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Labour Law regulates matters like labour employment, remunerations, work conditions, trade unions, and labour management relations. They also include social laws regulating such aspects as compensation for accidents caused to a worker at work, fixation of minimum wages, maternity benefits, sharing of the company's profit by the workers, etc.{tocify} \$title={Table of Contents}The labour law system is more than a century old in Bangladesh. The first labour law was enacted in the Indian subcontinent during the British period in 1881. Subsequently, the British government introduced several laws concerning labour issues, e.g., working hours, employment of children, maternity benefits, trade union activities, wages, etc. The Factories Act (1881), Workmen's Compensation Act (1923), Trade Unions Act (1926), Trade Disputes Act (1929), Payment of Wages Act (1936), Maternity Benefit Act (1939), and the Employment of Children Act (1938) were remarkable labour laws enacted during the British period.After the separation of the Indian sub-continent in 1947, almost all the laws during the preparation period were kept in force with some modifications and amendments, in the form of administrative rules, by the Pakistan Government. After the independence in 1971, the Bangladesh government retained the previous laws through the Bangladesh Laws Order (President's Order No. 48). It also enacted other laws in response to the changing circumstances and needs of the working class and the country. In 2006, the government adopted the revised Bangladesh Labour Law of 2006 or BLL.\$ads={2} The BLL is relatively comprehensive and progressive. The law is a consolidation and updating of the 25 separate acts. The comprehensive nature of the law can immediately be gleaned from its coverage -- conditions of service and employment, youth employment, maternity benefit, health and hygiene, safety, welfare, working hours and leave, wages and payment, workers' compensation for injury, trade unions and industrial relations, disputes, labour court, workers' participation in companies profits, regulation of employment and safety of dockworkers, provident funds, apprenticeship, penalty and procedure, administration, inspection, etc.The BLL is also considered an advance because it removes certain ambiguities in the old and diverse labour acts and aligns the labour law system with the ILO core conventions. On removing ambiguities, the definition of a "worker" is now precise. Another example: the exclusion under the term "wages" of the following items -- expense for housing facilities like lighting and water supply, employers' contribution to the provident fund, travelling allowances and other sums paid to workers needed to cover work-related expenses.The BLL is also an advance because of its more comprehensive coverage; for example, workers and staff of hospitals, nursing homes and even non-governmental organizations are now covered by the law. Also, specific welfare and social benefits have been improved or instituted, e.g., death benefit (financial support to the family of deceased worker), application of provident fund benefit to all workers in the private sector, expansion of maternity benefit from 12 to 16 weeks, adoption of group insurance for establishments with 200 or more workers, and increased compensation for a work-related injury, disability and death.\$ads={2} Purpose of Bangladesh Labour ActLabour law is designed to control and govern the continuous process by which workers and management decide the terms and conditions of employment. It is based almost entirely on statutes passed by the parliament during the last seventy years. Labour law regulates labour employment, remunerations, conditions of work, trade unions, and labour management relations. It also indicates the rules and regulations that cope with employees' right to a joint trade union, particularly benefits of workers, conditions of leave, especially maternity leave for women workers, and social security for workers. However, Labour law studies a tripartite industrial relationship between workers, employers and trade unions. This involves collective bargaining regulation and the right to strike. Individual employment law refers to workplace rights, such as health and safety or a minimum wage.The primary purpose of the Bangladesh Labour Act 2006, is to consolidate and amend the existing laws relating to labour and industrial affairs. Another important objective of the Bangladesh Labour Act, 2006 is to appoint labour, to increase relation between labours and employers, to specify the lowest wages of the labour, to discharge wages, compensate for the ulcerating the labour, form the trade unions, regulate the relations of any differences or disputes arising between labours and employers, and protect the social security of the labour, including health, safety and welfare.Labour law encourages and promotes these purposes by placing statutory limitations on employer interferences with the rights of employees with self-organizations and bargaining collectivity. Because the union may abuse their power, labour law also curbs and controls union activities.From a historical point of view, labour law has given birth to some fundamental industrial rights to labourers in production. At the same time, it has also protected those rights. And lastly, we can say that the ultimate object of the labour and industrial law is to maintain industrial peace, security, and steady production growth.