcrowding, lighting, fire related incidents, excessive weights, safety of building and machineries, fencing of machinery, work on or near machinery on motion, explosive or inflammable dust or gas, precautions against dangerous fumes, personal protective equipment and risk assessment and prevention.

Both the Labour Act and 2015 Rules require the employer to install suitable exhaust equipment including 'dust sucker' in each enterprise or working room with a view to effectively exhausting the dust and fume. The workers engaged in such places with dust and fume should wear mask.

Under the Act, it is also the responsibility of employer to arrange potable water for workers. Where more than 250 workers

work, the water should be supplied after cooling with the water cooler to the canteen, dining room and rest room during the period of 1 April to 30 September. The Labour Act also requires the employer to arrange separate toilets for male and female workers with adequate lighting and ventilation.

Every workplace with more than 25 workers is required to arrange and maintain sufficient quantity of dining rooms including the supply of drinking water. Where canteen is available at a workplace, workers are prohibited to take their meals at their workstations.

In every factory wherein 50 or more workers are employed, employer must establish a Safety Committee with equal representation from workers and employer.

In every workplace wherein 100 or more workers are employed, employer must establish a Canteen and constitute a Canteen Managing Committee.

Similar provisions are found in the EPZ Labour Act.

Source: §51-59, 90-A, 92, 93 of the Labour Act 2006; Rule 46, 50, 59 & 81 of the Bangladesh Labour Rules, 2015; SRO No. 284- Law/2022, "Amendment of Bangladesh Labour Rule 2015"; §35 of the Bangladesh EPZ Labour Act, 2019

Free Protection

In Bangladesh, employers must provide free personal protective equipment (PPE) for workers exposed to hazards like dust, chemicals, excessive light, or heat. Workers are responsible for using the provided PPE, and records of its use must be maintained.

There are several sections in Labour Act which regulates the provision of the personal protection equipment to the worker employed. Effective screens or suitable goggles must be provided for the protection of a worker's eye where there is a risk of injury to eyes from particles or fragments thrown off in the course of the process or risk to the eyes by reason of exposure to excessive light or heat.

In case of dangerous operations which may cause serious risk of bodily injury, poisoning or disease, it is employer responsibility to provide the protective equipment for all persons employed in the operation or in the vicinity of the places where it is carried out and the use of any specified materials or processes in connection with the operation; and notice specifying use and precautions regarding use of any corrosive chemicals.

For work that includes explosive or inflammable dust, gas, etc., an employer must not engage workers in such work without providing and ensuring use of personal safety equipment, and in doing so, a record book must be maintained as designated by the owner. Despite supply of personal safety equipment to the worker, those workers are held liable for not using the personal protective equipment.

Employers are required to provide all such equipment and appliances free of cost and cannot recover any cost from the worker for provision of such facilities.

Source: §78 and 330 of the Labour Act 2006; Rule 67 of the Bangladesh Labour Rules, 2015

Training

In Bangladesh, employers must provide health and safety training, conduct medical checks for high-risk jobs, and ensure only fit and trained workers handle dangerous operations.

An employer is obliged to provide a practical and relevant training in health and safety for workers hired and to ensure professional health and safety for workers at workplace. Employer is required to create awareness in workers through workplace trainings. In case of dangerous operations which may cause serious risk of bodily injury, poisoning or disease, it is employer's responsibility to provide the periodical medical examination of persons employed in the operation and prohibiting the employment of persons not certified as fit for such employment. The workers employed in such operations and working dangerous machines on must sufficiently trained and supervised.

Source: §40(1b), 78 a(3), 79(c) of the Labour Act 2006

Labour Inspection System

In Bangladesh, labour inspectors oversee workplace safety, enforce compliance, and can halt dangerous work immediately. The Department of Inspection for Factories and Establishments (DIFE) ensures worker welfare and assists employers in following labour laws.

Under Labour Act, the Inspector has an important role to play in supervising and monitoring occupational health and safety measures. Labour inspectors have the right to enter any workplace to assess compliance with the law, to request

registers and other documents and to examine any worker employed within the preceding two months. He has the authority to require employers to remedy any breaches of the regulations on the prevention of occupational risks, and to order immediate cessation of work if the breach gives rise to serious and imminent danger to employees' health and safety. An Inspector may, at any time during the normal working hours, informing the employer of an establishment, take a sufficient sample of any substance used or intended to be used in the establishment such use being, in the opinion of the Inspector in contravention of the rules, or likely to cause bodily injury to or injury to the health of, workers in establishment. If the Inspector is of opinion that there is urgent and immediate danger to the life or safety of any person employed in any establishment or part thereof, he may, by an order in writing containing a statement of the grounds of his opinion, prohibit, the employer concerned, until he is satisfied that the danger is removed. Department of Inspection for Factories and Establishments (DIFE) working under the Ministry of Labour and Employment and having 23 district offices is responsible for health, safety and welfare of the workers by enforcing labour laws in the country. DIFE is not merely a law enforcement organization rather it helps employers and workers in complying with the legal provisions.

