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National Parliament of Bangladesh

Dhaka, 21st October, 2018 as per Bangla 6th Kartik, 1425

Following bill has been raised to the National Parliament dated on 21st October, 2018
as per Bangla 06 Kartik, 1425:-

N.P.B. Bill No. 48/2018

**Brought bill for furthermore correction of Bangladesh Labour Law, 2006
(Legislation 42 of 2006)**

Whereas, to meet the following objectives furthermore correction of Bangladesh Labour Law, 2006 (Legislation 42 of 2006) is expedient and necessary;

That is why the following legislation has been enacted:-

1. Short Title and Introduction. (1) The legislation will be entitled as Bangladesh Labour (Correction) Law, 2018.

(2) The legislation shall be effective immediately.

2. Correction of the Clause 1 of the Legislation 42 of 2006. – Item (৩) of the Sub-Clause (4) of Clause 1 of Bangladesh Labour Law, 2006 (Legislation 42 of 2006), thereafter prescribed as the mentioned law will be demolished.

3. Correction of the Clause 2 of the Legislation 42 of 2006. – in the Clause 2 of this Legislation –

(a) The following new item (২ফ) shall be included after item (2) of the Clause 2, such as:-

“(২ফ)” “Festival Allowance” means the specific festival allowances to be provided to the workers engaged in any factory or organization just before their own religious festivals;

(13127)

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(b) Prescribed in item (10), “under this legislation for the reason of termination of the worker in various ways the payable compensation or notice by the employer, it shall be changed as additionally payable wages or allowances instead of the compensation or notice” coma and words shall be demolished;

(c) Prescribed in item (34), the word “advantages” shall be replaced instead of “paid leave”;

(d) The following item (35ফ) shall be replaced instead of item (35ফ), such as:-

“(35ফ) ‘Trained in first aid’ means the person who has the experience certificate from any doctor registered for first aid treatment”;

(e) The following item (47) shall be replaced instead of item (47), such as:-

“(47) ‘Inspector General’, ‘Additional Inspector General’, ‘Director’, ‘Deputy Director’, ‘Assistant Director’ and ‘Labour Officer’ means the person appointed in such position under chapter twenty”;

(f) The following item (48) shall be replaced instead of item (48), such as:-

“(48) ‘Director General’, ‘Additional Director General’, ‘Director’, ‘Deputy Director’, ‘Assistant Director’ and ‘Labour Officer’ means the person appointed in such position under chapter twenty”;

(g) The word “Ocean going” shall be replaced instead of the word “Sea Carrier” prescribed in Sub-item (ভ) of the item (61).

4. Correction of the Clause 27 of the Legislation 42 of 2006. – the words “resigned from the employment” shall be replaced instead of words “retired from the employment” prescribed in Sub-Clause (3ফ) of the Clause 27i of the said legislation.

5. Correction of the Clause 28 of the Legislation 42 of 2006. – the semicolon shall be replaced instead of the full stop prescribed in the end of the sentence of Sub-Clause (3) of the Clause 28 of the said legislation and after that the following parts of conditions shall be included, such as:-

“But, the condition is applicable that, whatever contains in this Sub-Clause, all advantages including the current retirement advantages shall be applicable for the workers of the tea-industry”.

6. Correction of the Clause 29 of the Legislation 42 of 2006. – the words “removal, termination of employment or for the reason of death” and coma shall be replaced instead of words “removal or termination of the employment” prescribed in Clause 29 of the said legislation.

7. The following Clause (44) shall be replaced instead of the existing Clause (44) of the said legislation, such as:-

“44. Restrictions to appoint disabled workers in some cases. No disabled workers should be appointed in works of any harmful equipments or hazardous works”.

8. Correction of the Clause 47 of the Legislation 42 of 2006. – In the Sub-Clause (4) of the Clause 47 of the said legislation shall be changed as follows-

- (a) The word “or” prescribed after the item (ঋ) shall be removed;
- (b) Semicolon shall be replaced instead of colon prescribed in the end of item (ঋ) and than the word “or” and the following new item (ঋ) shall be included, such as:-
 - “(d) If any female worker delivers child before providing notice to the employer, than she will get the maternity welfare advantages for the whole period and will get the leave for 8 months of post delivery advantage within 3 (Three) working days after submission of the evidence of deliver the child”.
- (c) Full stop shall be replaced instead of colon prescribed in the end of the part of condition and after that a more part of condition shall be included, such as:-
 - “More condition to apply that, no female worker will get maternity welfare advantages if her miscarriages occurred before going to maternity welfare leave, but she will get leaves if she needs for self health condition”.

