

Bangladesh Action Plan

Presented By : Dr. Syed Abul Ehsan

Joint Inspector General (Admin & Development)

Department of Inspection for Factories & Establishments



Presentation Outline

- **Introduction to Bangladesh**
- **Overview of labour rights and Labour Laws in Bangladesh (1881-2015)**
- **Constitutional Scheme**
- **ILO Core Conventions and Bangladesh**
- **Background of BAP**
- **Government inspections for Labour, fire and building standards**
- **Readymade Garment(RMG/Knitwear Sector)**
- **Export Processing Zones(EPZs)**
- **OSH Related Policy and Laws Of Bangladesh**



The Geographic Location of Bangladesh



Introduction to Bangladesh

- Bangladesh emerged as an Independent nation through a historic war in 1971 under the supreme leadership of Father of the nation **Bangabandhu Sheikh Mujibur Rahman**.
- The total area of Bangladesh is 1,47,570 sq. km. with a population of 163 million. (Source: Bangladesh Economic Review 2016-17)
- The total labour force of this country is around 59.5 million where 41.8 million are male and 17.8 million are female.

(Source: Bangladesh Economic Review 2016-17)



Introduction to Bangladesh (Contd...)

- Bangladesh maintained an average GDP growth rate of over 7% in the last 5 years and the current GDP growth is 7.86%. (Source: Bangladesh Economic Review September-2018)
- The per capita income is 1751 USD according to the last economic review. (Source: Bangladesh Economic Review September-2018)
- Bangladesh has a vision to reach the Upper Middle Income Country status by 2021.



The historic 7th March speech of **Bangabandhu Sheikh Mujibur Rahman** as part of the world's documentary heritage recognized by UNESCO



National mausoleum



Central Shaheed Minar



Nation pay homage to language martyrs in central Shaheed Minar on 21 February, 2018

Overview of labour rights and Labour Laws in Bangladesh (1881-2015)

- The labour law system in Bangladesh is more than a century old
- The first labour law was enacted in the Indian sub-continent during the British period, in 1881
- The British Government introduced 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
- Almost all the laws during the prepartition period were kept in force with some modifications and amendments, in the form of administrative rules, by the Pakistan Government in 1947
- After the independence in 1971, the Bangladesh government retained the previous laws through the Bangladesh Laws Order (President's Order No. 48)

Continued.....

- Additional laws in response to the changing circumstances and needs of the working class and the country
- In 2006, the country adopted the revised Bangladesh Labour Law of 2006 as Bangladesh Labour Act (BLA)
- The BLA was amended in 2013.
- In 2018 revised BLA has approved in cabinet meeting, right now it is under process of parliamentary approval.
- The BLA is fairly 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 dock workers, provident funds, apprenticeship, penalty and procedure, administration, inspection, etc.

Constitutional Scheme

- ✓ Bangladesh was established mainly through movement of straggle and labourers
- ✓ Between 1947-1971, labour movement was prominent and established East Pakistan
- ✓ Dominance of labour rights are integral part in independence movement
- ✓ Labour rights had been the prime issue in the election manifesto of Awami league – the present ruling party
- ✓ The dominance of labour rights and human rights issues are prevalent in the Constitution of Bangladesh

Continued.....

❑ Proclamation of the Independence

- “We the elected representatives of the people of Bangladesh, as honour bound by the mandate given to us by the people of Bangladesh whose will is supreme duly constituted ourselves into a Constituent Assembly, and having held mutual consultations, and in order to ensure for the people of Bangladesh equality, human dignity and social justice”

❑ Preamble of the Constitution

- “ Further pledging that it shall be a fundamental aim of the State to realise through the democratic process a socialist society, free from exploitation a society in which the rule of law, fundamental human rights and freedom, equality and justice, political, economic and social, will be secured for all citizens”

Continued.....

❑ Provisions of the Constitution

Article 14: Emancipation of peasants and workers

“ It shall be a fundamental responsibility of the State to emancipate the toiling masses the peasants and **workers** and backward sections of the people from all forms of exploitation”

Article 20: Work as a right and duty

“ (1) Work is a right, a duty and a matter of honour for every citizen who is **capable of working**, and everyone shall be **paid for his work on the basis of the principle** “from each according to his abilities, to each according to **his work**”.

(2) The State shall endeavour to create conditions in which, as a general principle, persons shall not be able to enjoy unearned incomes, and in which **human labour** in every form, intellectual and physical, shall become a fuller expression of creative endeavour and of the human personality”.

Continued.....