Source: §61(2), 84(1), 85(3), 318 & 319 of Labour Act 2006; www.dife.gov.bd

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Social Security (minimum standards): Convention 102 (1952) Employment Injury Benefits: Conventions 121 (1964),

Medical Care and Sickness Benefits: Convention 130 (1969)

Bangladesh has not ratified the Conventions 102, 121 & 130.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefits may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during the first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

A worker should be entitled to medical care without any additional cost during illness. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, they must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage, while in the case of fatal injury, the survivors may be provided 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Bangladesh Labour Act 2006
- Bangladesh Labour Rules, 2015

Income

In Bangladesh, private-sector workers are entitled to 14 days of paid sick leave annually with a medical certificate, while public-sector workers can take up to four months of paid sick leave. Employers must provide onsite medical facilities or pay a monthly medical allowance.

Every worker other than a newspaper worker, is entitled to sick leave with full wages for fourteen days in a calendar year. Newspaper workers are entitled to sick leave with half wages for not less than one-eighteenth (1/18th) of the period of their services. No such leave is allowed unless a registered medical practitioner certifies that the worker is ill and requires sick leave for cure or treatment for such period as may be specified by him. Such leave can't be accumulated and carried forward to the succeeding year.

Sick leave is granted on the medical certificate issued by a registered medical practitioner. Such medical practitioner is generally appointed by the employer, however, in the absence of such medical practitioner, the worker may obtain the required certificate from any registered medical practitioner. The medical certificate must state that the worker is ill and requires leave for treatment or cure for such period as mentioned in the certificate.

It can be inferred from above provisions that sick leave can be both paid (up to 14

days) and unpaid (if it goes beyond 14 days).

For sick leave, employee is paid by the employer at the rate equal to the daily average of his full-time wages including dearness allowances, and ad-hoc or interim pay, if any, but excluding any overtime allowance and bonus. On-site medical facilities are provided for employees of firms with at least 300 workers. A medical allowance of Tk.100 a month is paid to workers whose employer does not provide medical facilities.

As for public sector workers, the Prescribed Leave Rules of 1959 entitle these workers to a maximum of four months of sick leave with full pay that can be extended to six months on production of a medical certificate and to one year when combined with other accumulated leave (like annual leave). The public sector employees are also entitled to a monthly medical allowance of Tk.700.

Source: §116 & 119 of the Labour Act 2006; Prescribed Leave Rules of 1959; §51 of the Bangladesh EPZ Labour Act, 2019

Medical Care

In Bangladesh, group insurance is mandatory for establishments with 100+ workers, and employers must provide medical care, first aid, and sick rooms for larger workplaces. Employers cover treatment for occupational injuries and ensure insurance claims are paid to dependents in case of a worker's death.

The group insurance is compulsory according to Government rules, in the establishments wherein minimum 100 permanent workers are employed. Every newspaper worker and his dependents are

entitled to medical care at the cost of the newspaper establishment in such manner and to such extent as may be prescribed. Some employers provide on-site medical facilities and workers may also use certain government-run hospitals. A medical allowance of Tk.100 a month is paid to workers whose employer does not provide medical facilities. All public sector employees are entitled to a monthly medical allowance of Tk.700.

First aid box must be provided in every establishment. All employers are required to ensure regular medical examination of workers.

In every establishment, where 300 or more workers are ordinarily employed, a sick room with a dispensary must be provided under the charge of a medical practitioner and nursing staff.

In any establishment or establishments where 5000 or more workers are employed, the employer or employers of that establishment or those establishments, as the case may be, must arrange for running a permanent medical centre or Health Centre.

The treatment of a worker or an employee suffering from occupational accident disease must be continued by a competent or specialist medical practitioner at the expense and responsibility of the employer until such worker is fully cured of such disease, hurt or sickness.

Under the EPZ Labour Act 2019, the minimum threshold is at least 25 permanent workers. The amount claimed as insurance is in addition to the other dues of any worker. It is the employer's responsibility to recover the insurance claim due to death of a worker. Employer

must also make arrangement for payment of the amount so recovered from such insurance claim directly to the dependents.

Source: §89, 98-99 of the Labour Act 2006; §36 of the Bangladesh EPZ Labour Act, 2019

Job Security

Employment of a worker is secure during the first 14 days of illness. After that a worker may be granted an unpaid leave however its duration is not clearly specified in the law. Law also allows an employer to discharge a worker for continued ill health if certified by a medical practitioner.

Source: §89, 99 of the Labour Act 2006 & 76 of Bangladesh Labour Rules, 2015

Disability / Work Injury Benefit

In Bangladesh, work injury compensation ranges up to Tk. 250,000 for total incapacity to proportional benefits for partial or temporary disability. In case of death, dependents receive Tk. 200,000 plus additional compensation based on the worker's service length.

Work injuries may be classified, on the basis of their consequences, as those resulting in:
(i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

In the case of permanent total incapacity (100%), workers are entitled to an amount up to T250,000 while in the case of partial disability, the benefit is adjusted in proportion to the assessed degree of loss in earning capacity.

In the case of temporary disability, the

benefit is 100% of the insured's earnings for the first 2 months, 66.7% of earnings for the next 2 months, and 50% of earnings for subsequent months of disability or for up to a year, whichever is shorter (the first three days are considered the waiting period).

