THE BANGLADESH LABOUR ACT, 2006

(Act No. XLII of 2006) — English text

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IMPORTANT: This English text reflects the Act as amended up to 2013 only. It does NOT include later amendments, including the Bangladesh Labour (Amendment) Act, 2018 and the Bangladesh Labour (Amendment) Act, 2026 (Act No. 43 of 2026), which replaced the Bangladesh Labour (Amendment) Ordinance, 2025. Several sections, schedules and rates have changed since. The Bangla text is the authoritative text of the Act; in case of any difference, the Bangla text prevails.

Current Bangla text with all amendments: https://rmgcode.com/shrom-ain/bla/

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THE BANGLADESH LABOUR ACT, 2006

ACT NO. XLII OF 2006

[11 October, 2006]

An Act to amend and consolidate the laws relating to employment of workers, relations between workers and employers, determination of minimum rates of wages, payment of wages, compensation for injuries to workers during working hours, formation of trade unions, raising and settlement of industrial disputes, health, safety, welfare and working conditions and environment of workers and apprenticeship and matters ancillary thereto.

WHEREAS it is expedient and necessary to amend and consolidate the laws relating to employment of workers, relations between workers and employers, determination of minimum rates of wages, payment of wages, compensation for injuries to workers during working hours, formation of trade unions, raising and settlement of industrial disputes, health, safety, welfare and working conditions and environment of workers and apprenticeship and matters ancillary thereto;

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. Short title, commencement and application.—(1) This Act may be called the Bangladesh Labour Act, 2006.

(2) It shall come into force at once.

(3) Save as otherwise specified elsewhere in this Act, it extends to the whole of Bangladesh.

(4) Notwithstanding anything contained in sub-section (3), this Act shall not apply to the following establishments or workers, namely:—

(a) Government or any office under the Government;

(b) security printing press;

(c) ordnance factory;

(d) any institution, run for treatment, care or service of the sick, disabled, aged, destitute, handicapped, orphan, abandoned woman or child or widow, but not run for profit or gain;

(e) shops or stalls in any public exhibition or show established for its own requirement which deal only in retail trade;

(f) shops or stalls in any public fair or bazaar established for religious or charitable purposes;

(g) any educational, training or research institution1[run not for any profit or gain];
(h) any hostel, mess2[, hospital, clinic and diagnostic centre] run not for any profit or gain;
(i) in the case of application of Chapter II, any shop or industrial or commercial establishment owned and directly operated by the Government where the workers are governed by the conduct rules applicable to the Government servants;
(j) any worker whose recruitment and terms and conditions of service are governed by the Acts or rules made under article 62, 79, 113 or 133 of the Constitution, but in the case of application of Chapters XII, XIII and XIV, the workers employed in the following establishments shall not be subject to this prohibition, namely:—
(i) railway department;
(ii) post, telegraph and telephone department;
(iii) roads and highways department;
(iv) public works department;
(v) public health engineering department;
(vi) Bangladesh Government printing press;
(k) workers employed in an establishment mentioned in clauses (b), (c), (d), (e), (f), (g) and (h), but in the case of application of Chapters XII, XIII and XIV, the workers other than teachers, employed in any university shall not be subject to this prohibition;
(l) seamen, in the cases other than the case of application of Chapters XII, XIII and XIV;
(m) ocean going vessels, in the cases other than the case of the application of Chapter XVI;
(n) any agricultural farm where normally less than 3[five] workers work;
(o) domestic servants; and
(p) any establishment run by its owner with the aid of members of his family and where no worker is employed for wages.

1 The words ‘‘run not for any profit or gain’’were inserted by section 2 (a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2 The commas and words ‘‘,hospital, clinic and diagnostic centre’’ were inserted by section 2 (b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
3 The word ‘‘five’’ was substituted for the word ‘‘ten’’ by section 2 (c) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(1) "retirement" means the normal termination of employment of a worker on attaining the particular age under section 28 of this Act, provided that voluntary retirement by a worker from service on completion of 25 years of service in any establishment shall also be deemed to be retirement;

(1A) "partial disablement" means, where the disablement is of a temporary nature, such disablement which reduces the earning capacity of a worker in any employment in which he was engaged at the time of the accident resulting in the disablement and where the disablement is of a permanent nature, such disablement which reduces his earning capacity in every employment which he was capable of undertaking at that time:

Provided that every injury specified in the First Schedule shall be deemed to result in permanent partial disablement;

(2) "manufacturing process" means any of the following processes, namely:—

(a) making, altering, repairing, ornamenting, painting, washing, finishing or fining, packing or otherwise treating any articles or substance for the purpose of its use, sale, transport, distribution, display or disposal;

(b) process of pumping oil, gas, water, sewerage or any other liquid sweepings;

(c) generating, transforming or transmitting power or gas;

(d) constructing, reconstructing, repairing, finishing or fining or breaking up of ships or vessels; or

(e) printing by letterpress, lithography, photogravure, computer, photocompose, offset or other similar process or book-binding which is carried on by way of trade or for the purpose of gain or incidental to another business so carried on;

(3) "officer", in the case of a trade union, means any member of the executive committee thereof, but does not include an auditor or legal adviser;

(4) "working hour" means the time during which the workers employed are at the disposal of the employer excluding any interval allowed for rest and meals;

(5) "working journalist" means a person who is a whole time journalist and who is employed as such in, or in relation to, any newspaper establishment and includes an editor, editorial writer, news editor, sub-editor, feature writer, reporter, correspondent, copy tester, cartoonist, news-photographer, calligraphist and proof reader;

(6) “workshop” means any precincts or premises where any industrial process is carried on;
(7) “factory” means any precincts or premises where five or more workers ordinarily work on any day of the year and in any part of which a manufacturing process is carried on, but does not include a mine;
(8) “adolescent” means a person who has completed fourteenth year but has not completed eighteenth year of age;
1[(8A) ‘‘agricultural worker’’ means a person who is employed in agricultural work for wages on the basis of daily, monthly or yearly contract or on a contract of doing any specific work;]
(9) “mine” means any excavation where any operation is carried on for the purpose of exploration and extraction of mineral resources and includes all works, machinery, tram-ways and sidings relating thereto in the mine or adjacent to it in the underground or on the surface:
Provided that no part of a premise or precinct where a manufacturing process is carried on shall be included therein, unless such process is for producing pulp of the concerned mineral substance or for dressing the same;
2(9A) [‘subsistence allowance” means half of the basic wages, dearness allowance and adhoc or interim wages, if any;]
3[(10) “gratuity” means the wages of at least 30 (thirty) days, at the rate of the wages a worker received last, for every completed year of his service or for a period of his service exceeding 06(six) months or, in the case of his service of more than 10 (ten) years, the wages of 45 (forty five) days at the rate of the wages he received last, which is payable to such worker on the termination of his employment; this shall be in addition to any compensation, or wages or allowance in lieu of a notice, payable by an employer because of termination of employment of a worker on different grounds under this Act;]
(10A) “tea plantation” means any land used or intended to be used for growing tea, and also includes a tea factory;
(11) “retrenchment” means the termination of services of workers by the employer on the ground of redundancy;
(12) “public utility service” means—
(a) generation, production or supply of electricity, gas, oil or water for the members of the public,
(b) sewerage or sanitation system for the members of the public,

1Clause (8A) was inserted by section 3 (a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2
Clause (9A) was inserted by section 3 (b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
3
Clause (10) was substituted bysection 3 (c) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(c) hospital and ambulance service,
(d) fire-fighting service,
(e) postal, telegraph and telephone service,
(f) railways, airways, road and water transport,
(g) ports,
(h) watch and ward staff and security service of any establishment,
(i) oxygen acetylene, and
(j) banking;
(13) “Tribunal” means the Labour Appellate Tribunal established under this Act;
(14) “transmission machinery” means any shaft, wheel, drum, pulley, system of pulleys, couplings, clutch, driving belt or any other appliance or device by which the motion of a prime mover is transmitted to or received by any machinery or plant;
(15) “trade union” means the trade union of workers or employers formed and registered under Chapter XIII and includes a federation of trade unions;
(16) “trade union federation” means a federation of trade unions registered under Chapter XIII;
(17) “discharge” means the termination of service of a worker by the employer for reasons of physical or mental incapacity or continued ill■health;
(18) “go-slow” means an organized, deliberate and intentional slowing down of normal output of work by a group of workers, and which is not due to any mechanical defect, breakdown of machinery, failure or defect in power supply or failure in the supply of ordinary materials and spare parts of machinery;
(19) “day” means a period of 24 (twenty four) hours beginning at 6.00 am;
(20) “Code of Civil Procedure” means the Code of Civil Procedure, 1908 (Act No. V of 1908);
(21) “shop” means any premises or precincts used wholly or in part for the whole-sale or retail sale of commodities or articles either for cash or credit, or where any service is rendered to a customer, and includes an office, storeroom, godown, or workplace, whether in the same premises or elsewhere, mainly used in connection with such trade or business, and includes such other premises or precincts as the Government may, by notification in the official Gazette, declare to be a shop for the purposes of this Act;

(22) “strike” means cessation of work or refusal to work jointly by a group of workers employed in any establishment or refusal to accept work or continue to work unanimously by a body of workers employed therein;
(23) “seaman” means seaman of any ocean going ship, but does not include a master of a ship;
(24) “executive committee”, in the case of a trade union, means a body of persons, by whatever name called, to which the management of the affairs of a trade union is entrusted by its constitution:
(25) “settlement” means a settlement arrived at in the course of a conciliation proceeding, and includes an agreement between an employer and worker arrived at otherwise than conciliation proceedings, where such agreement is in writing and signed by both parties and a copy thereof is sent to the Director of Labour and the Conciliator;
(26) “water-transport service” means a service carrying passengers or goods by vessels in water ways for hire or reward;
(27) “vessel” means any mechanically propelled vessel used or capable of being used for the purpose of water transports and also includes a tug or flat or barge;
(28) “administrative worker” means a person, except a working journalist or a newspaper printing press worker, who is employed on a whole time basis in, or in relation to, any newspaper establishment in any capacity;
(29) “shift” means where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such periods;
(30) “dependant” in relation to a deceased worker, means any of the following relatives, namely:—
(a) a widow, minor child, unmarried daughter or a widowed mother; and
(b) if wholly or partly dependant on the earnings of the worker at the time of his death, a widower, widowed mother or father, daughter if unmarried or minor or widowed, minor brother, unmarried or widowed sister, widowed daughter-in-law, minor son of a deceased son, minor child of a deceased daughter where his father is not alive or, where no parent of the deceased worker is alive, the paternal grandparent, and illegitimate son and illegitimate unmarried daughter;

(31) “establishment” means any shop, commercial establishment, 1[transport,] industrial establishment or premises or precincts where workers are employed for the purpose of carrying on any industry;
(32) “group of establishments” means more than one establishment in a particular area under the same or different owners, carrying on the same or identical industry;
(33) “regulation” means regulation made under this Act;
(34) “maternity benefit” means the sum of money payable under the provisions of Chapter IV to a woman worker with leave on the ground of her being a mother;
(35) “prime mover” means any engine, motor or other appliance which generates or provides power;
2[(35A) “trained in first aid” means a person who has completed at least 06 (six) months training on first aid;]
(36) “adult” means a person who has completed eighteenth year of age;
(37) “Code of Criminal Procedure” means the Code of Criminal Procedure, 1898 (Act No. V of 1898);
(38) “closed” means not open for providing service to any customer or to conduct any business;
(39) “dismissal” means the termination of service of a worker by the employer for misconduct;
(40) “plantation” means any area where the rubber, coffee or tea is grown and/or preserved, and includes every agriculture farm, other than experimental or research farm, employing 3[5 (five)] or more workers;
(41) “commercial establishment” means an establishment in which the business of advertising, commission or forwarding is carried on or which is a commercial agency, and also includes the following establishments, namely:—
(a) the clerical department of a factory or of any industrial or commercial establishment;
(b) the office-establishment of a person who for the purpose of implementing a contract with any commercial or industrial establishment employs workers;
(c) a unit of a joint-stock company;

1
The word and comma “transport,” were inserted by section 3 (d) of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013)
2Clause(35A) was inserted by section 3(e) of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).
3
The word “five” was substituted for the word “ten” by section 3(f) of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

(d) any insurance company, banking company or bank;
(e) any office of broker;
(f) any stock exchange;
(g) any club, hotel, restaurant or eating house;
(h) any cinema or theatre;
(i) any other establishment which the Government may, by notification in the official Gazette, declare to be a commercial establishment for the purpose of this Act;
(42) "rules" means rules made under this Act;
1[(42A) "expert" means a person who is not an employer or a worker of the establishment concerned, but includes a person who is an employer or a trade union leader of the concerned sector or who has specialized knowledge or experience of the matters relating to labour, industry and work place safety;]
(43) "illegal strike" means a strike declared, commenced or continued 2[in contravention of]the provisions of Chapter XIV;
(44) "illegal lock-out" means a lock-out declared, commenced or continued 3[in contravention of] the provisions of Chapter XIV;
(45) "wages" means all remuneration, expressed in terms of money or capable of being so expressed, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a worker in respect of his employment or of work done in such employment, and includes any other additional remuneration of the nature aforesaid which would be so payable, but does not include the following money, namely:—
(a) the value of any house accommodation, light, water, medical facilities or other amenity or the value of any service excluded by general or special order by the Government;
(b) any subscription paid by the employer to any pension fund or provident fund;
(c) any travelling allowance or the value of any travelling concession;
(d) any sum paid to a worker to defray special expenses entitled to him by the nature of his employment;
(46) "Arbitrator" means an Arbitrator appointed under Chapter XIV;
(47) "Chief Inspector", "Deputy Chief Inspector", "Assistant Chief Inspector"4[,] "Inspector" 5[and "Assistant Inspector"] means a person so appointed under Chapter XX;

1Clause (42A) was inserted by section 3(g) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2 The words "in contravention of" were substituted for the words "otherwise than in accordance with" by section 3(h) of the Bangladesh Labour
(Amendment) Act, 2013(Act No. XXX of 2013).
3 The words "in contravention of" were substituted for the words "otherwise than in accordance with" by section 3(i) of the Bangladesh Labour
(Amendment) Act, 2013 (Act No. XXX of 2013).
4 The comma "," was substituted for the word "and" by section 3(j) of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

(48) “Director of Labour”, “Additional Director of Labour”, “Joint Director of Labour”, “Deputy Director of Labour” 1[,] “Assistant Director of Labour” 2[and “Labour Officer”] means a person so appointed under Chapter XX;
(49) “employer”, in relation to an establishment, means any person who employs workers therein, and also includes the following persons, namely:—
(a) an heir, guardian, or successor in assignment or legal representative of such person;
(b) manager or any person responsible for the management or control of the establishment;
(c) in the case of an establishment run by or under the authority of the Government, an authority appointed in this behalf or where no such authority exists, the head of the Ministry or Division concerned;
(d) in the case of an establishment run by or on behalf of a local authority, an officer appointed in this behalf or where no such officer exists, the Chief Executive Officer of that authority;
(e) in the case of any other establishment, the owner of such establishment and every Director, Manager, Secretary, agent or any officer or person concerned with the management of the affairs such establishment;
(f) in the case of an establishment under the possession of any person other than the owner, the person in possession of that establishment or the person who is in ultimate control over the affairs of the establishment or the manager or any competent officer who is connected with the management of such activities;
(50) “machinery” includes prime movers, transmission machinery and other appliance whereby power is generated, transformed, transmitted or applied;
(51) “vehicle” means any mechanically propelled vehicle, used or capable of being used for traveling by land, water and air, and includes a trolley vehicle and a trailer;
(52) “collective bargaining agent 3[CBA]” means a trade union or federation of trade unions of an establishment or group of establishments which is an agent of the workers [CBA] for collective bargaining in such establishment or group of establishments under Chapter XIII;

1 The comma ,” was substituted for the word “and” by section 3(k) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2 The words “and labour officer were inserted by section 3(k) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
3 The brackets and letters “(CB A)” were inserted by section 3(d) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(53) “relay” means, where work of the same kinds is carried out by two or more sets of workers working during different periods of the day, each of such sets;
(54) “registered medical practitioner” means any person registered as medical practitioner under the Medical and Dental Council Act, 1980 (Act No. XVI of 1980);
(55) “registered trade union” means a trade union registered under Chapter XIII;
(56) “award” means the settlement of any industrial dispute or any matter relating thereto by the Arbitrator, Labour Court or the Tribunal also, and includes an interim award;
(57) “lock-out” means the closing of a place of work or a part of such place, or the suspension of work therein, wholly or partly, by an employer, or refusal, absolute or conditional, by an employer to continue 1[allow to work by] any number of workers employed by him, where such closing, suspension or refusal occurs in connection with any industrial dispute or is intended for the purpose of compelling workers to accept certain terms and conditions of employment;
(58) “lay-off” means the failure, refusal or inability of an employer to give employment to a worker on account of shortage of coal, power or raw material or the accumulation of stock or the break-down of machinery;
(59) “power” means the electrical energy and any other form of energy which is mechanically transmitted and is not generated by human or animal;
(60) “industry” means any business, trade, manufacture, calling, occupation, service or employment;
(61) “industrial establishment” means any workshop, manufacturing process or any other establishment where any article is produced, adapted, processed or manufactured, or where the work of making, altering, repairing, ornamenting, finishing or fining or packing or otherwise treating any article or substance for the purpose of its use, transport, sale, delivery or disposal, is carried on or such other establishments as the Government may, by notification in the official Gazette, declare to be an industrial establishment for the purpose of this Act, and includes the following establishments, namely:—
(a) road transport, or railway transport service,
(b) river transport service,

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The words “allow to work by” were substituted for the words “continue to employ” by section 3(m) of the Bangladesh Labour (Amendment)
Act, 2013(Act No. XXX of 2013).

(c) air transport,
(d) dock, quay or jetty,
(e) mine, quarry, gas field or oil field,
(f) plantation,
(g) factory,
(h) newspaper establishment,
(i) establishment of a contractor or sub-contractor established for the purpose of construction, reconstruction, repair, alteration or demolition of any building, road, tunnel, drain, canal or bridge, ship-building, ship-breaking or loading or unloading of cargo into vessel or carrying thereof 1[,]
2[(j) ship building,
(k) Ship recycling,
(l) welding,
(m) any outsourcing company or any establishment of contractor or sub-contractor for supplying security personnel,
(n) port; port shall mean all sea ports, river ports and land ports,
(o) mobile separator company, mobile network service provider company and land phone operator company,
(p) private radio, tv channel and cable operator,
(q) real estate company, courier service and insurance company,
(r) fertilizer and cement manufacturing company,
(s) clinic or hospital run for profit or gain,
(t) rice mill or chatal,
(u) saw mill,
(v) fishing trawler,
(w) fish processing industry,
(x) sea going vessel;]
(62) “industrial dispute” means any dispute or difference of opinion between employers and employers, between employers and workers or between workers and workers in respect of appointment or conditions of service or conditions of work or environment of work of any person;

1 The comma “,” was substituted for full stop “.” by section 3(m) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2Sub-clauses ((j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x) were inserted by section 3(n) of the Bangladesh Labour
(Amendment) Act, 2013 (Act No. XXX of 2013).

(63) “child” means a person who has not completed 14th (fourteenth) years of age;
(64) “Labour Court” means a Labour Court established under this Act;
(65) “worker” means any person including an apprentice employed in any establishment or industry, either directly or through a contractor, 1[by whatever name he is called,] to do any skilled, unskilled, manual, technical, trade promotional or clerical work for hire or reward, whether the terms of employment are expressed or implied, but does not include a person employed mainly in a managerial, administrative 2[or supervisory] capacity;
(66) “week” means a period of seven days beginning at 6.00 am on Friday or such other day as may be fixed by the Government in relation to an establishment in any area;
(67) “total disablement” means such disablement, whether of a temporary or permanent nature, which incapacitates a worker for all work which he was capable of performing at the time of the accident resulting in such disablement or such worker losses working capacity due to reaction of chemical substances used in the course of work or ill health caused by contamination connected with the work:
Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in the First Schedule where the aggregate percentage of the loss of earning capacity as specified in that Schedule against those injuries, amounts to one hundred percent;
(68) “road transport service” means a service carrying passengers or goods by road in vehicles for hire or reward;
(69) “newspaper” means any printed periodical publication containing general news or comments on such news, and also includes such other printed periodical publication as the Government may, by notification in the official Gazette, declare to be a newspaper;
(70) “newspaper press worker” means a person who is employed on a whole-time basis in any newspaper establishment for doing any printing work;

1 The words and comma “by whatever name he is called,” were inserted by section 3(o) of the Bangladesh Labour (Amendment) Act, 2013
(Act No. XXX of 2013).
2 The words “or supervisory” were inserted by section 3(o) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(71) “newspaper establishment” means an establishment for printing, production or publication of any newspaper or an establishment run by any news agency or news or feature syndicate;
(72) “newspaper worker” means a working journalist, a worker working administration or a newspaper press worker;
(73) “Conciliator” means a Conciliator appointed under Chapter XIV;
(74) “arbitration proceedings” means any proceedings before an Arbitrator relating to arbitration;
(75) “serious bodily injury” means any injury which involves or likely to be involved, in the permanent loss of the use of, or permanent injury to, any limb, or the permanent loss of, or injury to the sight or hearing, or the permanent fracture of any limb, or the enforced absence of the injured person from work for a period exceeding 20 (twenty) days;
(76) “decision”, in relation to a Labour Court, means any decision or order other than an award of that Court, finally disposing of a case;
(77) “scheme” means any scheme made under this Act.

CHAPTER II

CONDITIONS OF EMPLOYMENT AND SERVICE

3. Conditions of service.—(1) In every establishment employment of workers and other matters incidental thereto shall be regulated in accordance with the provisions of this Chapter:
Provided that any establishment may have its own service rules regulating employment of workers, but no such rules shall be less favourable to any worker than the provisions of this Chapter1[:]
2[Provided further that the establishments to which this Act does not apply shall not make any policy, rule or house policy providing benefits less than the benefits provided in this Act.]
(2) The service rules mentioned in the proviso to sub-section (1) shall be submitted to the Chief Inspector for approval by the employer of the establishment and the Chief Inspector shall, within 3[90 (ninety) days] of the receipt thereof, make such order as he deems fit.
(3) No service rules mentioned in sub-section (2) shall be effective except with the approval of the Chief Inspector.
(4) Any person aggrieved by the order of the Chief Inspector may, within 30 (thirty) days of the receipt of the order, prefer an appeal to the Government and 4[the Government shall dispose of such appeal within 45 (forty five)] days of receipt thereof and] the order of the Government on such appeal shall be final.

1 The colon “:” was substituted for full stop “.” by section 4(a) of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).
2 The second proviso was added by section 4(a) of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).
3 The words “ninety days” was substituted for the words “six months” by section 4(b) of the Bangladesh Labour (Amendment) Act, 2013
(Act No. XXX of 2013).
4 The words “the Government shall dispose of such appeal within 45 (forty five) days of receipt thereof and” were inserted by section 4(c) of the
Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

(5) The provisions of sub-section (2) shall not apply to an establishment which is owned by or under management or control of the Government.

1[3A. Registration of contracting agency.—(1) Notwithstanding anything contained otherwise in any other law, no contracting agency, by whatever name called, which, on contract, supplies workers to different organizations in different posts shall do so, unless it is registered by the Government.

(2) All contracting agencies now exist in the country shall be required to get registration from the Government within 06 (six) months of making rules for this purpose under this Act.

(3) Workers supplied by a contracting agency shall be treated as the workers of the contractor concerned and shall remain within jurisdiction of the Labour Act.

(4) The registration procedure under this section shall be prescribed by rules.

Explanation.—For carrying out the purposes of this section, "worker" shall also include the security personnel, driver, etc.]

4. Classification of workers and probation period.—(1) Workers employed in any establishment may be classified in any of the following classes according to the nature and condition of work, namely:—

(a) apprentice;

(b) substitute;

(c) casual;

(d) temporary;

2[(e) probationer;

(f) permanent; and

(g) seasonal worker.]

(2) A worker may be called an apprentice if he is employed in an establishment as a trainee and paid allowances during the period of his training.

(3) A worker may be called a substitute if he is employed in an establishment in the post of a permanent worker or of a probationer for the period of his temporary absence.

3[(4) A worker may be called a casual worker if he is employed on ad-hoc basis in an establishment for work of a casual nature.]

(5) A worker may be called a temporary worker if he is employed in an establishment for a work which is essentially of temporary nature and is likely to be finished within a limited period.

1Section 3A was inserted by section 5 of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

2Clauses (e), (f) and (g) were substituted for original clauses (e) and (f) by section 6(a) of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

3Sub-section (4) was substituted for original sub-section (4) by section 6(b) of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

(6) A worker may be called a probationer if he is employed for the time being in an establishment in a permanent post and the period of his probation is not ended.
(7) A worker may be called a permanent worker if he is employed in an establishment on a permanent basis or if he has completed the period of his probation satisfactorily in the establishment.
(8) The period of probation for a worker whose function is of clerical nature shall be 6 (six) months and for other workers such period shall be 3 (three) months: Provided that in the case of a skilled worker, the period of probation may be extended for a further period of three months if, for any reason, the quality of his work within first 3 (three) months of his probation is not possible to ascertain1[:]
2[Provided further that a worker shall be deemed to be permanent in accordance with the provision of sub-section (7) notwithstanding he has not been issued any confirmation letter after completion of his probationary period or extended period of 3 (three) months.]
(9) If any worker, whose service is terminated during his probationary period, including the extended period, is reappointed by the same employer within a period of 3 (three) years, he shall, unless appointed on a permanent basis, be deemed to be a probationer and the period of his earlier probation shall be counted for determining the total period of his probation.
(10) If a permanent worker is employed as a probationer in a new post, he may, at any time during his probationary period, be reverted to his previous permanent post.
3[(11) A worker may be called a seasonal worker if he is employed in an establishment for seasonal works during any work season and remain in employment upto the end of that season.
(12) In the case the employment of workers in any industry like sugar mills, chatals, etc. and in seasonal workshops, the workers employed therein in the previous year shall be given preference.]
5. Appointment letter and identity card.—No employer shall employ any worker without giving such worker an appointment letter and every such employed worker shall be provided with an identity card with his photograph.
6. Service book.—(1) Every employer shall, at his own cost, provide a service book for every worker employed by him.
(2) Every service book shall be kept in the custody of the employer.
(3) Before employing a worker, the employer shall require him to submit his previous service book, if the worker claims that he has previously worked under any other employer.

1 The colon ":" was substituted for full stop "." by section 6(c) of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).
2 The second proviso was added by section 6(c) of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).
3Sub-sections (11) and (12) were added by section 6(d) of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

(4) If such worker has any service book, he shall hand over it to the new employer and the new employer shall keep the service book in his own custody giving him a receipt.
(5) If such worker has no service book, a service book shall be provided under sub-section (1).
(6) If the worker desires to keep and maintain a duplicate copy of his service book, he may do so at his own cost.
(7) The employer shall hand over the service book to a worker on the termination of the service of such worker.
(8) If any worker losses the service book which was handed over to him or the copy thereof, the employer shall provide him with a copy of the service book at the cost of such worker.
(9) Nothing in this section shall apply to an apprentice, substitute or casual worker.
7. Form of service book.—(1) A service book shall be maintained of such size and in such form as may be prescribed by rules and a photograph of the worker shall be affixed thereto.
(2) A service book shall contain the following particulars, namely:—
(a) name of the worker, names of the mother and father and address of the worker (the name of the spouse shall also be written, where applicable);
(b) date of birth;
(c) special particulars for identification;
1[(cc) designation;
(ccc) department or section;
(cccc) ticket or card;]
(d) if previously employed under any employer, the name and address of that employer;
(e) period of employment;
(f) occupation or designation;
(g) wages and allowance (if any);
(h) leave availed; and
(i) conduct of the worker.
8. Entries in the service book.—The employer shall at the commencement and during continuance, of the employment of a worker, make such entries therein relating to him from time to time as are required by this Chapter and the rules, and both employer and worker shall put their signatures thereon.

1 Clauses (cc), (ccc), (cccc) were inserted by section 7(b) of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

9. Register of workers and supply of tickets and cards.—(1) The employer shall maintain a register of workers of his establishment and make it available to the Inspector for inspection at all times during working hours.
(2) The following particulars shall be included in the register of workers, namely:—
(a) name and date of birth of every worker;
1[(aa) names of father and mother of the worker;]
(b) date of appointment;
(c) nature of work;
2[(cc) designation;
(ccc) department of section;
(cccc) ticket or card;]
(d) working hour fixed for him;
(e) interval for rest and meals to which he is entitled;
(f) day of rest to which he is entitled;
(g) group, if any, in which he is included;
(h) where his group works on shifts, the relay to which he is allotted; and
(i) such other particulars as may be prescribed by rules.
(3) If the Inspector is of opinion that the particulars mentioned in sub■section (2) are also recorded in the muster-roll or register maintained routinely in an establishment, he may, by order in writing, direct that such muster-roll or register shall be treated as the register of workers and shall be maintained in lieu thereof.
(4) The Government may, by rules, prescribe the form of the register of workers, the manner in which it shall be maintained and the period for which it shall be preserved.
(5) The employer shall supply tickets or cards to every worker in the following manner, namely :—
(a) every permanent worker shall be provided with a permanent departmental ticket mentioning his number;
(b) every substitute worker shall be provided with a substitute card in which the days for which he has worked shall be entered and it shall be surrendered if and when he gets permanent employment;

1Clause (aa) was inserted by section 7(a) of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).
2Clauses (cc), (ccc) and (cccc) were inserted by section 7(b) of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

(c) every temporary worker shall be provided with a temporary ticket which shall be surrendered on his leaving the job or getting a permanent employment;
(d) every casual worker shall be provided with a casual card in which the days for which he has worked shall be entered; and
(e) every apprentice shall be provided with an apprentice card which shall be surrendered on his leaving the training or getting a permanent employment.

10. Procedure for leave.—(1) A worker who desires to obtain leave of absence shall apply to his employer in writing and shall state therein his address during leave.
(2) The employer or an officer authorized by him shall issue an order within 7 (seven) days of receipt of the application or 2 (two) days prior to the commencement of leave applied for, whichever is earlier:
Provided that if due to any urgent reasons the leave applied for is to commence on the date of application or within 3 (three) days thereof, such order shall be given on the day of receipt of the application.
(3) If the leave asked for is granted, a leave pass shall be issued to the worker.
(4) If the leave asked for is refused or suspended, the fact of such refusal or postponement and the reasons thereof shall be communicated to the worker before the date on which the leave would have expected to be commenced and it shall be recorded in the register maintained for the purpose.
(5) If any worker, after he went on leave, desires an extension thereof, he shall, if such leave is due to him, apply 1[in writing by registered post before reasonable time] of the expiry of the leave to the employer who shall send a written reply either of granting or of refusing the extension of leave to the worker to his leave-address.

11. Payment of wages for unavailed leave.—If the service of a worker terminates, due to retrenchment, discharge, removal, dismissal, retirement, resignation or any other reason and any annual leave is due to him, the employer shall pay him wages in lieu of the unavailed leave at the rate he is entitled to the payment of wages during the period of leave in accordance with the provisions of this Act.

1 The words “in writing by registered post before reasonable time” were substituted for the words “sufficiently in advance” by section 8 of
the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

12. Stoppage of work.—(1) An employer may, at any time, if necessary in the event of fire, sudden catastrophe, breakdown of machinery, stoppage of power supply, epidemics, wide spread riots or any other cause beyond his control, stop any section or sections of his establishment, wholly or partly, for such period as the cause for such stoppage continues to exist.

(2) If such order of stoppage is given after the working hours has ended, the employer shall notify the concerned workers relating thereto, by a notice posted or hung the notice board in the section concerned or at a conspicuous place before the next working hour begins.

(3) A notice under sub-section (2) shall contain direction as to when the work shall be resumed and whether such workers are to remain at their place of work at any time before the resumption of work.

(4) In the event of such stoppage occurs during working hours, the employer shall, as soon as practicable, notify the workers concerned relating thereto by a notice in the manner specified in sub-section (2) and such notice shall contain direction as to when the work shall be resumed and whether such workers are to remain at their place of work.

(5) Where workers are directed to stay at their place of work following such stoppage, the staying workers may not get wages, if the period of their stay does not exceed 1 (one) hour, and if it exceed 1 (one) hour they shall get wages for the whole period of their stay.

(6) If the period of stoppage of work does not exceed 1 (one) working day, a worker, unless entitled to wages under sub-section (5), may not get any wages.

(7) If the period of stoppage of work continues for more than 1 (one) working day, every concerned worker, other than a casual or substitute worker, shall be paid wages for all stopped working days exceeding 1 (one) day.

(8) If the period of stoppage of work exceeds 3 (three) working days, the workers concerned shall be laid off in accordance with the provisions of section 16.

(9) The lay-off mentioned in sub-section (8) shall be effective from the first day of stoppage of work, and any wage paid to a worker for the first 3 (three) days may be adjusted against the compensation payable to such worker for the period of such lay-off.

(10) If any piece-rate worker is affected due to stoppage of work, his average daily earning in the previous month shall be taken to be the daily wage for the purpose of sub-section (9).

13. Closure of establishment.—(1) An employer may, in the event of an illegal strike in any section or department of any establishment, close down either wholly or partly such section or establishment and in cases of such closure the workers participated in the strike shall not be paid any wages.
(2) Where by reason of closing down of any section or department of any establishment under sub-section (1) any other section or department is so affected that it is not possible to keep that section or department open, that section or department may also be closed down and the workers affected thereby shall be paid wages equal to the amount of compensation payable in the case of lay-off upto a period of 3 (three) days and for any period exceeding thereto may not get any wages.
(3) The employer shall notify the fact of such closure, as soon as practicable, by a notice posted or hung on the notice board in the section or department concerned or at a conspicuous place in the establishment and the fact of resumption of work shall likewise be notified.
14. Calculation of "1 (one) year", "6 (six) months" and "wages" in certain cases.—(1) For the purposes of this Chapter, a worker who, during the preceding 12 (twelve) calendar months, has actually worked in an establishment for not less than 240 (two hundred and forty) days or 120 (one hundred and twenty) days, shall be deemed to have completed "1 (one) year" or "6 (six) months" respectively of continuous service in that establishment.
(2) For the purpose of calculation of the number of days a worker actually worked in an establishment mentioned in sub-section (1), the following days shall also be counted, namely:—
(a) the days of his laid-off;
(b) the days of his leave with or without wages due to sickness or accident;
(c) the days of out of work due to legal strike or illegal lock-out;
(d) in the case of female worker, maternity leave not exceeding 16 (sixteen) weeks.
(3) For the purposes of calculation of compensation under section 19, 20 or 23 or of wages under section 22, 23, 26 or 27, "wages" shall mean the average of the basic wages and dearness allowance and ad-hoc or interim wages, if any, paid to a worker during the period of 12 (twelve) months immediately preceding the date of his retrenchment, dismissal, removal, discharge, retirement or termination of employment, as the case may be.

15. Restrictions on application of sections 12, 16, 17 and 18.—Notwithstanding anything contained elsewhere in this Chapter, the provisions of sections 12, 16, 17 and 18 shall not apply to any establishment where at least 5 (five) workers are not employed or were not employed during the preceding 12 (twelve) months.

16. Right of laid-off workers for compensation.—(1) Whenever a worker, other than a substitute or casual worker, whose name is on the muster-rolls of an establishment and who has completed at least 1 (one) year of service under the employer is laid-off, he shall be paid compensation by the employer for all days during which he is so laid-off, except for weekly holidays.

(2) The amount of compensation mentioned in sub-section (1) shall be equal to half of the total of the basic wages and dearness allowance and ad-hoc or interim wages, if any, and equal to the full amount of housing allowance that would have been payable to him if he had not been so laid-off.

(3) A substitute worker whose name is on the muster-rolls of an establishment shall not be treated as substitute for the purpose of this section, if he has completed one year of continuous service in that establishment.