Article 34: Prohibition of forced labour

(1) All forms of **forced labour are prohibited** and any contravention of this provision shall be an offence punishable in accordance with law.

(2) Nothing in this article shall apply to compulsory labour—

- (a) by persons undergoing lawful punishment for a criminal offence; or
- (b) required by any law for public purposes.

Article 38: Freedom of association

“ Every citizen shall have the right to form **associations or unions**, subject to any reasonable restrictions imposed by law in the interests of morality or public order :

Provided that no person shall have the right to form, or be a member of the said association or union, if-

(a) it is formed for the purposes of destroying the religious, social and communal harmony among the citizens ;

(b) it is formed for the purposes of creating discrimination among the citizens, on the ground of religion, race, caste, sex, place of birth or language ;

(c) it is formed for the purposes of organizing terrorist acts or militant activities against the State or the citizens or any other country ;

(d) its formation and objects are inconsistent with the Constitution.”

Continued.....

- ❑ The labourers can lodge a petition with the High Court under article 102 if any workers' right are violated
- ❑ The press is independent and therefore, the workers may invoke them to tell in favour of them

ILO Core Conventions and Bangladesh

- ✓ Bangladesh has ratified 35 International Labour Conventions
- ✓ 7 Core Conventions Bangladesh has ratified out of 8 :
 - (1) ILC 29 (Forced Labour)
 - (2) ILC 87 (Freedom of Association and Protection of the Right to Organize)
 - (3) ILC 98 (Right to Organize and Collective Bargaining)
 - (4) ILC 100 (Equal Remuneration)
 - (5) ILC 105 (Abolition of Forced Labour)
 - (6) ILC 111 (Discrimination in Employment and Occupation)
 - (7) ILC 182 (Elimination of the Worst Forms of Child Labour)

Continued.....

Subject	Convention	Title	Year of Ratification
Freedom of association and collective bargaining	C087 C98	<ul style="list-style-type: none"> ✓ Freedom of Association and Protection of the Right to Organise, 1948 ✓ Right to Organise and Collective Bargaining Convention, 1949 	1972 1972
Elimination of all forms of forced labour	C029 C105	<ul style="list-style-type: none"> ✓ Forced Labour Convention, 1930 ✓ Abolition of Forced Labour Convention, 1957 	1972 1972
Effective abolition of child labour	C138 C182	<ul style="list-style-type: none"> ✓ Minimum Age Convention, 1973 ✓ Worst Forms of Child Labour Convention, 1999 	Not ratified 2001
Elimination of discrimination in employment	C100 C111	<ul style="list-style-type: none"> ✓ Equal Remuneration Convention, 1951 ✓ Discrimination (Employment and Occupation) Convention, 1958 	1998 1972

Background of BAP

- Suspension of GSP facilities for Bangladesh on 27 June 2013 availing since its inception
- GSP provided `Bangladesh Action Plan-2014' to implement as a precondition for the restoration of the facilities

4 Pillars of BAP (16 points)

- I. Government Inspections for Labor, Fire and Building Standards (1-5)***
- II. Ready Made Garments (RMG)/Knitwear Sector (6-11)***
- III. Export Processing Zones (12-14)***
- IV. Shrimp Processing Sector (15-16)***

Government inspections for Labour, fire and building standards

1.

(a) Increase the number of labor, fire and building inspectors

DIFE:

- ✓ Before up gradation of Department of Inspection for Factories and Establishment (DIFE) total manpower was 314 including 183(factory inspector 103 and shops & establishment inspector 80) inspectors
- ✓ Upgraded the Department of Inspection for Factories and Establishment (DIFE) with 993 manpower including 575 inspectors
- ✓ A new Organogram with 3380 manpower has already been sent to Ministry of Public Administration.
- ✓ Remediation Coordination Cell (RCC) which are solely responsible for ensuring Fire, Electrical and Structural safety for RMG sectors has formed with the financial help of ILO.

Government inspections for Labour, fire and building standards

- ✓ According to organogram Industrial Safety Unit, Occupational Safety & Health Institute will formed.
- ✓ Industrial Safety Unit will ensure the safety of all industry with a dedicated Design Team with the assistance of DIFE enlisted Engineering firms.
- ✓ Occupational Safety & Health institute is a research based academy which mainly deal with Occupational safety & Disease.

Continued.....

DFSCD:

- ✓ Before reform total post for inspectors in the Department of Fire Service & Civil Defense (FSCD) was only 50
- ✓ Reform conducted in the FSCD with the creation of 218 new posts of warehouse inspectors in the Department created and the recruitment was completed

RAJUK:

- ✓ There are 48 existing post for inspectors in RAJUK
- ✓ RAJUK selected 91 inspectors and related engineers for appointment subject to the completion of internal process

Continued.....