In the case of worker's death due to an occupational accident or disease, 30 days of the insured worker's wages for every year of service for less than 10 years or service or 45 days' wages for every year of service with at least 10 years of service along with a lump sum amount of Tk.200,000 is paid to surviving dependents in proportions determined by the Labour Court. Such payment has to be deposited with the labour court for further distribution in dependents unless a worker has nominated his dependents beforehand.

The EPZ Labour Act 2019 has similar provisions on compensation in the case of an occupational accident.

The EPZ Labour Act has further provisions regarding payment of compensation to a worker. If a worker has worked at the enterprise for more than one year and passes away due to a reason not connected with employment, the employer is required to pay 30 days' wages as compensation for each year of service or any part exceeding 6 months.

Where the death is caused during work or due to a work accident, the compensation is equal to 45 days' wages for each year of service or any part exceeding 6 months.

The compensation must be made to the nominee of the deceased worker. In the absence of such a nominee, the payment is made to the dependant(s).

In the case of prolonged occupational

disease, compensation for disablement is paid at the rate of half (50%) of monthly wages during the period of disablement, provided that such period shall not exceed exceed 2 years.

Source: §150-151 of the Labour Act 2006; §18 & 73-74 of the Bangladesh EPZ Labour Act 2019

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits, somewhat higher standards have been set in subsequent Conventions Employment Injury Benefits: Conventions 121 (1964), Invalidity, Old age and survivors' benefits: Convention 128(1967) Medical Care and Sickness Benefits: Convention 130 (1969) Unemployment Benefits: Convention 168 (1988).

Bangladesh has not ratified any of the Conventions mentioned above.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

- Bangladesh Labour Act 2006
- Bangladesh Labour Rules, 2015

Pension Rights

In Bangladesh, private-sector workers retire at 60 without a pension, receiving only gratuity. The government offers an old-age allowance for low-income seniors, while the Universal Pension Scheme provides lifelong pensions for citizens aged 18-50, requiring at least 10 years of contributions.

The usual retirement age for the private sector workers is 60 years (same for women) however the private sector workers are not entitled to pension benefit except gratuity paid at the time of retirement.

To partly alleviate the situation of absolute poverty in the country, the Ministry of Social Welfare, since 1998, provides an old-age allowance under the Government's social safety net programme. To be eligible for an old-age allowance, the recipient must be at least 65 years of age (62 years of age for women) and their annual average income must be under Tk. 10, 000. Priority is given to those persons who are physically and mentally infirm or handicapped, have no assets, are homeless, landless, freedom fighters, widowed, divorced, single and deserted by their family. Beneficiaries of old-age allowance receive Tk.500 a month payable every quarter, without limit of time.

The Universal Pension Scheme in Bangladesh is open to citizens aged 18 to 50, with provisions for those above 50 under special consideration. To qualify for a monthly pension, contributors must make

continuous contributions for at least ten years. Contributions are managed in individual pension accounts, transferable when changing employment. Subscription rates, paid monthly or quarterly, are set by the Authority, with options for advance payment and instalment. Late payments incur a fee, credited to the contributor's account. Pension benefits are lifelong, with provisions for nominees if the pensioner dies before age 75. Withdrawals of up to 50% of the deposited amount are allowed as a loan, subject to fees.

Source: The Universal Pension Management Act 2023; §28 of the Labour Act 2006

Dependents' / Survivors' Benefit

If a worker dies after at least two years of service, the nominees or dependents receive compensation of 30 days' wages per year for a normal death and 45 days for an accidental death, or gratuity—whichever is higher—along with other entitled benefits.

If a worker dies while in service after a continuous service of at least two years, his nominee or in the absence of any nominee, his dependents shall be paid by the employer a compensation at the rate of thirty days' wages for a normal death and of forty five days for an accidental death while working in the establishment or on duty for every completed year of service or for any part thereof in excess of six months, or gratuity whichever is higher, and the amount will be in addition to any other benefit to which the deceased worker would have been entitled to had he retired from the service.

Source: §19 of Labour Act 2006

Unemployment Benefits

No statutory unemployment benefits are provided. Severance pay along with pay in lieu of notice is provided under the law. For more information on this, please refer to the section on employment security.

Invalidity Benefits

No invalidity benefits exist for the private sector workers. Only public sector workers have entitlement to the invalidity benefits.

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden. Convention 100 (1952) is about Equal Remuneration for Work of Equal Value. Convention 190 (2019) is about elimination of violence and harassment in the world of work.

Bangladesh has ratified the Conventions 100 and 111.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and a clear matching of pay and position should be in place to help prevent wage discrimination.

Convention No. 190 recognises the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as "a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aims at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment". This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against a worker in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Constitution of the People's Republic of Bangladesh 4th November 1972, last amended in 2011
- Bangladesh Labour Act 2006
- Bangladesh Labour Rules, 2015

Equal Pay

In Bangladesh, the Constitution promotes equality and fair distribution of wealth, ensuring equal wages for men, women, and physically challenged workers for work of equal value, without discrimination.