(4) Unless there is an agreement to the contrary between the worker and the employer, no worker shall be entitled to the payment of compensation under this section for more than 45 (forty-five) days during any calendar year.

(5) Notwithstanding anything contained in sub-section (4), if during a calendar year any worker is laid-off for more than 45 (forty-five) days, whether continuously or intermittently, and after the expiry of such 45 (forty-five) days the period of lay-off is extended for further 15 (fifteen) days or more, the worker shall, unless there is an agreement to the contrary between the worker and the employer, be paid compensation for every subsequent period of lay-off for 15 (fifteen) days or more.

(6) The amount of compensation mentioned in sub-section (5) shall be equal to one-fourth of the total of the basic wages and dearness allowance and ad-hoc or interim wages, if any, and equal to the full amount of housing allowance, if any.

(7) In any case, during a calendar year, if a worker is to be laid-off after the first 45 (forty-five) days as aforesaid, for any continuous period of 15 (fifteen) days or more, the employer may, instead of lying off such worker, retrench him under section 20.

17. Muster-roll for laid-off workers.—Notwithstanding that the workers employed in an establishment are laid-off, the employer shall maintain a muster■roll, and cause to be recorded therein the names of those who may, from amongst the laid-off workers, present themselves for work at the establishment during normal working hours1[:]

2[Provided that the muster-roll shall not be maintained in any other manner nor any worker shall be employed on master roll.]

18. Laid-off workers not entitled to compensation in certain cases.—(1) Notwithstanding anything contained elsewhere in this Chapter, no compensation shall be payable to a worker who has been laid-off, if he—

(a) refuses to accept on the same wages, any alternative employment not requiring any skill or previous experience in the same establishment or in any other establishment belonging to the same employer and situated in the same town or village or situated within 8 (eight) kilometres of the establishment;

(b) does not present himself for work at the establishment at the appointed time during normal working hours at least once a day if so required by the employer.

(2) For the purpose of sub-section (1) (b), a laid-off worker who presents himself for work at the establishment at the appointed time during normal working hours on any day and is not given employment within 2 (two) hours of his so presenting himself, shall be deemed to have been laid-off for that day within the meaning of this section.

(3) If a laid-off worker who presents himself for work as mentioned in sub■section (2), is, instead of being given employment at the commencement of any shift for any day, asked to present himself for the purpose during the second half of the shift for that day, and accordingly presents himself for work, he shall be deemed to have been laid-off only for one-half of that day, the other half being treated as on duty, irrespective of the fact whether he is given work or not.

3[19. Compensation for death.—If a worker dies while in service for at least more than 02 (two) years continuously under an employer, such employer shall pay as compensation 30 (thirty) days wages or, in the case of his death while working in the establishment or in the case of his death following an accident while working in the establishment 45 (forty five) days wages for every competed

1 The colon ":" was substituted for full stop "." By section 9 of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

2 The proviso was added by section 9 of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

3 The section 19 was substituted for original section 19 by section 10 of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

year of his service or any part thereof exceeding 6 (six) months or gratuity, whichever is higher, to the nominee of the deceased worker or, in the absence of the nominee, to his dependent and this money shall be in addition to the retirement benefit to which the deceased worker would have been entitled had he retired from service.]

20. Retrenchment.—(1) Any worker may be retrenched from service of any establishment on the ground of redundancy.

(2) If any worker has been in continuous service under an employer for not less than 1 (one) year, the employer, in the case of retrenchment of such worker, shall—

(a) give him 1 (one) month's notice in writing mentioning the reasons for his retrenchment or, in lieu of such notice pay him wages for the period of notice;

(b) send a copy of the notice to the Chief Inspector or any other officer specified by him, and another copy to the collective bargaining agent of the establishment, if any; and

(c) pay him as compensation 30 (thirty) days' wages for his every year of service or gratuity, if any, whichever is higher.

(3) Notwithstanding anything contained in sub-section (2), in the case of retrenchment under section 16(7), no notice mentioned in sub-section (2) (a) shall be necessary; but the worker so retrenched shall be paid further 15 (fifteen) days' wages, in addition to the compensation or gratuity, which may be payable to him under sub-section (2) (c).

(4) Where a worker of any particular category is required to be retrenched, the employer shall, in the absence of any agreement between him and the worker in this behalf, retrench the worker who was the last person to be employed in that category.

21. Re-employment of retrenched workers.—Where any worker is retrenched and the employer intends to employ again any worker within a period of one year of such retrenchment, the employer shall send a notice to the last known address of the retrenched worker asking him to apply for employment, and any worker who applies for re-employment in response to such request shall be given preference, and if more than one such retrenched workers apply, preference shall be given on the basis of their seniority in their previous services.

22. Discharge from service.—(1) A worker may be discharged from service for reasons of physical or mental incapacity or continued ill-health certified by a registered medical practitioner.

(2) If a discharged worker completes not less than one year of continuous service he shall be paid by the employer, as compensation, 30 (thirty) days' wages for his every year of service, or gratuity, if payable, whichever is higher.

23. Punishment for misconduct and conviction.—(1) Notwithstanding anything contained as to lay-off, retrenchment, discharge and termination of service elsewhere in this Act, a worker may be dismissed without a notice or without wages in lieu of a notice if he is—

(a) convicted of any criminal offence; or

(b) found guilty of misconduct under section 24.

(2) A worker found guilty of misconduct may, instead of being dismissed under sub-section (1), under any extenuating circumstances, be awarded any of the following punishments, namely:—

(a) removal;

(b) reduction to a lower post, grade or scale of pay for a period not exceeding 1 (one) year;

(c) stoppage of promotion for a period not exceeding 1 (one) year;

(d) withholding of increment for a period not exceeding 1 (one) year;

(e) fine;

(f) suspension without wages or without subsistence allowance for a period not exceeding 7 (seven) days;

(g) censure and warning.

1[(3) A worker who is dismissed under sub-section (2)(a) shall, if the period of his continuous service is not less than 1 (one) year, be paid by the employer as compensation 15 (fifteen) days wages for every completed year of his service:

Provided that no worker shall be entitled to any compensation if he is dismissed for misconduct under sub-section (4)(b) and (g); but in such case, the worker concerned shall get other lawful dues as usual.]

1Sub-section (3) was substituted for original sub-section (3) by section 11(a) of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

(4) The following acts shall be treated as misconduct, namely:—
(a) willful disobedience, whether alone or in combination with others to any lawful or reasonable order of a superior;
(b) theft,1[misappropriation,] fraud or dishonesty in connection with business or property of the employer;
(c) taking or giving bribe in connection with his or any other worker's employment under the employer;
(d) habitual absence without leave or absence for more than 10 (ten) days at a time without obtaining leave;
(e) habitual late attendance;
(f) habitual breach of any law or rule or regulation applicable to the establishment;
2[(g) disorderliness, riot, arson or breakage in the establishment;];
(h) habitual negligence in work;
(i) habitual breach of any rule relating to employment, including discipline or conduct, approved by the Chief Inspector;
(j) altering, forging, wrongfully changing, damaging or causing lose to employer's official records.
(5) If a worker dismissed under sub-section (1) (a), is acquitted on an appeal, he shall be reinstated to his original post or shall be appointed to a suitable new post; and if any of them is not possible, he shall be paid compensation at a rate equal to the rate of compensation payable to a discharged worker, deducting the amount of compensation already paid to him for his dismissal.
24. Procedure of punishment.—(1) No order of punishment under section 23 shall be made against a worker unless-
(a) the allegation against him is recorded in writing;
(b) he is given a copy of the allegation and a period of at least 7 (seven) days is given to explain;
(c) he is given an opportunity of being heard;

1 The word “misappropriation,” was substituted for original sub-section (3) by section 11(a) of the Bangladesh Labour (Amendment) Act, 2013
(Act No. XXX of 2013).
2Clause (g) was substituted for original clause (g) by section 11(b)(ii) of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

1[(d) he is found guilty after an enquiry made by the enquiry committee consisting of equal number of representatives of the employer and the worker:
Provided that such enquiry shall be concluded within 60 (sixty) days.]
(e) the employer or the manager approves the order of dismissal.
(2) A worker charged for misconduct may be suspended pending enquiry into the charge and, unless the matter is pending before any Court, the period of such suspension shall not exceed 60 (sixty) days:
2[Provided that during the period of such suspension, a worker shall be paid by his employer subsistence allowance and he shall get other allowances in full.]
(3) An order of suspension shall be in writing and shall take effect immediately on delivery to the worker.
(4) In an enquiry, the accused worker may be 3[assisted] by any person employed in his establishment and nominated by him.
(5) If in an enquiry, any oral evidence is given by any party, the person against whom such evidence is given may cross examine the witness.
(6) If, on enquiry, a worker is found guilty and is punished under section 23 (1), he shall not be entitled to his wages for the period of suspension, but he shall be entitled to the subsistence allowance for such period.
(7) If, on enquiry the charge against the worker is not proved, he shall be deemed to have been on duty in the period of suspension and shall be paid his wages for such period with adjustment of the subsistence allowance already paid.
(8) In case of awarding punishment, a copy of the order of punishment shall be supplied to the worker concerned.
(9) If a worker refuses to accept any notice, letter, statement of allegation, order or any other papers sent to him by the employer, it shall be understood to have been delivered to him, if a copy thereof is exhibited on the notice board and another copy is sent by registered post to the address of the worker obtained from the records of the employer.

1Clause (d) was substituted for original clause (d) by section 12(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2The proviso was substituted for original proviso by section 12(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
3 The word “assisted” was substituted the word “helped” by section 12(c) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(10) In awarding any punishment the employer shall take into account the previous record of the worker concerned, the 1[importance of the offence, credit and contribution during service]and existing any other special circumstances.

25. Special provisions relating to fine.—(1) No fine exceeding ■ ■■ (one■tenth) of the wages payable to a worker in a wage-period shall be imposed on any worker.

(2) No fine shall be imposed on a worker who is under the age of 15 (fifteen) years.

(3) No fine imposed on any worker shall be recovered from him by installments or after the expiry of 60 (sixty) days from the date on which it was imposed.

(4) Every fine shall be deemed to have been imposed on the day of the commission of the offence in respect of which it was imposed.

(5) All fines and all realizations thereof shall be recorded by the employer in a register prescribed by rules and all fines realized shall be spent only for the welfare of the workers employed in the establishment.

26. Termination of employment of worker by an employer otherwise than by dismissal, etc.—(1) The employment of a permanent worker may be terminated by an employer, otherwise than in the manner provided elsewhere in this Chapter, by giving him a notice in writing, of—

(a) 120 (one hundred and twenty) days, if he is a monthly rated worker;

(b) 60 (sixty) days, in case of other workers.

(2) The employment of a temporary worker may be terminated by an employer, otherwise than in the manner provided elsewhere in this Chapter, and if it is not due to the completion, cessation, abolition or discontinuance of the temporary work for which he was appointed, by giving him a notice in writing, of—

(a) 30 (thirty) days, if he is a monthly rated worker;

(b) 14 (fourteen) days, in case of other worker.

(3) Where an employer intends to terminate the employment of a worker without any notice, he may do so by paying the worker wages for the period of notice, in lieu of the notice, under sub-section (1) or (2).

1 The words and comma “importance of the offence, credit and contribution during service” were substituted for words “importance of the
offence” by section 12(d) of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

(4) Where the employment of a permanent worker is terminated under this section, he shall be paid by the employer compensation at the rate of 30 (thirty) days wages for his every completed year of service or gratuity, if payable, whichever is higher, and this compensation shall be in addition to any other benefit which is payable to such worker under this Act.

27. Termination of employment by workers.—(1) A permanent worker may resign his service by giving the employer 60 (sixty) days notice in writing.

(2) A temporary worker may resign his service by giving the employer a notice, in writing, of—

(a) 30 (thirty) days, if he is a monthly rated worker;

(b) 14 (fourteen) days, in case of other workers.

(3) Where a worker intends to resign his service without any notice, he may do so by paying the employer an amount equal to the wages for the period of notice, in lieu of notice under sub-section (1) or (2).

1[(3A) Notwithstanding anything contained in sub-section (3), if a worker remains absent from his work place for more than 10 (ten) days without notice or permission, the employer shall serve him a notice to explain the reason of his absent and join the service within 10 (ten) days and, in such case, if the worker does not submit any written explanation or join the service within the stipulated time, the employer shall give him further 7 (seven) days time to defend himself, and thereupon if the worker does not join the service or defend himself, he shall be deemed to have been released from service on and from the date of such absence.]

(4) Where a permanent worker resigns his service under this section, he shall be paid by the employer compensation,—

(a) at the rate of 14 (fourteen) days' wages for his every completed year of service, if he completes 5 (five) years of continuous service or more but less than 10 (ten) years under the employer;

(b) at the rate of 30 (thirty) days' wages for every completed year of service if he completes 10 (ten) years of continuous service or more under the employer;

or gratuity, if payable, whichever is higher, and this compensation shall be in addition to any other benefit payable to such worker under this Act.

1Sub-section (3A) was inserted by section 13 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

28. Retirement of worker.—(1) Notwithstanding anything contained elsewhere in this Chapter, a worker employed in any establishment shall, ipso facto, retire from employment on the completion of 1[60 (sixty)] years of his age.
(2) For the purpose of counting age of a worker under this section, the date of birth recoded in the service book of that worker shall be the conclusive proof.
(3) Every retiring worker shall be paid the dues receivable by him under the provisions of section 26(4) or under the service rules of the establishment.
(4) Any authority may, if it thinks fit, employ later on a retiring worker under contract.
2[28A. Employer-worker relations in disaster or damage beyond control.—Notwithstanding anything contained in this Chapter, if, for sudden natural disaster or any other disaster which is beyond human control or for urgent necessity, any industry is shifted or production of any industrial establishment is permanently closed, the Government may determine the employer and worker relations in such manner as may be prescribed by rules.]
29. Payment of Provident Fund.—If a worker is a member of any Provident Fund and is entitled to any benefit from such Fund including the employer's contribution under the rules of the Fund, he shall not be deprived of such benefit due to retrenchment, discharge, dismissal, retirement, removal or termination of service.
30. Time for final payment of dues of worker.—Where the employment of a worker ceases due to retirement, discharge, retrenchment, dismissal, termination or any other reason, . all amounts due to him shall be paid by the appointing authority within a maximum period of 30 (thirty) working days following the date of cessation of his employment.
31. Certificate of service.- Every worker, other than a casual or substitute worker, shall be entitled to get a certificate relating to service from his employer at the time of his retrenchment, discharge, dismissal, removal, retirement or termination of service.
32. Eviction from residential accommodation.—(1) A worker, whose service has been ceased by whatever means, shall vacate the residential accommodation allotted to him by the employer within the period of 60 (sixty) days from the date of cessation of employment.

1The number, brackets and word "60 (sixty)" were substituted for the number, brackets and word "57 (fifty seven)" by section 2 of the
Bangladesh Labour (Amendment) Act, 2010 (Act No. XXXII of 2010).
2Section 28A was inserted by section 14 of the Bangladesh Labour (Amendment) Act, 2010 (Act No. XXXII of 2010).

(2) If a worker does not vacate the residential accommodation within such period, the employer may make a complaint against him to the Labour Court1[:]
2[Provided that no worker shall be evicted from his residential accommodation without paying him all his dues.]
(3) On hearing both the parties, the Court shall summarily try the case and may direct the said worker to vacate the residential accommodation within a reasonable time.
(4) The Court may, if necessary, direct a police officer to evict such worker, by force, in case he fails to quit residential accommodation within the time specified by the Court.
(5) The police officer, who is directed by the Court under sub-section (4), shall inform the occupants of the accommodation the summary of the order of the Court and his intention to enter into such accommodation, and shall allow them at least 6 (six) hours time to vacate the accommodation, and shall give all possible facilities to the children to come out before applying force for taking over possession of such accommodation.
33. Procedure of making complaint.—(1) Any worker including a worker who has been laid-off, retrenched, discharged, dismissed, removed, or otherwise terminated from employment, who has any complaint in respect of anything under this Chapter, and intends to get redress thereof under this section, shall 3[send] his complaint in writing to his employer, by registered post within 30 (thirty) days of being informed of the cause of such complaint:
Provided that if the appointing authority accepts the complaint directly and acknowledges the receipt thereof in writing, such complaint shall not be required to be sent by registered post.
(2) The employer shall within 4[30 (thirty)] days of receipt of the complaint, make enquiry into the complaint and shall after giving the concerned worker an opportunity of being heard, communicate him in writing his decision thereon.

1The colon ":" was substituted for full stop "." by section 15 of the Bangladesh Labour (Amendment) Act, 2010 (Act No. XXXII of 2010).
2The proviso was added by section 15 of the Bangladesh Labour (Amendment) Act, 2010 (Act No. XXXII of 2010) .
3The word "send" was substituted for the word "submit" by section 16(a) of the Bangladesh Labour (Amendment) Act, 2010 (Act No. XXXII
of 2010).
4The word "thirty" was substituted for the word "fifteen" by section 16(b) of the Bangladesh Labour (Amendment) Act, 2010 (Act No. XXXII
of 2010).

(3) If the employer fails to give any decision under sub-section (2), or if the concerned worker is dissatisfied with such decision, he may submit a complaint in writing, to the Labour Court within 30 (thirty) days from the date of expiry of the period mentioned in sub-section (2) or, as the case may be, within 30 (thirty) days from the date of the decision of the employer.
(4) The Labour Court shall, on receipt of the complaint, give notice to both the parties and hear their statement on the complaint, and considering the circumstances of the case shall pass such order as it may deem just.
(5) The Labour Court, may, by an order passed under sub-section (4), amongst other reliefs, direct for reinstatement of the complainant in service, with or without arrear wages and convert the order of dismissal, removal or discharge to any minor punishment specified in section 23(2).
(6) Any person aggrieved by an order of the Labour Court, may, within thirty days of the order, prefer an appeal to the Tribunal, and the decision of the Tribunal on such appeal shall be final.
(7) No Court-fee shall be payable for making any complaint or preferring an appeal under this section.
(8) No complaint under this section shall amount to a criminal prosecution under this Act.
(9) Notwithstanding anything contained in this section, no complaint shall lie against an order of termination of employment under section 26, unless such order is alleged to have been made for his trade union activities or passed with an ill motive or unless the worker concerned has been deprived of the benefits specified in that section.

CHAPTER III
EMPLOYMENT OF ADOLESCENT WORKER

34. Restrictions on employment of children and adolescents.—(1) No child shall be employed or permitted to work in any occupation or establishment.
(2) No adolescent shall be employed or permitted to work in any occupation or establishment, unless—
(a) a certificate of fitness in the form prescribed by rules, and granted to him by a registered medical practitioner is in the custody of the employer ; and
(b) he carries, while at work, a token containing a reference to such certificate.

(3) Nothing of sub-section (2) shall apply to the employment of any adolescent in any occupation or establishment either as an apprentice or for receiving vocational training.

(4) The Government may, if it thinks that an emergency exists and it is necessary in the public interest, by notification in the official Gazette, suspend the application of sub-section (2) for such period as may be specified therein.

35. Restriction on certain agreements in respect of children.—Subject to the provisions of this Chapter, no parent or guardian of a child shall make an agreement with any one allowing the child to be appointed for any work.

Explanation.—In this section, "guardian" shall include a legal custodian of a child or any person having authority over a child.

1[36. Dispute as to the age.—If any question arises as to whether any person is a child or an adolescent it shall be resolved on the basis of birth registration certificate or school certificate or a certificate issued by a registered medical practitioner certifying the age of the concerned person.]

37. Certificate of fitness.—(1) A registered medical practitioner shall, on a request made by any adolescent or his parent or guardian or by an employer for examining whether the adolescent is fit to work in any occupation or establishment, examine the adolescent and give decision as to his fitness:

Provided that when such application is made by any adolescent or his parent or guardian, the application shall be accompanied by a letter signed by the employer in whose establishment the adolescent is an applicant for employment stating that such adolescent shall be employed if he is certified to be fit for work.

(2) A certificate of fitness granted under this section shall remain valid for a period of 123 (twelve) months from the date on which it was issued.

(3) Any fee payable for such certificate shall be paid by the employer, and shall not be recoverable from the concerned adolescent or his parents or guardian.

1Section 36 was substituted for original section 36 by section 17 of the Bangladesh Labour (Amendment) Act, 2010 (Act No. XXXII of 2010).

38. Power to order for medical examination.—Where an Inspector is of opinion that—
(a) any person working in an establishment is an adolescent, but he has no certificate of fitness; or
(b) an adolescent working in an establishment with a certificate of fitness is no longer fit to work stated in the certificate;
he may, by a notice, require the employer to get such adolescent to be examined by a medical practitioner, and until the adolescent is certified to be fit after such examination or is certified that the adolescent is no longer an adolescent, may direct the employer not to give such adolescent any work.
1[39. Declaration of list of hazardous work and restrictions on employment of adolescents in certain work.—(1) The Government shall, by notification in the official Gazette, declare, from time to time, a list of hazardous work.
(2) No adolescent shall be employed in any work declared by the Government as hazardous.
(3) No adolescent shall be allowed to clean, lubricate or adjust any machinery of any establishment while it is in motion or to work between moving parts or between the fixed and moving parts of such machinery.]
40. Employment of adolescent in the work 2[or hazardous work] of dangerous machines.—(1) No adolescent shall work at any machine, unless—
(a) he has been fully instructed as to the dangers arising in connection with such machine and the precautions to be observed in this respect; and
(b) he has received sufficient training to work at the machine, or is under supervision of a person who has thorough knowledge and experience of the machine.
(2) This provision shall apply to such machines as may be notified by the Government to be of such a dangerous character that an adolescent should not work at them unless the requirements of sub-section (1) are complied with.
3[(3) ***.]

1Section 39 was substituted for original section 39 of the Bangladesh Labour (Amendment) Act, 2010.
2The words “or hazardous work” were inserted by section 19(a) of the Bangladesh Labour (Amendment) Act, 2010 (Act No. XXXII of 2010).
3Sub-section (3) was omitted by section 19(b) of the Bangladesh Labour (Amendment) Act, 2010 (Act No. XXXII of 2010).

41. Working hour for adolescent.—(1) No adolescent shall be allowed to work in any factory or mine for more than 5 (five) hours in any day and 30 (thirty) hours in any week.
(2) No adolescent shall be allowed to work in any other establishment for more than 7 (seven) hours in any day and 42 (forty two) hours in a week.
(3) No adolescent shall be allowed to work in any establishment between 7.00 O'CLOCK in the evening and 7.00 O'CLOCK in the morning.
(4) If an adolescent works overtime, the total number of hours worked including overtime shall not exceed—
(a) in any factory or mine, 36 (thirty six) hours in a week;
(b) in any other establishment, 48 (forty eight) hours in a week.
(5) The period of work of an adolescent employed in an establishment shall be limited to 2 (two) shifts, and the period of any shift shall not exceed more than 7
■
■
(seven and a half) hours.
(6) An adolescent may be employed in one relay only and this shall not, except with the previous permission, in writing, of the Inspector, be changed more than once in a period of 30 (thirty) days.
(7) The provisions relating to weekly holidays under this Act shall apply also to the adolescent workers and the operation of this provision shall not be suspended in respect of the adolescent workers.
(8) No adolescent shall be allowed to work in more than one establishment in a day.
42. Prohibition of employment of adolescent in underground and under water.—No adolescent shall be employed in any work in the underground or underwater.
43. Notice of period of work for adolescent.—(1) In an establishment where adolescents are employed, there shall be displayed in the manner prescribed by rules, a notice relating to working hours of adolescents with reference to specific time of their work.
(2) The time shown in the notice under sub-section (1) shall be fixed before start of the work in the manner fixed for adult workers and shall be such that any adolescent working at that time shall not have to work in contravention of this Act.

(3) The relevant provisions applicable to adult workers working in the establishment shall also apply to the notice under sub-section (1).
(4) The Government may, by rules, prescribe the form of such notice and the manner in which it shall be maintained.
44. Exception in certain cases in the employment of child workers 1[and handicapped workers].—(1) Notwithstanding anything contained in this Chapter, a child who has completed 12 (twelve) years of age, may be employed in such a light work which is not dangerous to his health and development or shall not interfere with his education:
Provided that if the child is a school going one, the working hour of him shall be so arranged that it does not interfere with his attendance in the school.
(2) All provisions of this Chapter applicable to an adolescent worker shall, mutatis-mutandis, apply to such child workers 2[and handicapped workers.]
3[(3) No handicapped worker shall be employed in the work of a dangerous machine or hazardous work.]

CHAPTER IV
MATERNITY BENEFIT

45. Prohibition of engagement of women worker in work in certain cases.—(1) No employer shall knowingly engage a woman in his establishment during the 8 (eight) weeks immediately following the day of her delivery.
(2) No woman shall work in any establishment during the 8 (eight) weeks immediately following the day of her delivery.
(3) No employer shall employ any woman for doing any work which is of an arduous nature or which involves long hours of standing or which is likely to adversely affect her health, if—
(a) he has reason to believe or if the woman has informed him that she is likely to deliver a child within 10 (ten) weeks;
(b) to the knowledge of the employer the woman has delivered a child within the preceding 10 (ten) weeks:
Provided that in the case of tea plantation worker, a woman worker may do work of a light nature if and for so long as the medical practitioner of the concerned

1The word “and handicapped workers” was added by section 20(a) of the Bangladesh Labour (Amendment) Act, 2010 (Act No. XXXII of 2010).
2The word “and handicapped workers” were added by section 20(b) of the Bangladesh Labour (Amendment) Act, 2010 (Act No. XXXII of 2010).
3Sub-section (3) was added by section 20(c) of the Bangladesh Labour (Amendment) Act, 2010 (Act No. XXXII of 2010).

tea estate certifies that she is physically fit to do so; and, for the days that she does such work, she shall be paid for such work wages at the rate prescribed under the existing law, and such wages shall be payable in addition to the maternity benefit.

46. Right to maternity benefit and liability for its payment.—(1) Every woman worker shall be entitled to maternity benefit from her employer for the period of 8 (eight) weeks1 preceding the expected day of her delivery and 8 (eight) weeks immediately following the day of her delivery, and her employer shall be bound to give her this benefit:

Provided that a woman shall not be entitled to such benefit unless she has worked under her employer for a period of not less than 6 (six) months immediately preceding the day of her delivery.

(2) No such benefit shall be payable to a woman if at the time of her delivery she has 2 (two) or more surviving children, but in that case she may enjoy any leave which is due to her.

47. Procedure regarding payment of maternity benefit.—(1) If a pregnant woman is entitled to maternity benefit under this Act, she shall, on any day, give notice either orally or in writing to her employer that she expects to be confined within 8 (eight) weeks next following and the name of the person who shall receive the payment of the benefit in case of her death shall also be included in the notice.

(2) If a woman has not given any such notice, she shall inform her employer about her giving birth to a child by giving such notice within 7 (seven) days of her giving birth to child.

(3) After receipt of a notice under sub-section (1) or (2), the employer shall permit the concerned woman to absent herself from work,—

(a) in the case of a notice under sub-section (1), from the day following the date of notice;

(b) in the case of a notice under sub-section (2), from the day of delivery until 8 (eight) weeks after the day of delivery.

1 According to sub-rule (1) of rule 197 of the Bangladesh Service Rules (Part-1), the period of maternity leave is 6 (six) months, vide S.R.O.
No. 05/file No. 07.175.008.08.00.001.2000/Law/2011.

(4) An employer shall pay maternity benefit to a woman in any of the following ways as that woman may desire, namely:—

(a) where a certificate from a registered medical practitioner is produced stating that the woman is expected to be confined within 8 (eight) weeks the maternity benefit payable for 8 (eight) weeks preceding delivery shall be paid within 3 (three) working days following the production of the certificate, and such benefit payable for the remaining period shall be paid within 3 (three) working days of the production of proof that she has given birth to a child; or

(b) maternity benefit payable for 8 (eight) weeks preceding and including the date of delivery shall be paid within 3 (three) working days following the production of proof to the employer that she has given birth to a child, and such benefit payable for the remaining period shall be paid within 8 (eight) weeks following the production of such proof; or

(c) maternity benefit payable for the whole of such period shall be paid within three working days following the production of proof that she has given birth to a child:

Provided that a woman shall not be entitled to any maternity benefit or any part thereof, the payment of which is dependent upon the production of proof under this sub-section that she has given birth to a child, unless such proof is produced within 3 (three) months of the day of her delivery.

(5) The proof which is required to be produced under sub-section (4) shall be either an attested extract from a birth register maintained under the Births and Deaths Registration Act, 2004 (Act No. XXIX of 2004) or a certificate given by a registered medical practitioner or such other proof as may be acceptable to the employer.

48. Amount of maternity benefit.—(1) The maternity benefit which is payable under this Act shall be paid at the rate of daily, weekly or monthly average wages, as the case may be, calculated in the manner laid down in sub-section (2), and such payment shall be made wholly in cash.

(2) For the purpose of sub-section (1), the daily, weekly or monthly average wages shall be calculated by dividing the total wages earned by the concerned woman during 3 (three) months immediately preceding the date on which she gives notice under this Chapter by the number of days she actually worked during that period.

49. Payment of maternity benefit in case of death of a woman.—(1) If a woman entitled to maternity benefit under this Chapter dies at the time of her delivery or during 8 (eight) weeks following thereof, the employer shall pay the amount of maternity benefit, if the newly born child survives, to the person who takes care of the child, and if the child does not survive to the person nominated by her under this Chapter, or if there is no such nominee, to her legal representative.

(2) If a woman dies during the period for which she is entitled to maternity benefit but before giving birth to a child, the employer shall be liable to pay such benefit for the period preceding and including the day of her death, provided that if any such benefit already paid to her exceeds the amount of such benefit now payable shall not be recoverable, and if any amount in this regard is due to the employer till the time of death of the woman, he shall pay it to the nominee of the woman under this Chapter, or if there is no nominee, to her legal representative.

50. Restrictions on termination of employment of a woman in certain cases.—If any notice or order of discharge, dismissal, removal or otherwise termination of employment is given by the employer to a woman worker within a period of 6 (six) months before and 8 (eight) weeks after her delivery and such notice or order is given without sufficient cause, she shall not be deprived of any maternity benefit to which she would be entitled under this Chapter if such notice or order has not been given.

CHAPTER V
HEALTH AND HYGIENE

51. Cleanliness.—Every establishment shall be kept clean and free from effluvia arising from any drain, privy or any other nuisance, and in particular—

(a) the dirt and refuge shall be removed daily by sweeping in a suitable manner from the floors, work-rooms, staircases and passages of the establishment;

(b) the floor of every work-room shall be washed at least once in every week and, if necessary, disinfectant shall be used in washing;

(c) where any floor becomes wet in the course of any manufacturing process to such an extent that drainage is required thereof, effective means of drainage shall be provided and maintained;

(d) all inside walls, partitions, ceilings, staircases, passages shall—
(i) if they are painted or varnished, be repainted or re-varnished at least once in every 3 (three) years,
(ii) if they are painted or varnished and have smooth imperious surface, be cleaned at least once in every 14 (fourteen) months, by such methods as may be prescribed by rules,
(iii) in other cases, be white-washed or colour-washed at least once in every 14 (fourteen) months, ; and
(e) the dates of completing works mentioned in clause (d) shall be entered in the register prescribed by rules.

52. Ventilation and temperature.—(1) Arrangements for adequate ventilation shall be made for securing and maintaining circulation of fresh air in every work-room of every establishment.

(2) Suitable measures shall be taken to keep the temperature in every such room in such a condition that may secure to workers therein reasonable conditions of comfort, and prevent injury to health of the workers.

(3) For the purpose of sub-section (2), the wall and roof of a room shall be so designed that such temperature does not rise, and remains low as far as possible.

(4) Where the nature of the work in an establishment is such that it likely to produce excessive high temperature, the suitable measures, as far as possible shall be taken to separate the source of producing such excessive temperature or the hot part of it by insulating such source or part or by any other means from the work■room of the workers.

(5) If it appears to the Government that excessively high temperature in any establishment may be reduced by white-washing, spraying or insulating or screening outside walls, roofs or windows, or by raising the level of the roof, or by other special methods, it may direct to adopt any of the suitable measures mentioned above in such establishment.

53. Dust and fume.—(1) If in any establishment, by reason of any manufacturing process carried on, there is given off any dust or fume or other impurity of such a nature and to such an extent as is likely to be injurious to the health of, or offensive to, the workers employed therein, the effective measures shall be taken to prevent its accumulation in any work-room and its inhalation by workers, and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity, and such point shall be enclosed as far as possible.

(2) In any establishment no internal combustion engine shall be operated unless the exhaust is conducted into open air, and no internal combustion engine shall be operated in any work-room unless effective measures are taken to prevent such accumulation of fumes therein as are likely to be injurious to the health of the workers employed in the work-room.

54. Disposal of wastes and effluents.—Effective arrangements shall be taken in every establishment for disposal of wastes and effluents due to manufacturing process carried on therein.

55. Artificial humidification.—(1) If the humidity of air is artificially increased in any establishment, the water used for the purpose shall be taken from a public water supply system or other source of drinking water, or shall be effectively purified before it is so used.

(2) If it appears to the Inspector that the water used for such purpose is not effectively purified as required under sub-section (1), he may serve on the employer an order in writing to adopt measures specified therein in that order the time specified therein.

56. Overcrowding.—(1) No work-room in any establishment shall be overcrowded to an extent injurious to the health of the workers employed therein.

(2) Without prejudice to the generality of the above provisions at least 9.5 cubic metres of space shall be provided for every worker employed in a work-room.

Explanation.—For the purpose of this sub-section, if the height of any room is more than 4.25 metres above the floor level it shall not be taken into account.

(3) If the Chief Inspector by order in writing requests any employer, a notice shall be posted in each work-room of the establishment specifying the maximum number of workers who may, in compliance with the provisions of this section, be employed in that room.

(4) The Chief Inspector may, by order in writing, exempt any work-room from the provision of this section if he is satisfied that compliance therewith in respect of such room is not necessary for the purpose of health of the workers employed therein.

57. Lighting.—(1) Sufficient and suitable lighting, natural or artificial, or both, shall be provided in every part of an establishment where workers are working or passing.

(2) In every establishment, all glass windows and skylights used for the lighting of the work-room shall be kept clean on both surfaces, and free from obstruction as far as possible.

(3) In every establishment, effective measures shall be taken for the prevention of—

(a) glare either directly from any surface of light or by reflection from any polished surface, or

(b) the formation of shadows to such an extent as to cause eye strain or risk of accident to any worker.

58. Potable water.—(1) In every establishment, arrangements shall be made at a suitable point to supply sufficient purified potable water for all workers employed therein.

(2) All water supply points shall be legibly marked with “Potable water” in Bangla.

(3) Where two hundred fifty or more workers are ordinarily employed in an establishment, provision shall be made for cooling the potable water during the summer.

(4) Where dehydration occurs in the body of workers due to work near machineries creating excessive heat, oral re-hydration therapy shall be provided to those workers.

59. 1[Toilets and washrooms].—In every establishment,—

(a) sufficient number of 2[sanitary toilets and washrooms] of the type prescribed by rules shall be provided at the suitable places so that the workers employed therein at the time of work may use easily;

(b) such 3[toilets and washrooms] shall be provided separately for male and female workers;

(c) 4[toilets and washrooms] shall be adequately lighted and ventilated and water shall be provided at all times; and

(d) such 5[toilets and washrooms] shall be maintained in a clean and sanitary condition at all times with suitable detergents and disinfectants 6[at employer’s cost.]

1The words “toilets and washrooms” were substituted for the words “Latrines and urinals” by section 21(a) of the Bangladesh Labour (Amendment)
Act, 2013.

2The words “sanitary toilets and washrooms” were substituted for the word “latrines and urinals” by section 21(b) of the Bangladesh Labour
(Amendment) Act, 2013.

3The words “toilets and washrooms” were substituted for the word “latrines and urinals” by section 21(c) of the Bangladesh Labour (Amendment) Act, 2013.