9. Correction of the Clause 48 of the Legislation 42 of 2006. – The word “of chapter” shall be replaced instead of the word “of legislation” prescribed in Sub-Clause (1) of the Clause 48 of the said legislation.

10. Correction of the Clause 93 of the Legislation 42 of 2006. – The following Clause 93 shall be replaced instead of the existing Clause 93 of the said legislation, such as:-

“93. Dining Room, etc. (1) All organization exists more than 25 (Twenty Five) workers shall have to arrange and maintain sufficient quantity of dining rooms including the supply of drinking water as the workers may have their meal they brought with them and able to take rest;

But, the condition is to apply that; the arrangement of any canteen under Clause 92 will be eligible as the part of any arrangement required under this Sub-Clause:

More condition is to apply that; the workers shall not have their meal sitting in their workplace, where there is arrangement of dining room in any organization.

(2) The dining room shall contain and maintain with supply of sufficient light and air, keep neat and clean and tolerable temperature”.

11. Correction of the Clause 99 of the Legislation 42 of 2006. – The following new Sub-Clause (3) shall be included after the Sub-Clause (2) of the Clause 99 of the said legislation, such as:-

“(3) Whatever is in Sub-Clause (1) or (2), under Sub-Clause (3) of Clause 232 if the central fund is established by the government the group insurance is not necessary for the workers in all other industrial sector including 100% export oriented industrial sector or 100% foreign currency investor 100% export oriented industrial sector and in such case the equal amount of workers group insurance shall be provided from this fund:

But, the condition is to apply that; 50 (fifty) percent of the money shall be used for the group insurance and left 50 (fifty) percent of the money shall be used for the purpose of worker's welfare”.

12. Correction of the Clause 103 of the Legislation 42 of 2006. – The following changes shall be made in the Clause 103 of the said Legislation-

(a) The existing item (ফ) shall be replaced with the following item (ফ), such as:-

“(ফ) Workers shall get one day leave in case of factory and industry and one and half day for shop and institution;”

(b) The words “and nothing will be deducted from his/her wages for such kind of leave” shall be removed.

13. Correction of the Clause 104 of the Legislation 42 of 2006. – the semicolon shall be replaced instead of the full stop prescribed in the end of the sentence of Clause 104 of the said legislation and after that the following parts of conditions shall be included, such as:-

“But, the condition is applicable that, the workers may eligible to enjoy their weekly leaves with their festival leaves later by working in the days of weekly leaves through the payment decided by mutual discussion with auction representatives or participating committee and in such case no overtime wages shall be provided for working in such days of weekly leaves”.

14. Correction of the Clause 105 of the Legislation 42 of 2006. – the words “without leisure” shall be replaced instead of words “with leisure” prescribed in Clause 105 of the said legislation and the words “or based on sector” shall be placed after the word “generally”.

15. Correction of the Clause 108 of the Legislation 42 of 2006. – The following Sub-Clause (2) shall be replaced instead of the existing Sub-Clause (2) of Clause 108 of the said legislation, such as:-

“(2) The rule of Sub-Clause (1) shall not be applicable for the workers getting wages as Contractual rate (piece rate).”

16. Correction of the Clause 117 of the Legislation 42 of 2006. – the word “teenager” shall be replaced instead of word “immature” prescribed in Sub-Clause (6) of the Clause 117 of the said legislation.

17. Correction of the Clause 118 of the Legislation 42 of 2006. – The following Sub-Clause (3) shall be replaced instead of the existing Sub-Clause (3) of Clause 118 of the said legislation, such as:-

“(3) The worker shall be asked for work in any days of festival leave, but for this, it has to be provided him/her a leave day of in-exchange and two days compensational wages.”

18. Correction of the Clause 131 of the Legislation 42 of 2006. – The following Clause 131 shall be replaced instead of the existing Clause 131 of the said legislation, such as:-

- “131. Payment of the unpaid wages of any lost or deceased worker. – (1) As per the other rules of this chapter, if the total owe amount of wages of any worker can not be paid for the reason of his disappearance or decease, in such case-
- (a) That shall be provided to the person nominated by the relevant worker or the legal successors or the deceased worker according to the law;
 - (b) If there are no such nominated person or successor or if not possible to provide that to such nominated person or successor up to next 12 (twelve) months, the payable amount shall have to be deposited to the ‘Trust of Workers Welfare Foundation’ of Bangladesh Workers Welfare Foundation.
- (2) ‘If the nominated person or successor is not found by searching up to 10 (ten) years from the date of depositing the payable money to the ‘Trust of Workers Welfare Foundation’, than the deposited amount will be eligible as the money of the Bangladesh Workers Welfare Foundation.