Under the Constitution, the State must endeavour to ensure equality of opportunity to all citizens. The State must adopt effective measures to remove social and economic inequality between man and man and to ensure the equitable distribution of wealth among citizens, and of opportunities in order to attain a uniform level of economic development throughout the Republic.

As per the Labour Act, in determining wages or fixing minimum rates of wages for any worker, the principle of equal wages for female, male and physically challenged workers for work of equal nature or value must be followed and no discrimination should be made in this respect on the ground of sex or disability.

Similar provisions are found in the EPZ Labour Act.

Source: §10, 19, 20 of the Constitution of the People's Republic of Bangladesh; §345 of Labour Act 2006; §197 of the Bangladesh EPZ Labour Act, 2019

Sexual Harassment

In Bangladesh, sexual harassment at work is a punishable crime, with offenders facing fines or up to seven years in prison. Employers must form a complaints committee led by women and implement strict anti-harassment guidelines to ensure a safe workplace.

According to Labour Act, the case where any female worker is employed in any work of the establishment, irrespective of her rank or status, no one of that establishment may behave with the female worker in a way which may seem to be indecent or repugnant to the modesty or honour of the female worker. No other provision to prohibit sexual harassment at workplace is identified in Labour Act 2006. In May 2009 hearing of the Petition No. 5916 of 2008, the Bangladesh Supreme Court issued a detailed definition of sexual harassment and identified steps employers and educational institutions have to take in order to prevent sexual harassment. The Court's guidelines on sexual harassment, which must be observed in all workplaces in the public and private sectors (paragraph 1), provide a detailed definition of sexual harassment covering both guid pro quo and hostile environment harassment (paragraph 4). The guidelines identify the steps required of employers to prevent sexual harassment, including awareness raising about and widely publicizing of the guidelines and the legislative provisions regarding gender equality and sexual offences (paragraphs 3, 5 and 6). The guidelines also cover disciplinary action (paragraphs 7 and 11), a complaints mechanism, including the establishment of a complaints committee in all workplaces (paragraphs 8-10),and criminal

proceedings (paragraph 11). These guidelines issued by the Supreme Court have the force of law until adequate and effective legislation is in place.

Under the Prevention of Oppression Against Women and Children Act 2000, "whoever, to satisfy his sexual urge illegally, assaults a woman sexually or makes any indecent gesture, his/her act is deemed to be sexual oppression and that person is punished with imprisonment for either description (two to seven years) and also with fine.

Under the 2022 amendment in Bangladesh 2015 Labour Rules, sexual harassment is defined as follows:

- Unwanted sexual behaviour, such as physical touching or other similar activities;
- Using institutional and professional power to attempt to have a physical relationship;
- Sexual harassment or abusive language;
- Demand or request for sexual favours;
- Showing pornography;
- Sexual comments or gestures;
- Indecent gestures, teasing with abusive language, stalking, and joking with sexual overtones are all prohibited;
- Insult such as through letters, phone calls, cell phone calls, SMS, e-mails, social media, photo, notice, cartoon, writing on chair-table, bench, notice board, office, factory, classroom, and washroom walls with sexual connotation;
- The capture of still or moving images(videos) for blackmail or character assassination;

Rule 361 KA (2) stipulates that a five (5)member sexual harassment prevention complaint committee should be formed in each workplace, led by a woman, with a majority of women representatives from the organization.

Sexual Harassment Prevention Guidelines must be developed by the employer and distributed among workers. Every workplace is required to have one complaint box for receiving such complaints.

Furthermore, the updated rules for 2022 specified that a five- member Anti-Harassment Committee (or complaint committee) must be formed to control or consider any harassment-related matters. The complaint committee should have 5 members, the majority of them must be women, with one woman serving as chief and other representatives chosen from that establishment.

Under the EPZ Labour Act, where a female worker is employed in any work, no person in the enterprise shall behave with her which may seem to be indecent or unmannerly or which is repugnant to the modesty or honour of that female.

Source: SRO No. 284- Law/2022, "Amendment of Bangladesh Labour Rule 2015" rule 361; §189 of the Bangladesh EPZ Labour Act, 2019

Non-Discrimination

In Bangladesh, the Constitution ensures equality and prohibits discrimination based on religion, race, caste, sex, or disability. The Persons with Disabilities Act mandates equal employment opportunities, while discrimination in hiring or employment due to union membership is also forbidden.

Under the Constitution, all citizens are egual before Law and are entitled to equal protection of Law. The State must not discriminate against any citizen on the grounds of religion, race, caste, sex or place of birth. Therefore, discrimination on the grounds of any of the above grounds is prohibited in the country. Women have equal rights with men in all spheres of the State and of public life. No citizen, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard access to any place of public entertainment or resort, or admission to any educational institution. There must be equality of opportunity for all citizens in respect of employment or office in the service of the Republic. No citizen, on grounds only of religion, race, caste, sex or place of birth, be ineligible for, or discriminated against in respect of, any employment or office in the service of the Republic.

The Bangladesh Persons with Disability Welfare Act 2001 promotes equality of opportunities of employment for suitably qualified persons with disabilities in recruiting employees for government departments, statutory bodies and local authorities.