4The words “toilets and washrooms” were substituted for the word “latrines and urinals” by section 21(d) of the Bangladesh Labour (Amendment) Act, 2013.

5The words “toilets and washrooms” were substituted for the word “latrines and urinals” by section 21(e) of the Bangladesh Labour (Amendment) Act, 2013.

6The words “at employer’s cost” were added by section 21(e) of the Bangladesh Labour (Amendment) Act, 2013.

60. Dustbin and spittoon.—(1) Sufficient number of dustbins and spittoons shall be provided in every establishment at convenient places and these shall be maintained in a clean and hygienic condition.
(2) No person shall throw any dirt or spit within the premises of an establishment except in such dustbins and spittoons.
(3) A notice containing this provision and the fact that contravention thereof is a punishable offence shall be posted at different suitable places of every establishment so that it may easily comes to the notice of all.

CHAPTER VI

SAFETY

61. Safety of building and machinery.—(1) When it appears to an Inspector that any building, or any part thereof, or any road, machinery or plant 1[or internal electrical system of a building] an establishment is in a condition which is dangerous to human life or safety, he may, by an order in writing, direct the employer to take such measures as, in his opinion, are required to be taken, within such time as may be specified in the said order.
(2) When it appears to an Inspector that the use of any building, or any part thereof or any road, machinery or plant 2[or internal electrical system of a building] an establishment is in imminent danger to human life or safety, he may, by an order in writing, address to the employer, prohibit its use until it is properly repaired or altered.
62. Precaution as to fire.—(1) Every establishment shall be provided with such means of exit including at least one alternative staircase connecting with every floor at the time of fire and 3[requisite number of] fire fighting equipments [in every floor] as may be prescribed by rules.
(2) If it appears to an Inspector that no means of exit has been provided according to the rules mentioned in sub-section (1) 4[or no requisite number of fire fighting equipments have been placed according to the licence given by the Fire Service Department], he may, by serving an order in writing upon the employer, inform him of the measures which in his opinion are required to be taken within the time specified in that order.
(3) In every establishment the door affording exit from any room shall not be locked or fastened so that the person working in the room may easily and immediately open it from inside and all such doors, unless they are of the sliding type, shall be constructed to open outwards, or where the door is between two rooms, in the direction of the nearest exit from the building and no such door shall be locked or obstructed while work is being carried on in the room.

1 The words “or internal electrical system of a building” were inserted by section 22 of the Bangladesh Labour (Amendment) Act, 2013.
2 The words “or internal electrical system of a building” were inserted by section 22 of the Bangladesh Labour (Amendment) Act, 2013.
3 The words “requisite number of” and the words “in every floor” were inserted by section 23(a) of the Bangladesh Labour (Amendment) Act, 2013.
4 Inserted by section 23(b) of the Bangladesh Labour (Amendment) Act, 2013.

1[(3a) In every establishment, while work is going on, no exit of a room shall be kept locked or fastened and no exit shall be hindered or no barrier shall be put on the way.

(3b) All doors shall be made in such a way that they may be opened at once from inside of a working room to outwards.

(3c) If there is any door between 2 (two) rooms, it shall be made in such a way that it may be opened near to the nearest exist of the building and no such door shall be kept locked or hindered while work is going on.]

(4) In every establishment, except the exit for ordinary use, every window, door or other exit affording means of escape in case of fire shall be distinctively marked in Bangla letters by red colour or marked by other clearly understood sign.

(5) In every establishment, the clearly audible whistle shall be provided to alarm every worker employed therein in case of fire or danger.

(6) A free passage-way giving access to each way of exit in case of fire shall be provided for the use of the workers in every room of the establishment.

(7) In every establishment where 10 (ten) or more workers are ordinarily employed in any place above the ground floor, or explosive or highly inflammable materials are used, or stored, effective measures shall be taken to ensure that all workers may be familiar with the means of escape in case of fire and are adequately trained in the routine work to be followed in such cases.

(8) In factories and establishments wherein 50 (fifty) or more workers/ employees are employed, at least once in every 2[6 (six) months] a mock fire■fighting shall be arranged and a book of records in this regards shall be maintained in the prescribed manner by the employer.

63. Fencing of machinery.—(1) In every establishment the following machinery, while in motion or in use, shall be securely fenced by the safeguards of substantial construction, namely:—

(a) every moving part of a prime mover, and every fly wheel connected therewith;

(b) both face of every water wheel and water turbine;

(c) every part of a stock-bar which projects beyond the head stock of a lathe; and

(d) unless the following machinery are in such position or of such construction as to be safe to every person employed in the establishment as they would be if they were securely fenced—

(i) every part of an electric generator, a motor or rotary converter,

(ii) every part of transmission machinery,

1 Sub-sections (3a), (3b) and 3(c) were inserted by section 23(c) of the Bangladesh Labour (Amendment) Act, 2013.

2The words “six months” were substituted for the words “year” by section 23(d) of the Bangladesh Labour (Amendment) Act, 2010.

(iii) every dangerous part of any machinery:
Provided that for the purpose of determining whether any part of machinery is safe as aforesaid, any occasion of examination or operation made or carried out in accordance with the provisions of section 64 shall not be taken into account.
(2) Without prejudice to any other provision of this Act relating to the fencing of machinery, every revolving shaft, spindle wheel or every set screw, bolt and key on any pinion and all spur, worm and other toothed or friction gearing in motion with which any worker generally comes into contact such appliances shall be securely fenced to prevent such contact.
64. Work on or near machinery in motion.—(1) Where, in any establishment, it becomes necessary to examine any part of machinery while in motion under section 63, or as a result of such examination to carry out any mounting or shipping of belts, lubrication or other adjusting operation while the machinery is in motion, such examination or operation shall be carried out by a specially trained male worker, and the tight-fitting cloths shall be worn by that worker, and his name shall be recorded in the register prescribed in this behalf, and while such worker is engaged in such works, he shall not handle a belt at a moving pulley, unless the belt is less than 15 (fifteen) centimetres in a width and its joint is tightened with flush and lace.
(2) The Government may, by notification in the official Gazette, prohibit cleaning, lubricating, adjusting of any specified moving part of any machinery in any specified establishment.
65. Striking gear and devices for cutting off power supply.—(1) In every establishment—
(a) the suitable striking gear and other efficient mechanical appliance which shall be used to move driving belts to and from fast and loose pulleys of the transmission machinery shall be maintained, and such gear or appliances shall be so constructed, placed and maintained as to prevent the belt from cropping back on the first pulleys;
(b) when any driving belt is not in use, it shall not be allowed to rest upon any shaft in motion.
(2) Suitable devices for cutting off power in emergencies from running machinery shall be provided in every work-room of every establishment.
66. Automatic machines.—Where any moving part of an automatic machine and any material carried thereon in an establishment is in a space over which any person is liable to pass either for the purpose of duty or for any other reason, it shall not be allowed to move outward or in ward between 45 (forty-five) centimetres from any fixed structure which is not a part of such machine:
Provided that the Chief Inspector may permit, on such conditions for ensuring safety as he thinks fit, the continued use of a machine installed before the commencement of this Act which does not comply with the requirements of this section.

67. Casing of new machinery.—After the commencement of this Act, in every power driven machinery installed in an establishment—
(a) every set screw, belt or key, or any revolving shaft, spindle wheel or pinion shall be so sunk, encased or otherwise effectively guarded so as to prevent danger;
(b) all spur, worm and other toothed gearing, which does not require frequent adjustment while in motion, shall be completely encased, unless it is so situated as to be safe if it were completely encased.
68. Cranes and other lifting machinery.—In an establishment, the following provisions shall apply to all cranes and other lifting machinery, except hoist and lift namely:—
(a) the fixed or movable working gear, ropes, chains and anchoring or fixing appliances and every part thereof shall be—
(i) of good construction with sound material and adequate strength,
(ii) properly maintained,
(iii) thoroughly examined by a competent person at least once in every 12 (twelve) months and a register shall be maintained containing particulars prescribed by rules, of every such examination;
(b) no such machinery shall be loaded beyond the working load marked thereon;
(c) while any person is working on the wheel-tract of a traveling crane in any place, where he is likely to be struck by the crane, effective measures shall be taken to ensure that the crane does not approach within 6 (six) metres of that place.
69. Hoists and lifts.—(1) Every hoist and lift in every establishment shall be—
(a) of good construction with sound material and adequate strength;
(b) properly maintained;
(c) thoroughly examined by a competent person at least once in every 6 (six) months, and a register shall be maintained containing such particulars, of every examination as may be prescribed by the rules.
(2) Every hoist way and lift way shall be sufficiently protected by an enclosure fitted with gates and the hoist or lift and every such enclosure shall be so constructed as to prevent any person or thing from being trapped between any part of the hoist or lift and any fixed structure or moving part.

(3) In every establishment, the capacity of safe working load shall be clearly written down on every hoist or lift and no load beyond such load shall be carried thereon.
(4) In every establishment, the cage of every hoist or lift used for carrying persons shall be fitted with a gate on both sides for riding and landing. The highest capacity of every hoist and lift shall be written legibly in Bangla.
(5) Every gate referred to in sub-sections (2) and (4) shall be fitted with interlocking or other efficient device to secure that the gate shall not be opened until the cage is landed, and that the cage shall not be moved until the gate is closed.
(6) The following additional requirements shall be applied to hoists and lifts installed or reconstructed in an establishment after the commencement of this Act, namely:—
(a) where the cage is dependent on rope or chain, there shall be at least 2 (two) ropes or chains separately connected with the cage and shall maintain its balance, and every rope and chain shall be such that it may carry the cage together with its maximum load;
(b) efficient devices shall be provided to support the cage together with its maximum load in the event of breakage of the ropes and chains;
(c) proper automatic devices shall be provided to control the excessive speed of the cage.
(7) The Chief Inspector may, upon such conditions for ensuring safety as he may think fit, permit to continue the use of a hoist or lift which was installed in an establishment before the commencement of this Act without complying with the provisions of sub-sections (1), (2), (3), (4) and (5).
70. Revolving machinery.—(1) In every room in an establishment in which the process of grinding is carried on, there shall be permanently affixed to or placed near, each machine in use a notice indicating the following matters, namely:—
(a) maximum safe working peripheral speed of every grind stone or abrasive wheel;
(b) the speed of the shaft or spindle upon which the wheel is mounted;
(c) the diameter of the pulley upon such shaft or spindle necessary to secure such safe working peripheral speed.
(2) The speeds indicated in the notice shall not be exceeded.
(3) Effective measures shall be taken in respect of every revolving vessel, cage, basket, fly-wheel, pulley disk or similar appliances driven by power so that their prescribed speed may not be exceeded.

71. Pressure plant.—Where in any establishment any part of the plant or machinery used in manufacturing process is operated at a pressure above the atmospheric pressure, effective measures shall be taken to ensure that the safe working pressure of such part is not exceeded.

72. Floors, stairs and passages.—In every establishment,—

(a) all floors, stairs, passages shall be of sound construction and properly maintained and where necessary strong railing shall be provided to ensure their safety, 1[and the passages and stairs shall be kept opened for easy movement during continuance of work.]

(b) there shall, in so far as reasonably practicable, be provided with safe means of access to every place where any person is, at any time, required to work;

(c) 2[****] passages and stairways shall be clean, wide and clear of all obstructions3[;] and

4[(d) an employer may, for overall safety of the factory and workers, bring the passages of movements, stairs, gates, godowns and common utility area of the place of work under close circuit camera.]

73. Pits, sumps, tunnel mouths, etc.—Where in an establishment any fixed vessel, sump, tank, pit or tunnel in such that, by reason of its depth, situation, construction or contents, it may be a source of danger, it shall be either securely covered or fenced.

74. Excessive weights.—No worker shall be allowed in any establishment to lift, carry or move any load so heavy as to be likely to cause his injury.

75. Protection of eyes.—The Government may, in respect of any establishment where manufacturing process is carried on, by rules, require that suitable goggles or eye screens shall be provided for the protection of eyes of the persons employed therein, if any of the following risks involves in such process, namely:—

(a) risk of injury to the eyes from particles or fragments thrown off in the course of the process;

(b) risk to the eyes by reason of exposure to excessive light or heat.

1The words “and the passages and stairs shall be kept opened for easy movement during continuance of work” were inserted by section 24(a) of the Bangladesh Labour (Amendment) Act, 2013.

2The words and comma “all floors,” were omitted by section 24(a) of the Bangladesh Labour (Amendment) Act, 2010.

3The semi-colon “:” was substituted for full stop “.”by section 24(b) of the Bangladesh Labour (Amendment) Act, 2010.

4Clause (d) was added by section 24(c) of the Bangladesh Labour (Amendment) Act, 2010.

76. Power to ascertain defective parts to test their stability.—If it appears to an Inspector that any building, or any part thereof, or any passage, machinery or plant, of an establishment is in a condition which is dangerous to human life or safety, he may, by order in writing, to be served on the employer of the establishment, require him to do the following works within the time specified therein, namely:—

(a) to supply necessary drawings and other information or particulars to determine whether such building, passage, machinery or plant may be used with safety;

(b) to carry out necessary tests to determine the strength or quality of any specific part and to inform the Inspector of the result thereof.

77. Precautionary measures against dangerous fumes.—(1) No person shall enter or be permitted to enter any room, vessel, hole, pipe, flue or other confined space of any establishment, where the dangerous fumes are likely to exist to such extent as to involve risks to any person, unless it is provided with a manhole of such size, as may be prescribed by rules or other effective means of exit.

(2) No portable electric light of a voltage of exceeding 24 (twenty-four) volts shall be permitted to use inside any confined space referred to in sub-section (1) and where fumes are likely to be flamed, no light other than the light made of flame misstating metal shall be allowed to use in such place.

(3) No person shall enter or be permitted to enter any such confined space of any establishment until all practicable means are taken to remove fumes from there or prevent access thereto, and unless any of the following measures are taken—

(a) a certificate is given by a competent person after carrying out test that the space is free from dangerous fumes and fit for entering thereto; or

(b) the concerned worker is wearing a suitable breathing apparatus and a rope is securely attached to a belt the free end of which is held by a person standing outside such space.

(4) In every establishment, the suitable breathing apparatus, reviving apparatus, belts and ropes shall be kept ready for instant use beside any such space and such apparatus shall be periodically examined by a competent person, and shall be certified by him that it is fit for use, and a sufficient number of persons employed in every establishment shall be trained and practiced in the use of all such apparatus and the method of restoring respiration.

(5) In any establishment no person shall be permitted to enter into any boiler, furnace, flue chamber, tank, pipe or other confined space for the purpose of working or making any examination therein until it is sufficiently cooled by ventilation or otherwise made it fir for human entry.

78. Explosive or inflammable gas, dust, etc.—(1) Where, in any establishment gas, fume, dust or vapour produced due to any manufacturing process is of such character or to such extent which is likely to be exploded or ignited, all practicable measures shall be taken to prevent any such explosion by any of the following ways, namely:—
(a) by effectively enclosing plant or machinery while it is in use;
(b) by removing or preventing accumulation of such dust, gas, fume or vapour;
(c) by effectively enclosing all possible sources of ignition.
(2) Where in any establishment the plant or machinery used in a process is not so constructed as to withstand the probable pressure which is produced in the case of such explosion, all practicable measures shall be taken to restrict the spread and effects of the explosion by the provision of chokes, baffles, vents or any other effective apparatus in the plant or machinery.
(3) Where any part of the plant or machinery in an establishment contains any explosive or inflammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened except in accordance with the following provisions, namely:—
(a) before fastening of any joint of any pipe connected with the part of the fastening of the cover of any opening into the part is loosened, any flow of the gas or vapour into the part or any such pipe shall be effectively stopped by a stop-valve or other means;
(b) all practicable measures shall be taken before removing any such fastening or to reduce pressure of the gas or vapour to atmospheric pressure;
(c) where any such fastening is loosened or removed, effective measures shall be taken to prevent any explosive or inflammable gas or vapour from entering the part or pipe until the fastening is secured and securely replaced:
Provided that the provisions of this sub-section shall not apply where any plant or machinery is installed in the open field.
(4) Where in any establishment any plant, tank or vessel contains or contained at any time any explosive or inflammable substance, no welding or cutting shall be carried out by using heat, unless adequate measures are first taken to remove such substance or fumes or to render them un-flammable or un-explosive and such substance shall not be allowed to enter such plant, tank or vessel after any such works until the metal is cooled down sufficiently to prevent any risk of igniting the substance.

1[78A. Requirements to use personal safety equipments.—(1) No authority shall engage any worker in work without providing him with personal safety equipments and ensuring uses thereof and a record book shall be maintained in this behalf by the employer in the prescribed manner.
(2) If any personal safety equipment is supplied but not used, the worker concerned shall be liable.
(3) Every worker shall be made aware of the hazards of work through training in order to ensure the protection and safety of his professional health in the place of work.]

CHAPTER VII

SPECIAL PROVISIONS RELATING TO HEALTH, HYGIENE AND SAFETY

79. Dangerous operation.—Where the Government is satisfied that any operation carried on in an establishment exposes any person employed in it to a serious risk of bodily injury, poisoning or disease, it may, by rules, make the following provisions for such establishment, namely:—
(a) to declare which operations are hazardous;
(b) to prohibit the employment of women, adolescents or children in such operation;
(c) to provide for regular medical examination of persons employed in such operation and to prohibit the employment of persons not certified to be fit for such employment;
(d) to provide for protection of all persons employed in the operation or in the vicinity of such places and to use any specified materials or processes in connection with the operation; and
(e) to give notice of any corrosive chemicals and of precautions to be taken in their use.

80. Notice to be given of any accident.—(1) When any accident occurs in an establishment causing loss of life or bodily injury, or an accidental explosion, ignition, outbreak of fire or irruption of water or fumes occurs, the employer shall give notice of the occurrence to the Inspector within following 2 (two) working days2[:]

1Section 78A was inserted by section 25 of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).
2The colon ":" was substituted for full stop "." by section 26 of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

1[Provided that the factory authority shall, immediately after the occurrence of such incident, inform the matter to the Government, Fire Service, Directorate of Inspection of Factories and Establishments, Police Station, and if required, the nearby hospital or government-private medical service establishment, through telephone, mobile phone, SMS or fax, in order to take immediate necessary action to minimize potential damages or bring the situation under control.]

(2) Where an accident mentioned in sub-section (1) causes bodily injury resulting in the compulsory absence from work of the person injured for a period exceeding 48 (forty-eight) hours, it shall be entered in a register prescribed by rules.

(3) The employer shall send to the Chief Inspector a copy of the entries in the register referred to in sub-section (2) within 15 (fifteen) days following the 30th day of June and the 31st day of December in each year.

81. Notice of certain dangerous occurrences.—Where in an establishment, any dangerous occurrence of a nature prescribed by rules occurs, whether causing any bodily injury or not, the employer shall inform the Inspector by notice within the following three working days.

82. Notice of certain diseases.—(1) Where in an establishment any worker contacts any disease specified in the Second Schedule, the employer or the concerned worker or any person specified by him in this behalf shall inform the Inspector by a notice in such form and within such time as may be prescribed by rules.

(2) If any registered medical practitioner, while giving treatment to an existing or previous worker of an establishment, finds that he is suffering or suspects to be suffering from any disease specified in the Second Schedule, the said medical practitioner shall forthwith inform by a report in writing, the Inspector of the following matters, namely:—

(a) the name and mailing address of the patient;

(b) the name of the disease from which the patient is suffering or is suspected to be suffering;

(c) the name and address of the establishment in which the patient is or was last employed.

2[(2a) The employer determined by the Chief Inspector shall arrange for treatment of the worker suffered, or incurred losses, from such professional disease.]

(3) The Government may, by notification in the official Gazette, add to, or omit from, the Second Schedule any disease.

1The proviso was added by section by section 27 of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

2Sub-section (2a) was inserted by section 27 of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

83. Power to direct for enquiry into cases of accident or disease.—(1) When any accidental explosion, ignition, outbreak of fire or irruption of water or any other accident occurs in an establishment, or when any disease specified in the Second Schedule breaks out or is suspected to be broken out, and if the Government thinks that a formal enquiry into the causes of, and the circumstances appearing in, the accident or disease is necessary, it may appoint a competent person to hold such enquiry, and may appoint any person who has special knowledge in law or concerned matter as an assessor during enquiry.

(2) The person holding enquiry shall have all the powers of a Civil Court under the Code of Civil Procedure for the purpose of enforcing the attendance of witnesses and compelling the production of documents and other things, and if any person is required by him to furnish any information for the purpose of enquiry, he shall be deemed to be legally bound to do so within the meaning of section 176 of the Penal Code.

(3) The person holding enquiry may exercise any of the powers of an Inspector under this Act, as he may think necessary to exercise, for the purposes of the enquiry.

(4) The person holding the enquiry shall submit a report to the Government and shall record in that report the causes of the accident and the circumstances relating thereto, and shall state any observation that he or the assessor, may have.

(5) The Government shall publish the report at such time and in such manner as may be prescribed by it.

84. Power to take samples.—(1) An Inspector may, at any time during the normal working hours of an establishment, by giving information to the employer, take in the manner hereinafter describing, a sample of any substance used or brought for use in the establishment, if it appears to him that such substance is being used in contravention of the provisions of this Act or the rules, or is likely to cause bodily injury or harm to the workers of the establishment.

(2) Where any Inspector takes such sample, he shall, in the presence of the employer, unless he willfully absents himself, divide the sample into 3 (three) portions and effectively seal and properly mark every portion of it, and shall also permit the employer to add his own seal and mark thereon.

(3) The employer shall, if the Inspector so requires, provide the appliances for dividing and sealing and marking the sample.

(4) The Inspector shall give one portion of the sample to the employer forthwith, send the second portion to a Government analyst for analysis and to give report thereon, and keep the third portion to himself for production to the Court, if any criminal proceedings is instituted in respect of the substance of the sample.

(5) Any report, on any sample of a substance made by any government analyst under this section, may be used as evidence in any proceedings instituted in respect of such substance.

85. Powers of Inspector in case of certain dangers.—(1) If, in respect of any matter for which no express provision is made in this Act, it appears to an Inspector that any establishment or any part thereof or any matter or practice therein or connected therewith or controlled thereby is dangerous to human life or safety, or is so defective as likely to cause bodily injury to the people, he may, by a notice in writing, inform the employer relating thereto and order to remove those things which are dangerous or injurious or defective, within such time and in such manner as may be specified in the notice.

(2) Without prejudice to the provisions of sub-section (1), the Inspector may, by order in writing, direct the employer of any establishment not to extract or reduce any pillar of his establishment or of any part thereof, if in his opinion, such operation is likely to cause the crushing of any other pillar or the premature collapse of any part of the establishment or endanger the establishment.

(3) If the Inspector is of opinion that there is imminent danger to the life or safety of any person employed in any establishment, he may, by an order in writing to the employer concerned stating the grounds of his opinion, prohibit the employment of any person in the establishment or any part thereof, until he is satisfied that the danger is removed, but this order shall not apply to the person who is employed to remove such danger.

(4) Any employer aggrieved by an order under sub-section (3) may prefer an appeal against such order to the Chief Inspector within 10 (ten) days of the receipt of the order, who may confirm, modify or cancel the order.

(5) The Inspector shall, in respect of each order made under sub-sections (1) and (3), report forthwith to the Government, and shall inform the employer concerned of the report so furnished.

(6) The Chief Inspector shall report forthwith to the Government any order, except the order of cancellation made by him under sub-section (4), and shall also inform the employer concerned of the report so furnished.

(7) Any employer who has any objection against any order made under sub■section (1), (3) or (4) shall within 20 (twenty) days of receipt of such order, inform the Government in writing, stating the objection and reasons therefore, and the Government shall send it to a committee for decision.

(8) The employer shall comply with the order against which objection has been made until the decision of the committee is received:

Provided that on an application of the employer, the committee may suspend the order passed under sub-section (1) pending the decision of the committee.

86. Providing information about dangerous building and machinery.—(1) Where any worker of an establishment finds that any building or machinery thereof, which is ordinarily used by the workers, is in such a dangerous condition that it is likely to cause bodily injury to any worker at any time, he shall immediately inform the employer of it in writing.

(2) If, on the receipt of such information, the employer fails to take appropriate measures on this matter within 3 (three) days and any worker is injured due to use of such building or machinery, he shall be liable to pay compensation to the worker so injured at the rate of double of the compensation payable for such injury under Chapter VII.

87. Restriction of employment of women in certain work.—The provisions of sections 39, 40 and 42 shall apply to a woman worker as they apply to an adolescent worker.

88. Power to make rules to supplement the Chapter.—The Government may, by rules,—

(a) give direction to make further provisions and to take further measures for securing the safety of the workers employed in any establishment;

(b) prohibit the running of any manufacturing process using power in any building until a certificate of strength of such building by a person having such qualification and in such form, as may be prescribed by rules, is reached to the Chief Inspector.

CHAPTER VIII

WELFARE MEASURES

89. First-aid appliances.—(1) In every establishment the first-aid box or cupboard equipped with the contents prescribed by rules shall be provided to be readily accessible during all working hours.

(2) The number of such box or cupboard shall not be less than one for every 150 (one hundred and fifty) workers ordinarily employed in the establishment.

(3) Every first-aid box or cupboard shall be kept in charge of such a responsible person who is trained in first-aid treatment, and who shall be available during all working hours of the establishment.

(4) A notice shall be affixed in every work-room stating the name of such person and such person shall wear a badge so as to facilitate his identification.

(5) In every establishment, where 300 (three hundred) or more workers are ordinarily employed, a sick room with a dispensary of a size and containing equipments or other facilities prescribed by rules shall be provided and such room shall be in the charge of such medical practitioner and nursing staff as may be prescribed by rules.

1[(6) In any establishment or establishments where 5000 (five thousand) or more workers are employed, the employer or employers of that establishment or those establishments, as the case may be, shall arrange for running a permanent medical centre in such manner as may be prescribed by rules.
(7) The treatment of a worker or an employee suffered from professional disease or work-time accident shall be continued by a competent or specialist medical practitioner at the expense and responsibility of the employer until such worker or employee is fully cured of such disease, hurt or sickness.
(8) In every establishment where 500 (five hundred) or more workers are employed, the employer of such establishment shall appoint a welfare officer in the manner proscribed by rules.]
90. Maintenance of safety record book.—In every factory or establishment, where more than 25 (twenty five) workers are employed, a compulsory safety record book 2[shall be maintained and a safety information board shall be exhibited in the manner prescribed by rules.]
3[90A. Constitution of Safety Committee.—In every factory where 50 (fifty) or more workers are employed, there shall be a safety committee to be formed and functioned in the manner prescribed by rules.]
91. Washing facilities.—(1) In every establishment,—
(a) sufficient number of suitable bathrooms and washing facilities with provisions of their maintenance shall be provided for the use of the workers employed therein;
(b) such facilities shall be provided separately for male and female workers, and they shall be properly screened;
(c) such facilities shall be kept clean at all times and easily accessible.
(2) The Government may, by rules, prescribe the standard of such facilities in respect of any establishment.
92. Canteen.—(1) In an establishment where more than 100 (one hundred) workers are ordinarily employed, adequate number of canteens shall be provided for their use.
(2) The Government may, by rules,—
(a) prescribe the standard of construction, accommodation, furniture and other equipment of the canteen;
(b) provide for constitution of a managing committee for the canteen and for representation of the workers in its management.

1Sub-section (6), (7) and (8) were added by section 28 of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).
2The words “shall be maintained and a safety information board shall be exhibited in the manner prescribed by rules” were
substituted for the word “prescribed” and the word “and a safety board shall be maintained” by section 29 of the Bangladesh
Labour (Amendment) Act, 2013(Act No. XXX of 2013).
3Section 90A was inserted by section 30 of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

(3) The said managing committee shall determine the food to be served in the canteen and the charges therefor.

93. Rest room, etc.—(1) In every establishment where more than 50 (fifty) workers are ordinarily employed, adequate and suitable number of rest rooms shall be provided and maintained for use of the workers, and a suitable lunch room with arrangement for drinking water, shall also be provided and maintained in that establishment so that the workers may eat their meals that they may have brought with them:

Provided that any canteen maintained in accordance with the provisions of section 92 shall be deemed to be a part of the requirements of this sub-section:

Provided further that in an establishment where any lunch room exists, the workers shall not eat any food in his work room.

(2) The said rest rooms and lunch rooms shall be sufficiently lighted and ventilated and shall be maintained in a clean and tolerable temperature condition.

(3) In the establishments where more than 25 (twenty five) female workers are employed, separate rest room shall be provided for male and female workers and in establishments where less than 25 (twenty five) female workers are employed, separate screened spaces shall be provided in the rest room for female workers.

94. Rooms for children.—(1) In every establishment, where 40 (forty) or more female workers are ordinarily employed, one or more suitable rooms shall be provided and maintained for the use of their children who are under the age of 6 (six) years.

(2) The said room shall be provided with adequate accommodation, light and ventilation and shall be maintained in clean and sanitary condition, and shall be under the charge of an experienced or trained woman for the care of children.

(3) The said rooms shall be easily accessible to the mothers of the children, and, so far as is reasonably practicable, they shall not be situated adjacent to or near any part of the establishment where obnoxious fumes, dust or odors are given off, or where excessively noisy works are carried on.

(4) The said rooms shall be strongly constructed, and all walls and roofs thereof shall be of suitable heat resisting materials, and shall be water-proof.

(5) The height of such rooms shall not be less than 360 (three hundred and sixty) centimetres from the floor to the lowest part of the roof, and the floor area for each child staying therein shall be not less than 600 (six hundred) sq. centimetres.

(6) Suitable and effective provisions shall be made in every part of each such rooms for sufficient light, air and ventilation of fresh air.
(7) The said rooms shall be adequately furnished and in particular, 1 (one) cot or cradle with bed shall be kept therefore each child, and there shall be at least one chair or any similar seat for the use of each mother while she is feeding or attending to her child, and adequate and suitable toys shall be supplied for the comparatively older children.
(8) A suitably fenced shady open air play-ground shall be provided for the comparatively older children:
Provided that the Chief Inspector may, by order in writing, exempt any establishment from the provisions of this sub-section, if he is satisfied that the establishment has no sufficient space for such playground.
1[94A. Residential accommodation for handicapped workers.—In an industrial establishment where there is arrangement for residential accommodation for workers, the handicapped workers shall be given preference in the allotment of such accommodation.]
95. Recreational and educational facilities in tea plantations.—The Government may, in respect of tea plantations-
(a) make rules requiring every employer thereof to make provisions for such recreational facilities for the workers employed therein and their children as may be specified in such rules;
(b) where the number of children of any tea plantation workers between the ages of 6 (six) and 12 (twelve) years exceeds 25 (twenty-five), make rules requiring the employer thereof to provide educational facilities for the children in such manner and of such standard as may be specified in such rules;
(c) require the establishment of suitable medical centers in every tea plantation for the workers and their children in such manner as may be prescribed by rules.
96. Housing facilities in tea plantations.—The employer of every tea plantation shall provide housing facilities for every worker and his family residing in the tea plantation.
97. Facilities for obtaining daily necessities, etc. in tea plantations.—The employer of every tea plantation shall provide facilities, within easy reach of his workers, for obtaining their daily necessities.
98. Medical care for newspaper workers.—Every newspaper worker and his dependents shall be entitled to medical care at the cost of the newspaper establishment in such manner and to such extent as may be prescribed by rules.

1Section 94A was inserted by section 31 of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

Explanation.—For the purpose of this section, “dependents” means wife or husband, widowed-mother, invalid parents and legitimate son and daughter of a newspaper worker, residing with him and wholly dependent upon him.

1[99. Introduction of compulsory group insurance.—(1) In an establishment where at least 100 (one hundred) permanent workers are employed, the employer shall introduce group insurance under the existing insurance laws.

(2) The amount claimed as insurance shall be in addition to the other dues of a worker under this Act:

Provided that the recovery of the insurance claim due to death of a worker shall be the responsibility of the employer and he shall make arrangement for payment of the amount so recovered from such insurance claim directly to the dependents:

Provided further that notwithstanding anything contrary contained in any other law, where any insurance claim is made under this section, it shall be settled by joint initiatives of the insurance company and the employer within 120 (one hundred and twenty) days from the date of raising such claim.]

CHAPTER IX

WORKING HOUR AND LEAVE

100. Daily working hour.—No adult worker shall ordinarily work or be required to work in an establishment for more than 8 (eight) hours in a day:

Provided that subject to the provisions of section 108, any such worker may work in an establishment upto 10 (ten) hours also in a day.

101. Interval for rest or meal.—In an establishment no worker shall be liable to—

(a) work for more than 6 (six) hours in a day, unless he is given an interval of 1 (one) hour for rest or meal during that day;

(b) work for more than 5 (five) hours in a day, unless he is given an interval of half an hour for the said purpose during that day; or

(c) work for more than 8 (eight) hours in a day, unless he is given 1 (one) interval under clause (a) or 2 (two) intervals under clause (b) for the said purpose during that day2[;]

3[(d) notwithstanding anything contained in this Act, the Government shall, by rules, prescribe the working and rest hours for various factories wherein the workers are engaged in physically hazardous and laborious work including construction, re-rolling, steel-mills, ship breaking and welding.]

1Section 99 was substituted for original section 99 by section 32 of the Bangladesh Labour (Amendment) Act, 2013(Act No. XXX of 2013).

2The semi-colon “;” was substituted for full stop “.” by section 33 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013)
(Act No. XXX of 2013).

3Clause (d) was added by section 33 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013)
(Act No. XXX of 2013).

102. Weekly working hours.—(1) No adult worker shall ordinarily work or be required to work in an establishment for more than 48 (forty-eight) hours in a week.

(2) Subject to the provisions of section 108, an adult worker may work for more than 48 (forty-eight) hours also in a week:

Provided that the total working hours of such worker shall not exceed 60 (sixty) hours in a week, and on the average 56 (fifty-six) hours per week in a year:

Provided further that the total additional working hours of a worker employed in a road transport establishment shall not exceed 150 (one hundred and fifty) hours in a year:

Provided further that the Government may, in the cases of some particular industries, under conditions imposed by order in writing, relax the provisions of this section or exempt from the provisions of this section at a time for a period of not exceeding 6 (six) months, if it is satisfied that in the public interest or in the interest of economic development such relaxation or exemption is necessary.

103. Weekly holiday.—Every worker employed in an establishment—

(a) shall be entitled to 1 ■ ■ (one and a half) day holiday in a week in the case of a shop or commercial establishment or an industrial, establishment and 1 (one) day in a week in the case of a factory and establishment;

(b) shall be entitled to one day of twenty four consecutive hours holiday in a week in the case of road transport establishment, and no deduction shall be made from his wages on account of such holidays1[;]

2[(c) no deduction shall be made from the wages of a worker for any holiday under the aforesaid clauses (a) and (b).]

104. Compensatory weekly holiday.—Where, as a result of the passing of an order or making of a rule under the provisions of this Act exempting an establishment or the workers employed therein from the provisions of section 103, a worker is deprived of any of the weekly holidays provided for in that section, he shall be allowed, as soon as circumstances permit, compensatory holidays of equal number to the holidays so deprived of.

105. Spread over.—The period of work of an adult worker in an establishment shall be so arranged that inclusive of his interval for rest or meal under section 101 shall not spread over for more than ten hours, but on the basis of the permission given by the Government either generally or specially for any establishment, and subject to such conditions as may be imposed by it, exception may be made to the said provision.

1The semi-colon “;” was substituted for full stop “.” by section 34 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013)
(Act No. XXX of 2013).

2Clause (d) was added by section 33 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013)
(Act No. XXX of 2013).