(b) Training given to the inspectors

- ✓ Trainings have been given to the inspectors and they are continues process
- ✓ With the cooperation of ILO, DIFE commenced the foundation training for inspectors since 16 August, 2015
- ✓ Last year Hundred Training Programs were conducted to over thousand participants.

(c) Establish clear procedures for independent and credible inspections

- ✓ There are clear procedures for independent and credible inspections
- ✓ ILO has been working on the issues and concerns

Continued...

(d) To conduct effective inspections in the RMG & knitwear, shrimp sectors, EPZs

The inspections are being carried out pursuant to the provisions of the laws and administrative instruction thereto.

(e) Budget allocation

After upgradation of DIFE, the budgetary allocation has increased. In last five years budget of DIFE increased immensely it crossed 6 core (2013) to 35 core BDT (2018). Other organizations' budget has been increased immensely.

Continued...

2. Increase fines and other sanctions

- ✓ There are several provisions in the laws relating to fire, labour and building safety for failure to comply with labor, fire or building standards to levels sufficient to deter future violations
- ✓ FSCD, DIFE, RAJUK and other relevant authorities are implementing the provisions of the laws
- ✓ 34 factories entirely and 35 factories partially have been closed by the **Review panel** working under the National Tripartite Committee (NTC)

Continued.....

3. Plan to assess the structural of building and fire safety of RMG factories and initiate remedial actions
 - ✓ Combined together the Accord (1505), the Alliance (893) and National Initiative (1549) have inspected **total 3780** factories .
 - ✓ 34 factories have been closed entirely and 35 factories have been partially closed
 - ✓ 19,618 worker are affected due to closure and partial closure of the RMG factories
 - ✓ The factories out of the coverage of the assessment have been invited by DIFE to enlist under the National Initiative
 - ✓ Detailed Engineering Assessment (DEA) recommended and enlisted 26 engineering firms and 19 firms for electrical and fire safety are designated to do so.

Continued.....

4. Create a publicity accessible database/matrix of all RMG

- ✓ The publicly accessible database of all active export-oriented RMG factories on 30 March 2014 under DIFE
- ✓ The website is being updated on a regular basis.
- ✓ The Government, with support from ILO, launched a dedicated, transparent and publicly accessible database of all active export-oriented RMG factories on 30 March 2014 under DIFE
- ✓ Labour Inspection Management System (LIMA) has already Launched
- ✓ The database contains all the relevant information of the factories along with report of the assessment, and remediation plan

Continued.....

5. Establish directly in consultation with civil society an effective complaint mechanism

- ✓ A **telephone help line** (0800445500) for workers to make and resolve grievance relating to workplace safety and rights at **DIFE**
- ✓ Calls received to be dealt with DIFE, FSCD or Department of Labour (DoL)
- ✓ In the initial phase, the help line targets ready-made garment workers in the Ashulia area and later in the other areas

II. Readymade Garment(RMG/Knitwear Sector

6. Reform of Law

a) Implementing Rules

- ✓ More than 26 labour related laws was amalgamated and the Bangladesh Labour Act (BLA) 2006 was made
- ✓ There is no precedence for such Rules to the BLA
- ✓ The Rules to the BLA are applicable for 27 sectors
- ✓ The Rules to the Bangladesh Labour Act (BLA) was drafted and widely consulted among the relevant stakeholders
- ✓ The Draft Rules was sent to the Ministry of Law, Justice and Parliament Affairs for vetting on 18 June 2015
- ✓ The Law Ministry has been working on the Draft Rules
- ✓ After vetting the Rules will be published in the official Gazette.

(b) EPZ Law

- ✓ A comprehensive “Bangladesh EPZ Labour Act, 2014”, has been drafted, and in principle approved by the Cabinet
- ✓ The law will be sent to the Parliament though final cabinet approval

Continued.....

7. Registration of trade union and complaints

- ✓ Registration of 333 unions after amended of BLA
- ✓ Launching of an on-line registration system officially for trade unions and trade union federations in April 2015
- ✓ Protection of Labour unions and their members by the various provisions of the amended BLA
- ✓ January and June 2015, the DoL received the complaints and it settled 179 complaints and lodged five criminal cases
- ✓ A dedicated **telephone help line** (0800445500) for workers to make and resolve grievance relating to workplace safety and rights

Continued.....