The 2001 Act was repealed in 2013 and a new law was promulgated in 2013 under the name of Persons with Disabilities Rights and Protection Act 2013. The law provides for employment of persons with disabilities the public private and sector organizations. No organization can refuse employment to a person with disability (PWD) on the basis of discrimination as long as that person has the capacity to perform in that position. The Act requires the public and private sector organizations to identify positions within their organization which are suitable for PWDs. The Act establishes a National Disabled Welfare Coordination Committee and empowers it to create employment opportunities and maintain quotas in the public sector for persons with disabilities and for orphans in selected grades of public sector jobs. The Act prohibits discrimination on the ground of disability.

Moreover, discrimination against a worker in employment related matters on the ground of membership or non-membership of a trade union is also prohibited.

Source: §19 & 27-29 of Constitution of the People's Republic of Bangladesh; §195 of Labour Act 2006; §16 and 35 of the Persons with Disabilities Rights and Protection Act 2013

Equal Choice of Profession

In Bangladesh, women are encouraged to participate in all professions, but certain jobs, such as operating machinery in motion or hazardous work, are restricted for safety. Women in EPZs cannot work night shifts without their consent and approval from authorities.

Constitution of Bangladesh encourages participation of women in all spheres of national life. Subject to certain restrictions imposed by law, every citizen has the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business.

Women can work in the same industries as men with few exceptions. Section 64 of the Labour Act requires employment of properly trained adult male workers for examination, adjustment and lubrication of any part or component of machineries in motion. Women and adolescent are not allowed to do the above-mentioned tasks and they are also not entitled to work in places between fixed and moving parts of any machinery in motion. The Government may also prohibit the employment of women, adolescents or children in the dangerous operations that can cause a serious risk of bodily injury, poisoning, or disease to the person employed. Women workers cannot also be employed for underground, underwater work Similar hazardous work. restrictive provisions are located in 2015 Labour Rules.

Under the EPZ Labour Act, a woman worker is not allowed to work in any enterprise between 8 pm to 6 am without her consent and the relevant authorities.

Source: §19 & 40 of the Constitution of the People's Republic of Bangladesh; §64, 79, 87 of Labour Act 2006; §68 of the Labour Rules 2015; §46 of the Bangladesh EPZ Labour Act, 2019

11/13 MINORS & YOUTH

IIO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Bangladesh has ratified the Convention 182 only.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years; however, developing countries may set this at 14 years. The minimum age for hazardous work, which is likely to jeopardise young persons' health, safety or morals, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm their health, safety, or morals. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Bangladesh Labour Act 2006
- Bangladesh Labour Rules, 2015

Minimum Age for Employment

In Bangladesh, the Labour Act 2006 bans child labour but allows children aged 12+ to do light work that doesn't harm their health or schooling. Adolescents (16-18) need a fitness certificate to work, while the EPZ Labour Act sets 18 as the minimum employment age.

Labour Law 2006 prohibits employment of children and requires an adolescent to obtain a fitness certificate to be employed in any occupation or in a factory. Child means a person who has completed her/his fourteen years of age and adolescent means the person who has completed sixteen years and has not completed eighteen years of age. As an exception, a child who has completed twelve years of age, may be employed in such light work which does not endanger his health and development or interfere with education. The working hours of such children should also be arranged in such a way that work does not interfere with their school attendance. The Labour Code further prohibits parents or guardians from making employment agreements on behalf of their children. For adolescents, fitness certificate from registered medical practitioner is mandatory. Any certificate of fitness granted under this section remains valid for a period of twelve months from the date on which it was issued. compulsory education age is set as 11 years under section 2 of the Primary Education (Compulsory) Act 1990.

The minimum age for employment under

the EPZ Labour Act is 18 years. The legislation defines an underage worker as a person who has completed 18 years of age.

Source: §34 of Labour Act 2006; §175 of the Bangladesh EPZ Labour Act, 2019

Minimum Age for Hazardous Work

In Bangladesh, hazardous work is banned for anyone under 18, with strict limits on machine work and nighttime hours for adolescents (16-18). The Children's Act 2013 raises the legal age of a child to 18 and enforces harsh penalties, including fines and imprisonment, for child exploitation.

Minimum Age for Hazardous Work is set as 18 years. People over 16 and under 18 years of age are not allowed in any establishment to clean, lubricate or adjust any part of machinery while that part is in motion or to work between moving parts or between fixed and moving parts, of any machinery which is in motion. No adolescent should work at dangerous machine unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed and has received sufficient training in work at the machine, or is under adequate supervision by a person who has thorough knowledge and experience of the machine. Adolescent working in any factory or mine, are prohibited to work for more than five hours in any day and thirty hours in any week and those working in any other establishment, are prohibited to work for more than seven hours in a day and forty-two hours in a week. No adolescent is allowed to work in any establishment between the hours of 7:00 p.m. and 7:00 a.m. Underground, under-water work and other hazardous work is also prohibited for adolescent workers.

The Government of Bangladesh has published a list of hazardous work prohibited for children. A list of 43 hazardous activities has been published in 2015 Labour Rules Amendment (2022) in which employment of children and adolescent workers is prohibited. The list is issued under section 79 of the Labour Act. These include working in brick furnaces, working in mines, work with different kinds of machines, fishing in deep sea, etc.