106. Night shift.—Where the shift work of an adult worker in an establishment extends beyond midnight—
(a) for the requirement of section 103, a holiday for a whole day for the worker shall mean 24 (twenty-four) consecutive hours beginning from the end of his shift; and
(b) the following day for him shall mean 24 (twenty-four) consecutive hours beginning from the end of his shift, and the hours he has worked after midnight shall be counted to the hours of his works of the previous day.
107. Restrictions on cumulative hours of work on a vehicle.—No worker shall work or be allowed to work on 1 (one) or more than 1 (one) vehicles in excess of the time permitted under this Act.
108. Extra-allowance for overtime.—(1) Where a worker works for more hours than the hours fixed under this Act in an establishment on any day or in a week he shall, for overtime work, be entitled to allowance at the rate of twice his ordinary rate of basic wage and dearness allowance and ad-hoc or interim wage, if any.
(2) Where any worker is paid on a piece rate basis in an establishment, the employer may, for requirement of this section, in consultation with the representatives of the workers, fix time rates as nearly as possible equivalent to the average rates of earnings of those workers, and the rates so fixed shall be deemed to be the ordinary rates of wages of those workers in this case, 1[but in such cases the provisions of sub-section (1) shall not apply.]
(3) For ensuring compliance with the provisions of this section, the Government may, by rules, prescribe the register to be maintained by an establishment.
109. Limited hours of work for woman workers.—No woman worker shall, without her consent, be allowed to work in an establishment between 10 O'CLOCK at night and 6 O'CLOCK in the morning.
110. Restrictions on double employment.—No adult worker shall be allowed to work in more than 1 (one) establishment on the same day, without permission of the Chief Inspector and on such conditions as may be imposed by him.
111. Notice of hours of work for adult workers and preparation thereof.—(1) In every establishment a notice showing the time clearly in writing when the adult workers employed therein are required to work shall be displayed in accordance with the provisions of section 337 and correctly maintained in the establishment.

1The words, brackets and figure "but in such cases the provisions of sub-section (1) shall not apply" were added by section 35 of
the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(2) The time shown in the notice shall be fixed beforehand in accordance with the provisions of this section, and shall be such as the workers working during such time is not be required to work in contravention of the provisions of sections 100, 101, 102, 103 and 105.
(3) Where all the adult workers of an establishment are required to work during the same hours, the employer shall fix those hours generally.
(4) Where all the adult workers of an establishment are not required to work during the same hours, the employer shall divide the workers into groups according to the nature of their work, and fix the number of workers in each group.
(5) For a group which is not required to work on a shift basis, the employer shall fix the time during which that group is required to work.
(6) Where any group is required to work on a shift basis, and the relays are not subject to undetermined periodical changes of shifts, the employer shall fix the time when the relay of each such group is required to work.
(7) Where any group is required to work on a shift basis, and the relays are subject to predetermined periodical changes of shifts, the employer shall draw up a scheme of shifts where the relay of which group is required to work in which time of which day is to be known.
(8) Two copies of the notice of the hours of work under this section shall be sent for approval to the Inspector before the work in an establishment begins.
(9) The Inspector shall return a copy of the notice indicating any modification, if necessary, to the employer within one week of its receipt, and the employer shall immediately comply with the modifications, if any, and shall preserve such approval in the records of the establishment.
(10) If any proposed change in the system of work in an establishment necessitates a change in the notice, 2 (two) copies of the proposed charge shall be sent to the Inspector before such change is made, and no such change shall be made without previous permission of the Inspector.
(11) If a worker attends to work after half an hour of the time fixed for the work of the day, the employer may refuse to employ the worker for the work of that day.
112. Special age limit for road transport worker.—(1) No person shall be employed as a driver in a road transport establishment unless he has attained the age of 21 (twenty one) years.

(2) No person shall be employed in such establishment in any other post unless he has attained the age of 18 (eighteen) years.

113. Working hour is to correspond with notice and register.—No adult worker shall work or required to work otherwise than in accordance with the notice under section 111(1) and the entries made beforehand against his name in the register maintained under section 9.

114. Closure of shops, etc.—(1) Every shop or commercial or industrial establishment shall remain entirely closed for at least 1 ■ ■ (one and a half) day in each week.

(2) The Chief Inspector shall fix which 1 ■ ■ (one and a half) day in which area such establishments shall remain entirely closed:

Provided that the Chief Inspector may, from time to time, in the public interest, refix such fixed day for any area.

(3) No shop shall remain open after 8.00 O'CLOCK at night on any day:

Provided that if any customer is in a shop for buying such customer may be given an opportunity for buying till 30 (thirty) minutes following such closing hour.

(4) The Government may, in consideration of special circumstances, by notifications in the official Gazette, alter the closing hours of shops in any area in any season on such conditions as may be mentioned in the notice.

(5) The provisions of this section shall not apply to the following cases, namely:—

(a) docks, jetty, stations or airports and terminal offices of transport services;

(b) shops dealing mainly in vegetables, meat, fish, dairy products, bread, pastries, sweetmeats and flowers;

(c) shops dealing mainly in medicines, surgical appliances, bandages or other medical requisites;

(d) shops dealing in articles for funerals or cremation;

(e) shops dealing mainly in tobacco, cigars, cigarettes, bidi, pan, ice, newspapers, periodicals and retail shops for selling 1[light] tiffin to be eaten sitting in the shops;

(f) petrol pumps for the retail sale of the petrol and automobile service stations not being repair workshops;

(g) shops of barbers and hair dressers;

(h) any system of public conservancy or sanitation;

1The word "light" was substituted for full word "liquid" by section 36(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(i) any industry, business or establishment which supplies power, light or water to the public;
(j) clubs, hotels, restaurants, catering houses, cinemas or theatres:
Provided that where several trades or business are carried on in the same shop or commercial establishment and the majority of them, by their nature, are eligible to exemption from this section, such exemption shall apply to the entire shop or commercial establishment:
Provided further that the Chief Inspector may, by a general or special order, published in the official Gazette, fix the opening and closing hours for any aforesaid establishments or class of establishment.
1[(6) If any shop or commercial establishment mentioned in sub-section (5) exists in a market or shopping mall, the provisions of sub-section (1) shall apply to such shop or establishment.]
115. Casual leave.—Every worker shall be entitled to casual leave for 10 (ten) days with full wages in a calendar year, and if such leave is not availed for any reason, it shall not be accumulated and the leave of any year shall not be availed in the succeeding year:
Provided that nothing in this section shall apply to a worker employed in a tea plantation.
116. Sick leave.—(1) Except a newspaper worker, every worker shall be entitled to sick leave with full wages for 14 (fourteen) days in a calendar year.
(2) Every newspaper worker shall be entitled to sick leave with half wages for not less than one-eighteenth of the period of his service.
(3) No such leave shall be granted unless a registered medical practitioner appointed by the employer or, in the absence of such medical practitioner, any other registered medical practitioner, after examination, certifies that the worker is ill and requires leave for treatment or cure for such period as is mentioned in the certificate.
(4) Such leave shall not be accumulated and carried forward to the succeeding years.
117. Annual leave with wages.—(1) Every adult worker who has completed 1 (one) year of continuous service in an establishment shall be allowed during the following period of 12 (twelve) months' leave with wages for days calculated on the basis of the works of the preceding 12 (twelve) months at the following rate, namely:—
(a) 1 (one) day for every 18 (eighteen) days of work, in the case of a shop or commercial or industrial establishment or factory or road transport establishment;

1Sub-section (6) was added by section 36(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(b) 1 (one) day for every 22 (twenty two) days of work, in the case of tea plantation;
(c) 1 (one) day for every 11 (eleven) days of work, in the case of a newspaper worker.
(2) Every adolescent worker who has completed 1 (one) year of continuous service in an establishment shall be allowed during the subsequent period of 12 (twelve) months' leave with wages for a number of days calculated for the works of previous 12 (twelve) months at the following rate, namely:—
(a) 1 (one) day for every 15 (fifteen) days of work, in the case of a factory;
(b) 1 (one) day for every 18 (eighteen) days of work, in the case of a tea plantation;
(c) 1 (one) day for every 14 (fourteen) days of work, in the case of a shop or commercial or industrial establishment.
(3) If any holiday occurs into the leave granted under this section shall be included in such leave.
(4) If a worker does not, in any period of 12 (twelve) months, take the leave either in whole or in part, to which he is entitled under sub-sections (1) or (2), such leave shall be added to the leave which he is entitled to in the succeeding period of 12 (twelve) months.
(5) Notwithstanding anything contained in sub-section (4), an adult worker shall cease to earn any leave under this section, when the earned leave due to him amounts to—
(a) 40 (forty) days in the case of a factory or road transport establishment;
(b) 60 (sixty) days in the case of a tea plantation or shop or commercial or industrial establishment.
(6) Notwithstanding anything contained in sub-section (4), an adolescent worker shall cease to earn any leave under this section when the earned leave due to him amounts to—
(a) 60 (sixty) days in the case of a factory or tea plantation;
(b) 80 (eighty) days in the case of a shop or commercial or industrial establishment.
(7) If a worker applies for earned leave and is refused by the employer for any reason, such refused leave shall be added to the credit of such worker beyond the limit mentioned in sub-section (5) or (6).

(8) For the purposes of this section, a worker shall be deemed to have completed a period of continuous service in an establishment notwithstanding any interruption in service during that period occurred due to—
(a) any holiday;
(b) any leave with wages;
(c) any leave with or without wages due to sickness or accident;
(d) any maternity leave not exceeding 16 (sixteen) weeks;
(e) any period of lay-off;
(f) any legal strike or any illegal lock-out.

118. Festival holidays.- (1) Every worker shall be allowed in a calendar year 11 (eleven) days of festival holiday with wages.
(2) The employer shall fix the day and dates of such leave in such manner as may be prescribed by rules.
(3) A worker may be required to work on any festival holiday, but 2 (two) days compensatory holidays with wages and a substitute holiday shall be provided for him in accordance with the provisions of section 103.

119. Calculation of wages and payment thereof during the period of leave or holiday.- (1) For the leave or holidays allowed to a worker under this Act, he shall be paid at the rate equal to the daily average of his full time wages, dearness allowances, and ad-hoc or interim wage, if any, except any overtime allowance and bonus for the days on which he worked during the month immediately preceding his leave:
Provided that if a worker in any establishment is entitled to cash in lieu of any advantage of supply of food grains, it shall be included in his wages.
(2) If an adult worker is allowed annual leave for a period of not less than 4 (four) days and an adolescent worker for period of not less than 5 (five) days, at a time, he shall, in so far as it is practicable, be paid his wages for the period of the leave so allowed, before his leave begins.

CHAPTER X
WAGES AND PAYMENT THEREOF

120. Special definition of wages.- Unless there is anything repugnant in the subject or context, in this Chapter, "wages" means the wages as defined in section 2 (45), and also includes the following dues, namely:—
(a) any bonus or other additional remuneration payable under the terms of employment;
(b) any remuneration payable for leave, holiday or overtime work;

(c) any remuneration payable under order of any Court or any award or settlement between the parties;
(d) any sum payable under any agreement or this Act for the reason of termination of employment, whether by way of retrenchment, discharge, removal, resignation, retirement, dismissal or by whatever means; and
(e) any sum payable due to lay-off or suspension.

121. Responsibility for payment of wages.—Every employer shall be liable to pay to workers employed by him all wages required to be paid under this Act:
Provided that in the case of all other workers, except any worker employed by a contractor, the Chief Executive Officer, the manager or any other person responsible to the employer for the supervision and control of an establishment shall also be liable for such payment:
Provided further that if the wages of a worker employed by the contractor is not paid by the contractor, the wages of such worker shall be paid by the employer of the establishment, and the same shall be adjusted from the contractor.

122. Fixation of wage-periods.—(1) Every person liable for the payment of wages under section 121 shall fix wage periods in respect of such payment.
(2) No wage period shall exceed 1 (one) month.

123. Time of payment of wages.—(1) The wages of a worker shall be paid before the expiry of the seventh working day following the last day of the wage period in respect of which the wages is payable.
(2) Where the employment of a worker is terminated by retirement or by his retrenchment, discharge, removal by the employer 1[or by termination of employment by the worker] or otherwise, all wages payable to him shall be paid before the expiry of the 2[thirtieth] working day following the day of termination of his employment.
(3) All wages shall be paid on the working day.

124. Wages to be paid in current coin or currency notes, etc.—3[(1)] All wages shall be paid in current coin or currency notes or bank cheque.
4[(2) Besides the manner mentioned in sub-section (1), where applicable, as per demand of a worker the wages may be paid directly through electronic transfer or any other digital manner to the bank account of such worker.]

1The words “or by termination of employment by the worker” was substituted for the words “dismissed or” by section 37 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2The word “thirtieth” was substituted for the word “seventh” by section 37 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
3The brackets and figure “(1)” was inserted by section 38 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
4Sub-section (2) was added by section 38 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

1[124A. Payment of wages and other dues through conciliation.—(1) An application may be made to the Chief Inspector or an officer authorized by him in this behalf for getting the wages and other legal dues of a worker or workers through conciliation at any stage of his or their employment including at the time of employment or under retirement or on termination or dismissal of employment, etc.
(2) On receipt of such an application, the Chief Inspector or the officer authorized by him in this behalf shall take measures, within a period of not exceeding 20 (twenty) days, to settle the claim raised, through discussion or conciliation meetings with the employer or authority concerned.
(3) In settling the claim raised under this section, the Chief Inspector or the officer authorized by him in this behalf shall act as a conciliator in taking initiative and holding discussion or conciliation meeting.
(4) The unanimous decision of such discussion or conciliation meetings shall be binding upon all the parties.
(5) The decision of the conciliator taken in the discussion or conciliation meetings held under this section shall be given in writing to both the parties.
(6) After completion of the conciliatory measures by the conciliator under this section, if both or either parties of the worker and employer do not agree to comply with his decision, the party concerned or both the parties may file a suit in the Labour Court for settlement of the issue and the Labour Court shall, while trying the suit, take into consideration the decision of the conciliator.]
125. Deductions which may be made from wages.—(1) Except the cases for deduction authorized by this Act, no deduction shall be made from the wages of a worker.
(2) Deductions from the 2[basic wages of a worker] may be made only in accordance with the provisions of this Act, and such deduction shall be of the following kinds only, namely:—
(a) fines imposed under section 25;
(b) deductions for unauthorized absence from duty;
(c) deductions for damage to or loss of any goods given under the custody of a worker or for loss of money for which he is liable to account, where such damage or loss is directly attributable to his neglect or default;
(d) deductions for house-accommodation provided by the employer;

1Section 124A was inserted by section 39 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2The words “basic was of a worker” were substituted for the words “wages of a worker” by section 40 of the Bangladesh Labour
(Amendment) Act, 2013 (Act No. XXX of 2013).

(e) deductions for facilities and service approved by the Government and provided by the employer, other than the raw materials and equipments used for the requirement of employment;
(f) deductions for recovery of advances or loans or adjustment of overpayments of wages;
(g) deductions of income-tax payable by the worker;
(h) deductions by order of a Court or deduction by order of any authority competent to make such order of deduction;
(i) deductions for subscriptions to and for payment of advances from any provident fund to which the Provident Funds Act, 1925 (Act No. XIX of 1925) applies or any recognized provident fund as defined in the Income-tax Ordinance, 1984 (Ordinance No. XXXVI of 1984) or any other provident fund approved by the Government;
(j) deductions for payment to any co-operative society approved by the Government or to an insurance scheme maintained by the Bangladesh Postal Department or any Government Insurance Company;
(k) deductions made with the written consent of the workers for the contribution to any fund or scheme constituted or framed by the employer with the approval of the Government for the welfare of the workers or the members of their families; and
(l) deduction of subscription for the CBA Union through check-off system.

126. Deductions from wages for absence from duty.—(1) Deductions from wages of a worker for absence from the place of worker under section 125(2)(b)may be made only, when he, by the terms of his employment, is required to work, but he is absent for the whole or any part thereof.

(2) The amount of such deduction shall, in no case, be more than the amount of wages payable to him for the period of absence:

Provided that, subject to any rules made in this behalf by the Government, if ten or more workers in a body absent themselves from work without notice and reasonable cause, wages of not exceeding eight days may also be added to the deduction from wages from every such worker which is payable to the employer in lieu of notice by the terms of his employment.

Explanation.—For the purposes of this section, a worker shall be deemed to be absent from the place of work if he, being present in such place, refuses to work in pursuance of a stay-in-strike or for any other unreasonable cause. It shall also be applicable to an officer of the trade union.

127. Deductions from wages for damage or loss.—(1) Any deduction under section 125(2) (c) shall not exceed the amount of the damage or loss caused to the employer by neglect or default of the concerned worker, and such deduction shall not be made until the worker is found guilty through proper enquiry in compliance with the principles of natural justice.

(2) All such deductions and all realizations relating thereto shall be recorded in such register as may be prescribed by rules by the person responsible for the payment of wages.

128. Deductions from wages for services rendered.—No deduction shall be made from the wages of a worker under section 125(2)(d) and (e) unless the house■accommodation, facilities or services provided are accepted by the concerned worker according to the terms of employment or otherwise, and such deduction shall not, in no circumstances, exceed the value of the house accommodation, facilities or service provided, and in the case of deduction under clause (e) it shall be subject to such conditions as the Government may impose.

129. Deductions from wages for recovery of loans or advances.- All deductions under section 125(2) (f) shall be subject to the following conditions, namely:—

(a) recovery of loan or advance given before employment shall be made from the first payment of wages for a complete wage period, but no such deduction shall be made from loan or advance given for traveling expenses;

(b) in what amount any loan or advance for the wages yet not earned may be given and in how many installments it may be recovered shall be determined subject to such rules as may be made by the Government in this behalf.

130. Other deductions from wages.—All deductions from wages under section 125 (2) (j), (k) and (l) shall be subject to such conditions as the Government may impose.

131. Payment of unpaid wages of the dead workers.—(1) Subject to other provisions of this Chapter, all sums payable to a worker as wages shall, if not possible to be paid due to his death or on account of his whereabouts not being known,—

(a) be paid to the person nominated by the concerned worker in this behalf in accordance with the rules;

(b) if there is no such nominee or if, for any reason, not possible to be paid to the nominee, be deposited with the Labour Court, and the Court shall take measures in this behalf in accordance with the rules.

(2) Where, under the provisions of sub-section (1), all sums payable to a worker as wages have been paid by the employer to the person nominated by the concerned worker or have been deposited with the Labour Court, the employer shall be discharged of his liability in respect of payment of such wages.

132. Claims arising out of deductions from wages or delay in payment of wages.—(1) Where any deduction is made from the wages of a worker in contrary to the provisions of this Act or the wages of a worker is not paid or payment of his wages or gratuity payable under any rule or dues from the provident fund is delayed, he or, in the case of his death, any of his heirs or any legal representative may apply to the Labour Court for recovery of wages or arrear or delayed wages or other dues.

(2) Such application shall be submitted to the Labour Court within which jurisdiction the place where the concerned worker was working or where the wages would have been paid to him situates within 12 (twelve) months from the date of deduction of wages or, as the case may be, from the date when the wages became due:

Provided that any such application may be presented after the expiry of the said period also, if the applicant may satisfy the Labour Court that he had sufficient cause for not making the application within such period.

(3) After the receipt of an application under sub-section (1), the Labour Court shall give the applicant and the employer or any other person responsible for the payment of wages under this Chapter an opportunity of being heard, and shall take necessary evidence, and may direct the employer or the person responsible for payment of wages to pay the wages which was deducted or was not paid or being delayed in the payment thereof to the applicant.

(4) Any order given under sub-section (3) shall not prejudice any punitive measure which may be taken against such employer or the person responsible for payment of wages under this Act.

(5) The Labour Court passing an order under sub-section (3) may also direct the employer or the person responsible for payment of wages to pay 25% (twenty■five per cent) of the wages as compensation to the applicant.

(6) No direction for the payment of compensation under sub-section (5) shall be made in the case of delay in the payment of wages, if the Labour Court is satisfied that the delay was due to—

(a) a bonafide error or bonafide dispute as to the amount of wages payable to the worker;

(b) the inability of the person responsible for the payment of wages to make payment thereof in due time, in spite of his reasonable efforts, for an emergent situation or the existence of an exceptional circumstances; or

(c) the failure of the worker to take wages or to apply therefor.

(7) If the Labour Court, while hearing any application under this section, is satisfied that such application is malicious or vexatious, the Court may impose a fine on the applicant of an amount not exceeding taka 200 (two hundred) and direct to pay the same to the employer or the person responsible for the payment of wages.

133. Court fees for application under section 132.—(1) For any application under section 132, the applicant shall not be liable to pay any court fees other than the fees payable for service of summons.
(2) If the applicant succeeds in the case, the Labour Court shall calculate the amount of court fees payable for this case which would have been payable if the application were a plaint in a civil suit for recovery of money, and direct the employer or the person responsible for payment of wages under section 121 to pay such money.
(3) If the money payable under sub-section (2) is not recovered within the time specified by the Labour Court, it shall be recoverable as a public demand.
134. Single application for realization of claims on behalf of the workers who are not paid wages or whose wages is deducted.—(1) A single application only may be presented under section 132 on behalf of all or more than one worker who were not paid wages or whose wages were deducted, and in such a case compensation shall be payable under section 132(5).
(2) The Labour Court may treat, all the separate applications submitted by more than 1 (one) worker under section 132 belonging to the group of workers who are not paid wages as a single application, and may accordingly dispose of them as a single application and the provisions of sub-section (1) shall apply in such case.
(3) For the purpose of this section, "the group of workers who are not paid wages" shall include only the workers who are employed in the same establishment, and whose unpaid wages or delayed wages are for the same wage-period.
135. Appeal.—(1) An appeal against an order passed by the Labour Court under section 132 may be preferred within 30 (thirty) days of the date on which the order was passed before the Tribunal.
(2) Notwithstanding anything contained in sub-section (1), no appeal by the employer or the person responsible for the payment of wages shall be preferred, if the total sum directed to be paid by way of wages or compensation does not exceed 1000 (one thousand) taka, and no appeal by any worker or, if he has died, by any of his heirs, or by his legal representative shall be preferred, if the total amount of wages claimed does not exceed 500 (five hundred) taka.
(3) No appeal shall be preferred by the employer or any person who is responsible to pay wages, unless the memorandum of appeal is accompanied by a certificate of the Labour Court to the effect that the appellant has deposited the money with the Labour Court against the order of payment of which the appeal is preferred.

(4) Save as provided in the case of appeal under this section, all other orders passed by the Labour Court under section 132 shall be final.
(5) The provisions of section 5 of the Limitation Act, 1908 (Act No. IX of 1908) shall also apply to the appeals under this section.
136. Conditional attachment of property of the employer or any other person responsible for payment of wages.—(1) Where at any time—
(a) after submission of an application under section 132, the Labour Court; or
(b) after preferring an appeal by a worker under section 135, the Tribunal;
is satisfied that the employer or any other person responsible for the payment of wages under section 121 is likely to evade the payment of money directed to be paid under section 132 or 135, such Court or, as the case may be, the Tribunal, after giving the employer or the person an opportunity of being heard, may attach his property for the payment of money so directed to be paid:
Provided that if there is possibility of defeating the purpose for the cause of delay, the said Court or Tribunal, before giving the opportunity of being heard, may pass such order of attachment:
Provided further that such amount of property may be attached, which, in the opinion of the Labour Court or the Tribunal, is sufficient to satisfy the amount directed to be paid.
(2) The provisions of the Code of Civil Procedure, 1908 (Act No. V of 1908), regarding attachment of property before trail, shall apply to the attachment under sub-section (1).
137. Recovery of money from the employer in certain cases.—Where the Labour Court or the Tribunal is unable to recover any money, ordered to be paid, from any other person responsible for the payment of wages under section 121, the Court may recover the money from the employer.

CHAPTER XI
THE WAGES BOARD

138. Establishment of the Minimum Wages Board.—(1) The Government shall establish a Board to be called the Minimum Wages Board.
(2) The Minimum Wages Board, hereinafter referred to in this Chapter as the Wage Board, shall consist of the following members, namely:-
(a) Chairman;
(b) 1 (one) independent member;
(c) 1 (one) member representing the employers; and
(d) 1 (one) member representing the workers.

(3) For the purpose of discharging the functions mentioned in section 139, the following members shall also be included in the Wage Board, namely:—
(a) 1 (one) member representing the employers of the industry concerned;
(b) 1 (one) member representing the workers employed in the industry concerned.
(4) The Chairman and the other members of the Wage Board shall be appointed by the Government.
(5) The Chairman and the independent member of the Wage Board shall be appointed from among such persons who have adequate knowledge of industrial labour and economic conditions of the country, and who are not connected with any industry or associated with any trade union of workers or employers.
(6) The member representing the employers and the member representing the workers under sub-section (2) or (3) shall be appointed after considering nominations, if any, of such organizations as the Government considers to be representative organizations of such employers and workers:
Provided that if no nomination is received from the representatives of the employers or workers in spite of more than one effort, the Government may, in its own opinion, appoint such persons whom it considers to be fit to be representative of employers or workers.
139. Recommendation of minimum rates of wages for certain workers.—(1) Where the Government is of the opinion that in view of the prevailing rates of wages of workers employed in any industry, it is necessary and reasonable to fix the minimum rates of wages for all or any class of workers employed in such industry, the Government may direct the Wage Board to recommend, after necessary enquiry, the minimum rates of wages for such workers or class of workers.
Explanation.—The Government may upon application made by the employer or workers or both the parties, consider fixation of minimum rates of wages for the workers employed in that industry.
(2) The Wage Board shall submit its recommendation to the Government within 6 (six) months of the receipt of such direction:
Provided that the Government may, on the request of the Wage Board extend the period.
(3) In accordance with the direction made under sub-section (1), the Wage Board may recommend the minimum rates of wages for all workers in any grade, and in such recommendation, may specify-
(a) the minimum rates of wage for time-work and piece-work; and
(b) the minimum time-rates for the workers employed on piece-work.

(4) The time-rates recommended by the Wage Board may be on hourly, daily, weekly or monthly basis.
(5) In its recommendation the Wage Board shall indicate whether the minimum rates of wage shall be adopted uniformly throughout the country or with such local variations for such areas as are specified therein.
(6) The minimum rates of wages fixed for the workers employed in any industry shall be re-fixed after every 5 (five) years on the direction by the Government.
140. Power to declare minimum rate of wages.—(1) Upon receipt of the recommendation of the Wages Board under section 139, the Government may, by notification in the official Gazette, declare that the minimum rates of wages recommended by the Wages Board for the various workers shall, subject to such exception as may be specified in the notification, be the minimum rates of wages for such workers.
(2) If the Government thinks that the said recommendation is not, in any respect, equitable to the employers or the workers, it may, within 1[45 (forty five)] days of receipt of the recommendation, refer it back to the Wages Board for reconsideration, and at the time of such referring back if the Government thinks fit, it may make comments on it and give any information relating thereto.
(3) Where any recommendation is referred back to the Wages Board under sub-section (2), the Wages Board shall review its recommendation, considering the comments made and information given by the Government and, if necessary, shall hold further enquiry and shall submit to the Government a revised recommendation, or if the Board thinks that no amendment or change in the recommendation is necessary, it shall make a report to that effect stating reasons therefore.
(4) Upon receipt of the recommendation under sub-section (3), the Government may, by notification in the official Gazette, declare that the minimum rates of wages for various workers recommended under that sub-section by the Wages Board 2[or modified by the Government] or according to the revised recommendation made by the Government shall, subject to such modifications and exceptions as may be specified in the notification, be the minimum rates of wage for such workers.
(5) Unless any date is specified in this behalf in the notification under sub-section (4), the declaration thereunder shall take effect on the date of its publication.

1The word “fifty five” was substituted for the word “thirty” by section 41(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX
of 2013).
2The words “or according to the revised recommendation made by the Government” was substituted for the word “recommended” by
section 41(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(6) Where after publication of a notification under sub-section (1) or (4) or after the minimum rates of wages declared thereunder have taken effect, it comes to the notice of the Government that there is a mistake in the minimum rates of wages so declared, it may refer the matter to the Wages Board and any such reference shall be deemed to be a reference under sub-section (2).

(7) The minimum rates of wages declared under this section shall be final and shall not, in any manner, be questioned, or no objection shall be raised in this behalf in any Court or before any authority.

1[140A. Special power of the Government.—Notwithstanding anything contained in sections 139, 140 and 142, the Government may, at any stage of implementation of minimum wages declared for any industrial sector in response of any special circumstances, further declare the minimum wages structure, subject to reconstitution of the Minimum Wages Board for declaration of the minimum wages structure afresh and compliance of the necessary formalities:

Provided that in such a case the Government may, if it deems necessary, by notification in the official Gazette, instead of declaring the minimum rates of wages afresh, give effect to any modification or alteration of existing rates of wages in consultation with both the workers and employers.]

141. Factors to be considered in making recommendation.—In making any recommendation, the Wages Board shall take into account the cost of living, standard of living, cost of production, productivity, price of products, inflation, nature of work, risk and standard, business capability, socio-economic conditions of the country and the locality concerned and other relevant factors.

142. Periodical review of minimum rates of wages.—(1) If any change in the factors specified in section 141 and other relevant factors so demand, the Wages Board shall review its recommendations once again and recommend to the Government any amendment or modification of the minimum rates of wages declared under section 140:

Provided that unless any special circumstances of a case so require, no recommendation shall be reviewed earlier than 1 (one) year or later than 3 (three) years from the date on which it was made.

(2) Review and recommendation under this section shall be deemed to be an enquiry and recommendation under section 139, and the provisions of this Chapter shall, as far as may be, apply in this case also.

143. Establishment of Wages Board for newspaper workers.— (1) The Government may, if it thinks fit, by notification in the official Gazette, establish a separate Wage Board, to be called the Newspaper Workers Wage Board, for fixing rates of wages for newspaper workers.

1Section 140Awas inserted by section 42 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(2) The said Board, hereinafter referred to in this Chapter as the Newspaper Wage Board, shall consist of a Chairman and equal number of members representating the employers of the newspaper establishments and newspaper workers, appointed by the Government.

144. Fixation of wages for newspaper workers.—(1) In fixing the rates of wages for newspaper workers, the Newspaper Wages Board shall take into account the cost of living, the prevailing rates of wages of equal employment in Government, corporation and private sectors, the conditions of the newspaper industry in different regions of the country, and any other factors which the Newspaper Wages Board may think relevant.

(2) The Newspaper Wages Board may fix rates of wage for time-work and for piece-work.

(3) After fixing the rates of wages, the Newspaper Wages Board shall send its decision, as soon a practicable, to the Government.

145. Publication of decision of Newspaper Wage Board.—(1) The Government shall examine the decision of the Newspaper Wages Board and shall, within a period of 3 (three) months from the date of its receipt, publish it, by notification in the official Gazette with such modifications as it may deem necessary.

(2) The decision of the Newspaper Wage Board, with modifications as aforesaid, published under sub-section (1), shall come into force with effect from such date as may be specified in the notification, and if no date is so specified, it shall come into force on the date of its publication.

146. Power of the Newspaper Wages Board to fix interim rates of wages.—(1) If the Newspaper Wages Board is of the opinion that it is necessary so to do, it may, by notification in the official Gazette, fix interim rates of wages.

(2) Any interim rates of wages, so fixed, shall be binding on all employers of the newspaper establishments and every newspaper worker shall be entitled to wages at the rate not less than such interim rates of wages.

(3) Any such interim rates of wages shall remain in force until the decision of the Newspaper Wages Board comes into effect under section 145(2).

147. Application to the Labour Court.—If any dispute arises as to classification or re-classification of a newspaper or a newspaper establishment due to the decision of the Newspaper Wage Board, with modifications, published under section 145(2), any person aggrieved by such decision may apply to the Labour Court for adjudication of the dispute.

148. Minimum wages to be binding on all employers.—The minimum rates of wage declared under section 140 or published under section 145 shall be binding on all employers concerned and every worker shall be entitled to be paid wages at the rate not less than the rates of wages so declared or published.

149. Prohibition to pay wages at a rate lower than the minimum rates of wages.—(1) No employer shall be entitled to pay any worker wages at a rate lower than the rates declared or published under this Chapter to be the minimum rates of wages.

(2) Nothing in sub-section (1) shall prejudice, in any way, the right of a worker to continue to receive wages at a rate higher than the minimum rates declared or published under this Chapter or other facilities, if under any agreement or award or for any other reason, he is entitled to receive wages at such higher rate or to enjoy such facilities under any customs.

CHAPTER XII

COMPENSATION FOR INJURY CAUSED BY ACCIDENT

150. Liability of the employer to pay compensation.—(1) If a worker is bodily injured by an accident arising out of the course of his employment, his employer shall be liable to pay him compensation in accordance with the provisions of this Chapter.

(2) An employer shall not be liable to pay such compensation, if—

(a) a worker does not lose the ability to work, in whole or in part, for a period exceeding three days due to injury;

(b) the cause of injury to a worker, not resulting in death, by the accident directly attributed to—

(i) the worker having been at that time under the influence of drink or drugs;

(ii) the willful disobedience by the worker of a clear order or to rules made for the purpose of securing the safety of workers; ,

(iii) the willful removal or disregard by the worker of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workers.

(3) If—

(a) any worker, employed in any employment specified in “Part-A” of the Third Schedule, is attacked with any disease specified therein as an occupational disease peculiar to that of employment; or

(b) a worker, while in the service of an employer for a continuous period of not less than 6 (six) months in any employment specified in Part-B of the Third Schedule, is attacked by any disease specified therein as an occupational disease peculiar to that employment,

being attacked of such disease shall be deemed to be an injury by accident within the meaning of this section, and, unless the employer proves the contrary, such accident shall be deemed to have arisen out of the course of his employment.

Explanation.—For the purposes of this sub-section, a period of service shall be deemed to be continuous if the service of the same kind under any other employer is not joined therewith.

(4) The Government may, by notification in the official Gazette, add any description of employment to the employments specified in the Third Schedule, and in that case, shall specifically mention what shall be the occupational disease peculiar to that employment, and there after the provisions of sub-section (3) shall be so applied as if such disease were declared as occupational disease peculiar to that employment under this Chapter.

(5) Save as provided by sub-sections (3) and (4), no compensation shall be payable to a worker in respect of any disease unless the disease is directly attributable to an injury by accident arising out of the course of his employment.

(6) Nothing herein contained shall be deemed to confer any right to compensation on a worker in respect of any injury if he has instituted a suit for damages for such injury in a civil Court against the employer or any other person.

(7) No suit for damages, in respect of any injury, shall be instituted by a worker in any Court, if—

(a) he submits an application claiming compensation in respect of such injury before a Labour Court; or

(b) there is an agreement between him and his employer providing for the payment of compensation in respect of such injury in accordance with the provisions of this Chapter.

(8) For the purposes of this Chapter, "worker" means any person employed by the employer directly or through contractors, who is—

(a) a railway servant as defined in section 3 of the Railways Act, 1890 (Act No. IX of 1890) (who is not employed in any permanent post of any administrative, district or upazilla office of the railway, and also not employed in any post specified in the Fourth Schedule); or

(b) employed in any post specified in the Fourth Schedule;

whether the contract of his employment is oral or in writing, expressed or implied, and any reference to a injured worker shall, if he dies, include his dependents or any of them.

Explanation.—For the purposes of this Chapter, the exercise of power or performance of duty by a local authority or by any department acting on behalf of the Government shall, unless a contrary intention appears, be deemed to be the trade or business of such authority or department.