8. Publicly report information on the status and final outcomes of individual union registration applications

- An on-line registration system for trade unions and trade union federations was officially launched by DoL with the support of ILO in April 2015
- Labour unions and their members are protected through various provisions of the amended Labour Act
- According to the Labour Act, the Department of Labour received the complaints and dealt with them in due time.
- Between January and June 2015, a total number of 184 complaints had been brought before the Department of Labour, all of them had been investigated, 179 settled and five had been filed as criminal cases.

Continued.....

9.

(a) Registration of NGOs (BCWS and SAFE)

Bangladesh Center for Worker Solidarity (BCWS) and Social Activities for the Environment (SAFE) are continuing their operation since August 2013.

b) Drop or expeditiously resolve pending criminal charges against labor activists

As of date, all charges (9 cases) against Babul Aktar and Kalpona Aktar have been withdrawn

(c) Aminul Islam case

Charge sheet against Mustafizur Rahman has been filed and in-absentia trial of the Aminul Islam case has commenced.

Continued.....

10. Publicly report on the database /matrix identified above or anti-union discrimination

- ✓ DoL and DIFE received the complaints and dealt with them in due time
- ✓ Between January and June 2015, a total number of 184 complaints had been brought before the Department of Labour, all of them had been investigated, 179 settled and five had been filed as criminal cases.
- ✓ A process is ongoing to set up a dispute settlement and mediation system with the Department of Labour to help address anti-union discrimination and terminations.
- ✓ A pilot hotline/telephone service has been launched to address labour disputes and grievance related issues.

Continued.....

11. Training of Industrial Police

- ✓ The Ministry of Home Affairs regularly organizes training programmes for industrial police
- ✓ The training programmes include training of trainers, in-service training for industrial police, basic training for industrial police, fire extinguishing and management course, photography and videography course, training on accounting, orientation course etc as well as Bangladesh Labour Act, Geneva Convention, UN Human Right Charter and other issues relevant to industry and labour.

III. Export Processing Zones(EPZs)

12. Repeal or commit to a timeline for expeditiously bringing the EPZ law into conformity with international standards

- ✓ A comprehensive “**Bangladesh EPZ Labour Act**” has approved in cabinet and it is under process of parliamentary approval.
- ✓ The Draft law is expected to be vetted by the Ministry of Law
- ✓ The Draft Law to be sent to the Parliament though final cabinet approval

Continued.....

13. Assurance the protection of EPZ workers' freedom of association including prohibiting blacklisting before the new law

- ✓ There is no report of any blacklisting since early 2013
- ✓ Since 1 January 2014, they have been allowed the right to strike in EPZs
- ✓ More than 220 WWAs have already been constituted with the rights to collective bargaining
- ✓ An aggrieved worker has full freedom to go EPZ Labor Tribunals and EPZ Labor Appellate Tribunal.

Continued.....

14. The enforcement of the existing EPZ law and that require the same inspections standards and procedures as in the rest of the RMG sector
- ✓ Authority of the Executive Chairman of BEPZA in the EWWAIR Act, 2010 have been reduced by delegating some of the responsibility to the heads of each EPZ
 - ✓ BEPZA has established a fund and is implementing “Constitution and Operation Procedure of EPZ Workers’ Welfare Fund-2012” in accordance with the EWWAIR Act, 2010
 - ✓ BEPZA has appointed 3 Conciliators and 3 Arbitrators for the resolution of disputes and legal supports
 - ✓ 8 labour courts for eight export processing zones and one appellate tribute for settling labour-related disputes in EPZs
 - ✓ 114 labour cases have been filed in those courts and among those 42 have been settled by the courts and the others are awaiting to be settled
 - ✓ The respective law has respective jurisdiction

Continued.....

15. Publicly report on anti-union discrimination or other unfair labor practice complaints

- ✓ Online trade union registration system with the Department of Labour
- ✓ The industrial disputes to be resolved under alternate dispute resolution
- ✓ A process is ongoing to set up a dispute settlement and mediation system with the Department of Labour to help address anti-union discrimination and terminations.
- ✓ A pilot hotline/telephone service has been launched to address labour disputes and grievance related issues.
- ✓ An online registration process and electronic database established within the Department of Labour is helping facilitate trade union registration and transparency



OSH Policy 2013: Major Issues

- Necessary measures to ensure workplace safety and health protection in light of international Conventions (Article 3.a.1).
- To implement national laws and regulations in relation with workplace safety and occupational health (Article 3.a.2).
- Inclusion of OSH issues in the policies and programs of all related Ministries and agencies (Art. 4.a.13).



OSH Policy 2013: Major Issues (Contd...)