19. Correction of the Clause 132 of the Legislation 42 of 2006. – the word “being default” shall be replaced instead of the word “default” prescribed in Sub-Clause (1) of the Clause 132 of the said legislation.

20. Correction of the Clause 151 of the Legislation 42 of 2006. – The following item (ঋ) shall be replaced instead of the existing item (ঋ) of Sub-Clause (1) of Clause 151 of the said legislation, such as:-

“(ঋ) In case of injury which caused permanent disability, in that case the applicable amount is mentioned in the third row of the fifth schedule”;

21. Correction of the Clause 178 of the Legislation 42 of 2006. – The following changes shall be made in the Clause 178 of the said Legislation-

- (a) The following co-item (3) shall be replaced instead of the existing co-item (3) of item (ঋ) of Sub-Clause (2), such as:-

“(3) The name, father’s and mother’s name, age, address, profession and their position in Union of the Officers of the Trade Union and Identity card with photograph in case of the workers engaged in informal sectors,”;

- (b) Sub-Clause (3) shall be removed.

22. Correction of the Clause 179 of the Legislation 42 of 2006. – The following changes shall be made in the Clause 179 of the said Legislation-

(a) In Sub-Clause (1)-

“(i) The existing item (ग) shall be replaced with the following new item (ग): such as:-

“(ग) Any worker’s process of being member of the Trade Union and declaration of acceptance of membership in form specified by the law;”

“(ii) the semicolon shall be replaced instead of the full stop prescribed in the end of the sentence of Item (घ) and after that the following parts of conditions shall be included, such as:-

“But, the condition is applicable that, the government should be informed in case of collecting money from any other domestic or international source except the subscription of the Union;”

(b) The words “twenty percent” shall be replaced instead of words “thirty percent” prescribed in Sub-Clause (2).

23. Correction of the Clause 182 of the Legislation 42 of 2006. – The following changes shall be made in the Clause 182 of the said Legislation-

(a) The words “Director General” shall be replaced instead of words “Director of Labour” and the words “fifty five” shall be replaced instead of word “sixty” prescribed in Sub-Clause (1).

(b) The words “Director General” shall be replaced instead of words “Director of Labour” and the word “twelve” shall be replaced instead of aforesaid word “fifteen” and the coma and words “, but if the answer of the relevant party is not received within the specific period the application shall be dismissed through proper filing” shall be included after the words “will give” prescribed in Sub-Clause (2).

(c) The word “fifty” shall be replaced instead of the word “sixty” prescribed in Sub-Clause (4).

(d) The following new Sub-Clause (7) shall be included after the existing Sub-Clause (6), such as:-

“(7) The government will formulate the Standard Operating Procedure by keeping compatibility to the rules of this Clause with a view to settle the registration application.

24. Correction of the Clause 184 of the Legislation 42 of 2006. – The following Clause 184 shall be replaced with the existing Clause 184 of the said Legislation-

“184. Registration of the Trade Union with a view to buildup the relation with International Organizations in case of specialized profession in Civil Aviation Organizations. Whatever contained in this chapter, the persons engaged in

profession of Pilot, Engineer and Cabin Crew in Civil Aviation will be eligible to form Trade Union to buildup relation to self approved International Organizations.”

25. Correction of the Clause 188 of the Legislation 42 of 2006. – The following new Sub-Clause (2) shall be replaced with the existing Sub-Clause (2) of Clause 188 of the said Legislation-

“(2) The Director General can avoid to registry such amendment or change, if it is disobeying any rules of this chapter.”

26. Correction of the Clause 190 of the Legislation 42 of 2006. – The following changes shall be made in the Clause 190 of the said Legislation-

(a) The following item (ফ) shall be replaced instead of existing item (ফ), such as:-

“(ফ) The Trade Union applies to cancel the registration based on the decision taken in the General Meeting”;

(b) Item (ফ) shall be removed.

27. Correction of the Clause 195 of the Legislation 42 of 2006. – The existing rules prescribed in Clause 195 shall be eligible as Sub-Clause (1) and than the following new Sub-Clause (2) shall be included, such as:-

“(2) The government will formulate the Standard Operating Procedure by keeping compatibility to the rules of this Clause with a view to conduct the investigation procedures about the bad labour behaviour”.