151. Amount of compensation.—(1) Subject to the provisions of this Chapter, the amount of compensation shall be as follows, namely:—
(a) where death results from the injury, the sum mentioned in the second column of the Fifth Schedule1[:]
2[Provided that this amount of compensation shall be in addition to the compensation relating to his normal retrenchment of, dismissal from, termination of, or resignation from, service;]
(b) where permanent total disablement results from the injury—
(i) 3[irrespective of the worker is adult or minor], the sum mentioned in the third column of the Fifth Schedule; and
4[(ii) ***]
(c) where permanent partial disablement results from the injury,—
(i) in the case of injury specified in the First Schedule, such percentage of the compensation which would have been payable in the case of permanent total disablement which is equal to the ratio specified therein as being the percentage of the loss of earning capacity caused by that injury;
(ii) in the case of an injury not specified in the First Schedule, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury; and
(d) where temporary disablement, whether total or partial, results from the injury, a monthly compensation shall be payable on the first day of the month following the month in which it is due after the expiry of a waiting period of 4 (four) days from the date of disablement and thereafter shall be payable for the period of disablement or for a period as specified in the last column of the Fifth Schedule, whichever is shorter.
(2) Where more than 1 (one) injury is caused by the same accident, the amount of compensation payable under sub-section (1)(c) shall be aggregated, but not in such a way as to exceed the amount which would have been payable if permanent total disablement would resulted from the injuries.
(3) If the disablement ceases before the date on which any monthly compensation is payable, a sum proportionate to the duration of the disablement in that month shall be payable in respect of that month.

1The colon ":" was substituted for semi-colon ";" by section 43(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2The proviso was added by section 43(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
3The words "irrespective of the worker is adult or minor" was substituted for the word "if the worker is adult" by section 43(a) of the
Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
4Sub-section (ii) was omitted by section 43(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

152. Method of calculating wages.—(1) For the purposes of this Chapter "monthly wages" means the amount of wages deemed to be payable for work of 1 (one) month, whether the wages is payable by month or by other period or at piece rates.

(2) Such wages shall be calculated as follows, namely:—

(a) where the worker was in the service of the employer who is liable to pay compensation for a continuous period of not less than 12 (twelve) months immediately preceding the accident, the monthly wages of the worker shall be ■

■■

(one-twelfth) of the total wage to be paid to him by the employer for the preceding 12 (twelve) months;

(b) where the worker was in the service of the employer who is liable to pay the compensation for a continuous period of less than 1(one) month immediately preceding the accident, the monthly wage of the worker shall be the sum equal to the monthly average of income which, during the 12 (twelve) months immediately preceding the accident, was being earned by a worker employed on the same work by the same employer, or, if there was no worker so employed, by any other worker employed on similar work in the same locality;

(c) in other cases, the monthly wages shall be the sum arrived at on the basis of the following calculation:

30 (thirty) times of the total wages earned from the employer who is liable to pay compensation for a continuous period of service immediately preceding the accident divided by the number of days comprising such period.

Explanation.—For the purposes of this section, any period of service shall be deemed to be continuous which is not interrupted by a period of absence from work for exceeding 14 (fourteen) days.

153. Review.—(1) Any monthly compensation payable under this Chapter, whether under an agreement between the parties or under an order of the Labour Court, may be reviewed by the Labour Court, if—

(a) an application is made either by the employer or by the worker accompanied by a certificate of a registered medical practitioner stating that the condition of the worker has been changed; or

(b) besides such certificate, an application is made either by the employer or by the worker on the ground that the compensation was fixed by fraud or undue influence or other improper means or from the record it is clearly seen that such fixation was wrong.

(2) Subject to the provisions of this Chapter, any monthly compensation may, on review under this section, be continued, increased, decreased or stopped, or if it is found that permanent disablement results from the accident, the monthly compensation payable may be converted to the lump sum to which the worker is entitled, but the sum already received as monthly compensation shall be deducted from it.

154. Payment of monthly compensation by lump-sum.—(1) The employer may pay monthly compensation payable to a worker by paying a lump-sum amount on the basis of the agreement between the parties.
(2) If there is no such agreement and the payment of compensation continues for not less than 6 (six) months the monthly compensation may be redeemed, on the application of either party, by the payment of such lump sum amount as may be determined by the Labour Court.
155. Distribution of compensation.—(1) No compensation payable in respect of a worker died from injury and no lump sum amount payable as compensation to a person under a legal disability, shall be paid otherwise than by making deposit with the Labour Court.
(2) If any compensation mentioned in sub-section (1) is paid directly by an employer, it shall not be deemed to be a payment of compensation, unless the concerned worker, during the period of his employment, has nominated in the manner prescribed by rules any of his heirs to receive the compensation in the event of an injury resulting in his death and the compensation is paid to that nominated heir.
(3) Notwithstanding anything contained in sub-section (1), in the case of a deceased worker, the employer may make advance payment as compensation to any of his dependents, and the Labour Court shall, deducting such advance from the compensation payable to such dependent, refund it to the employer 1[:]
2[Provided that where, in the case of a deceased worker, any amount is paid for his burial or treatment or carrying of dead body, it shall not be deducted from any amount paid in advance by the employer or from the compensation payable to the dependents through the Labour Court.]
(4) Any other sum payable as compensation may be deposited with the Labour Court on behalf of the person entitled thereto.
(5) A receipt given by the Labour Court shall be a sufficient discharge in respect of any compensation deposited with it.
(6) On the deposit of any money as compensation in respect of a deceased worker under sub-section (1), the Labour Court may, if necessary, by a notice published, or served on each dependent, in such manner as it thinks fit, call upon the dependents to appear before it on such date as it may fix for determining the distribution of the compensation.
(7) If the Labour Court is satisfied after any enquiry, which it may deem necessary, that there exists no dependent, the Court shall, after not less than 2 (two) years following the date of deposit, transfer the undistributed money deposited with it for the welfare of workers to such fund which the Government may, by notification in the official Gazette, specify or establish.

1The colon ":" was substituted for full stop "." by section 44 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2The proviso was added by section 44 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(8) The Labour Court shall, on an application by the employer, furnish him a statement showing in detail all disbursements made by it.
(9) Any compensation deposited in respect of a deceased worker shall, subject to any deduction made under the provisions of sub-section (3), be apportioned among the dependents of the deceased worker or among any of them in such proportion as the Labour Court thinks fit, or the Labour Court may, in its discretion, allot it to any one dependent.
(10) Where any compensation deposited with the Labour Court is payable to any person, the Labour Court shall, if the person to whom the compensation is payable is not under any legal disability, pay to him, and in other cases, may pay to the person entitled thereto.
(11) Where any lump sum deposited with the Labour Court is payable to a person who is under a legal disability, such sum may be invested or applied for the benefit of such person during his disability in such manner as the Labour Court may direct.
(12) Where a half monthly compensation is payable to any person who is under a legal disability, the Labour Court may, on its own or on an application, give order to pay such compensation during his disability to any dependent of the concerned worker or to any other person whom the Labour Court thinks fit to provide for the welfare of such worker.
(13) Where on an application or otherwise the Labour Court is satisfied that due to negligence of a parent to heir her children, or due to changes of the circumstances of any dependent, or for any other sufficient reason, any order of the Labour Court as to the distribution of any sum paid as compensation or any order of such Court as to the investment or application of any compensation payable to any such dependent is to be varied, the Labour Court may make such order for the variation of its former order as it thinks fit in the circumstances of the case:
Provided that if such order is prejudicial to any person, such order shall not be made, unless such person has been given an opportunity of showing cause against such order, or in any case in which it is necessary to make repayment by the dependent of any sum already paid to him as compensation.
(14) Where the Labour Court varies any order under sub-section (13) on the ground that the payment of compensation to any person has been obtained by fraud, impersonation or any other improper means, any compensation so paid may be recovered from him under the provisions of section 329.
156. Prohibition to assign, attach or charge compensation.—Save as provided in this Chapter, any lump sum or monthly compensation payable under this Chapter shall not be assigned, attached or charged, or shall not be transferred to any person other than the worker by operation of any law, or shall not be set off any claim against the same.

157. Notice and claim.—No claim for compensation shall be considered by the Labour Court, unless a notice of the accident is given in the manner hereinafter provided as soon as practicable after the occurrence thereof and unless the claim is preferred within 2 (two) years of the occurrence of the accident or in case of death within 2 (two) years of the date of death.

(2) Where the accident is the contracting of a disease in respect of which the provisions of section 150 (3) is applicable, the accident shall be deemed to have occurred on the first day of the continuous absence of the worker in consequence of the disablement caused by the said disease.

(3) Any defect or irregularity in or want of a notice shall not be a bar to the consideration of a claim—

(a) if the claim is preferred in respect of the death of a worker resulting from an accident which occurs—

(i) on the house or premises of the employer; or

(ii) at the place where the worker was working under the control of the employer or of any person employed by him; and the worker died on such house or premises or place, or died before having left the vicinity of the house or premises or place; or

(b) if the employer or any person responsible to the employer for the management of the trade or business in which the injured worker was employed had knowledge of the accident from any other source at or about the time when it was occurred.

(4) The Labour Court may consider and decide any claim to compensation in any case notwithstanding that the notice is not given, or the claim is not preferred, in due time, as provided in the aforesaid sub-section, if it is satisfied that there was sufficient reason for the failure to give such notice or prefer such claim.

(5) In every such notice the name and address of the person injured shall be mentioned and the cause of the injury and the date of the accident shall be stated in easy language, and shall be served on the employer or upon any person responsible to the employer for the management of the trade or business in which the injured worker was employed.

(6) A notice under this section shall be served by delivering it at, or sending it by registered post addressed to, the residence or office, or place of business of the person on whom it is to be served, or where a notice-book is maintained, by making an entry in the notice-book.

158. Power to require from employer statement regarding fatal accident.—(1) Where a Labour Court receives information from any source that a worker has died as a result of an accident arising out of, and in the course of, his employment, it shall send, by registered post, a notice to the worker’s employer requiring him to submit, within 30 (thirty) days of the service of the notice, a statement, in the form prescribed by rules, giving the reasons and circumstances attending the death of the worker, and indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death,

(2) If the employer is of the opinion that he is liable to deposit compensation, he shall make the deposit within 30 (thirty) days of the service of the notice.
(3) If the employer is of the opinion that he is not liable to deposit compensation, he shall, in his statement, state the grounds of it.
(4) Where the employer disclaims his liability as mentioned above, the Labour Court may, after such enquiry as it may think fit, inform any of the dependents of the deceased worker that it is open to the dependents to prefer a claim for compensation, and may provide them such other information, as the Court thinks fit.
159. Report of fatal accident.—Where, by any law for the time being in force, any notice is required to be given to any authority, as to the death resulting from an accident occurring in the house or premises of an employer, the employer or any other person on behalf of him shall, within 7 (seven) days of such death, send a report to the Labour Court giving the cause and surrounding circumstances of the death.
160. Medical examination.—(1) Where a worker gives notice of an accident, the employer shall, within 3 (three) days of service of such notice, cause the worker to be examined 1[at the expense of the employer] by a registered medical practitioner and the worker shall submit himself for such examination:
Provided that if the accident or illness of the worker is of grave nature, the employer shall cause him to be examined at the place where the worker is staying.
(2) If any worker continues to receive monthly compensation under this Chapter, he shall, if so required, submit himself for such examination from time to time.
(3) Where a worker is not examined as aforesaid, he may get himself examined by a registered medical practitioner and the employer shall be liable to pay him the expenses for such examination.
(4) No worker shall be ordered to present himself for medical examination under sub-section (1) or (2) otherwise than in accordance with rules made under this Chapter or on any day other than the day prescribed by rules.
(5) If a worker being ordered by the employer under sub-section (1) or (2) or by the Labour Court at any time, refuses to present himself to the registered medical practitioner for medical examination or in any other way obstructs the same, his right to compensation shall remain suspended during the continuance of such refusal or obstruction, unless, in the case of refusal, he was prevented by sufficient cause from so presenting himself.

1The words “at the expense of the employer” were substituted for the words “free of cost” by section 45(a) of the Bangladesh Labour
(Amendment) Act, 2013 (Act No. XXX of 2013).

(6) If a worker, before the expiry of the period within which he is supposed to present himself for medical examination under sub-section (1) or (2), voluntarily leaves, without having been so examined, the vicinity of his place of employment, his right to compensation shall remain suspended until he returns or offers himself for such examination.
(7) If a worker, whose right to compensation is suspended under sub-sections (5) and (6) dies without having present himself for medical examination as required under any of the foregoing sub-sections, the Labour Court may, if it thinks fit, direct for the payment of compensation to the dependents of the deceased worker.
(8) Where under sub-section (5) or (6) the right to any compensation is suspended, no compensation shall be payable in respect of the period of suspension and if the period of suspension commences before the expiry of the waiting period referred to in section 151(1)(b), the waiting period shall be increased by the duration of suspension.
(9) Where an injured worker, being offered by the employer of medical treatment by a medical practitioner free of charge, refuses to accept it, or having accepted such offer deliberately disregards the instructions of such medical practitioner, and if it is proved that the worker has not thereafter been regularly attended by a registered medical practitioner or having been so attended has deliberately failed to follow medical practitioner's instructions and such refusal, disregard or failure was unreasonable in the circumstances of the case and the injury is aggravated thereby, the injury and the disablement evident from it shall be deemed to be of the same nature and duration as they might have reasonably been expected to be if the worker had been regularly attended by a registered medical practitioner and had followed his instructions, and the compensation, if any, shall be payable accordingly.
(10) Where any employer or the injured worker is not satisfied with the report of the medical examination by a registered medical practitioner, he may refer the case for re-examination by a medical specialist of at least the rank of an Associate Professor of a Medical College, and the expenses incurred for such examination shall be borne by the employer or the worker, as the case may be.
1[(11) Where in any establishment at least 10 (ten) workers are working, the employer of such establishment may introduce and implement an insurance scheme against accident under group insurance programme for the workers, and the benefits or money received from such accident insurance scheme shall be spent for the treatment of the workers.]

1Sub-section (11) was added by section 45(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

161. Compensation in the case of a contract.—(1) Where any employer in the course of his trade or business or for the purposes of it contracts with any other person, hereinafter in this section referred to as the 1[contracting agency], for the execution of the whole or any part of any work which is ordinarily the part of his trade or business, the said employer shall be liable to pay to any worker employed by the contractor for the execution of the work any compensation which he would have been liable to pay if the worker had been directly employed by him and where compensation is claimed from the employer the wages received from the contractor shall be taken into cognizance for fixing the compensation.

2[(2) Where sub-section (1) applies, all compensation shall be paid by the principal or original employer.

(3) Where the principal or original employer is of the opinion that the occurrence of death or injury of the concerned worker has been specially and in fact occurred as a result of violation of any rules of conduct on behalf of the contractor, he may, after depositing the full amount of compensation in the Labour Court (in the case of the death of the worker) or after payment of the prescribed amount of money to the worker concerned (in the case of the injury of the worker), apply to the Chief Inspector to determine the share of the said amount which should be paid by the contractor to the principal or original employer, and the Chief Inspector shall, within 45 (forty five) days of receipt of the application, dispose of it according to rules.]

162. Insolvency of the employer.—(1) Where any employer is entered into a contract with any insurer in respect of any liability of the workers under this Chapter, in the event of the employer becoming insolvent or making a scheme of arrangement with his creditors, or if the employer is a company and it commences to be wound up, the right of the employer against the insurer in respect of such liability shall, notwithstanding anything contained in any other law for the time being in force relating to insolvency or the winding up of a company, be transferred to and vest in the worker, and upon any such transfer the insurer shall have the same rights and remedies and be subject to the same liabilities, as if he were the employer, provided that the insurer shall not be under any greater liability to the workers than the employer would have been to the workers.

(2) If the liability of the insurer to the worker is less than that of the employer, the worker may prove it in the insolvency or liquidation proceedings.

1The words “contracting agency” was substituted for the words “contractor” by section 46(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

2Sub-section (2) and (3) were substituted for original sub-section (2), (3) and (4) by section 46(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(3) Where in any such case as is referred to in sub-section (1), the contract of the employer with the insurer is void or voidable by reason of non-compliance on the part of the employer with any terms and conditions of the contract, other than the payment of the premium, the provisions of the said sub-section shall apply as if the contract were not void or voidable, and the insurer shall be entitled to prove in the insolvency or liquidation proceedings the amount paid to the worker:
Provided that the provisions of this sub-section shall not apply in a case where the worker fails to give notice to the insurer of the accident and of any resultant disablement after as soon as practicable, the initiation of the insolvency or liquidation proceedings became known to him.
(4) Any compensation, the liability for payment of which arose before the date of the order of adjudication of an insolvent or, as the case may be, before the date of the commencement of the winding up proceedings of a company, shall be deemed to have been included among the debts which are repayable in priority over all other debts under section 49 of the Insolvency (Dacca) Act, 1909 (Act No. III of 1909), or under section 61 of the Insolvency Act, 1920 (Act No. V of 1920) and under section 230 of the Companies Act, 1994 (Act No. XVIII of 1994), in the case of distribution of the property of the insolvent or in the case of distribution of the assets of the company being wound up and the said Acts shall have effect accordingly.
(5) Where the compensation is a monthly payment, the amount due in respect thereof shall, for the purposes of this section, be taken to be the amount of the lump sum for which the monthly payment could, if redeemable, be redeemed if application were made for that purpose under section 154, and a certificate of the Labour Court as to the amount of such lump sum shall be conclusive proof thereof.
(6) The provisions of sub-section (4) shall apply in the case of any amount for which an insurer is entitled to prove under sub-section (3), but such provision shall otherwise not apply where the insolvent or the company being wound up has entered into such a contract with insurer as is referred to in sub-section (1).
(7) The provisions of this section shall not apply where a company is wound up voluntarily for the purposes of reconstitution or of amalgamation with another company.
163. Special provision for the master and seamen.—(1) This Chapter shall, subject to the provisions of this section, apply to the master or seaman of a ship.
(2) The notice of any accident and the claim for compensation shall, except where the person injured is the master of the ship, be served on the master of the ship as if he were the employer, but where the accident occurred and the disablement commenced on board the ship, it shall not be necessary for any seaman to give any notice of the accident.

(3) In the case of death of a master or a seaman, the claim for compensation shall be made within 6 (six) months after the news of the death is received by the claimant or, where the ship is or is deemed to have been lost with all, within 18 (eighteen) months of such lose or so deemed to have been lost.
(4) Where the injured master or seaman is discharged or left behind in a foreign country, any deposition taken by any Judge or Magistrate of that country or by any Consular Officer in that country and transmitted to the Government by him shall be admissible in evidence in proceedings for enforcing any claim, if-
(a) the deposition is authenticated by the signature of the said Judge, Magistrate or Consular Officer;
(b) the defendant or the person accused had an opportunity to cross■examine the witnesses; and
(c) where the deposition was taken in the course of a criminal proceeding, it is proved that the deposition was taken in the presence of the person accused;
and it shall not be necessary in any case to prove the signature or rank of the person appearing to have signed any such deposition and a certificate by such person that the defendant or the person accused had an opportunity to cross-examine the witness and that the deposition, if taken in a criminal proceeding, was taken in the presence of the person accused shall, unless the contrary is proved, be sufficient evidence that he had got the opportunity and that it was so made.
(5) No monthly payment as compensation shall be payable in respect of the period during which the owner of the ship is, under any law for the time being in force in Bangladesh relating to merchant shipping, liable to defray the expenses of maintenance of the injured master and seaman.
(6) No compensation shall be payable under this Chapter in respect of any injury in respect of which provision is made for payment of a gratuity, allowance or pension under the War Pension and Detention Allowances (Mercantile-Marine, etc.) Scheme, 1939 or the War Pensions and Detention Allowances (Indian seamen, etc.) Scheme, 1941, made under the Pensions (Navy, Army, Air Force and Mercantile■Marine) Act, 1939, or under the War Pensions and Detention Allowances (Indian seamen) scheme, 1942 made by the Government.
(7) Failure to give a notice or making a claim or commence proceeding within the time specified under this Chapter shall not be a bar to the commencement of proceedings under this Chapter in respect of any personal injury, if—
(a) any application is made for payment in respect of that injury under any of the schemes referred to in sub-section (6); and

(b) the Government certifies that the said application was made in the reasonable belief that the injury was one in respect of which the application was made under a scheme in which, there was provision for payment of money and that the application was rejected or the payment in pursuance of the application were discontinued on the ground that the injury was not such an injury; and
(c) the proceedings under this Chapter are commenced within 1 (one) month from the date on which the said certificate of the Government was given.

164. Return as to compensation.—The Government may, by notification in the official Gazette, direct that every person employing workers or any class of such persons, shall send, at such time and in such form and to such authority, as may be specified in the notification, a correct return specifying the number of injuries in respect of which compensation was paid by the employer during the previous year and the amount of such compensation, together with such other particulars as to the compensation as the Government may direct.

165. Agreement as to indemnity or reduction of liability be void.—Any agreement, made before or after the commencement of this Act, whereby a worker relinquishes any right of compensation from the employer for personal injury arising out of or during the course of the employment, shall, to such extent as to remove or reduce the liability of any person to pay compensation under this Chapter, be void.

166. Certain questions shall be sent to Labour Court for settlement.—(1) If any question arises in any proceedings under this Chapter as to the liability of any person to pay compensation or whether the injured person is or is not a worker, or the amount or duration of compensation, or any question as to the nature or extent of disablement, the question shall, in the absence of an agreement, be settled by the Labour Court.
(2) No civil Court shall have jurisdiction to settle any question which is by or under this Chapter required to be settled by the Labour Court or to enforce any liability incurred under this Chapter.

167. Venue of proceedings.—Where any matter under this Chapter is to be done by or before a Labour Court, the same shall, subject to the provisions of this Chapter and any rule, be done by or before that Labour Court having jurisdiction in the area in which the accident took place resulting the injury:
Provided that where the worker is the master of a ship or a seaman, any such matter shall be done by or before a Labour Court having jurisdiction in the area in which the owner or agent of the ship resides or carries on business.

168. Condition of application.—No application, other than the application by1[the worker who himself suffers losses or by a dependent] for compensation, for the settlement of any matter by a Labour Court under this Chapter, shall be made, unless the both parties have failed to settle the question raised as to such matter by agreement.

169. Power of the Labour Court to require more deposit in cases of fatal accident.—(1) Where any sum is deposited by the employer as compensation payable in respect of a worker whose injury has resulted in death, and in the opinion of the Labour Court such sum is insufficient, the Court may, by notice in writing stating its reasons, call upon the employer to show cause as to why he should not make a further deposit within such time as my be specified in the notice.

(2) If the employer fails to show cause to the satisfaction of the Labour Court, the Court may make an award determining the total amount payable as compensation and require the employer to deposit the deficiency.

170. Registration of agreements.—(1) Where the amount of any lump sum payable as compensation is fixed by an agreement, either by way of redemption of a monthly payment or otherwise or where such fixed compensation is payable to a person under a legal disability, a memorandum thereof shall be sent by the employer to the Labour Court, and the Court shall, on being satisfied as to its genuineness, record it in a register in the manner prescribed by rules:

Provided that—

(a) no such memorandum shall be recorded before the expiry of 7 (seven) days of communication thereof to the parties by the Labour Court;

(b) the Court may at any time rectify the register;

(c) if it appears to the Labour Court that an agreement as to the payment of a lump sum, whether by way of redemption of a monthly payment or otherwise, or an agreement as to the amount of compensation payable to a person under a legal disability, should not be registered by reason of the inadequacy of the sum or amount or by reason of having been obtained by fraud or undue influence or other improper means; the Court may make such order as to any sum already paid under the agreement, as it thinks just in the circumstances.

(2) Notwithstanding anything contained in any other law, an agreement for the payment of compensation registered under sub-section (1) shall be enforceable under this Act.

171. Effects of failure to register agreement.—Where a memorandum of any agreement required to be registered under section 170 is not sent to the Labour Court under that section, the employer shall be liable to pay the full amount of compensation which is payable by him under this Chapter, and he shall not, unless the Labour Court otherwise directs, be entitled to deduct more than half of any amount paid to the worker by way of compensation, whether under an agreement or otherwise.

1The words “a worker who himself suffers losses or by a dependent” were substituted for the words “a dependent” by section 47 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

172. Appeals.—(1) An appeal shall lie to the Tribunal against the following orders of a Labour Court under this Chapter, namely:—
(a) an order awarding as compensation a lump sum whether by way of redemption of a monthly payment or otherwise, or disallowing a claim in full or in part for a lump sum;
(b) an order refusing an application to allow redemption of a monthly payment by payment of money;
(c) an order providing for the distribution of compensation among the dependents of a deceased worker, or an order disallowing any claim of a person alleging himself to be such dependant;
(d) an order allowing or disallowing any claim for any amount of compensation under the provisions of section 161 (2);
(e) an order refusing to register a memorandum of agreement or registering the same or providing for registration thereof , subject to conditions; or
(f) an order under section 155 (7).
(2) No appeal shall lie in any case in which the parties have agreed to abide by the decision of the Labour Court or in which the order of the Labour Court gives effect to an agreement entered into by the parties.
(3) No appeal by an employer under sub-section (1) (a) shall lie, unless the memorandum of appeal is accompanied by a certificate by the Labour Court to the effect that the appellant has deposited with it the amount payable under the order concerned.
(4) No appeal shall lie against any order unless a substantial question of law is involved in the appeal, and no appeal shall lie against an order, other than the order as is referred to in sub-section (1) (b), unless the amount in dispute in the appeal is not less than 1,000 (one thousand) taka.
(5) The period of limitation for an appeal under this section shall be 60 (sixty) days.
(6) The provisions of section 5 of the Limitation Act, 1908 (Act No. IX of 1908) shall apply to an appeal under this section.
173. Withholding of certain payments subject to decision of appeal.—Where the employer prefers an appeal under section 172 (1) (a), the Labour Court may, subject to the decision of the appeal, withhold payment of any sum deposited with it, and if the Tribunal so directs, it shall surely be withheld.
174. Rules to give effect to arrangement with other countries for the transfer of money paid as compensation.—(1) The Government may, by notification in the official Gazette, make rules—
(a) for the transfer of money deposited with a Labour Court under this Chapter to any other country which is payable to, or is due by, any person, who is residing or about to reside in that country; and

(b) for the receipt, distribution and administration in Bangladesh of any money deposited under the law relating to worker' compensation in any other country, which is payable to, or is due by, any person residing or about to reside in Bangladesh:

Provided that no sum deposited under this Chapter in respect of any fatal accident shall be so transferred without the consent of the employer concerned, until the Labour Court receiving the sum has passed orders determining its distribution and apportionment under the provisions of section 155(4) and (5).

(2) Where money deposited with a Labour Court is so transferred in accordance with the rules made under this section, the provisions elsewhere contained in this Chapter regarding distribution by the Labour Court of compensation deposited with it shall cease to apply in respect of any such money.

CHAPTER XIII
TRADE UNIONS AND INDUSTRIAL RELATIONS

175. Special definition of worker.—In this Chapter, unless there is anything repugnant in the subject or context, 'worker' means a worker as defined in section 2 (65), and includes, for the purpose of any proceedings under this Chapter in relation to an industrial dispute, a worker who has been laid off, retrenched, discharged, dismissed or otherwise removed from employment in connection with or as a consequence of such dispute or whose lay-off, retrenchment, discharge, dismissal, or removal has led to that dispute; but does not include a member of the watch and ward or security staff, fire-fighting staff and confidential assistant of any establishment.

176. Trade union of workers and employers.—Subject to the provisions of this Chapter,—

(a) all workers shall, without distinction whatsoever, have the right to form trade union primarily for the purpose of regulating the relations between workers and employers, or between workers and workers and, subject to the constitution of the union concerned, to join trade union of their own choice;

(b) all employers shall, without distinction whatsoever, have the right to form trade union primarily for the purpose of regulating the relations between employers and workers, or between employers and employers and, subject to the constitution of the union concerned, to join trade union of their own choice;

(c) the trade unions of workers and those of employers shall have the right to form and join federations and any such union or federation shall have the right to affiliate with any international organisation or confederation of organizations of workers or employers; and

(d) the trade unions and the employers' associations shall have the right to make their own constitution and rules, to elect their own representatives with full independence, to organize their administration and activities and to formulate their programmes1[;]

2[(e) in an establishment where a trade union shall be formed, if 20% (twenty percent) of the total working force or members are women, the union executive committee shall have at least 10% (ten percent) women members:

Provided that the union registered under this Act shall be controlled by this Act.]

177. Application for registration.—3[(1)] Any trade union may, under the signatures of its Chairman and Secretary, apply for registration to the Registrar of the Trade Union of the concerned area under this Chapter.

4[(2) The Registrar of Trade Unions mentioned in sub-section (1) shall mean the Director of Labour or any representative authorized by him in this behalf.]

178. Requirements for application.—(1) An application for registration of a trade union shall be made to the Director of Labour or to the officer authorized in this behalf.

(2) The application shall be accompanied by the following particulars, namely:—

(a) a statement providing the following information, namely:—

(i) the name of the trade union and the address of its head office,

(ii) the date of formation of the trade union,

(iii) the 5[names, father's and mother's names,] ages, addresses, occupations and the posts in the union of the officers of the trade union,

(iv) a statement of all members paying subscriptions,

(v) the name of the establishment to which the trade union relates and the total number of workers employed or working therein;

(vi) in case of a federation of trade unions, the names, addresses and registration numbers of its member-unions;

1The semi-colon ";" was substituted for the full stop "." by section 48 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

2Clause (e) was added by section 48 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

3The brackets and figure "(1)" were inserted by section 49 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

4Sub-section (2) was added by section 49 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

5The words and coma "names, father's and mother's names" were substituted for the word "name" by section 50(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(b) three copies of the constitution of the trade union together with a copy of the resolution by the members of the trade union adopting such constitution bearing the signature of the Chairman of the meeting;
(c) a copy of the resolution by the members of the trade union authorizing its Chairman and Secretary to apply for its registration; and
(d) in case of a federation of trade unions, a copy of the resolution by each of the constituent unions agreeing to become a member of the federation.
1[(3) The Director of Labour or the officer authorized in this behalf shall, on receipt of the registration of a trade union for a group of establishments under sub-section (1), issue a public notice containing a copy thereof and a list of the office-bearers of the union at the expenses of the applicant.]
179. Requirements for registration.—(1) A trade union shall not be entitled to registration under this Chapter, unless its constitution provides for the following matters, namely:—
(a) the name and address of the trade union;
(b) the purpose of the formation of the trade union;
(c) the manner in which a worker may become a member of the trade union, specifying therein that no worker shall be enrolled as its member unless he applies in the form set out in the constitution declaring that “he is not a member of any other trade union”;
(d) the sources of the fund of the trade union and description of the purposes for which such fund shall be utilized;
(e) the conditions under which a member shall be entitled to any benefit assured by the constitution of the trade union and under which any fine or forfeiture may be imposed on any member;
(f) the maintenance of the list of the members of the trade union and adequate facilities for inspection thereof by its officers and members;
(g) the manner in which the constitution may be amended, varied or rescinded;

1Sub-section (3) was submitted for original sub-section (3) by section 50(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(h) the safe 1[maintenance] of the funds of trade union, its annual audit, the manner of audit, and adequate facilities for inspection of the books of account by the officers and members of the trade union;
(i) the manner of dissolution of the trade union;
(j) the manner of election of officers of the trade union by its general members and the term of the officers which shall not, in any way, be more than 2 (two) years 2[and, in the case of group of establishments, the term of office of the officers shall not be more than 3 (three) years: Provided that if no election is held within 2 (two) years in the case of trade union or within 3 (three) years in the case of group of establishments for state emergency, force majeure or similar other reasons, the committee constituted as above shall not be declared illegal;]
(k) the number of the officers which shall not be less than 5 (five) and not more than 35 (thirty-five) as may be prescribed by rules;
(l) the manner of expressing no confidence against the officers of the trade union; and
(m) the meetings of the executive committee and of the general members of the trade union which shall be, in the case of the executive committees, at least once in every 3 (three) months, and, in the case of the general members, at least once every year.
(2) A trade union of workers shall not be entitled to registration under this Chapter, unless it has a minimum membership of 30% (thirty percent) of the total number of workers employed in the establishment in which it is formed: Provided that where more than one establishments under the same employer are allied to and connected with one another for the purpose of carrying out the same industry, they shall irrespective of their place of situation, be deemed to be one establishment for the purpose of this sub-section.
3[(2a) The Director of Labour or the officer authorized in this behalf shall verify the correctness of the particulars mentioned in sub-clause (v) of clause (a) of sub-section (2) of section 178 and in this section by visiting the establishment concerned or by collecting the list from the establishment authority.]

1The word “maintenance” was substituted for the word “custody” by section 51(a)(i) of the Bangladesh Labour (Amendment) Act, 2013
(Act No. XXX of 2013).
2The words, commas, figure, brackets and colon “and, in the case of group of establishments, the term of office of the officers shall not be
more than 3 (three) years:” and the proviso thereafter were inserted by section 51(a)(ii) of the Bangladesh Labour (Amendment) Act, 2013
(Act No. XXX of 2013).
3Sub-section (2a) was inserted by section 51(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(3) Where any doubt or dispute arises as to whether two or more establishments are under the same employer, or whether they are allied to and connected with one another for the purpose of carrying out the same industry, the matter may be referred to the Director of Labour for settlement.

(4) Any person aggrieved by the decision of the Director of Labour under sub■section (3), may, within 30 (thirty) days of the date of decision, prefer an appeal to the Labour Court, and the decision of the Labour Court in this matter shall be final.

(5) 1[No registration shall be provided to more than 3 (three) trade unions] at any time in an establishment or group of establishments.

180. Disqualification for being an officer or a member of a trade union.—(1) Notwithstanding anything contained in the constitution of a trade union, a person shall be disqualified for election as, or for being, an officer or a member of a trade union who—

(a) has been convicted of a criminal offence involving moral turpitude or of an offence under section 196 (2) (d) or section 298 and unless a period of 2 (two) years has elapsed since his release;

(b) is not employed or working in the establishment in which the trade union is formed2[:]

3[Provided that in the case of the nationalized industrial sector, the members of a union may, if they desire, elect 10% (ten percent) of the total officials of the executive committee of that union from amongst the persons who are not working in the concerned establishment.]

(2) Nothing is sub-section (1) (b) shall apply to any federation of trade unions.

181. Registered trade unions to maintain register, etc.—Every registered trade union shall maintain the following registers or books in such form as may be prescribed by rules, namely:—

(a) a register of members, which shall contain the particulars of subscriptions paid by each member;

(b) an accounts book, in which the receipts and expenditure shall be shown; and

(c) a minute book, in which all kinds of minutes shall be recorded.

1The words “No registration shall be given to more than three trade unions” were substituted for the words “There shall be given to more than three trade registered trade unions” by section 51(c) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

2The colon “:” was substituted for the full stop “.” by section 52 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

3The proviso was inserted by section 52 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

182. Registration.—(1) The Director of Labour shall, on being satisfied that a trade union has complied with all the requirements of this Chapter, register that trade union in the register prescribed by rules and shall issue a registration certificate in the form prescribed by rules, within a period of 60 (sixty) days from the date of receipt of the application for registration.
(2) If the Director of Labour finds the application to be deficient in any material respect, he shall communicate in writing his objection regarding thereto to the trade union within a period of 15 (fifteen) days of the receipt of the application, and the trade union shall reply thereto within a period of 15 (fifteen) days of the receipt of objection.
(3) When the objection raised by the Director of Labour is satisfactorily met, he shall register the trade union as provided in sub-section (1); and if the objection is not satisfactorily met, he shall reject the application.
(4) Where the Director of Labour rejects any application or after meeting the objection does not dispose of an application within a period of 60 (sixty) days as referred to in sub-section (1), the trade union concerned may, within a period of 30 (thirty) days from the date of such rejection or the date of expiry of such period, whichever is earlier, prefer an appeal to the Labour Court.
(5) Where, after hearing the appeal, the Labour Court thinks proper, it may, for reasons to be stated in its judgment, pass an order directing the Director of Labour to register the trade union and to issue a certificate of registration within a period of 7 (seven) days from the date of registration or may dismiss the appeal.
(6) Any party aggrieved by the judgment of the Labour Court under sub■section (5) may prefer an appeal to the Labour Appellate Tribunal within 30 (thirty)
days from the date of receipt of the order of the Labour Court.
183. Registration of trade unions in a group of establishments.—(1) Notwithstanding anything contained in this Chapter, for the purpose of formation of a trade union any group of establishments shall be treated as one establishment, and no separate trade union shall be formed in any establishment included in such group of establishments.
(2) For the purposes of this section “a group of establishments” shall mean all the establishments in a specified area carrying on the same specified industry where more than 20 (twenty) workers are employed.
(3) Notwithstanding anything contained in sub-section (2), all the establishments, irrespective of the number of workers employed therein, in a specified area carrying on any of the following industries shall be deemed to be a group of establishments for that area, namely:—
1[(a) bus, minibus, truck, covered van, etc. private motorized road transport;

1Clauses (a) and (aa) were substituted for original clause (a) by section 53(a) of the Bangladesh Labour (Amendment) Act, 2013
(Act No. XXX of 2013).