\$ads={1} Salient features of the Bangladesh Labour ActEmployment Standards1. An employee or "labour" is defined as any person, including a trainee/probationer, whether the terms and conditions of their employment are expressly written or not, who is employed directly or through a contractor/agency, for any skilled, unskilled, physical, technical, business development or clerical job in any establishment or industry2. Workers are classified into six categories:Apprentice: A worker who is employed in an establishment as a trainee and is paid an allowance during the period of training is called an apprentice.Badli: A worker who is employed in an establishment for the period of temporary absence of a permanent or probationer worker.Casual: A worker employed on a casual basis.Temporary: A temporary worker in an establishment for work that is basically temporary in nature and is likely to be finished within a limited period.Probationer: A worker provisionally employed in an establishment to fill a post of permanent vacancy and his probationer period has not been completed.Permanent: A worker employed to fill up a permanent post or if he completes his probation period satisfactorily in the establishment.Appointment letters, ID cards and service books are made mandatory. The law specifies what information should be included in the appointment letter and in the service book and requires the latter to be signed by both the employer and the worker.The law defines who is responsible for payment of wages: employer/owner; chief executive officer (CEO); manager/person assigned accountable by the company; and the contractor, in case of worker appointed by the contractor. In case of the failure of the contractor to pay the wages to the worker, the principal owner shall pay the same and subsequently, it can be adjusted with the accounts of the contractor.On job terminations, the employer is required in the case ofRetrenchment: to give one month's notice and the equivalent 30-day wages or gratuity for every year of service if the worker is employed on continuous service for not less than one year; andDischarge: to give financial benefits equivalent to 30-day wages for every completed year of service by an employee found to have physical or mental incapacity. However, the employer is allowedTermination implication: to terminate services of a worker without explaining any reason by giving written notice of 120 days for permanent workers employed monthly and 60 days to other workers.Misconduct: to dismiss workers without serving prior notice due to worker's conviction for any criminal offence, or if the worker is proved guilty of misconduct, which may be any of the following: willful insubordination (alone or in combination with others) to any lawful or reasonable order; theft or fraud or dishonesty; taking or giving bribes, habitual absence without leave for more than 10 days, habitual late attendance, habitual breach of any rule of law applicable to the establishment, riotous or disorderly behaviour, habitual negligence or neglect of work, frequent repetition of work on which fine can be imposed, resorting to illegal strike or to go slow or instigating others to do so, and falsifying, tampering the official document of the employer.The retirement age for workers employed in any establishment is 57.Work hours are set at eight hours a day, 48 hours a week, with a weekly rest day.Overtime (OT) work is a maximum of two hours a day. OT pay is twice the hourly remuneration.Workers are entitled to rest and meal in a day as follows: (i) one-hour interval for over six hours work a day; (ii) half an hour interval for more than five-hour work; and (iii) one-hour interval once or half an hour interval twice for more than eight hours work a day.Workers are entitled to holidays, casual leave, festival leave, annual leave and sick leave.Every worker has the right to participate in the company's profits/benefits.No young worker is permitted to work in any establishment between 7 p.m. and 7 am.No children (under 14 years of age) are allowed to work in any occupation or establishment. However, a child who has completed 12 years of age is permitted to do light work not harmful to his health, development and education.A'Minimum Wage Board' is established to determine the minimum rates of wages in different private sectors, taking into consideration varied criteria: cost of living, the standard of living, cost of production, productivity, price of products, business capability, and economic and social conditions of the country.Employers are mandated to observe equal wages for male and female workers for equal nature or value work.Forced labour is prohibited.Occupational Safety and HealthEstablishments are required to put up for every 150 workers one first aid box and one trained person per first aid box, and an equipped dispensary with a patient-room, doctor and nursing staff.Employers must take appropriate measures to protect workers from danger and damage due to fire.Every establishment must be kept clean and free from effluvia arising out of any drain, privy or other nuisance.The workroom should not be overcrowded and injurious to the workers' health.Every establishment should provide pure drinking water, sufficient light and air, and separate toilets for male and female workers.Welfare and Social ProtectionGratuity is defined under the law as separation payment, at least 30 days, for workers discharged from work and yet have worked not less than 6 months.Factories are required to have an in-house canteen for every 100 workers.Every establishment/employer must form a Provident Fund if three-fourths of its workers demand it by written application, and a Workers' Participation Fund and a Workers' Welfare Fund for its workers.Establishments with 200 or more workers should institute group insurance.Every employer should compensate its workers for work-related injury, disabilities and death.Various women's issues are also covered: maternity leave of 16 weeks (8 weeks before and 8 weeks after childbirth), no gender-segregated wage structure, prohibition of any form of discrimination against women, prohibition of women working between 10:00 p.m. and 6:00 a.m. without consent, prohibition