- Establish labour courts in the industrial zone as the workers and trade unions can have easy access to the courts for implementing the mandatory provisions of OSH (Art. 4.a.15).
- Impose mandatory terms and conditions upon the Construction agencies to follow the OSH polices during govt. run construction works (Art. 4.a.22).



The Bangladesh Labour Act 2006 : Major Provisions Related with OSH

- No child shall be employed or permitted to work in any occupation or establishment and No adolescent shall be employed or permitted to work in 38 hazardous sectors. Adolescent shall be employed in other working areas with certificate of fitness.
- Every woman worker shall be entitled to maternity benefit.
- Another Five (5) chapters of BLA describe the health, hygiene ,Safety ,Compensation for Injury caused by Accidents and Welfare Measures.



Sector wise accident for OSH issues

Status of workplace accident in Bangladesh (Formal Sector) (Source: DIFE)

Year/number	2015	2016	2017
Injured	334	229	591
Dead	77	165	116
Total	411	394	707

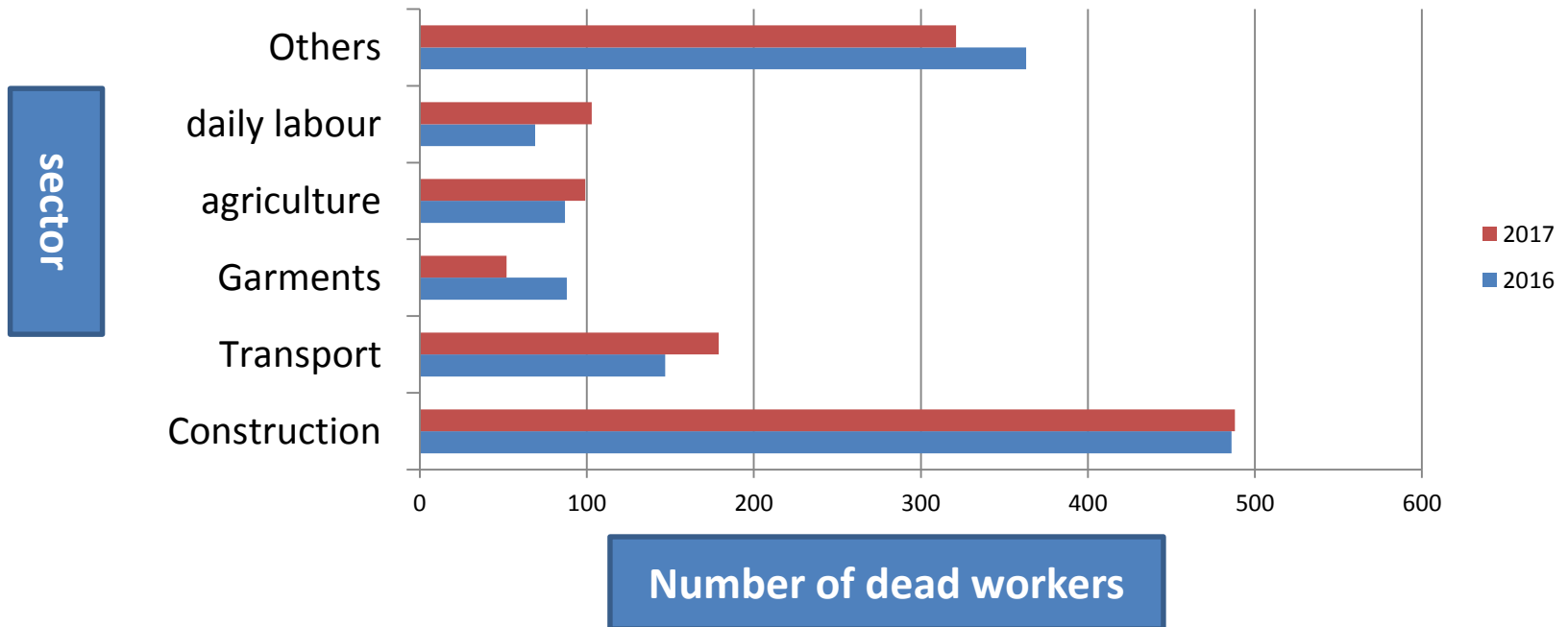
No of dead person in Bangladesh of OSH related accident (Both informal and formal sector) (source: OSHE Foundation)

Year	2014	2015	2016	2017
Dead	465	951	1240	1242



Sector wise accident for OSH issues (Contd...)

Sector wise dead person in Bangladesh of OSH related accident (Both informal and formal sector) (source: OSHE Foundation)



for the patient hearing

THANKS