(aa) rickshaw, rickshaw-van, hand-cart, etc. private non-motorized road transport;]
(b) private inland river transport;
(c) tailoring and garments manufacturing industry wherein not more than 100 (one hundred) workers are employed;
(d) tea industry;
(e) jute bailing;
(f) tannery industry;
(g) bidi;
(h) handloom;
(i) hosiery;
(j) printing press;
(k) hotels or motels where number of guest rooms does not exceed 25 (twenty five);
(l) restaurant not forming part of a hotel;
(m) small-scale metal industry;
(n) book-binding;
(o) cinema and theatre1[;]
2[(p) ship building;
(q) ship recycling;
(r) construction worker;
(s) chatal or rice mill worker;
(t) agricultural farm:]
Provided that the Government may, if it deems fit in the national interest, by notification in the official Gazette, add any industry to the above list of industries.
(4) The specified area as mentioned in sub-section (2) or (3) shall mean such area as may be specified by the Government, by notification in the official Gazette, for any specified industries; and such area may be specified at national, regional or local level; and different areas may be specified for different industries.
(5) The specified industries as mentioned in sub-section (2), shall mean such industries as the Government may, by notification in the official Gazette, specify for the purpose.

1The semi-colon ";" was substituted for the colon ":" by section 53(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2Clauses (p),(q), (r), (s), (t) with colon ":" at the end were added by section 53(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(6) A trade union formed in a group of establishments may be registered, if it has members not less than thirty percent of the total number of workers employed in all establishments included in such group of establishments.
(7) Notwithstanding anything contained in this Chapter, if the constitution of any trade union formed in a group of establishments provides that a person who is not employed in an establishment included in the said group of establishments shall be entitled to be, or to be elected, an officer of that trade union, any such person may be elected, or continue to be, an officer of that union:
Provided that the number of such persons shall not in any case be more than
■
■
th (one fourth) of the total number of its officers.
(8) Subject to the provisions of this section, all other sections of this Chapter shall apply to a trade union formed in a group of establishments as they apply to a trade union formed in an independent establishment.
184. Registration of trade union in civil aviation establishments.—(1) Notwithstanding anything contained in this Chapter, where any recognized international organisation exists in respect of any specialized occupation or service in the field of civil aviation, the workers employed in such occupation or service may form trade union of their own in the civil aviation in Bangladesh, if such trade union is necessary for affiliation with such international organization.
(2) The workers employed in every such occupation or service in a civil aviation establishment may form only one trade union.
(3) No such trade union shall be registered unless more than half of the total number of workers employed in the occupation or service concerned applies in writing for such registration stating the name of the international organization with which it shall be affiliated.
(4) The registration of such trade union shall be liable to be cancelled if it is not affiliated to the international organisation concerned within 6 (six) months of its registration or if any time ceases its affiliation with that organization.
185. Registration of trade union of seamen.—(1) Notwithstanding anything contained in this Chapter, Bangladeshi seamen ordinarily serving in oceangoing ships may form trade union of their own.
(2) No seaman shall be a member of such trade union unless he has a continuous discharge certificate or an appointment letter showing his employment as a seaman in any establishment of merchant shipping business.
(3) Only 1 (one) trade union of seamen shall be formed under this Chapter.

1[185A. Registration of trade union in Chittagong Port Authority and Monlga Port Authority, etc.—(1) Notwithstanding anything contained in this Chapter, the employees in the service of the Chittagong Port Authority and the Mongla Port Authority may form their own trade union.

(2) The employees employed in the Chittagong Port Authority and the Mongla Port Authority may form only one trade union in their respective authority.

(3) Subject to the provisions of sub-section (5), the workers and employees employed in the work with appointment letter given by the users of the Chittagong Port and the Mongla Port, berth-operators, ship handling operators and other establishments related to the ports may collectively form only one trade union in their respective port.

(4) The employers of workers in the Chittagong Port Authority and the Monlga Port Authority may collectively form only one trade union in their respective Authority.

(5) No worker or employee shall be a member of a trade union under sub■section (3), unless—

(a) he has been employed for a continuous period of more than 1 (one) year in any port user, berth operator, ship handling operator and other establishments related to the port; and

(b) he has a letter of appointment as a worker or employee.

(6) The trade union shall be formed pursuant to this section within 6 (six) months of the commencement of the Bangladesh Labour (Amendment) Act, 2009.

(7) All existing trade unions formed for the employers of workers, and for the appointed employees in the Chittagong Port Authority and the Mongla Port Authority and for other employers, workers and employees related with the port activities shall stand dissolved upon the formation of trade union under this section or with the expiry of 6 (six) months as mentioned in sub-section (6).

(8) Notwithstanding anything contained in any other section of this Act, the Government may, in the public interest,—

(a) subject to the other provisions of this Act, control in any manner the activities of the trade union formed under this section; and

(b) take measures to cancel the registration of any trade union under section 190.]

1Section 185A was inserted by section 2 of Bangladesh Labour (Amendment) Act, 2009 (Act No. LXVI of 2009).

186. Conditions of service shall remain unchanged while application for registration is pending.—(1) No employer shall, while an application for registration of a trade union formed in his establishment is pending, alter the terms and conditions of service of any officer of that union, without prior permission of the Director of Labour, to the disadvantage of such officer.

(2) Notwithstanding anything contained in section 26, no employer shall, while an application for registration of a trade union is pending, terminate the employment of any worker under that section who is a member of such trade union.

187. Chairman and certain officers not to be transferred.—The Chairman and any officer including, 1[General Secretary or any other officer] of any trade union shall not be transferred from one district to another without their consent.

188. Notice in the cases of certain changes in the constitution and executive committee.—(I) Every amendment made in the constitution of a trade union, every change among its officers, and change in its name and address shall be communicated to the Director of Labour by a notice sent by registered post or delivered by hand, within 15 (fifteen) days of such amendment or change, and the Director of Labour shall after receipt of such notice forthwith send a copy thereof to the employer concerned for his information.

(2) The Director of Labour may refuse to register any such amendment or change if it is made in contravention of any provision of this Chapter or of the constitution of the trade union.

(3) Every inclusion or exclusion of any constituent unit of a federation of trade unions shall be communicated to the Director of Labour by a notice sent to him by registered post, within 60 (sixty) days of such inclusion or exclusion.

(4) If there is any dispute in relation to the change of officers of a trade union, or any trade union is aggrieved by the order of refusal of the Director of Labour under sub-section (2), any officer or member of such trade union may prefer an appeal to the Labour Court.

(5) The Labour Court may, after hearing the appeal within 7 (seven) days of receipt thereof under sub-section (4), if it thinks proper, pass an order, for reasons to be recorded in writing, directing the Director of Labour to register the amendment or change in the constitution or among the officers of the trade union or to hold fresh election of the union under his supervision.

189. Certificate of registration.—The Director of Labour, on registering a trade union under section 182, shall issue a certificate of registration in the form prescribed by rules and such certificate shall be conclusive evidence that the concerned trade union has been duly registered under this Chapter.

1 The words “No officer including the Chairman and General Secretary” were substituted for the words and commas “The Chairman, General Secretary, organizing Secretary or Treasurer” by section 54 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

190. Cancellation of registration.—(1) Subject to other provisions of this section, the Director of Labour may cancel the registration of a trade union, if—
(a) the trade union applies for cancellation of registration;
(b) it ceased to exist;
(c) it obtained registration by fraud or by misrepresentation of facts;
(d) it contravened any of the basic provisions of its constitution;
(e) it committed any unfair labour practice;
(f) its membership has fallen short of the number of membership required under this Chapter; or
(g) it contravened any provision of this Chapter or the rules.
(2) Where the Director of Labour is satisfied on enquiry that the registration of a trade union should be cancelled, he shall submit an application to the Labour Court praying for permission to cancel such registration.
(3) The Director of Labour shall cancel the registration of a trade union within 30 (thirty) days from the date of receipt of the permission from the Labour Court.
(4) The registration of a trade union shall not be cancelled on the ground mentioned in sub-section (1) (e), unless an application is submitted to the Labour Court within 3 (three) months of the occurrence of unfair labour practice by such trade union mentioned in the allegation.
191. Appeal against permission, etc.—(1) Any person aggrieved by the order of the Labour Court granting the permission to cancel registration of a trade union or rejecting such prayer for permission under section 190 or by the order of cancellation of the registration of a trade union by the Director of Labour under that section may, within 30 (thirty) days from the date of the order, prefer an appeal to the Tribunal and the decision of the Tribunal thereon shall be final.
(2) Where an appeal is preferred under sub-section (1), the trade union concerned shall be permitted to function till the disposal of appeal.
192. No trade union to function without registration.—(1) If a trade union is not registered or its registration is cancelled, it shall not, subject to the provisions of section 191(2), function as a trade union.
(2) No person shall collect any subscription, other than enrollment fee for membership, for the fund of a trade union mentioned in sub-section (1).
193. Restriction on dual membership.—No worker or employer shall be entitled to enroll himself as, or continue to be, a member of more than one trade union at a time at the same establishment.

194. Incorporation of registered trade union.—(1) Every registered trade union shall be a body corporate by the name under which it is registered, and it shall have perpetual succession and a common seal, and shall have power to enter into contract and to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue or be sued.

(2) The Societies Registration Act, 1860 (Act XXI of 1860), the Co-operative Societies Ordinance, 1985 (Ordinance No. I of 1985) and the Companies Act, 1994 (Act No. XVIII of 1994) shall not apply to any registered trade union, and the registration of any trade union under any of these Acts shall be void.

195. Unfair Labour practices on the part of the employers.—No employer or the trade union of employers or any person acting on their behalf shall—

(a) impose any condition in a contract of employment restraining the right of the worker concerned to join a trade union or continue his membership of a trade union ;

(b) refuse to employ or refuse to keep in employment any worker on the ground that such worker is, or is not, a member or officer of a trade union;

(c) discriminate against any worker in regard to any employment, promotion, conditions of employment or working conditions on the ground that such worker is, or is not, a member or officer of a trade union;

(d) dismiss, discharge or remove any worker from employment or threaten to do so, or threaten to do any harm to his employment by reason that he is, or proposes to become, or persuades any other person to become, a member or officer of a trade union, or that he participates in the formation, activities and expansion of a trade union;

(e) induce any worker or any other person to refrain from becoming a member or officer of a trade union or to quit such post, by conferring or offering to confer any advantage or by procuring or offering to procure any advantage for him;

(f) compel or attempt to compel any officer of the collective bargaining agent to arrive at a settlement or to sign a memorandum of settlement by intimidation, coercion, pressure, threat, confinement to a place, physical injury, disconnection of water, power and telephone facilities or by any other means;

(g) interfere with or in any way influence the election held under section 202;

(h) recruit any new worker during the continuance of strike under section 211 or during the continuance of strike which is not illegal, except where the Arbitrator is satisfied that the complete cessation of work is likely to cause serious damage to the machinery or any other installation, he may permit temporary employment or a limited number of workers, in the department or section of the establishment where the damage is likely to occur;
(i) deliberately fail to take measures recommended by the participation committee;
(j) fail to give reply to any communications made by the collective bargaining agent in respect of any industrial dispute;
(k) transfer the Chairman, general secretary, organizing secretary or treasurer of any trade union in contravention of the provisions of section 187; or
(l) commence or continue or instigate others to take part in any illegal lock-out.

196. Unfair Labour practices on the part of workers.—(1) No worker shall engage himself in any trade union activities during his working hour without the permission of his employer:
Provided that nothing in this sub-section shall apply to the trade union activities of the Chairman or the General Secretary of the collective bargaining agent of an establishment, if such activities relate to any committee, negotiation, arbitration, mediation or any other proceeding under this Act, and the employer has been duly informed thereof.
(2) No worker or a trade union of workers or any person acting on behalf of such trade union shall—
(a) intimidate any worker to become or not to become a member or officer of a trade union or to continue in or to refrain from such post;
(b) induce any worker or any other person to refrain from becoming a member or officer of a trade union or to quit such post by conferring or offering to confer any advantage or by procuring or offering to procure any advantage for him;
(c) compel or attempt to compel any worker to pay or refrain from paying any subscription to the fund of any trade union by intimidation, coercion, pressure, threat, confinement to a place, physical injury, disconnection of telephone, water or power facilities or by any other means;

(d) compel or attempt to compel the employer to sign a memorandum of settlement or to accept or agree to any demand by intimidation, coercion, pressure, threat, confinement to or eviction from a place, dispossession, assault, physical injury, disconnection of water, power or telephone facilities or by any other means;
(e) commence or continue an illegal strike or a go-slow; or instigate others to take part in it; or
(f) resort to gherao, obstruction to transport or communication system or destruction of any property in furtherance of any demand or object of a trade union.
(3) It shall be an unfair practice for a trade union to interfere in the election held under section 202 by the exercise of undue influence, intimidation, impersonation or bribery through the officer of that trade union or any other person acting on its behalf.
197. Limited application of law of conspiracy.—No officer or member of a trade union or a collective bargaining agent shall be liable to punishment under section 120B(2) of the Penal Code, 1860 (XLV of 1860) in respect of any agreement made between the members thereof for the purpose of furthering any such object of the trade union as is specified in its constitution referred to in section 179, unless the agreement is an agreement to commit an offence, or otherwise it violets any law or provision other than the provisions of this Chapter.
198. Immunity from civil suit in certain cases.—(1) No suit or other legal proceedings shall lie against any trade union or collective bargaining agent or its any officer or member in respect of any act done or action taken in contemplation or furtherance of an industrial dispute to which the trade union is a party on any of the following grounds only, namely:—
(a) such act or action induces any person to break a contact of employment;
(b) such act or action interferes with the trade, business or employment of some other person; or
(c) such act or action fails the right of any person to apply his capital or labour at his discretion.
(2) A trade union shall not be liable in any suit or other legal proceedings in any civil Court in respect of any tortuous act done in contemplation or furtherance of an industrial dispute by an agent of the trade union, if it is proved that such agent acted without the knowledge of or contrary to the clear instructions of the executive committee of the trade union.

199. Enforceability of agreement.—Notwithstanding anything contained in any other law, an agreement between the members of a trade union shall not be void or violable by reason only that any of its objects is a restraint for any trade and commerce:
Provided that nothing in this section shall enable any civil Court to entertain any legal proceedings instituted for the purpose of enforcing, or recovering damages for the breach of, any agreement concerning the conditions on which any member of a trade union shall sell or shall not sell his goods, transact or not transact business, or do or not do any work, or render or not render any service.
200. Registration of federation of trade unions.—(1) 1[Five or more trade unions] formed in the establishments engaged in or carrying on the same or identical industry 2[and the trade union organizations of more than one administrative division] may, if in their general meetings so resolved, constitute a federation by executing a deed of federation and apply for its registration:
Provided that a trade union of workers shall not join in a federation of trade union of employers and a trade union of employers shall not join in a federation of trade union of workers.
(2) The deed of federation referred to in sub-section (1) shall, among other things, provide for the procedure to be followed by the federated trade unions and rights and responsibilities of the federation and the federated trade unions.
(3) An application for the registration of a federation of trade unions shall be signed by the Chairman and General Secretary of all the trade unions constituting the federation and shall be accompanied by three copies of the deed of federation referred to in sub-section (1).
(4) Subject to the provisions of this section, the provisions of this Chapter shall apply to a federation of trade union as they apply to a trade union.
(5) Notwithstanding anything contained in the foregoing sub-sections of this section, at least twenty trade unions registered in the case of more than one industry 3[and the trade union organizations of more than one administrative division] may jointly or by joining themselves constitute a federation of trade unions on national level.

1The words “Five or more Trade Unions” and the wards “and the trade union organizations of more than one administrative division” were
substituted for the words “two or more trade unions” by section 55(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2The words “and the trade union organizations of more than one administrative division” were inserted by section 55(b) of the Bangladesh
Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
3Sub-section (6) was added by section 55(c) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

1[(6) At least ten national based trade union federations constituted under the provisions of sub-section (5) may, by joining themselves together, constitute a national based confederation.]

201. Returns.—(1) After the end of a Gregorian calendar year, by the 30th April of the following year, a general statement, prepared and audited in the manner prescribed by rules, of all receipts and expenditure and of the assets and liabilities of a trade union during the preceding calendar year shall be sent to the Director of Labour.

(2) A statement showing all changes of officers in the trade union during the year to which the general statement refers and a copy of the constitution of the trade union corrected up to the date shall with the said general statement, be sent to the Director of Labour.

(3) If a registered trade union fails to send the said general statement within the period specified in sub-section (1), the Director of Labour shall, by a notice, inform it thereof, and if the trade union fails to submit the general statement within 30 (thirty) days of the receipt of such notice, its registration may be cancelled.

(4) If any trade union is a member of a federation, the name of that federation shall be given in the said general statement.

202. Collective bargaining agent.—(1) Where there is only one trade union in an establishment, the trade union shall be deemed to be the collective bargaining agent for such establishment.

(2) Where there are more than one trade unions in an establishment 2[the unions shall, by nominating an election commissioner from amongst themselves, take steps for election of a collective bargaining agent (CBA) or] the Director of Labour shall, upon an application made in this behalf by any such trade union or by the employer, hold a secret ballot, within a period of 120 (one hundred and twenty) days from the date of receipt of such application, to determine as to which trade union shall be the collective bargaining agent for the establishment.

(3) Upon receipt of an application under sub-section (2), the Director of Labour shall, by a notice in writing, call upon all trade unions of the establishment to let him know, within such time, not exceeding 15 (fifteen) days, as may be specified in the notice, whether or not they shall contest in a secret ballot.

(4) If a trade union fails to inform the Director of Labour within the time specified in the notice given under sub-section (3), of anything as to its contest in the secret ballot, it shall be presumed that it shall not contest in such ballot.

1The words “the unions shall, by nominating an election commissioner fro amongst themselves, take steps for election of a collective bargaining agent (CBA) or” were inserted by section 56(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

2Clauses (a) and (aa) were substituted for original clause (a) by section 53(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(5) If no trade union inform the Director of Labour within the time specified in the notice of anything as to its contest in the secret ballot, the trade union which has made the application under sub-section (2), shall be declared to be the collective bargaining agent for that establishment, if not less than ■

(one-third) of the total
number of workers employed in the establishment are members of that trade union.
(6) Every employer shall, on being so required by the Director of Labour, submit to him a list of all the workers, except substitute and casual workers, employed in his establishment for not less than a period of 3 (three) months, and the list shall contain the following particulars, namely:—
(i) the name of every worker;
(ii) the names of his father and mother and age (the name of spouse, if applicable, shall also be given);
(iii) the name of his branch or department;
(iv) the name of his work place;
(v) the number of his ticket and date of employment.
(7) On being so required by the Director of Labour, every employer shall supply requisite number of additional copies of the list mentioned in sub-section (6) and shall provide necessary facilities for verification of the list so submitted.
(8) On receipt of the list of workers from the employer, the Director of Labour shall send a copy of the list to each contesting trade union and shall affix a copy thereof in a conspicuous place of his office and another copy in a conspicuous place of the establishment concerned together with a notice inviting objections to the list, if any, to be submitted to him within such time as may be specified therein.
(9) If the Director of Labour receives any objection within the specified time, he shall dispose of it after holding necessary enquiry.
(10) The Director of Labour shall make such necessary amendment or alteration in the list of workers submitted by the employer as may be required by any decision given by him under sub-section (9).
(11) After any amendment or alteration made under sub-section (10), or where no objection is received by the Director of Labour within the specified time, after expiry of such time, he shall prepare a final list of workers employed in the establishment concerned and duly certify it and send copies thereof to the employer concerned and every contesting trade union at least 7 (seven) days prior to the date fixed for poll.
(12) The list of workers prepared and certified under sub-section (11) shall be deemed to be the list of voters, and the worker whose name appears in that list shall be entitled to vote in the poll to determine the collective bargaining agent.

(13) Every employer shall provide all such facilities in his establishment as may be required by the Director of Labour for the conduct of the poll, but shall not interfere with, or in any way influence the voting.
(14) No person shall canvas for vote within 45 (forty five) metres of the polling stations.
(15) For the purpose of holding secret ballot to determine the collective bargaining agent, the Director of Labour shall—
(a) fix the date for the poll, and communicate it to every contesting trade union and the employer;
(b) set up ballot boxes for voting in every polling station on the date fixed for the poll and seal it in the presence of the representatives of the contesting trade unions if any;
(c) conduct the poll at the polling station and facilitate the representatives of the contesting trade unions to present at that station;
(d) after the conclusion of the poll, open the ballot boxes in the presence of the representatives of the contesting trade unions, if they are present, and count the votes; and
(e) after the conclusion of counting votes, declare the trade union which has received the highest number of votes to be the collective bargaining agent:
Provided that no trade union shall be declared to be the collective bargaining agent, unless the number of votes received by it is less than one-third of the total number of workers employed in the establishment concerned.
(16) Where a trade union is declared to be the collective bargaining agent for an establishment under sub-section (15)(e), it shall be the collective bargaining agent for that establishment for 2 (two) years from the date of such declaration, and no application for the determination of a new collective bargaining agent for such establishment shall be entertained during this period:
Provided that in the case of a group of establishments, the duration of a collective bargaining agent shall be of 3 (three) years.
(17) Notwithstanding anything contained in sub-section (16), where a trade union desires to be the next collective bargaining agent for an establishment after the expiry of the term of an existing collective bargaining agent, or where an existing collective bargaining agent desires to continue as such for the next term also, it may make an application to the Director of Labour, not earlier than 150 (one hundred and fifty) days and not later than 120 (one hundred and twenty) days immediately before the expiry of the term of the existing collective bargaining agent, to hold a secret ballot to determine the next collective bargaining agent for the establishment.

(18) Where an application is made under sub-section (17), a secret ballot to determine the next collective bargaining agent shall be held within 120 (one hundred and twenty) days from the date of receipt of such application, but the trade union declared to be the next collective bargaining agent on the basis of the result of the poll shall be the collective bargaining agent from the date of expiry of the term of the existing collective bargaining agent.

(19) Where after receiving an application under sub-section (17), the next collective bargaining agent for an establishment could not be determined before the expiry of the tenure of the existing collective bargaining agent, due to reasons beyond the control of the Director of Labour, the existing collective bargaining agent shall continue to function as the collective bargaining agent in that establishment till the new collective bargaining agent is determined.

(20) Where no application is received under sub-section (17), the Director of Labour shall declare the date of new election within 120 (one hundred and twenty) days following the expiry of the tenure of the existing collective bargaining agent, and the existing collective bargaining agent shall continue to function as collective bargaining agent for the concerned establishment for the interim period.

(21) Any dispute arising out of any matter in relation to an election for determination of collective bargaining agent shall be referred to the Labour Court, and the decision of the Court thereon shall be final.

(22) If in an election for determination of collective bargaining agent any contesting trade union gets less than ten percent of the total votes cast, the registration of such trade union shall stand cancelled.

(23) A collective bargaining agent may, without prejudice to its own position, plead any federation of trade unions, of which it is a member, as a party to any proceeding under this Chapter to which it itself is a party.

(24) A collective bargaining agent in relation to an establishment to which it relates shall be entitled to—

(a) bargain with the employer in matters of the state of jobless, conditions of work or environment of work of the workers;

(b) represent all or any of the workers in any proceedings;

(c) give notice of, and declare, a strike in accordance with the provisions of this Chapter;

(d) nominate representatives of the workers in any welfare institution or provident fund and in the board of trustees of the workers participation fund established under Chapter XV; and

(e) conduct cases on behalf of any individual worker or a group of workers under this Act.

(25) The provisions of this section shall also apply to the election or determination of collective bargaining agent in a group of establishments declared under this Act.

1[(26) Every employer shall, in the manner prescribed by rules, allot an office room for the elected collective bargaining agent (CBA) in his establishment.]

2[202A. Appointment of specialists.—(1) Notwithstanding anything contained in this Chapter, an employer or a collective bargaining agent (CBA) may, if he or it deems necessary for carrying out collective bargaining activities, take assistance from specialists.

(2) If any objection is raised in respect of a specialist mentioned in sub-section (1), any party may request the Director of Labour for arbitration to settle the issue.]

203. Federation of trade unions to act as collective bargaining agent in certain cases.—(1) Notwithstanding anything contained in this Chapter, a federation of trade unions shall be deemed to be the collective bargaining agent in any establishment or group of establishments, if any of its federated unions in that establishment, by a resolution passed in the meeting of its executive committee, authorizes it to act as the collective bargaining agent in that establishment on its behalf:

Provided that no such authorization shall be permissible, unless the constitutions of the federation and of the federated union provides for such authorization.

(2) A federation of trade unions shall act as the collective bargaining agent only in the establishment or group of establishments in which any of its federated union is a collective bargaining agent.

(3) Nothing in this section shall apply in the case of a federation of trade unions on national level formed and registered under section 200(5).

204. Check-off.—(1) If the collective bargaining agent so requests, an employer shall deduct from the wages of the workers working in his establishment, who are members of that CBA union, such amounts towards their subscriptions to the fund of the CBA union as may be specified, with the approval of each individual worker named in the demand statement furnished by the CBA union and shall keep the sum so deducted separately.

(2) An employer making any deduction from the wages under sub-section (1) shall deposit, within next 15 (fifteen) days, the entire amount so deducted in the account of the CBA union concerned.

1Sub-section (26) was added by section 56(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

2Section 202A was inserted by section 57 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(3) The employer shall provide full facilities to the CBA concerned for ascertaining whether deductions from the wages of its members are being made under sub-section (1).

205. Participation committee.—(1) The employer of every establishment, in which at least 50 (fifty) workers are ordinarily employed, shall1[, through direct involvement of the workers working in that establishment,] constitute a participatory committee in his establishment in the manner prescribed by rules.

(2) Such committee shall consist of the representatives of the employer and the workers.

(3) The number of representatives of workers in such committee shall not be less than the number of representatives of the employer.

(4) The representatives of the workers shall be appointed on the basis of nomination given by the trade unions in the establishment.

(5) Each trade union, other than the collective bargaining agent for the concerned establishment, shall nominate equal number of representatives and the collective bargaining agent shall nominate such number of representatives which shall exceed the total number of representatives nominated by the other trade unions by one.

(6) In the case of an establishment where there is no trade union, the representatives of the workers in the participation committee shall be 2[elected] in the manner prescribed by rules from amongst the workers working in that establishment.

3[(6a) In an establishment where no trade union exists, the worker representatives of the participatory committee may carry out the activities related to the interests of the workers until a trade union is formed in that establishment.]

(7) Where in an establishment there is a unit in which at least 50 (fifty) workers are employed, a unit participation committee may, on the recommendation of the participation committee, be constituted there in the manner prescribed by rules.

(8) Such unit participation committee shall consist of the representatives of the employers and of the workers employed in or under that unit.

4[(9) An employer shall not transfer an elected or nominated officer or a member of the participatory committee belonging to the workers side during the tenure of the committee without his consent.

1The commas and words “, through direct involvement of the workers working in that establishment,” were inserted by section 58(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

2The word “elected” was substituted for the word “nominated” by section (58(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

3Sub-section (6a) was inserted by section 58(c) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

4Sub-sections (9), (10) and (11) were substituted for original clause (9) by section 58(d) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(10) An employer shall not raise any objection or take any retaliatory measure against the workers' representatives for anything done in good faith while carrying out the activities related to the duties of the committee.
(11) The provisions of this section applicable to the participatory committee shall, as far as possible, also apply to the unit participatory committee.]
206. Functions of the participation committee.—(1) The main function of the participation committee shall be to inculcate and develop sense of belonging to the establishment among the workers and employers and to aware the workers of their commitments and responsibilities to the establishment, and, in particular—
(a) to endeavour to promote mutual trust and faith, understanding and co-operation between the employers and the workers;
(b) to ensure the application of labour laws;
(c) to foster a sense of discipline and to improve and maintain safety, occupational health and working condition;
(d) to encourage vocational training, workers' education and family welfare training;
(e) to adopt measures for improvement of welfare services for the workers and their families; and
(f) to fulfill production target, increase productivity, reduce production cost, prevent wastage and raise quality of products.
(2) A unit participation committee shall, under the supervision of the principal participation committee, discharge, as far as practicable, the functions mentioned in sub-section (1).
207. Meetings of the participation committee.—(1) The participation committee shall meet at least once in every 2 (two) months to discuss and exchange views and recommend measures for performance of the functions under section 206.
(2) The minutes of every meeting of the participation committee shall be submitted to the Director of Labour and the Arbitrator within 7 (seven) days of the date of the meeting.
208. Implementation of recommendations of the participation committee.—(1) The employer of the establishment and the trade union shall take necessary steps to implement the specific recommendations of the participation committee within the period specified by the committee.
(2) If, for any reason, the employer or the trade union finds difficulties to implement the recommendations within the specified time, it shall inform the committee about it and make all possible efforts to implement the same as early as possible.

CHAPTER XIV
SETTLEMENT OF DISPUTE, LABOUR COURT, LABOUR APPELLATE TRIBUNAL, LEGAL PROCEEDINGS, ETC.

209. Raising of industrial dispute.—No industrial dispute shall be deemed to exist, unless it is raised by an employer or by a collective bargaining agent in accordance with the provisions of this Chapter.

210. Settlement of industrial dispute.—(1) If at any time an employer or a collective bargaining agent finds that an industrial dispute is likely to arise between the employer and the workers, the employer or the collective bargaining agent shall communicate his or its views in writing to the other party.

(2) Within 15 (fifteen) days of the receipt of a communication under sub■section (1), the party receiving it shall, in consultation with the other party, arrange a meeting with it for collective bargaining through discussion on the issue raised in the communication with a view to reaching an agreement, and such meeting may be held between the representatives of the parties authorized in this behalf.

(3) If the parties, after holding discussion, reach a settlement on the issues discussed, a memorandum of settlement shall be recorded in writing and signed by both the parties, and a copy thereof shall be forwarded by the employer to the Government, the Director of Labour and the Conciliator.

(4) If—

(a) the party receiving a communication under sub-section (1) fails to arrange a meeting with the other party within the time specified in sub-section (2), such other party, or

(b) no settlement is reached through dialogue within a period of 1 (one) month from the date of the first meeting for negotiation, or, such further period as may be agreed upon in writing by the parties, any of the parties,

may, within 15 (fifteen) days from the expiry of the period mentioned in sub-section (2) or, clause (b) of this sub-section, as the case may be, report the matter to a competent Conciliator mentioned insub-section (5) and may request him in writing to settle the dispute through conciliation.

(5) For the purposes of this Chapter, the Government shall, by notification in the official Gazette, appoint such number of persons as it considers necessary, as Conciliator for such specific area or establishment or industry as may be specified in the notification, and the Conciliator appointed for the area or establishment or industry concerned shall take up any request for conciliation under sub-section (4).

(6) The Conciliator shall, within 10 (ten) days of receipt of the request as aforesaid, start conciliation, and shall call a meeting between both the parties to bring about a settlement.

(7) The parties to the dispute shall appear before the Conciliator in person or through the representatives nominated and authorized by them to enter into an agreement binding on both the parties on such date and at such time as the Conciliator may specify.
(8) If any settlement of the dispute is arrived through conciliation, the Conciliator shall submit a report thereon to the Government together with a memorandum of settlement signed by both the parties.
(9) If no settlement is arrived at within 30 (thirty) days of receipt of any request for settlement of any dispute by the Conciliator, the conciliation shall fail, or the conciliation may be continued for further period agreed upon in writing by both the parties.
(10) If the conciliation fails, the Conciliator shall try to persuade the parties to agree to refer the dispute to an Arbitrator.
(11) If the parties do not agree to refer the dispute to an Arbitrator, the Conciliator shall, within 3 (three) days of failure of the conciliation issue a certificate to the parties to the dispute to the effect that it has failed.
(12) If the parties agree to refer the dispute to an Arbitrator, they shall make a joint request in writing for settlement of the dispute to an Arbitrator agreed upon by them.
(13) An Arbitrator referred in sub-section (12) may be a person from the panel of Arbitrators prepared by the Government in this behalf, or any other person agreed upon by the parties.
(14) The Arbitrator shall give his award within 30 (thirty) days from the date of receipt of the request for arbitration or within such further period as may be agreed upon in writing by the parties.
(15) When an award is given by the Arbitrator, he shall forward one copy thereof to the parties and another copy to the Government.
(16) The award of the Arbitrator shall be final and no appeal shall lie against it.
(17) An award shall be valid for such period not exceeding two years as may be fixed by the Arbitrator.
(18) The Director of Labour may, if he deems fit in the interest of settlement of a dispute, at any time, take over any conciliation proceedings from any Conciliator and proceed to conciliate the dispute himself, or transfer such proceedings to any other Conciliator, and in such a case the other provisions of this section shall apply.
(19) Notwithstanding anything contained in this section, the collective bargaining agent of the establishments, in respect of which a trade union of employers or a federation of trade unions of employers has been registered shall communicate with such trade union of employers or federation regarding any industrial dispute and any agreement regarding settlement of industrial dispute made with such trade union of employers or federation shall be binding upon all the employers and workers of the establishments.

211. Strike and lock-out.—(1) The party which raises any industrial dispute may, within 15 (fifteen) days of receipt of the certificate of failure under section 210 (11), give a notice to the other party, of strike or lockout, as the case may be, in which the date of commencement of such strike or lockout shall be mentioned, which shall not be earlier than seven days and later than 14 (fourteen) days of the date of giving such notice, or the party raising such dispute may make an application to the Labour Court for adjudication of the dispute:
Provided that no collective bargaining agent shall serve any notice of strike, unless 1[two-thirds] of its members give their consent to it through a secret ballot, specially held for that purpose, under the supervision of the Conciliator, in such manner as may be prescribed by rules.
(2) If a strike or lock-out begins, either of the parties to the dispute may make an application to the Labour Court for adjudication of the dispute.
(3) If any strike or lock-out lasts for more than 30 (thirty) days, the Government may, by order in writing, prohibit it:
Provided that the Government may, by order in writing, prohibit a strike or look-out at any time before the expiry of 30 (thirty) days if it is satisfied that the continuance of such strike or lock-out is causing serious hardship to the public life or is prejudicial to the national interest.
(4) In case of any public utility service, the Government may, by order in writing, prohibit a strike or lock-out at any time before or after the commencement of the strike or lock-out.
(5) If the Government prohibits a strike or lock-out under sub-section (3) or (4), it shall forthwith refer the dispute to the Labour Court for settlement.
(6) The Labour Court shall, after giving both the parties to the dispute an opportunity of being heard, make such award as it deems fit as expeditiously as possible but not later than 60 (sixty) days from the date on which the dispute was referred to it :
Provided that the Labour Court may, if it deems necessary, make an interim award on any matter of the dispute :
Provided further that an award shall not be invalid due to delay in making such award.
(7) An award of the Labour Court shall remain in force for such period as may be specified in the award, which shall not be more than 2 (two) years.
(8) The strike or lock-out shall be prohibited in an establishment for a period of 3 (three) years from the date of commencement of production therein, if such establishment is a new one or is owned by foreigners or is established in collaboration with foreigners, but other provisions of this Chapter relating to resolution of any industrial dispute shall apply to such establishments.