for women handling running or dangerous machines (unless they are sufficiently trained to operate such machinery), prohibition for women working underwater or undergroundLabour Relations and Social DialogueEvery worker employed in any establishment has the right to form and join a trade union of their own choice. Trade unions have the right to draw up their own constitution and rules and elect their representatives. Also, trade unions have the right to form and join a federation. Such unions and partnerships have the right to affiliate with any international organization and confederation of trade unions.The trade union can serve as a collective bargaining agent in any establishment.In the case of industrial disputes, the two sides can seek resolution through negotiation, followed by conciliation and eventually arbitration if negotiation fails.The collective bargaining agent is entitled to file a notice of strike (or lockout in the employer's case) with a 15-day cooling-off period.Employers can not recruit new workers during the period of a strike.Employers are also prohibited from terminating workers in trade union organizing in the workplace.Enforcement1) Government shall appoint the Director of Labour and "such number" of Additional Director of Labour, Joint Directors of Labour, Deputy Directors of Labour and Assistant Directors of Labour as necessary for monitoring workplaces activities.2) The Government shall appoint a Chief Inspector and the requisite number of Deputy Chief Inspectors, Assistant Chief Inspectors or Inspectors. These officers can enter, inspect and examine any workplace premises and ascertain the observance of labour laws.3) The Government has the power to establish as many Labour Courts as it considers necessary. A Labour Court shall consist of a chairman and two members (one representing employers and the other, the workers).Conditions of Employment'Conditions of employment" mean the term of employment between the employer and the employees. It denotes the sum total of the rights and obligations of the worker and the employer. According to Black's Law Dictionary, a qualification or circumstances are required for obtaining or keeping a job. The conditions of service mean all those conditions that regulate a person's holding of a post, right from the time of his appointment till his retirement and even beyond retirement in matters like pension, etc. The expression "conditions of service" includes everything from the stage of appointment to the stage of termination of service and even beyond and relates to matters about disciplinary action. The condition of employment is described in Chapter II of the Bangladesh Labor Act, 2006.\$ads={2} Principles of Bangladesh Labour Act 2006Labour Legislation is based on certain fundamental principles, which are as follows.Social JusticeIn an industrial setup, social justice means an equitable distribution of profits and benefits accruing from the industry between industrialists - and workers and affording protection to the workers against harmful effects to their health, safety and morality. Mere compliance with and enforcement of legal rights may be unfair and cause hardship to the enforcement of legal rights by the workers—chapters ten, eleven, twelve, sixteen, seventeen of the Bangladesh labour code, 2006. And the provisions of chapters three, four, five, six, seven, eight, and nine of the labour code fixing hours of work, overtime, leave privileges, welfare facilities and safe working conditions are also directed towards the same end. Social justice is the signature tune of the Constitution of Bangladesh, and this note is nowhere more vibrant than in industrial jurisprudence. The Preamble to our Constitution also lays down the objective of establishing 'economic and social justice', 'a society free from exploitation.Social EquityAnother principle on which Labour Legislation is based is social equity. Social equity is a part of social justice. Legislation based on social justice fixes a definite standard for adoption for the future, taking into consideration the events and circumstances of the past and the present. But with the change of circumstances and ideas, there may be a need for change in the law. The government takes this power of changing the law by making provisions for rule-making powers in the Acts regarding certain specific matters. The government may modify or amend the rules to suit the changed situation. Such legislation is based on the principle of social equity.International UniformityInternational uniformity is another principle on which labour laws are based. The vital role played by the International Labour Organization (ILO) in this connection is praiseworthy. ILO is an international organization founded in 1919, soon after the First World War. The main aims of the ILO are: (i) to remove injustice, hardship and deprivation of large masses of toiling people all over the world; and (ii) to improve their living and working conditions and thus establish universal and lasting peace based upon social justice.The basic principles of the Labour Policy of ILO are:a) Labour is not a commodity;b) Freedom of expression and association are essential to continued progress; c) Poverty anywhere constitutes a danger to prosperity everywhere.ILO aims at securing minimum standards on a uniform basis in respect of all labour matters. If and when ratified by a member-State, Conventions passed by ILO conferences have to be implemented through appropriate legislation. Most of the Labour Legislation in Bangladesh is based on this principle.National EconomicIn enacting labour legislation, the country's general economic situation has to be borne in mind lest the very objective of the bill is defeated. The state of the national economy is an essential factor in influencing labour legislation.

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