28. Correction of the Clause 196 of the Legislation 42 of 2006. – The following changes shall be made in the Clause 196 of the said Legislation-

(a) In Sub-Clause (2)-

(i) The word “Electricity, Gas” shall be replaced instead of the word “Energy” prescribed in the Item (ফ).

(ii) The words “Participation in Strike” shall be replaced instead of the word “Strike” prescribed in the Item (ঙ).

(b) The following new Sub-Clause (4) shall be included after the Sub-Clause 3, such as:-

“(4) The government will formulate the Standard Operating Procedure by keeping compatibility to the rules of this Clause with a view to conduct the investigation procedures about the bad labour behaviour”.

29. Inclusion of the Clause 196ক in the Legislation 42 of 2006. – The following new Clause 196ক shall be included after the Clause 196 of the said legislation, such as:-

“196ক. Anti-Trade Union Discrimination. – (1) In time of Trade Union procedures in progress or while the registration application is not settled yet or after registration breaking the conditions of the workers by the employer and taking any retaliation activities in the work place, that will be the Anti-Trade Union Discrimination for the employer.

(2) The government will formulate the Standard Operating Procedure by keeping compatibility to the rules of this Clause with a view to conduct the investigation procedures about the Anti-Trade Union Discrimination”.

30. Correction of the Clause 202 of the Legislation 42 of 2006. – The following changes shall be made in the Clause 202 of the said Legislation-

(a) Sub-Clause (22) shall be removed.

(b) The word “by their permission” shall be included after the words “on behalf of” prescribed in the item (ঔ) of the Sub-Clause (24).

31. Correction of the Clause 204 of the Legislation 42 of 2006. – the colon shall be replaced instead of the full stop prescribed in the end of the sentence of Sub-Clause (1) of the Clause 204 of the said legislation and after that the following parts of conditions shall be included, such as:-

“But, the Union members excluding CBA shall be eligible to pay their subscription though receipt”.

32. Correction of the Clause 205 of the Legislation 42 of 2006. – The following changes shall be made in the Clause 205 of the said Legislation-

(a) Sub-Clause (4) and (5) shall be removed;

(b) The following Sub-Clause (6) shall be replaced instead of existing Sub-Clause (6), such as:-

“(6) The workers representatives on behalf of the workers shall be elected through the lawful election procedures in those organizations which contains participating committee”.

(c) The following new Sub-Clauses (12) and (13) shall be included after the Sub-Clause (11), such as:-

“(12) There is not necessary to form the Participating Committee where there is the Trade Union in any organization.

18. Correction of the Clause 131 of the Legislation 42 of 2006. – The following Clause 131 shall be replaced instead of the existing Clause 131 of the said legislation, such

33. Correction of the Clause 117 of the Legislation 42 of 2006. – the word “teenager” shall be replaced instead of word “immature” prescribed in Sub-Clause (6) of the Clause 117 of the said legislation.

34. Correction of the Clause 131 of the Legislation 42 of 2006. – The following Clause 131 shall be replaced instead of the existing Clause 131 of the said legislation, such as:-

“131. Payment of the unpaid wages of any lost or deceased worker. – (1) As per the other rules of this chapter, if the total owe amount of wages of any worker can not be paid for the reason of his disappearance or decease, in such case-

35. Correction of the Clause 131 of the Legislation 42 of 2006. – The following Clause 131 shall be replaced instead of the existing Clause 131 of the said legislation, such as:-

“131. Payment of the unpaid wages of any lost or deceased worker. – (1) As per the other rules of this chapter, if the total owe amount of wages of any worker can not be paid for the reason of his disappearance or decease, in such case-

36. Correction of the Clause 131 of the Legislation 42 of 2006. – The following Clause 131 shall be replaced instead of the existing Clause 131 of the said legislation, such as:-

37. Correction of the Clause 182 of the Legislation 42 of 2006. – The following changes shall be made in the Clause 182 of the said Legislation-

(a) The words “Director General” shall be replaced instead of words “Director of Labour” and the words “fifty five” shall be replaced instead of word “sixty” prescribed in Sub-Clause (1).

(b) The words “Director General” shall be replaced instead of words “Director of Labour” and the word “twelve” shall be replaced instead of aforesaid word “fifteen” and the coma and words “, but if the answer of the relevant party is not

38. Correction of the Clause 117 of the Legislation 42 of 2006. – the word “teenager” shall be replaced instead of word “immature” prescribed in Sub-Clause (6) of the Clause 117 of the said legislation.