Meanwhile a new Act (Children's Act 2013) has been approved which not only raises the legal age of child (from 14 to 18 years) but also prescribes stringent penalties if a child is exploited in employment related matters (exploiting a child through confining his life and his earnings) which range from imprisonment for up to two years or a fine of up to Tk.50,000 or both. A person who enjoys the gain made as a result of exploitation or employment of a child or uses the child for immoral entertainment is liable as an abettor of the offence.

Source: §80 of the Children's Act 2013; §39-42 of Labour Act 2006; Rule 68 of the Labour Rules 2015; Labour Rules 2015 Amendment (2022)

12/13 FORCED LABOUR

IIO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means a violation of human rights.

Bangladesh has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers must allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this forced labour.)

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Constitution of the People's Republic of Bangladesh 4th November 1972, last amended in 2011
- Bangladesh Labour Act 2006
- Bangladesh Labour Rules, 2015

Prohibition on Forced and Compulsory Labour

In Bangladesh, forced labour is strictly banned under the Constitution, Penal Code, and EPZ Labour Act. Violators face up to one year in prison, while human trafficking for labour exploitation can result in 5 years to life imprisonment and a minimum fine of Tk. 50,000.

Forced labour is strictly prohibited by the Constitution of the People's Republic of Bangladesh. Article 34 of the Constitution of the Peoples Republic of Bangladesh reads as follows: "All forms of Forced Labour are prohibited, and any contravention of this provision shall be an offence and shall be punishable in accordance with Law". Forced labour is also prohibited under section 374 of Penal Code which states that "whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both". The Prevention and Suppression of Human Trafficking Act, enacted in 2012, also penalizes human trafficking for purposes of labour exploitation proposes a punishment with rigorous imprisonment ranging from 5 years to imprisonment for life and fine of not less than Tk. 50,000.

Under the EPZ Labour Act, employers are prohibited from employing a person in any

work in an industry by use of force or coercion.

Source: §34 of Constitution of the People's Republic of Bangladesh; §374 of the Penal Code 1860; §3 and 6 of the Prevention and Suppression of Human Trafficking Act, 2012; §176 of the Bangladesh EPZ Labour Act, 2019

Freedom to Change Jobs and Right to Ouit

In Bangladesh, workers have the freedom to change or quit jobs without restriction. Permanent employees must give 60 days' notice, while temporary workers need 14 to 30 days' notice, or they can pay wages in lieu of notice.

There is no provision in Bangladesh Labour Act which restricts the workers to change or quit job. According to constitution, every citizen has the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business.

A permanent employee may terminate the contract and recover his freedom to work at another job by giving a written of sixty days. A temporary worker may resign from his service by giving a written notice of thirty days, if he is a monthly rated worker or fourteen days' notice in case of other workers. Where a worker intends to resigns from his service without any notice, he may do so by paying to the employer wages in lieu of the notice for the above-mentioned duration.

Source: §40 of Constitution of the People's Republic of Bangladesh; §27(1-3) of Labour Act 2006

Inhumane Working Conditions

In Bangladesh, work hours must not exceed 60 per week or 56 weekly on average annually, including overtime, with a 2-hour daily overtime limit.

Working time may be extended beyond normal working hours of forty-eight hours per week and eight hours a day. However, total hours of work inclusive of overtime must not exceed sixty hours in any week and on the average fifty-six hours per week in any year. Thus, maximum overtime is two hours a day and 12 hours a week. However, the average overtime hours in a year must not exceed 08 hours per week.

Source: §100, 102, 105, 108, 111, & 113 of

Labour Act 2006

13/13 TRADE UNION

IIO Conventions

Freedom of association and protection of the right to organise: Convention 87 (1948) Right to Organize and Collective Bargaining: Convention 98 (1949)

Bangladesh has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be disadvantaged when they are active in the trade union outside of working hours. The list of exclusions for sectors of economic activity and workers in an organisation should be short.

Trade unions are entitled to negotiate with employers on terms of employment without hindrance. The freedom of a trade union to negotiate with employers to try to conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violations of this principle.)

Workers have the right to strike to defend their social and economic interests. This right is incidental and corollary to the right to organize provided in ILO Convention 87.

Regulations on trade unions:

- Constitution of the People's Republic of Bangladesh 4th November 1972, last amended in 2011
- Bangladesh Labour Act 2006
- Bangladesh Labour Rules, 2015

Freedom to Join and Form a Union

In Bangladesh, the Constitution guarantees the right to form associations or unions, protected by the Labour Act. Workers can freely join unions, and dismissal for union participation is prohibited. EPZ workers can form Workers' Welfare Associations with at least 20% worker support.

The Bangladesh Constitution guarantees the right to form associations or unions. Under article 38 of the Constitution, every citizen has the right to form associations or subject to any reasonable unions, restrictions imposed by law in the interests of morality or public order. The Labour Act 2006 addresses various aspects of the formation of trade unions. Both workers and employers have the right to establish and join associations of their own choosing without prior authorization. Trade unions have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programmes. Any trade union may, under the signature of its resident and secretary, apply registration of the trade union. Labour Act also prohibits the dismissal, discharge, removal from employment or the threat to undertake such actions by reason that the worker is or proposes to become, or seeks to persuade any other person to become a member or officer of a trade union, or participates in the promotion, formation or activities of a trade union.