1The words and hyphen “two-thirds” were substituted for the words, and hyphen “three-fourths” by section 59 of the Bangladesh
Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

212. Cessation of industrial dispute.—(1) If the party raising an industrial dispute under section 210 fails to—
(a) make a request to the Conciliator to conciliate in the dispute under section 210(4) within the time specified therein, or
(b) commence strike or lock-out on the date specified in the notice served under section 211(1), or
(c) refer the dispute to the Labour Court for settlement or serve notice of strike or lock-out, within the time specified in section 211 (1);
the dispute shall cease to exist on the expiry of such specified time or date.
(2) When an industrial dispute ceases to exist under sub-section (1), no fresh dispute on the same subject shall be raised within a period of one year from the date of cessation of such dispute.
213. Application to the Labour Court.—Any collective bargaining agent or any employer or worker may apply to the Labour Court for the enforcement of any right guaranteed or given by or under this Act or any award or settlement or agreement 1[or recognized by any existing custom or notice or order or notification or in any other way.]
214. Labour Courts.—(1) For the purposes of this Act, the Government may, by notification in the official Gazette, establish as many Labour Courts as it considers necessary.
(2) Where more than 1 (one) Labour Court is established under sub-section (1), the Government shall specify in the notification the territorial limits within which each of them shall exercise jurisdiction under this Act.
(3) A Labour Court shall consist of a Chairman and 2 (two) members to advise him, but in case of trial of any offence or disposal of any matter under Chapter X and XII, it shall consist of the Chairman only.
2[(3a) The members of a Labour Court may give their opinion, in writing, to the Chairman of the Labour Court, and if the members give any opinion, it must be mentioned in the judgment.]
(4) The Chairman of a Labour Court shall be appointed by the Government from amongst the District Judges or Additional District Judges who are in service.
(5) The terms and conditions of appointment of the Chairman and of members of a Labour Court shall be determined by the Government.
(6) One of the two members of the Labour Court shall be the representative of the employers and the other shall be the representative of the workers and they shall be appointed in the manner provided in sub-section (9).

1The words “or recognized by any existing custom or notice or order or notification or in any other way” were inserted by section 60 of
the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2Sub-section (3a) was inserted by section 61 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(7) The Government shall, in the manner prescribed by rules, by notification in the official Gazette, constitute two panels, one of which shall consist of six representatives of the employers and the other of six representatives of the workers.

(8) The panel of members constituted under sub-section (7) shall be reconstituted after every 2 (two) years, but notwithstanding the expiry of the said period of 2 (two) years, the members shall continue on the panels till the new panel is notified in the official Gazette.

(9) The Chairman of a Labour Court shall, for hearing or disposal of a case relating to a specific industrial dispute, select one representative from each of the 2 (two) panels mentioned in sub-section (7), and the representatives so selected together with the Chairman, shall be deemed to have constituted the Labour Court in respect of the said industrial dispute:

Provided that the Chairman may select any representative from either of the panels as a member of the Labour Court for hearing more than one cases relating to industrial dispute.

(10) A Labour Court shall have exclusive jurisdiction in the following matters, namely:—

(a) to adjudicate and determine any industrial dispute or any other dispute or any question referred to or brought or made before it under this Act;

(b) to enquire into, adjudicate and determine any matter relating to the implementation or violation of a settlement referred to by the Government;

(c) to try offences under this Act; and

(d) to exercise and perform such other powers and functions as are or may be conferred upon or assigned to by or under this Act or any other law.

(11) If any member of a Labour Court is absent or unable to attend for any reason on the date of hearing of the Court, whether such absence or inability occurs at the beginning of or during the continuance of the hearing thereof, the proceedings of the Court may begin or continue, as the case may be, in his absence and the decision or award of the Court may be given in his absence; and no act, proceedings, decision or award of a Labour Court shall be invalid or be called in question merely on the ground of such absence or on the ground of any vacancy in, or any defect in the constitution of, the Labour Court:

Provided that if any member of the Court informs the Chairman beforehand of his absence, the Chairman shall nominate another member from the panel of the concerned parties:

Provided further that the opinion of the members of both the sides shall be mentioned in the judgment of the case.

(12) The provisions of Chapter XXXV of the Code of Criminal Procedure shall apply to a Labour Court, and for the purposes of that Chapter, the Labour Court shall be deemed to be a Criminal Court.

(13) All Labour Courts shall be subordinate to the Tribunal.

215. Powers and Procedure of Labour Courts in trial of offences.—(1) Subject to the provisions of this Act, a Labour Court shall, while trying an offence, follow, as far as possible, the summary procedure as prescribed under the Code of Criminal Procedure.

(2) A Labour Court shall, for the purpose of trying an offence under this Act, have the same powers as are vested in the Court of a 1[Judicial Magistrate of the First Class or Metropolitan Magistrate] under the Code of Criminal Procedure.

(3) Notwithstanding anything contained in sub-section (2), for the purpose of imposing a penalty, a Labour Court shall have the same power as is vested in a Court of Sessions under that Code.

(4) A Labour Court shall, while trying an offence, hear the case without its members.

216. Powers and procedure of Labour Court in any matter other than trial of offences.—(1) A Labour Court shall, for the purposes of adjudicating and determining any matter, question or dispute, other than offences, under this Act, be deemed to be a civil Court and shall have the same powers as are vested in such Court under the Code of Civil Procedure including the following powers, namely:—

(a) to enforce the attendance of any person, examine him on oath and take evidence;

(b) to compel the production of any document or material;

(c) to send commissions for the examination of witnesses or documents;

(d) to deliver ex-parte decision in the event of failure of any party to appear before the Court;

(e) to set aside ex-parte decision;

(f) to set aside order of dismissal of a case made for non-appearance of any party; and

(g) in order to prevent the frustration of the purposes of the case, to pass interim order upon any party.

(2) Subject to this Act, no court-fee shall be payable for filing, exhibiting or recording any application or document in the Labour Court or obtaining any document from it.

1The words “Judicial Magistrate of the First Class or Metropolitan Magistrate” were substituted for the words “Magistrate of the
First Class” by section 62 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(3) The Labour Court shall, by notice to be served through process server or special messenger or by registered post or by both methods, direct the opposite party to a case to file written statement or objection, within a period not exceeding 10 (ten) days from the date of filing of the case.
(4) The Labour Court may, for reasons to be recorded in writing, extend the said period by a further period of not exceeding 7 (seven) days in all.
(5) If the opposite party fails to file any written statement or objection within the time specified in the notice or the extended time, the case shall be heard and disposed of ex-parte.
(6) The Labour Court shall not grant adjournment of the hearing of a case on the prayer of any party for more than 7 (seven) days in all:
Provided that if both the parties pray for adjournment, the hearing of a case may be adjourned for not exceeding 10 (ten) days in all.
(7) If the party filing the case is absent on the date of hearing, the case shall be dismissed for default:
Provided that the Court shall have power to set aside the order of dismissal, if any application is made by the petitioner of the case within 3 (three) months from the date of such order of dismissal.
(8) If the opposite party to the case is absent on the date of hearing, the case shall be heard and disposed of ex-parte.
(9) A case which is dismissed for default, shall not bar the filing of a fresh case on the same cause of action, unless it is barred by any other reason and is filed after a period of 3 (three) months from the date of dismissal.
(10) If any application is filed to the Labour Court by all the parties to a case for withdrawal of a case, the Court may, after hearing both the parties, allow the withdrawal of the case at any stage of the proceedings, if it is satisfied that the dispute has been amicably settled.
(11) The judgment, decision or an award of a Labour Court shall be given in writing and delivered in open Court, and a copy thereof shall be given to each party.
(12) The judgment, decision or an award of a Labour Court shall, in every case, be delivered, within 60 (sixty) days from the date of filing of the case, unless the parties thereto agree in writing to extend the time limit:
Provided that no judgment, decision or award of a Labour Court shall be invalid merely on the ground of delay in its delivery.
217. Appeal against judgments, etc. of Labour Courts.—Subject to this Act, any party aggrieved by the judgment, decision, award or sentence passed or given by a Labour Court may prefer an appeal to the Tribunal within 60 (sixty) days of the delivery thereof, and the decision of the Tribunal in such appeal shall be final.

218. Labour Appellate Tribunal.—(1) For the purposes of this Act, there shall be a Labour Appellate Tribunal in Bangladesh, which shall consist of a Chairman, or if the Government deems fit, a Chairman and such number of other members as the Government may appoint.

(2) The Chairman and the members, if any, of the Tribunal shall be appointed by the Government, by notification in the official Gazette, and the terms and conditions of their service shall be determined by the Government.

(3) The Chairman of the Tribunal shall be a person who is or was a judge or an additional judge of the Supreme Court, and a member of the Tribunal shall be a person who is or was a judge or an additional judge of the Supreme Court, or who is or was a District judge for not less than 3 (three) years.

(4) If the Chairman is absent or unable to discharge his functions for any reason, the senior member of the Tribunal, if any, shall perform the functions of the Chairman.

(5) Where any member is appointed in the Tribunal, the Chairman may, for the efficient performance of the functions of the Tribunal, constitute as many benches as necessary, and such bench may consist of one or more than one members or the Chairman and one or more members.

(6) An appeal or any matter before the Tribunal may be heard and disposed of by the Tribunal sitting in full bench or by any bench thereof.

(7) Subject to this Act, the Tribunal shall follow, as far as possible, such procedure as is prescribed in the Code of Civil Procedure, for hearing of appeal by an appellate Court from original decrees.

(8) If the members of a bench differ in opinion as to the decision on any point—

(a) the matter shall be decided according to the opinion of the majority of members, if any; and

(b) if the members of the bench are equally divided, they shall state their opinion on the point on which they differ and shall refer the matter to the Chairman for hearing on such point, the Chairman if, he is not a member of the bench, himself may hear the matter or send the matter for hearing to any other bench consisted of one or more than one members and the matter shall be decided according to the opinion of the Chairman or member or majority of the members of such newly constituted bench.

(9) Where a bench consists of the Chairman and any member and there is a difference of opinion among the members and the members are equally divided, the decision of the Chairman shall prevail and the decision of the bench shall be expressed in terms of the opinion of the Chairman.

(10) The Tribunal may, on appeal, confirm, vary, modify or set aside any judgment, decision, award or sentence of a Lobour Court or return the case to the Labour Court for re-hearing; and shall, save otherwise provided, exercise all the powers conferred by this Act upon a Labour Court.
(11) The judgment of the Tribunal shall be delivered within not exceeding 60 (sixty) days from the date of preferring an appeal:
Provided that no such judgment shall be invalid merely on the ground of delay in its delivery.
(12) The Tribunal shall have authority to punish for contempt of it or of any Labour Court, as if it were the High Court Division of the Supreme Court.
(13) If the Tribunal sentences any person of imprisonment or imposes a fine exceeding two hundred taka under sub-section (12), the convicted person may prefer an appeal to the High Court Division.
(14) The Tribunal may, on its own or on the application of a party, transfer a case from one Labour Court to another Labour Court.
(15) The Tribunal shall have superintendence and control over all Labour Courts.
219. Form of application or appeal.—An application to a Labour Court or an appeal to the Tribunal shall be made in such form, as may be prescribed by rules, and shall contain, in addition to such particulars as may be prescribed by rules, the following particulars, namely:—
(a) the names and addresses of the parties;
(b) a concise statement of the circumstances of the application or appeal and the relief claimed;
(c) the provision of the law under which the application or appeal is made and the relief prayed for ;
(d) in the case of a delay in making the application or appeal, the reason for such delay and the provision of law under which condonation of delay is prayed for;
(e) in a case of application under Chapter X, a statement showing separately the basic wages, dearness allowance, ad-hoc or interim wages, if any, and other sums payable with wages payable to the applicant per month;
(f) in the case of an application under Chapter XII for payment of compensation against an employer, the date of service of notice of the accident on the employer; and if such notice has not been served or has not been served in time, the reason thereof;
(g) in any case other than application by dependents for payment of compensation under Chapter XII, a concise statement of the matters on which agreement has been and of those on which agreement has not been, arrived at;
(h) the date on which cause of action has arisen ; and
(i) a statement showing that the Labour Court has jurisdiction to entertain the application.

220. Appearance of parties to a case.—In any case other than a case of appearance for giving witness, filing of application, appearance, or any other act required to be made or done by any person before a Labour Court or Tribunal may be made or done by himself or by any representative authorized by him in writing or by a lawyer:
Provided that such representative or lawyer shall not be a representative of the concerned Court.
221 Costs of the case.—All costs incidental to any case or appeal before a Labour Court or Tribunal, shall, subject to this Act or any rules, be awardable at the discretion of such Court or Tribunal.
222. On whom the settlement, etc. shall be binding.—(1) Any settlement arrived at in a conciliation or any award of an Arbitrator or any judgment, decision or award of a Labour Court or any judgment, decision or award of the Tribunal shall be binding on the following persons, namely:—
(a) all parties to the dispute;
(b) unless the Court otherwise directs, any other party appeared in any proceedings as a party to the dispute by order of a Labour Court;
(c) where the employer of the establishment to which the dispute relates is a party, the heirs or successors of the employer; and
(d) where a collective bargaining agent is a party to the dispute, all workers who were employed in the establishment to which the dispute relates on the date on which the dispute first arose or employed therein after that date.
(2) A settlement arrived at by an agreement between the employer and a trade union of the workers of his establishment, otherwise than by conciliation, shall be binding on the parties to the agreement.
223. Date of enforcement of settlements, etc.—(1) A settlement shall become effective—
(a) if a date is agreed upon by the parties to the dispute to which it relates, on such date; and
(b) if a date is not so agreed upon, on the date on which the memorandum of the settlement is signed by the parties.
(2) A settlement shall remain effective for such period as is agreed upon by the parties and, if no such period is agreed upon, for a period of 1 (one) year from the date of signing the memorandum of settlement by the parties.
(3) After expiry of the period mentioned in sub-section (2), such settlement shall continue to be binding on the parties, until 2 (two) months expires from the date on which either party informs the other party in writing of its intention not to be bound any longer by the settlement.

(4) An award of a Labour Court shall, unless an appeal is preferred against it to the Tribunal, become effective from the date specified by such Court and shall remain effective for such period, not exceeding 2 (two) years, as may be specified by it.
(5) The Arbitrator, Labour Court or the Tribunal, as the case may be, shall fix the date on which different demands included in the award shall be effective and the dates by which each of the demands shall be enforced.
(6) If at any time before the expiry of the period mentioned in sub-section (4) or (5), any party bound by an award applies to the Labour Court which made the award for reduction of the said period on the ground that the circumstances in which the award was made have materially changed, the Labour Court may by order, after giving the other party an opportunity of being heard, if it considers expedient, terminate the said period on a date specified in the order.
(7) A decision of the Tribunal in appeal in respect of an award shall be effective from the date of the award.
(8) Notwithstanding the expiry of the period of an award under sub-section (4) or (5), the award shall continue to be binding on the parties, until the period of 2 (two) months from the date on which either party informs the other party in writing of its intention not to be bound any longer by the award expires.
(9) Notwithstanding anything contained in this section, no industrial dispute or proceedings in respect thereof shall be raised or commenced again before the expiry of 1 (one) year from the date of signing of the memorandum of settlement by the parties to the dispute or the date of expiry of the period of settlement or award, whichever is later.
224. Commencement and conclusion of proceedings.—(1) A conciliation shall be deemed to have commenced on the date on which a request for conciliation is received by the Conciliator under section 210 (4).
(2) A conciliation shall be deemed to have concluded, where a settlement is arrived at, on the date on which a memorandum of settlement is signed by the parties to the dispute.
(3) Where no settlement is arrived at, a conciliation shall be deemed to have concluded—
(a) if the dispute is referred to an Arbitrator under section 210 (12), on the date on which the Arbitrator gives his award; or
(b) if the dispute is not referred to an Arbitrator, on the date on which the Conciliator issues the certificate of failure of conciliation.
(4) The proceedings before a Labour Court shall be deemed to have commenced on the date on which any dispute, question or matter relating thereto is referred to the Labour Court.

(5) The proceedings before a Labour Court shall be deemed to have concluded on the date on which the judgment, decision or award relating thereto is delivered.

225. Prohibition on service of notice of strike or lock-out while proceeding remains pending.—No notice of strike or lock-out shall be served by any party to an industrial dispute to the other party, during the continuance of conciliation in any matter relating to the industrial dispute or a case in this behalf is pending before a Labour Court or an appeal is pending before the Tribunal.

226. Powers of the Labour Court and the Tribunal to prohibit strike or lock-out.—(1) Where a strike or lock-out in pursuance of an industrial dispute has already commenced, and such strike or lock-out continues at the time of submitting an application to the Labour Court in relation to that industrial dispute, or when it is under consideration of the Labour Court, the said Court may, by an order in writing, prohibit the continuance of the said strike or lock-out.

(2) Where an appeal in respect of any matter arising out of an industrial dispute is preferred to the Tribunal, the Tribunal may, by an order in writing, prohibit the continuance of any strike or lock-out in pursuance of such industrial dispute which was in existence on the date on which the appeal was preferred.

227. Illegal strike and lock-out.—(1) A strike or lock-out shall be illegal, if—

(a) it is declared, commenced or continued without giving to the other party to the dispute a notice of strike or lock-out in the manner prescribed by rules, or before or after the date specified in such notice or in contravention of section 225;

(b) it is declared, commenced or continued in consequence of an industrial dispute raised in a manner other than that provided in section 209;

(c) it is continued in contravention of an order made under section 211 or 226; or

(d) it is declared, commenced or continued during the period in which a settlement or award is in operation in respect of the matter covered by such settlement or award.

(2) A lock-out declared in consequence of an illegal strike, and a strike declared in consequence of an illegal lock-out shall not be deemed to be illegal.

228. Terms and conditions of service to remain unchanged while proceeding is pending.—(1) An employer shall not, during the continuance of any conciliation proceeding or proceedings before an Arbitrator, Labour Court or Tribunal in any matter relating to an industrial dispute, alter to the disadvantage of any worker who is involved in such dispute the conditions of service applicable to him before the commencement of such proceedings, or shall not discharge, dismiss or otherwise punish any worker or terminate his service, except for misconduct not connected with such dispute, without the permission of the Conciliator, Arbitrator, Labour Court or Tribunal, when, where or before which such proceeding is pending.

(2) Notwithstanding anything contained in sub-section (1), an officer of a trade union shall not, during the pendency of any proceedings referred to in the said sub-section, be discharged, dismissed or otherwise punished for misconduct, except with the previous permission of the Labour Court.

229. Protection of rights, etc. of certain persons.—(1) If any person refuses to take part or to continue in taking part in any illegal strike or illegal lock-out, he shall not, by reason of such refusal, be subject to expulsion from any trade union, or to any fine or penalty, or he or his legal representative shall not be deprived of any right or benefit which he would otherwise have been entitled to, or be liable to be placed in any respect, either directly or indirectly, under any disability or disadvantage as compared with other members of the trade union.

(2) Any contravention of the provisions of sub-section (1) may be a subject matter of an industrial dispute, and nothing in the constitution of a trade union providing the manner in which any dispute between its executive committee and members shall be settled, shall apply to proceedings for enforcing any right or exemption granted under sub-section (1).

(3) In any such proceedings, the Labour Court may, if it thinks just, in lieu of ordering a person who has been expelled from membership of a trade union to be restored to such membership, order to pay him from the fund of the trade union such sum, as may be fixed by it, by way of compensation.

230. Representation of parties.—(1) A worker who is a party to an industrial dispute shall be entitled to be represented in any proceedings under this Chapter by an officer of a collective bargaining agent of his establishment, and, subject to the provisions of sub-sections (2) and (3), any employer who is a party to an industrial dispute shall be entitled to be represented in any such proceedings by a person duly authorized by him.

(2) No party to an industrial dispute shall be entitled to be represented by a legal practitioner in any conciliation proceedings under this Chapter.

(3) A party to an industrial dispute may be represented by a legal practitioner in any proceeding before an Arbitrator, with his permission.

231. Interpretation of settlements and awards.—(1) If any difficulty or doubt arises as to the interpretation of any provision of any settlement or award, it shall be referred to the Tribunal.

(2) The Tribunal shall, after giving the parties concerned an opportunity of being heard, decide the matter and its decision thereon shall be final and binding on the parties.

CHAPTER XV

PARTICIPATION OF WORKERS IN THE PROFIT OF THE COMPANIES

1[232. Application of the Chapter.—(1) This Chapter shall apply to a company or establishment which fulfils any one of the following conditions, namely:—

(a) the amount of its paid up capital on the last day of an accounting year is not less than taka 1 (one) crore;

(b) the value of its permanent assets on the last day of an accounting year is not less than taka 2 (two) crore.

(2) The Government may, by notification in the official Gazette, also apply this Chapter to any other company or establishment specified therein.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Government shall, in the cases of hundred percent export oriented industrial sectors or hundred percent foreign exchange investing sectors, make, by rules, the provisions for constitution of a fund, constitution of the fund management board, determination of the amount of grant and manner of its collection and utilization of the fund and the necessary provisions for other ancillary matters, centrally in each such sector, consisting of the buyers and employers, for the beneficiaries working in the respective sectors:

Provided that such board may, subject to the prior approval of the Government, make regulations for carrying out the proposes of this section.]

233. Special definitions.—(1) In this Chapter, unless there is anything repugnant in the subject or context,—

(a) “Participation Fund” means the Workers Participation Fund established under this Chapter;

(b) “Welfare Fund” means the Workers Welfare Fund established under this Chapter;

(c) “company” means a company within the meaning of the Companies Act, 1994 and also includes the following establishments, namely:—

(i) a body corporate established by or under any law for the time being in force;

(ii) any establishment, organization or association, whether incorporated or not, declared by the Government, by notification in the official Gazette, to be a company for the purposes of this Chapter;

(d) “Fund” means the Participation Fund and the Welfare Fund;

1Section 232 was substituted for original section 232 by section 63 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(e) “Board”, in relation to Participation Fund and Welfare Fund, means a Board of Trustees constituted under this Chapter;

1[(ee) “owner” means the owner or management authority or chief executive of any company or establishment or any person who succeeds them;]

(f) “profits”, in relation to a company, means the net profit as defined in section 2[119] of the Companies Act, 1994 which are attributable to its business, trade, undertakings or any other work in Bangladesh;

3[(g) the activities of any establishment, business establishment, industry, factory, bank, money lending establishment or insurance company run for profit, and the activities related with one or more of the following shall be considered to be “industry related activities”, namely:—

(i) making changes in the original condition or making addition to value, of any goods, material or thing by manufacturing, assembling or polishing it or by bringing it in any other normal or artificial process;

(ii) ship building and recycling;

(iii) transformation, generation, conversion, transmission or distribution of electrical energy including hydraulic power;

(iv) working in mine, oil well or any other source of mineral deposit including blending, refining or purifying of oil and gas;

(v) distribution and marketing of oil and gas;

(vi) carriage of man or goods by air or sea;

(vii) service establishment, like mobile operator company, construction establishment; and

(viii) any other activities declared by the Government, by notification in the official Gazette, to be the industry related activities for the purposes of this Chapter;

(h) “industrial establishment” means an industrial establishment mentioned in clause (61) of section 2 which is run for profit;

(i) “beneficiary” of a company means any person including a probationer who has been employed in the company for not less than 9 (nine) months irrespective of any rank and status, excepting the employer, a partner or a member of the management board.]

(2) In this Chapter, “paid-up capital” and “value of fixed assets” of a company shall, in the case of a company incorporated in a foreign country, mean the capital and the value of fixed assets of such company engaged in a branch of it in Bangladesh.

1Clause (ee) was inserted by section 64(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

2The figure “119” was substituted for the figure, hyphen and letter “87-C” by section 64(b) of the Bangladesh Labour (Amendment) Act,
2013 (Act No. XXX of 2013).

3Clauses (g), (h) and (i) were substituted for original clauses (g) and (h) by section 64(c) of the Bangladesh Labour (Amendment) Act, 2013
(Act No. XXX of 2013).

234. Establishment of Participation Fund and Welfare Fund.—(1) Every company to which this Chapter applies shall—

(a) establish a Workers Participation Fund and a Workers Welfare Fund in accordance with the provisions of this Chapter within 1 (one) month of the date on which this Chapter becomes applicable to it; and

1[(b) pay, within 9 (nine) months of the close of every year, five percent (5%) of the net profit of the previous year at the proportion of 80:10:10 to respectively the Participatory Fund, Welfare Fund and Workers Welfare Foundation Fund established under section 14 of the Bangladesh Workers Welfare Foundation Act, 2006:

provided that if an employer deposited one percent (1%) of the net profit of the company to the Welfare Fund immediately before this provision takes effect, the Trustee Board shall be required to deposit fifty percent (50%) of the money so deposited to the Welfare Fund to the above-mentioned Workers Welfare Foundation Fund.]

(2) The amount paid to the said 2[Funds] under sub-section (1) (b) in relation to a year shall be deemed to have been allocated to those 3[Funds] on the first day of the next succeeding year.

235. Management of the Funds.—(1) As soon as may be, after the establishment of the Participation Fund and the Welfare Fund, there shall be constituted a Board of Trustees consisting of the following members, namely:—

(a) two members nominated by the collective bargaining agent of the company and if there is no collective bargaining agent, 2 (two) members elected by the workers of the company from amongst themselves; and

(b) two members nominated by the management of the company, of whom at least one shall be a person from the accounts section of the company.

(2) The members of the Board of Trustees shall elect for every year a person to be the Chairman of the Board alternatively from amongst the members under sub-section (1) (a) and (1) (b), but the first Chairman shall be from amongst the members under sub-section (1) (b).

(3) The Board of Trustees shall manage and administer the Funds in accordance with the provisions of this Chapter and any rules made in this behalf.

1Clause (b) was substituted for original clause (b) by section 65(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

2The word “Funds” was substituted for the words “two founds” occurring twice, by section 65(b) of the Bangladesh Labour (Amendment)
Act, 2013 (Act No. XXX of 2013).

3The word “Funds” was substituted for the words “two founds” occurring twice, by section 65(b) of the Bangladesh Labour (Amendment)
Act, 2013 (Act No. XXX of 2013).

(4) The Board of Trustees shall, in exercise of its powers and performance of its functions, be subject to such directions as may be given by the Government from time to time.
(5) If the Government is of opinion that the Board of Trustees or a member thereof is persistently failing in the performance of its or his functions or is generally acting in a manner inconsistent with the objects and interests of the Funds, the Government may, after giving the Board or such member an opportunity of showing cause by order—
(a) dissolve the Board for such period as may be specified therein or remove such member from his office; and
(b) direct that until the Board of Trustees is reconstituted or until a new member is nominated or elected to the office of such member, the powers and functions of the Board or such member shall be exercised and performed by a person specified in the order.
(6) Upon the dissolution of the Board of Trustees under sub-section (5), the members of the Board shall cease to hold office and any reference to the Board of trustees in this Chapter or any rules shall be construed as reference to the person specified in the order made under the sub-section.
(7) Before the expiry of the period of dissolution, the Board of Trustees shall be re-constituted in accordance with the provisions of this Chapter so as to enable it to take over its charge upon the expiry of such period.
1[(8) If any Board of Trustee is dissolved, or the Chairman or any member thereof is removed, by the Government under clause (a) of sub-section (5), the members of such Board or the Chairman or the member concerned thereof shall not be re-elected or nominated to the Board of Trustee.]
2[236. Fine, recovery of money, etc.—(1) Where any company or Trustee Board fails to comply with the provisions of section 234, the Government may, by order, direct it to do acts in accordance with the provisions within such time as may be specified is that order.
(2) If any company or Board of Trustee fails to do any act within the time specified in the order issued under sub-section (1), the Government may, by order, impose on every director, manager or officer of that company who is directly or indirectly responsible for the management of the affairs of the company or, as the case may be, the Chairman, member or a person or persons of the Board of Trustee concerned who is responsible for the management of the affairs of that Board a fine of taka not exceeding 1 (one) lac and, in the case of continuous failure, a further amount of taka 5 (five) thousands for every day from the first day of such failure and direct to pay the total amount of fine within the next 30 (thirty) days:
Provided that if any person contravenes the aforesaid provisions again or fails to comply therewith, twice the amount of fine specified above shall be imposed on him.

1Sub-section (8) was inserted by section 66 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2Section 236 was substituted for original section 236 by section 67 of the Bangladesh Labour (Amendment) Act, 2013
(Act No. XXX of 2013).

(3) If any amount payable under section 234 remains unpaid and any fine imposed under this section is not paid within the time specified in the relevant order, such unpaid amount and fine shall be deemed to be public demand and be recoverable in accordance with the provisions of the Public Demands Recovery Act, 1913 (Act No. IX of 1913).

(4) Any person aggrieved by an order issued under sub-sections (1) and (2) may, within 30 (thirty) days of making such order, apply to the Government for review thereof and the Government shall, on receipt of such application, within not exceeding 45 (forty-five) days, review the matter and make appropriate order and inform the person, company or Board of Trustee concerned accordingly.

(5) An order made by the Government under sub-section (4) shall be final.]

237. Power to call for information.—The Government may, at any time call upon a company or a Board of Trustees to furnish it with such information or documents or the records of the proceedings as may be relevant or useful for the purposes of, or necessary, for ensuring proper compliance with the provisions of this Chapter or rules.

238. Settlement of dispute, etc.—(1) Any difference which may arise between the Board of Trustees and the company relating to the administration of the Funds shall be reported to the Government, and the decision of the Government thereon shall be final.

(2) Any complaint which a worker may have against the Board of Trustees or the company relating to the benefits available from the Funds shall be settled in the same manner as is provided in Chapter X for the settlement of dispute relating to deductions from wages.

239. Delegation of power.—The Government may, by notification in the official Gazette, delegate all or any of its powers or duties under this Chapter, subject to such conditions as may be specified in the notification, upon any of its officers or any other authority.

240. Investment of Participation Fund.—(1) The amount allocated or deposited in the Participation Fund shall be available to the company for its business operation.

(2) The company may request the Board of Trustees to utilize the amount of the Participation Fund for investment under sub-section (11), and the Board may decide for such investment.

(3) The company shall pay interest on the amount of the Participation Fund which is used for its business at the rate of two and a half percent above the bank rate or 75% (seventy five percent) of the rate at which dividend is declared on its ordinary shares, whichever is higher.

(4) In case there is more than one class of ordinary shares of any company, on which different rates of dividend are declared then, for the purpose of determining the rate of interest payable under sub-section (3), the weight average of the different rates of dividend shall be taken into consideration.
(5) The interest to the Participation Fund, so payable, shall be deposited to the Fund on and from the first day of the year next succeeding the year in which the Fund has been used by the company.
(6) Where any company does not want to utilize any amount of the Participation Fund in its business under sub-section (1), there shall also be payable the aforesaid rate of interest by the company on the said amount of the Fund for the period between the date of allocation of any amount to the said Fund and the date of its investment under sub-section (11).
(7) If, at any time after the establishment of the Participation Fund, the company raises any additional capital, otherwise than through the issue of bonus or bonus shares, the Participation Fund shall have the first option to convert any amount available to the company under sub-section (1), or any asset of the Participation Fund into ordinary equity capital; provided that it, shall not, after such conversion, be more than twenty five percent of the paid-up capital of the company or of 50% (fifty percent) of the additional capital, whichever is less.
Explanation.—In this sub-section "additional capital" does not include any capital offered for payment or offered to a foreign partner of the company.
(8) For the purpose of exercising the right of conversion under sub-section (7), the Board of Trustees shall be given sufficient time to sell assets of the Participation Fund to realize the amount needed for participation in the additional capital of the company.
(9) The shares acquired in the manner set out in sub-section (7) shall participate in future bonus and right-issues in the same manner as of other shares.
(10) The shares acquired in the manner set out in sub-section (7) shall have voting rights in the same manner as of other shares and such voting rights shall be exercised by the Board of Trustee on behalf of the Participation Fund.
1[(11) The money of the Participatory Fund may be invested in any Government-owned sector which is eligible for investment.]
241. Eligibility to benefits.—(1) All 2[beneficiaries] shall be eligible to get all benefits 3[in equal proportions] under this Chapter and to participate in the Funds.
(2) No 4[beneficiary] without completing 6 (six) months of service in a company during a year of account shall participate in the Funds in respect of that year.

1Sub-section (11) was substituted for original sub-section (11) by section 68 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2The word "beneficiaries" was substituted for the words "workers" by section 69(a)(i) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
3The word "in equal proportions" were inserted by section 69(a)(ii) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
4 The word "beneficiary" was substituted for the word "worker" by section 69(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

242. Utilization of Participation Fund.—(1) Two-thirds of the total amount deposited in the Participation Fund in every year shall be distributed in equal proportion to all 1[beneficiaries] in cash, and the remaining one-third shall be invested in accordance with the provisions of section 240(11), whose profit shall also be distributed in equal proportion to all 2[beneficiaries.]

(2) If a 3[beneficiary] voluntarily leaves the service of a company he shall be entitled to benefits of both the Funds, if any, admissible to him under this Chapter.

(3) If the service of a 4[beneficiary] is terminated, otherwise than by dismissal, he shall be as per with a 5[beneficiary] who retires from the service of a company.

(4) If any 6[beneficiary] is dismissed from service, his share in the Funds shall be forfeited.

(5) In the event of transfer of a 7[beneficiary] from one office or unit of a company to another office or unit of that company, the benefits of the Funds accrued to the beneficiaries shall be transferred to the Funds of the office or unit to which he is so transferred, and his service in the previous office or unit shall be counted towards his entitlement to the benefits of the Funds of the office or unit to which he is so transferred.

(6) In the event of retirement of a 8[beneficiary, the beneficiary himself], or in the event of his death during employment in a company, his nominee, shall receive full benefits under this Chapter.

9[243. Utilization of Welfare Fund.—Subject to the compliance of the provisions of this Chapter, the amount deposited in the Welfare Fund may be utilized for such purposes and in such manner as the Board of Trustee may decide, and the Board shall inform the Government relating thereto.]

244. Fiscal concessions to the companies.—In the cases of all companies to which this Chapter applies any sum allotted to the said Funds by such companies shall not be counted in calculating their taxable income.

245. Exemption of income of the Funds from income tax.—The income of the Funds including their capital gains shall be exempted from income tax.

1 The word “beneficiaries” was substituted for the word “workers”, occurring twice, by section 70(a) of the Bangladesh Labour
(Amendment) Act, 2013 (Act No. XXX of 2013).

2The word “beneficiaries” was substituted for the word “workers”, occurring twice, by section 70(a) of the Bangladesh Labour
(Amendment) Act, 2013 (Act No. XXX of 2013).

3The word “beneficiary” was substituted for the word “worker”, occurring twice, by section 70(b) of the Bangladesh Labour (Amendment)
Act, 2013 (Act No. XXX of 2013).

4The word “beneficiary” was substituted for the word “worker”, occurring twice, by section 70(c) of the Bangladesh Labour (Amendment)
Act, 2013 (Act No. XXX of 2013).

5The word “beneficiary” was substituted for the word “worker”, occurring twice, by section 70(c) of the Bangladesh Labour (Amendment)
Act, 2013 (Act No. XXX of 2013).

6The word “beneficiary” was substituted for the word “worker” by section 70(d) of the Bangladesh Labour (Amendment) Act, 2013 (Act No.
XXX of 2013).

7The word “beneficiary” was substituted for the word “worker” by section 70(e) of the Bangladesh Labour (Amendment) Act, 2013 (Act No.
No. XXX of 2013).

8The words and comma “beneficiary, the beneficiary himself” were substituted for the words and comma “worker, the worker himself” by
section 70(f) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

9Section 243 was substituted for original section 243 by section 71 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

246. Exemption of income of the workers from income tax.—The sums paid out of the Funds to the workers shall be exempted from income tax.

247. Location and work of the Board of Trustees.—(1) The office of the Board of Trustees shall be located at the company premises and if there is more than one office or unit of a company at the registered head office of the company.

(2) All expenses of the Board of Trustees, including the cost of maintenance of accounts of the Board, shall be borne by the company.

248. Audit of accounts of the Funds.—The accounts of income and expenditure of the Funds shall be audited every year at the company's expense in the same manner as the accounts of income and expenditure of a company is audited:

Provided that the Government may, at its own cost, appoint independent auditors for a special audit of the accounts of income and expenditure of the Funds.