39. Correction of the Clause 182 of the Legislation 42 of 2006. – The following changes shall be made in the Clause 182 of the said Legislation-

- (a) The words “Director General” shall be replaced instead of words “Director of Labour” and the words “fifty five” shall be replaced instead of word “sixty” prescribed in Sub-Clause (1).
- (b) The words “Director General” shall be replaced instead of words “Director of Labour” and the word “twelve” shall be replaced instead of aforesaid word “fifteen” and the coma and words “, but if the answer of the relevant party is not
- (c) The words “Director General” shall be replaced instead of words “Director of Labour” and the word “twelve” shall be replaced instead of aforesaid word

40. Correction of the Clause 182 of the Legislation 42 of 2006. – The following changes shall be made in the Clause 182 of the said Legislation-

- (a) The words “Director General” shall be replaced instead of words “Director of Labour” and the words “fifty five” shall be replaced instead of word “sixty” prescribed in Sub-Clause (1).
- (b) The words “Director General” shall be replaced instead of words “Director of Labour” and the word “twelve” shall be replaced instead of aforesaid word “fifteen” and the coma and words “, but if the answer of the relevant party is not

41. Correction of the Clause 117 of the Legislation 42 of 2006. – the word “teenager” shall be replaced instead of word “immature” prescribed in Sub-Clause (6) of the Clause 117 of the said legislation.

42. Correction of the Clause 117 of the Legislation 42 of 2006. – the word “teenager” shall be replaced instead of word “immature” prescribed in Sub-Clause (6) of the Clause 117 of the said legislation.

43. Correction of the Clause 117 of the Legislation 42 of 2006. – the word “teenager” shall be replaced instead of word “immature” prescribed in Sub-Clause (6) of the Clause 117 of the said legislation.

44. Correction of the Clause 117 of the Legislation 42 of 2006. – the word “teenager” shall be replaced instead of word “immature” prescribed in Sub-Clause (6) of the Clause 117 of the said legislation.

45. Correction of the Clause 117 of the Legislation 42 of 2006. – the word “teenager” shall be replaced instead of word “immature” prescribed in Sub-Clause (6) of the Clause 117 of the said legislation.

46. Correction of the Clause 117 of the Legislation 42 of 2006. – the word “teenager” shall be replaced instead of word “immature” prescribed in Sub-Clause (6) of the Clause 117 of the said legislation.

47. Correction of the Clause 131 of the Legislation 42 of 2006. – The following Clause 131 shall be replaced instead of the existing Clause 131 of the said legislation, such as:-

“131. Payment of the unpaid wages of any lost or deceased worker. – (1) As per the other rules of this chapter, if the total owe amount of wages of any worker can not be paid for the reason of his disappearance or decease, in such case-

48. Correction of the Clause 117 of the Legislation 42 of 2006. – the word “teenager” shall be replaced instead of word “immature” prescribed in Sub-Clause (6) of the Clause 117 of the said legislation.

49. Correction of the Clause 117 of the Legislation 42 of 2006. – the word “teenager” shall be replaced instead of word “immature” prescribed in Sub-Clause (6) of the Clause 117 of the said legislation.

50. Correction of the Clause 182 of the Legislation 42 of 2006. – The following changes shall be made in the Clause 182 of the said Legislation-

(a) The words “Director General” shall be replaced instead of words “Director of Labour” and the words “fifty five” shall be replaced instead of word “sixty” prescribed in Sub-Clause (1).

(b) The words “Director General” shall be replaced instead of words “Director of Labour” and the word “twelve” shall be replaced instead of aforesaid word “fifteen” and the coma and words “, but if the answer of the relevant party is not

Statement about Objectives and Reasons

With a view to build the Bengal of Gold dreamed by the greatest Bengali of all time the father of the nation Bangabandhu Sheikh Mujibur Rahman enlighten to the promise of the election manifestation of the previous period of the present government 'Bangladesh Labour Law, 2006' has been amended on 22nd July 2013. According to domestic and international current situation it seems necessary to amend the legislation again with a view to ensure the co-operation in the workplace by maintaining the transparent industrial relation, to keep professional health and safety, to ensure the safe working environment, to making easy the process to form Trade Union, to ensure the rights of the worker and to increase the national productivity capacity.

For the reason of necessity to amend 'Bangladesh Labour Law, 2006' to make it up to date and timely;

So, 'Bangladesh Labour (Amendment) Bill, 2018' has risen to the Great National Parliament for consideration.

Md. Mujibul Haque
State Minister in charge

Dr. Md. Abdur Rob Hawlader
Senior Secretary.