Under the EPZ Labour Act, workers have the right to form and join Workers' Welfare Associations. In order to establish an association, at least 20% of the permanent workers in an enterprise must file an application to the concerned authorities. Similar to the general law, the EPZ Act prohibits discrimination against a worker for participation in a worker welfare association.

Where a Workers' Welfare Association does not exist or is dissolved, a Participation Committee may be established with equal representation of workers and employer. However, as per EPZ Labour Act, the Committee is dissolved automatically with the formation of executive council of the enterprise.

The provisions on Participation Committee are found both in Labour Act 2006 and EPZ Labour Act 2019

Source: §176-177, 195(d) & 205 of Labour Act 2006; §38 of the Constitution of the People's Republic of Bangladesh; §94-115 & 122 of the Bangladesh EPZ Labour Act, 2019

Freedom of Collective Bargaining

In Bangladesh, the Labour Act recognizes the majority trade union as the Collective Bargaining Agent (CBA) for two years, responsible for negotiating with employers. In EPZs, the Workers' Welfare Association acts as the CBA, while tripartite councils discuss national labour policies and reforms.

Right to collective bargaining is regulated under article 202 of Labour Act 2006. Where there is only one trade union in an establishment, that trade union is deemed

to be collective bargaining agent for such establishment. Where there are more trade unions than one in an establishment, the Director of Labour, upon an application made in this behalf by any such trade union or by the employer, hold a secret ballot, within a period of not more than four months from the date of receipt of such application, to determine as to which one of such trade unions is the collective bargaining agent for the establishment. Once a trade union is declared collective bargaining agent, it shall remain so for the next two years. The Collective Bargaining Agent is responsible for undertaking collective bargaining with the employer or the employers on matters connected with the employment, non-employment or terms of employment; represent all or any of the workers in any proceedings; give notice of and declare a strike in accordance with provisions of the law; and nominate representatives of workmen on committee, fund constituted as per the provisions of law or agreements.

Under the EPZ Act, the elected representatives (executive council) of a registered Workers Welfare Association are the collective bargaining agent for that enterprise.

There is a National Tripartite Consultative Council (TCC) in Bangladesh, which is composed of 60 members, 20 members each from government, workers' organizations and employers' organizations. The TCC discuss various issues of national importance such as formulation of labour policy, amendments to the labour legislation, ratification of ILO Conventions, etc. Government has recently formed a 20-member tripartite consultative council for the ready-made garment (RMG) sector with representatives from workers, employers and the government.

Source: §202 of Labour Act 2006; §119 of the Bangladesh EPZ Labour Act, 2019

Right to Strike

In Bangladesh, strikes are allowed with conditions, requiring 51% union approval and a 7-day waiting period. Strikes are banned in new factories for three years, and illegal strikes can lead to fines and imprisonment. Replacing striking workers is prohibited and deemed unfair practice.

The Labour Act recognises workers' right to strike with several conditions including 51% of union members must consent to a strike before it is announced. If a strike or lock-out is commenced, either of the parties may make an application to the Labour Court for adjudication of the dispute. The government can prohibit any strikes lasting more than 30 days and refer labour matter to courts adjudication. In the case of any of the public utility services, the Government may, by order in writing, prohibit a strike or lock-out any time before or after the commencement of the strike or lockout. The waiting period prior to an industrial action is 7 days. The notice for strike or lockout under the EPZ Labour Act is 30 davs.

Strikes are banned during the first three years of commercial production in a new factory or if the factory was built with foreign investment or is owned by foreign investors. It is considered unfair labour practice on the part of employer to recruit any new worker during the period of legal strike, except where the Conciliator has, being satisfied that complete cessation of work is likely to cause serious damage to the machinery or installation and permits temporary employment or a limited

number of workers. Illegal strikes are prohibited under the law and if a worker commences, continues or otherwise acts in furtherance of, an illegal strike, he/she is punishable with imprisonment for a term which may extend to one year, or with fine which may extend to Tk. 5,000 or with both. A strike is illegal if the matter is subject to conciliation or arbitration or is covered by an award. Strikes are not lawful unless conciliation has been attempted beforehand, Labour Act prohibits replacement of striking workers and considers it an unfair labour practice.

Source: §195(h), 211 & 294 of Labour Act 2006; §127 of the Bangladesh EPZ Labour Act, 2019

QUESTIONNAIRE

Check

DecentWorkCheck Bangladesh is a product of WageIndicator.org and www.mywage.org.bd/home

National Regulation exists
National Regulation does not exist

01/	13 Work & Wages	NR	Yes	No	
1.	I earn at least the minimum wage announced by the Government	•			
2.	I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)	•			
02/	13 Compensation				
3.	Whenever I work overtime, I always get compensation (Overtime rate is fixed at a higher rate)	•			
4.	Whenever I work at night, I get higher compensation for night work				
5.	I get compensatory holiday when I have to work on a public holiday or weekly rest day				
6.	Whenever I work on a weekly rest day or public holiday, I get due compensation for it				
03/	13 Annual Leave & Holidays				
7.	How many weeks of paid annual leave are you entitled to?*	•	□ 1 □ 2	□ 3 □ 4+	
8.	I get paid during public (national and religious) holidays		□ 2		
9.	I get a weekly rest period of at least one day (i.e. 24 hours) in a week				
04/	04/13 Employment Security				
10.	I was provided a written statement of particulars at the start of my employment	•			
11.	My employer does not hire workers on fixed terms contracts for tasks of permanent nature	•			
12.	Please tick "NO" if your employer hires contract workers for permanent tasks My probation period is only o6 months	•			
13.	My employer gives due notice before terminating my employment contract (or pays in				
	lieu of notice) My employer offers severance pay in case of termination of employment	A	_	_	
14.	Severance pay is provided under the law. It is dependent on wages of an employee and length of service			_	
05/	13 Family Responsibilities				
15.	My employer provides paid paternity leave This leave is for new fathers/partners and is given at the time of child birth				
16.	My employer provides (paid or unpaid) parental leave This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.				
17.	My work schedule is flexible enough to combine work with family responsibilities Through part-time work or other flex time options				
06/	13 Maternity & Work				
18.	I get free ante and post natal medical care	8			
19.	During pregnancy, I am exempted from nightshifts (night work) or hazardous work	•			
20.	My maternity leave lasts at least 14 weeks	•			

^{*} On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".

21.22.23.24.07/	During my maternity leave, I get at least 2/3rd of my former salary I am protected from dismissal during the period of pregnancy Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity I have the right to get same/similar job when I return from maternity leave My employer allows nursing breaks, during working hours, to feed my child 13 Health & Safety			
25.26.27.28.08/	My employer makes sure my workplace is safe and healthy My employer provides protective equipment, including protective clothing, free of cost My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace 13 Sick Leave & Employment Injury Benefits	e e e		0
29.30.31.32.09/	My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness I have access to free medical care during my sickness and work injury My employment is secure during the first 6 months of my illness I get adequate compensation in the case of an occupational accident/work injury or occupational disease 13 Social Security			
33. 34. 35. 36.	I am entitled to a pension when I turn 60 When I, as a worker, die, my next of kin/survivors get some benefit I get unemployment benefit in case I lose my job I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident 13 Fair Treatment	9 9 9		
37. 38. 39.	My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination My employer take strict action against sexual harassment at workplace I am treated equally in employment opportunities (appointment, promotion, training and transfer) without discrimination on the basis of:*	•	_ _ _	_
	Sex/Gender Race Colour Religion Political Opinion	9 9 9 9		0

 $^{* \}textit{For a composite positive score on question 39, you must have answered "yes" to at least 9 \textit{ of the choices}.}\\$

	Nationality/Place of Birth			
	Social Origin/Caste			
	Family responsibilities/family status			
	Age			
	Disability/HIV-AIDS			
	Trade union membership and related activities			
	Language			
	Sexual Orientation (homosexual, bisexual or heterosexual orientation)			
	Marital Status			
	Physical Appearance			
	Pregnancy/Maternity			
40	I, as a woman, can work in the same industries as men and have the freedom to choose my profession	e		
11/	13 Minors & Youth			
41.	In my workplace, children under 15 are forbidden	•		
41. 42.	In my workplace, children under 15 are forbidden In my workplace, children under 18 are forbidden for hazardous work	e	_ _	
42.		•	_	_ _
42.	In my workplace, children under 18 are forbidden for hazardous work	•	_	
42. 12/	In my workplace, children under 18 are forbidden for hazardous work 13 Forced Labour	•		
42. 12/ 43.	In my workplace, children under 18 are forbidden for hazardous work 13 Forced Labour I have the right to terminate employment at will or after serving a notice	•		
42. 12/ 43. 44.	In my workplace, children under 18 are forbidden for hazardous work 13 Forced Labour I have the right to terminate employment at will or after serving a notice My employer keeps my workplace free of forced or bonded labour	•		
42. 12/ 43. 44.	In my workplace, children under 18 are forbidden for hazardous work 13 Forced Labour I have the right to terminate employment at will or after serving a notice My employer keeps my workplace free of forced or bonded labour My total hours of work, inclusive of overtime, do not exceed 56 hours per week			
12/ 43. 444. 13/	In my workplace, children under 18 are forbidden for hazardous work 13 Forced Labour I have the right to terminate employment at will or after serving a notice My employer keeps my workplace free of forced or bonded labour My total hours of work, inclusive of overtime, do not exceed 56 hours per week 13 Trade Union Rights	•		
42. 12/ 43. 44. 45. 13/	In my workplace, children under 18 are forbidden for hazardous work 13 Forced Labour I have the right to terminate employment at will or after serving a notice My employer keeps my workplace free of forced or bonded labour My total hours of work, inclusive of overtime, do not exceed 56 hours per week 13 Trade Union Rights I have a labour union at my workplace	•		

Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



Bangladesh scored 34 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.