249. Benefits from the Funds shall be in addition to other benefits.—Any benefit payable to a worker under this Chapter shall be in addition to, and not in derogation or substitution of, any other benefit to which the worker is entitled under any other law, contract, terms and conditions of employment or otherwise.

250. Special provisions for industries working seasonally.—Notwithstanding anything contained in this Chapter, the Government may, by notification in the official Gazette, make provisions for the participation of the workers in the profits of such companies which work in any part of a year instead of the whole year.

251. Companies engaged in activities relating to more than one industry.—Notwithstanding anything contained in this Chapter, the Government may, at the request of a company which is engaged in activities relating to more than one industry, located at more than one place of the country, permit splitting up of the Funds amongst the different offices or units engaged in activities relating to industry and constitution of an independent Board of Trustees for each office or unit of such company; and the provisions of this Chapter shall apply to such office or unit as if it were a company.

252. Vesting of management of Participation Fund in the Investment Corporation of Bangladesh, etc.—The Board of Trustees may, with the prior approval of the Government, enter into an agreement with the Investment Corporation of Bangladesh or the Sonali Bank, for vesting of the management of the Participation Fund on it, and any fee payable under the terms of the agreement shall be payable by the company.

1[***]

2[CHAPTER XVIA

PROVISIONS AS TO THE DISSOLVED DOCK WORKERS MANAGEMENT BOARD

263A. Special provisions as to the dissolution, etc. of the Dockworkers Management Board.—(1) The Dock-workers Management Board established in the Chittagong Port Authority and the Mongla Port Authority under section 254 of the repealed Chapter XVI, hereinafter referred to as the said Boards, shall stand dissolved and the registration of the dock-workers registered by the said Boards shall be deemed to have stood cancelled.

(2) Notwithstanding the dissolution of the two Boards,—

(a) all officers and employees of them shall be absorbed in the Chittagong Port Authority and the Mongla Port Authority respectively, and they shall be the officers and employees of them, and shall hold office in the concerned Authority under the same terms and conditions as were applicable to them in the two dissolved Boards before such absorption, until they are altered by the Chittagong Port Authority or as the case may be, by the Mongla Port Authority;

(b) in the case of absorption of all officers and employees of them under clause (a), the provisions of the Surplus Public Servants Absorption Ordinance, 1985 (Ordinance No. XXIV of 1985) shall be followed;

(c) the provident fund, gratuity, welfare fund, liquid fund of the officers and employees of them shall stand transferred without any charge to the Chittagong Port Authority and the Mongla Port Authority, respectively, and the concerned Authority shall maintain and administer them;

(d) all assets, rights, authorities and privileges and movable and immovable property, cash and money deposited in banks or financial institutions, investments, all books of accounts, registers, records and all other documents of them shall stand transferred to, and vested in, the Chittagong Port Authority and the Mongla Port Authority, respectively, and the concerned Authority shall be proprietor of them;

(e) all debts or liabilities incurred, all obligations undertaken and all contracts entered into by or with them immediately before such dissolution, shall be deemed to have been incurred, undertaken or entered into by or with the Chittagong Port Authority and the Mongla Port Authority, respectively;

(f) all suits and other legal proceedings instituted by or against them immediately before such dissolution shall be deemed to have been instituted by or against the Chittagong Port Authority and the Mongla Port Authority, respectively, and shall be heard and disposed of accordingly.

1 "CHAPTER XVI" was omitted by section 4 of the Bangladesh Labour (Amendment) Act, 2009 (Act No. LXVI of 2009).

2 "CHAPTER XVI A" was inserted by section 5 of the Bangladesh Labour (Amendment) Act, 2009 (Act No. LXVI of 2009).

(3) If any difficulty arises as to the application of the provisions of sub-section (2) due to ambiguity, the Government may, for the purpose of removing such difficulty, by an order, take any such measure as may be required by clarifying or explaining of such provisions.]

CHAPTER XVII

PROVIDENT FUND

264. Provident funds for workers in private sector establishments.—(1) Any establishment in the private sector may constitute a provident fund for the benefits of its workers.

(2) The said provident fund shall be constituted by an establishment in such manner as may be prescribed by rules made in this behalf under sub-section (3).

(3) Notwithstanding anything contained in sub-section (2), the Government may make rules for constitution of the provident fund for workers employed in establishments in private sector, and where such rules are made the establishment to which those rules apply, shall be required to comply with the provisions of such rules.

(4) The said provident fund shall be administered by a Board of Trustees.

(5) Such Board of Trustees shall consist of equal number of representatives of the employer and workers employed in the establishment concerned; and a person nominated by the Government shall be its Chairman.

(6) The representatives of the employer shall be nominated by the employer and the representatives of the workers shall be nominated by the collective bargaining agent.

(7) Where there is no collective bargaining agent in an establishment, the representatives of the workers shall be elected by the workers of that establishment under the supervision of the Director of Labour.

(8) All members of the Board of Trustees shall hold office for a period of 2 (two) years:

Provided that they shall continue to hold office until their successors enter upon office.

(9) Every permanent worker shall, after completion of 1 (one) year of his service in the establishment, where the provident fund is constituted, subscribe to the provident fund, unless otherwise agreed upon, in every month a sum, not less than seven percent and not more than eight per cent of his monthly basic wages; and the employer shall contribute to it an equal amount.

(10) Notwithstanding anything contained in this section, an establishment in the private sector shall be required to constitute a provident fund for the benefit of its workers, if at least three-fourths of the total number of workers employed therein so demand to the employer by an application in writing.

(11) Where a demand for constitution of a provident fund is made under sub■section (10), the employer of the establishment shall, within 6 (six) months of the
receipt of application make necessary provisions for its constitution under sub■section (3) and the provident fund shall start operation before the expiry of that
period.
(12) At least half of the total accumulations in such provident fund shall be invested for any of the following purposes, namely:—
(a) I.C.B, Mutual Fund Certificate;
(b) I.C.B, Unit Certificate; and
(c) any government securities including defence and postal saving
certificate.
(13) The cost of maintenance of the provident fund shall be borne by the employer.
(14) The accounts of income and expenditure of the provident fund shall be audited every year at the cost of the establishment in the same manner as the accounts of income and expenditure of the establishment are audited:
Provided that the Government may appoint an independent auditor for any special audit of the income and expenditure of such fund at its own cost.
(15) A statement of accounts of income and expenditure of the provident fund, together with the audit report relating thereto, shall be forwarded to the Director of Labour within 1 (one) month of the submission of audit report.
(16) Where the Government is satisfied that a provident fund constituted in an establishment in the private sector is working satisfactorily and the workers have no complaint against it, the Government may, on application by the employer of that establishment, by order in writing, exempt that establishment from the operation of this section.
(17) An establishment constituting a provident fund under the provisions of this section shall be deemed to be a government establishment for the purposes of the Provident Funds Act, 1925 (Act No.XIX of 1925).
(18) In this section, an establishment in private sector shall mean such an establishment which is not owned or managed directly by the Government or by any local authority or to which any provident fund rules made by the Government or by any local authority does not apply.
265. Tea Plantation Workers' Provident Fund.—(1) There shall be established a provident fund to be called the Tea Plantation Workers' Provident Fund.
(2) The Tea plantation Workers' Provident Fund, hereinafter in this Chapter referred to as the Provident Fund, shall vest in, and administered by, a Board of Trustees constituted under section 266.

266. Tea plantation Workers' Provident Fund Board of Trustees.—(1) The Government shall, by notification in the official Gazette, constitute a Board to be called the Board of Trustees of the Tea plantation Workers' Provident Fund.
(2) The Board of trustees shall consist of the following members, namely:—
(a) a Chairman;
(b) three members representing the employers;
(c) three members representing the tea workers;
(d) two members who are not connected with tea industry.
(3) The Chairman and other members shall be appointed by the Government:
Provided that the members under clauses (b) and (c) of sub-section 2 shall be appointed by the Government in consultation with the organizations of employers and, as the case may be, the workers who are recognized by the Government in this behalf.
(4) The Chairman and other members shall hold office for a term of 3 (three) years from the date of their appointment:
Provided that notwithstanding the expiry of such term, they shall continue to hold office until their successors enter upon office.
(5) The Chairman and other members shall perform such duties as are assigned to them under this Chapter or by rules.
(6) The Board of Trustees shall be a body corporate and shall have perpetual succession and a common seal, and shall by its own name sue and be sued.
1[(7) No person shall be a member of the Board of Trustees, if he—
(a) has been convicted in a criminal proceeding involving moral turpitude;
(b) has not passed 5 (five) years after being declared insolvent by a competent Court;
(c) is declared by a competent Court to be of unsound mind or mentally deranged.
(8) The Board of Trustees may, for efficient discharge of its functions, after making regulations with prior approval of the Government in this behalf, appoint necessary number of manpower.]
267. Cost of administration.—(1) The Board of Trustees may levy an administrative charge on the basis of subscription.

1Sub-sections (7) and (8) were inserted by section 72 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(2) The Government shall, in consultation with the Board, fix such percentage of the total contributions of employers and workers as shall be the cost of administration.
(3) The employers shall, within 15 (fifteen) days of the close of every month, pay the administrative charge so fixed to the Provident fund by separate bank draft or cheque.
(4) When the payment of the administrative charge is made by a cheque, the collection charge, if any, shall be included in the amount for which the cheque is drawn in respect of the administrative charge.
268. Subscription.—(1) Every employer of a tea plantation, which is in operation for more than 3 (three) years, shall, in respect of every worker, other than an apprentice, employed in his tea plantation for more than 1 (one) year, pay to the provident fund a subscription at the rate of seven and a half per cent of the basic wages for the time being payable to that worker.
(2) Every worker mentioned in sub-section (1) shall pay to the provident fund a subscription equal to the subscription payable by the employer in respect of him.
(3) Where the amount of any subscription payable under this section involves a fraction of taka, such fraction shall be rounded off to the nearest taka.
(4) If, in any case, the subscription made at the time of coming into force of this Act to an existing provident fund is higher than that provided in this section, then that higher rate of subscription shall continue to be made as if this Act had not come into force.
(5) The total accumulations in the provident fund shall, in such manner as may be prescribed by rules, be held in deposit and be invested.
269. Recovery of damages.—Where an employer makes default in the payment of any subscription to the provident fund, or default in the payment of any charges payable under this Chapter or any rules, the Board of Trustees may, in addition to the amount of arrear so due, recover from the employer damages at the rate not exceeding 25% (twenty five percent) of the amount of such arrear.
270. Provident fund not liable to attachment.—(1) The amount standing to the credit of any worker in the account of his provident fund shall not in any way be assigned or charged and shall not be liable to attachment under any decree or order of any Court in respect of any debt or liability incurred by the worker, or no receiver appointed under the Insolvency Act, 1920 (Act No.V of 1920) shall be entitled to claim of such amount.

(2) Any amount standing to the credit of any worker in the account of his provident fund at the time of his death shall, subject to any deduction authorized under any other law, vest in his nominee and shall be free from any debt or other liability incurred by him or by his nominee before his death.

271. Payment of subscription to get preference over other debts.—If any amount due in respect of any subscription under this Chapter is payable before the employer is adjudged insolvent or in the case of a company ordered to be wound up before the date of such order, it shall be deemed to be included among the debts under section 61 of the Insolvency Act, 1920 (Act No. V of 1920) or under section 230 of the Companies Act, 1994 which shall get preference over all other debts in the distribution of the property of the insolvent or the assets of the company being wound up.

272. Employer not to reduce wages or other amenities.—No employer shall, by reason only of his liability for payment of any subscription or any charges under this Act or any rules, reduce, whether directly or indirectly, the wages of any worker or other benefits.

273. Provident fund for newspaper workers.—(1) Every newspaper establishment shall, for the benefit of its newspaper workers, constitute a provident fund in such manner as may be prescribed by rules.

(2) The said provident fund shall be administered by a Board of Trustees.

(3) The said Board of Trustees shall consist of equal number of representatives of the employer of the newspaper establishment and of the newspaper workers employed in it and they shall be nominated and appointed in such manner as may be prescribed by rules.

(4) Every newspaper worker shall, after completion of the first 2 (two) years of his service in any newspaper establishment, subscribe to the provident fund every month a sum not less than seven percent and not more than eight percent of his monthly wages, and the employer shall also subscribe to that fund at the same rate.

(5) During the first 2 (two) years of his service, a newspaper worker may, at his option, subscribe to the provident fund, but the employer of the newspaper establishment may or may not, at his option, subscribe to that fund.

(6) A newspaper establishment shall be deemed to be a government establishment for the purposes of the Provident Fund Act, 1925 (Act No. XIX of 1925).

CHAPTER XVIII
APPRENTICESHIP

274. Application of the Chapter.—This Chapter shall apply to such an establishment, which is in operation for more than 2 (two) years, and in which not less than 50 (fifty) workers are ordinarily employed 1[***].

275. Special definitions.—In this Chapter, unless there is anything repugnant in the subject or context,—

2[(a) "competent authority" means the Chief Inspector or an officer authorized by him;]

(b) "apprentice" means a person undergoing training through the system of apprenticeship;

(c) "apprenticeship" means a system of training in which an employer undertakes to employ a person and to train him or have trained him systematically in an apprenticeable trade or occupation for a period fixed in advance and in the course of which the apprentice is bound to work in the employer's service; and

(d) "apprenticeable occupation" means such trade or occupation in an establishment as the competent authority may, from time to time, declare by notification in the official Gazette, to be an apprenticeable trade for the purposes of this Chapter.

276. Tripartite advisory committee.—The Government may, by notification in the official Gazette, constitute, in the manner prescribed by rules, a tripartite advisory committee to advise the Government and the competent authority in the matters relating to apprenticeship.

277. Obligations of employers.—Subject to the provisions of this Chapter and the rules, an employer shall—

(a) ensure proper compliance of the provisions of this Chapter and rules in his establishment;

(b) introduce an apprenticeship programme in his establishment in accordance with the rules; and get the programme registered with the competent authority within such time as may be prescribed by rules;

(c) train apprentices at least one-fourth, in an average, of persons employed in apprenticeable trade or occupation in his establishment, or in such other proportion as the competent authority may, by order in writing, fix 3[, and in nominating the trainees as apprentices, shall give preference to the handicapped workers];

1The words "and were at least five workers are employed is apprenticeable trade or occupation" were omitted by section 73 of the
Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

2Clause (a) was substituted for original clause (a) by section 74 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

3The words and commas ", and in nominating the trainees as apprentices, shall give preference to the handicapped workers" were added by
section 75 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(d) if any apprenticeship programme has been introduce in his establishment prior to the coming into force of this Act, modify the programme so as to bring it in conformity with the provisions of this Chapter and rules and shall register such modified programme with the competent authority within such time as may be prescribed by rules;
(e) ensure that an apprentice receives necessary theoretical instructions to the extent of at least twenty percent of the total normal working hours;
(f) initiate and operate an apprenticeship programme entirely at his own cost; and
(g) without permission in writing of the competent authority, not employ any person as an apprentice who was an apprentice under another employer and
has left his apprenticeship or been discharged by the employer on disciplinary grounds.

278. Exemption from income-tax, etc.—(1) Notwithstanding anything contained otherwise in the Income-tax Ordinance, 1984 (Ordinance No. XXXVI of 1984), no income-tax shall be payable by an employer in respect of any expenditure incurred by him for the operation of an apprenticeship programme in accordance with the provisions of this Chapter and rules.
(2) Notwithstanding anything contained otherwise in the Imports and Exports (Control) Act, 1950 (Act No. XXXIX of 1950), or any rule or order, the Government may, by order, make provisions for the grant of licences to the employers to import necessary articles for operating apprenticeship programme under this Chapter.

279. Advice and guidance to employers.—The competent authority shall offer to the employer all possible technical advice and guidance in all matters relating to any apprenticeship programme operated in his establishment in accordance with the provisions of this Chapter and rules.

280. Obligations of apprentice workers.—(1) Subject to the provisions of this Chapter and rules, an apprentice worker—
(a) shall learn his trade or occupation conscientiously and diligently and endeavour to qualify himself as a skilled worker on the completion of his apprenticeship;
(b) shall attend the practical training and related theoretical instructions given according to the programme laid down by the employer;

(c) shall abide by all lawful orders of the employer or his representative relating to apprenticeship and perform his obligations under the contract of apprenticeship;
(d) shall appear in the examination held from time to time for assessing the progress of his training;
(e) shall not become the member of a trade union of any class of workers other than his own;
(f) may, in case of any grievance against his employer relating to his apprenticeship and if it is not redressed by the employer, apply to the competent authority for redress, and shall abide by the decision of the competent authority ; and
(g) shall not, without the previous approval in writing of the competent authority, leave his apprenticeship after the completion of his apprenticeship period.
(2) If an apprentice worker fails to carry out the terms of his contract of apprenticeship or if at any time during the period of his apprenticeship voluntarily quits apprenticeship, or there are continued adverse reports regarding the progress of his training, or he is charged for insubordination, breach of rules, absence from duty or neglect of duties, he or, as the case may be, his father or guardian or the surety shall severally or jointly be liable to the payment of such compensation and to the refund to employer of such expenses accrued for his apprenticeship as may be prescribed by rules.
281. Powers of entry, inspection, etc.—The competent authority may,—
(a) with necessary assistants, enter into, inspect and examine any establishment or part thereof at any reasonable time;
(b) examine any apprentice worker employed in that establishment, or require the production of any register, record or other documents maintained in pursuance of this Chapter, and take statements of any person which it may consider necessary for carrying out the purposes of this Chapter;
(c) make necessary examination and enquiry in order to ascertain whether the provisions of this Chapter and rules are being properly observed in that establishment; and
(d) exercise such other powers as may be prescribed by rules.
282. Delegation of powers.—Subject to the rules made in this behalf, the competent authority may, by order in writing, delegate all or any of its powers to any person or officer subordinate to him.

CHAPTER XIX

OFFENCE, PENALTY AND PROCEDURE

283. Penalty for non-compliance of order of the Labour Court under section 33.—If any person refuses or fails to comply with an order passed by the Labour Court under section 33, he shall be punished with simple imprisonment for a term which may extend to 3 (three) months, or with fine which may extend to 5,000 (five thousand) taka, or with both.

284. Penalty for employment of a child and adolescent.—If any person employs any child or adolescent, or permits any child or adolescent to work in contravention of any provision of this Act, he shall be punished with fine which may extend to 5,000 (five thousand) taka.

285. Penalty for making agreement in respect of a child in contravention of section 35.—If the parent or guardian of a child makes an agreement in respect of the child in contravention of section 35, he shall be punished with fine which may extend to 1,000 (one thousand) taka.

286. Penalty for contravention of the provisions of Chapter IV by an employer.—(1) If any employer contravenes any provision of Chapter IV, he shall be punished with fine which may extend to 1[25,000 (twenty five thousand)] taka.

(2) Whenever a Court imposes a fine under sub-section (1), it may, at the time of passing judgment, order the whole or any part of the compensation to be paid to the woman concerned for any loss or damage caused to her by the contravention for which the fine was imposed.

2[(3) The Court shall, in addition to the compensation provided in sub-section (2), pass an order to the employer concerned to give the worker the benefit under Chapter IV of which he was deprived.]

287. Penalty for working for wages during permitted period of absence.—If a woman does any work for cash or kind during the period when she has been permitted by her employer to absent herself under the provisions of Chapter IV, she shall be punished with fine which may extend to 1,000 (one thousand) taka.

288. Penalty for contravention of section 67.—If any person sells or lets on hire, or as an agent of a seller or hirer causes or procures to be sold or let on hire for use in an establishment any machinery driven by power which does not comply with the provisions of section 67, he shall be punished with imprisonment for a term which may extend to 3 (three) months, or with fine which may extend to 1,000 (one thousand) taka, or with both.

1The words “twenty five thousand” were substituted for the words “five thousand” by section 76(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

2Sub-section (3) was inserted by section 76(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

289. Penalty for payment of wages at a rate below the minimum rate of wages.—(1) Any employer, who pays any worker wages at a rate lower than the rate declared under Chapter XI to be the minimum rate of wages, shall be punished with imprisonment for a term which may extend to 1 (one) year, or with fine which may extend to 5,000 (five thousand) taka, or with both.

(2) Where the Court imposes penalty under sub-section (1), it may, at the time of passing the judgment, order that the employer shall pay to the worker concerned such sum to represent the differences between the amount actually paid to such worker and the amount which would have been payable to him if there was no such contravention.

290. Penalty for failure to give notice of accidents.—If any person, in contravention of any provision of this Act, fails to give notice of any accident, he shall, if the accident results in serious bodily injury, be punished with fine which may extend to 1,000 (one thousand) taka, or if the accident results in loss of life, be punished with imprisonment which may extend to 6 (six) months, or with fine which may extend to 3,000 (three thousand) taka, or with both.

291. Penalty for unfair labour practice.—(1) If any person contravenes any provision of section 195, he shall be punished with imprisonment for a term which may extend to 2 (two) years, or with fine which may extend to 10,000 (ten thousand) taka, or with both.

(2) If any worker contravenes any provision of section 196, he shall be punished with imprisonment for a term which may extend to 1 (one) year, or with fine which may extend to 5,000 (five thousand) taka, or with both.

(3) If any trade union or any person, other than a worker, contravenes any provision of section 196, it or he shall be punished with imprisonment for a term which may extend to 2 (two) years, or with fine which may extend to 10,000 (ten thousand) taka, or with both.

292. Penalty for committing breach of settlement, etc.—If any person commits any breach in the terms of any settlement, award or decision which is binding on him under this Act, he shall be punished with imprisonment for a term which may extend to 1 (one) year, or with fine which may extend to 10,000 (ten thousand) taka, or with both.

293. Penalty for failing to implement settlement, etc.—If any person willfully fails to implement any term of settlement, award or decision, which is his duty under this Act to implement, he shall be punished with imprisonment for a term which may extend to 2 (two) years, or with fine which may extend to 10,000 (ten thousand) taka, or with both.

294. Penalty for illegal strike or lock-out.—(1) Any worker, who commences or continues or otherwise acts in furtherance of an illegal strike, shall be punished with imprisonment for a term which may extend to 1 (one) year, or with fine which may extend to 5,000 (five thousand) taka, or with both.

(2) Any employer, who commences, continues or otherwise acts in furtherance of an illegal lock-out, shall be punished with imprisonment for a term which may extend to 1 (one) year, or with fine which may extend to 5,000 (five thousand) taka, or with both.

295. Penalty for instigating illegal strike or lock-out.—If any person instigates or encourages any other person to take part in, or to spend or supply money for, or otherwise acts in furtherance of, an illegal strike or lock-out, he shall be punished with imprisonment for a term which may extend to 1 (one) year, or with fine which may extend to 5,000 (five thousand) taka, or with both.

296. Penalty for taking part in or instigating go-slow.—If any person takes part in or instigates or encourages any other person to take part in, or otherwise acts in furtherance of a go-slow, he shall be punished with imprisonment for a term which may extend to 1 (one) year, or with fine which may extend to 5,000 (five thousand) taka, or with both.

297. Penalty for contravention of section 228 (2).—If any employer contravenes the provisions of section 228 (2), he shall be punished with imprisonment for a term which may extend to 1 (one) year, or with fine which may extend to 5,000 (five thousand) taka, or with both.

298. Penalty for misappropriation of provident fund and trade union funds.—(1) If any person misappropriates or embezzles or spends to his own use with bad intention any money of the provident fund of the workers, he shall be punished with imprisonment for a term which may extend to 3 (three) years and shall also be liable to fine.

Explanation.—If an employer fails to deposit his own subscription or the subscription of a worker deducted from his wages by him to the provident fund of workers of his establishment for a period of more than 3 (three) months without any reasonable excuse to the satisfaction of the Director of Labour, he shall be deemed to have misappropriated the money of that provident fund.

(2) If an officer or employee of a trade union of workers or employers misappropriates or embezzles or spends to his own use with bad intention any money of the trade union fund, he shall be punished with imprisonment for a term which may extend to 1 (one) year and shall also be liable to fine.

(3) The fine imposed under this section may extend to the amount found by the Court to have been misappropriated or embezzled by, or spent with bad intention to the use of, the accused, and upon realization the amount of fine shall be reimbursed by the Court to the provident fund or trade union fund concerned.

299. Penalty for activities of unregistered trade unions.—If any person takes part in, or encourages or instigates any other person to take part in the activities, other than activities relating to registration, of an unregistered trade union or of a trade union whose registration has been cancelled, or collects subscription, except membership subscription, for the fund of any such trade union, he shall be punished with imprisonment for a term which may extend to 6 (six) months or with fine which may extend to 2,000 (two thousand) taka, or with both.

300. Penalty for dual membership of trade unions.—If any person becomes, or continues to be a member of more than one trade union at the same time, he shall be punished with imprisonment for a term which may extend to 6 (six) months or with fine which may extend to 2,000 (two thousand) taka, or with both.

301. Penalty for non-compliance with the provisions of section 210 (7).—If any person fails, except for reasons satisfactory to the Conciliator, to comply with the provisions of section 210 (7), he shall be punished with imprisonment for a term which may extend to 6 (six) months, or with fine which may extend to 2,000 (two thousand) taka, or with both.

302. Penalty for using false certificate of fitness.—If any person knowingly uses or attempts to use a certificate of fitness granted to any other person under any provision of this Act as a certificate of fitness granted to him, or knowingly allows another person to use or attempt to use such certificate, he shall be punished with imprisonment for a term which may extend to 3 (three) months or with fine which may extend to 1,000 (one thousand) taka, or with both.

303. Penalty for false statements, etc.—If any person—

(a) with intent to deceive, makes an entry in any register, notice, record or other document required to be maintained under this Act or any rules, regulations or schemes which, he knows or has reason to believe, to be false in any material particular;

(b) willfully omits or allows to omit to make any entry in any such register, notice, record or other document required to be made therein;

(c) maintains more than one set of such registers, notices, records or other documents, except the office copies thereof;

(d) willfully sends or allows to be sent to any officer or authority any application, plan, record, statement, information, report, notice or other document under this Act or any rules, regulations or schemes which he knows, or has reason to believe, to be false in any material particular; or

(e) willfully fails or neglects to maintain or send any plan, list, record, register, information, report or other document required to be maintained or send under this Act or any rules, regulations or schemes;

he shall be punished with imprisonment for a term which may extend to 6 (six) months, or with fine which may extend to 5,000 (five thousand) taka, or with both.

304. Penalty for wrongful disclosure of information.—If any person discloses, in contravention of any provision of this Act, any secret information relating to any construction or business which has come to his knowledge during discharge of his official duties or any result of an examination under this Act, he shall be punished with imprisonment for a term which may extend to 6 (six) months, or with fine which may extend to 2,000 (two thousand) taka, or with both.

305. Penalty for general offences by workers.—Subject to other provisions of this Act, if any worker employed in an establishment contravenes any provision of this Act or any rules, regulations or schemes, or any lawful orders, imposing any duty or liability on him, he shall be punished with fine which may extend to 500 (five hundred) taka.

306. Penalty for obstruction.—(1) If any person willfully obstructs any officer acting under this Act or rules, regulations or schemes to discharge his duties there under, or willfully refuses or neglects to afford such person any reasonable facility for making any entry, enquiry, examination or inspection necessary or authorized under the said Act, rules, regulations or schemes in relation to any establishment, he shall be punished with imprisonment for a term which may extend to 1[6 (six) months], or with fine which may extend to 2[25,000 (twenty five thousand)] taka, or with both.

(2) If any person willfully refuses or fails to produce of the demand of any officer any register, record or other documents maintained in pursuance of this Act or any rules, regulations or schemes before an officer acting as mentioned in sub■section (1) on his demand, or willfully prevents or attempts to prevent any person from appearing before, or being examined by, an officer so acting he shall be punished with imprisonment for a term which may extend to 3 (three) months, or with fine which may extend to 3[10,000 (ten thousand)] taka, or with both.

307. Penalty for other offences.—If any person contravenes or fails to comply with any provision of this Act or any rules, regulations or schemes, and if no other penalty is provided therein for such contravention or failure, he shall be punished with imprisonment for a term which may extend to 3 (three) months, or with fine 4[which may extend to 5[25,000 (twenty five thousand)] taka, or with both.

1The words “six months” were substituted for the words “three months” by section 77(c) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

2The words “twenty five thousand” were substituted for the words “five thousand” by section 77(c) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

3The words “ten thousand” were substituted for the words “one thousand” by section 77(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

4The word “which may extend to five thousand taka” were substituted for the words and comma “with imprisonment which may extend to three months or with fine which may extend to one thousand taka, or with both” by section 7 of the Bangladesh Labour (Amendment) Act, 2009 (Act No. LXVI of 2009).

5The words “twenty five thousand” were substituted for the words “five thousand” by section 78 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

308. Enhanced penalty after previous conviction.—If any person who has been convicted of any offence punishable under this Act or rules, regulations or schemes is again convicted of the same offence, he shall be punishable on a subsequent conviction with twice the punishment provided for that offence: Provided that for the purposes of this section, if the second time offence is committed after 2 (two) years of the first conviction, the first conviction shall not be taken into consideration.

309. Penalty for contravention of law with dangerous consequences.—(1) Notwithstanding anything contained elsewhere in this Chapter, if any person contravenes any provision of this Act or any rules, regulations or schemes, he shall be punished,—

(a) if such contravention results in loss of life, with imprisonment for a term which may extend to 4 (four) years or with fine which may extend to 1,00,000(one lakh) taka, or with both;

(b) if such contravention results in serious bodily injury, with imprisonment for a term which may extend to 2 (two) years, or with fine which may extend to 10,000 (ten thousand) taka, or with both; or

(c) if such contravention otherwise causes injury or danger to a worker or any other persons in an establishment, with imprisonment for a term which may extend to 6 (six) months, or with fine which may extend to 2,000 (two thousand) taka, or with both.

(2) Any Court may, while passing an order of a sentence of fine under this section, order the whole or any part of the fine recovered to be paid as compensation to the person injured, or in the case of his death, to his legal representative.

(3) Nothing in this section shall apply to any contravention for which higher penalty is provided in this Act or any rules, regulations or schemes.

310. Power of the Court to make certain orders.—(1) Where the employer of an establishment is convicted of an offence punishable under this Act or any rules, regulations or schemes, the Court may, in addition to punishment, by order in writing, require him within a period specified in the order, which may be extended on application, to take such measures as may be so specified therein to remove the reasons for which the offence was committed.

(2) Where an order is made under sub-section (1), the employer of the establishment shall not, during the period specified therein or extended period, be liable for continuation of any offence mentioned in that sub-section for which he has been convicted.

(3) If the order of the Court made under sub-section (1) is not fully complied with during the aforesaid period, the employer shall on the expiry of such period, be deemed to have committed further offence, for which he shall be punished with imprisonment for a term which may extend to 6 (six) months, or with fine which may extend to 2,000 (two thousand) taka, or with both.

311. Onus as to age.—(1) When an act or omission is an offence punishable under this Act due to a person's becoming under or over a certain age, and such person is, in the opinion of the Court, apparently under or over such age, the burden of proof that such person is not under or over such age shall be on the accused.
(2) If a registered medical practitioner certifies that he has examined a worker and he believes that the age set forth in such certificate is his age, such certificate shall, for the purposes of this Act, be conclusive evidence as to the age of that worker.
312. Offences by companies, etc.—Where an offence punishable under this Act or any rules, regulations or schemes is committed by a company or any other body corporate or a firm, every director, partner, manager, secretary or any other officer or agent thereof, who is actively involved in the conduct of the business thereof shall be deemed to have committed that offence, unless he proves that the offence was committed without his knowledge or consent or that he exercised all due diligence to prevent the commission of the offence.
313. Cognizance of offences.—(1) No Court other than a Labour Court shall try an offence under this Act or any rules, regulations or schemes.
(2) No Labour Court shall take cognizance of an offence under this Act or any rules, regulations or schemes except upon complaint made by the following persons, namely:—
(a) aggrieved person, or aggrieved trade union;
(b) in the case of an offence under section 298 1[or 301] or Chapter XIII, the Director of Labour;
(c) in the case of an offence under Chapter XVII, the Chairman of the Board of Trustees or the Controller of provident funds;
(d) in the case of an offence under Chapter XVIII, the competent authority;
(e) in the case of any other offence, the Chief Inspector or any officer subordinate to him authorized in this behalf.
314. Limitation of prosecution.—Unless otherwise specified in this Act or any rules, regulations or schemes, no Labour Court shall take cognizance of an offence thereunder, unless a complaint thereof is made within 6 (six) months from the date of commission of the offence.
315. Report of offences.—Any contravention of, or refusal to comply with this Act or any rules, regulations or schemes by any person may be reported to the Director of Labour, the Chief Inspector or Controller of provident funds, or to any officer subordinate to them for information or for taking proper action.

1The word and figure "or 301" were inserted by section 79 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

316. Withdrawal of cases.—No case under this Act or any rules, regulations or schemes shall be withdrawn, except on an application for such withdrawal made by the person on whose complaint the case has been started:
Provided that no case shall be withdrawn without the permission of the Director of Labour or the Chief Inspector or the Controller of provident funds, if such case was filed by any officer subordinate to them.

CHAPTER XX

ADMINISTRATION, INSPECTION, ETC.

317. Director of Labour, etc.—(1) For the purposes of this Act, the Government shall, by notification in the official Gazette, appoint a Director of Labour and may, by such notification, appoint such number of Additional Directors of Labour, Joint Directors of Labour, 1[Deputy Directors of Labour, Assistant Directors of Labour and Labour Officers] as may be necessary.

(2) Where the Additional Directors of Labour, Joint Directors of Labour, 2[Deputy Directors of Labour, Assistant Directors of Labour or Labour Officers] are appointed, the Government shall specify the jurisdiction or area of each of them under this Act in the said notification.

(3) The Director of Labour shall have power of supervision and control over all Additional Directors of Labour, Joint Directors of Labour, 3[Deputy Directors of Labour, Assistant Directors of Labour and Labour Officers.]

(4) The Director of Labour shall have the following powers and functions, namely:—

(a) to register trade unions under Chapter XIII and maintain registers in this behalf;

(b) to submit complaints to the Labour Court against any offence or unfair labour practice or violation of any provision of Chapter XIII;

(c) to determine the question as to which 1 (one) of the trade unions in an establishment or group of establishments is entitled to be certified as the collective bargaining agent;

(d) to supervise the election of the executive committee of a trade union and the holding of any secret ballot;

(e) to act as Conciliator in any industrial dispute;

(f) to supervise the functions of the Participation Committee; and

(g) to perform such other duties as are conferred by this Act or rules.

1The words and comma “Deputy Director of Labour, Assistant Director of Labour and Labour Officer” were substituted for the words “Deputy Director of Labour and Assistant Director of Labour officer” by section 80(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

2The words and comma “Deputy Director of Labour, Assistant Director of Labour and Labour Officer” were substituted for the words “Deputy Director of Labour and Assistant Director of Labour officer” by section 80(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

3The words and comma “Deputy Director of Labour, Assistant Director of Labour and Labour Officer” were substituted for the words “Deputy Director of Labour and Assistant Director of Labour officer” by section 80(c) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(5) The Director of Labour may, by general or special order in writing, delegate any of his powers and functions upon any Additional Director of Labour, Joint Director of Labour, 1[Deputy Director of Labour, Assistant Director of Labour or Labour Officer.]

318. Chief Inspector, etc.—(1) For the purposes of this Act, the Government shall, by notification in the official Gazette, appoint a Chief Inspector and may, by such notification, appoint such number of Deputy Chief Inspectors, 2[Assistant Chief Inspectors, Inspectors or Assistant Inspectors.]

(2) Where the Deputy Chief Inspector, 3[Assistant Chief Inspector, Inspector or Assistant Inspector] are appointed, the Government shall specify the jurisdiction or area or establishments under jurisdiction of each of them under this Act in the said notification.

(3) The Chief Inspector shall, in addition to the powers conferred on him under this Act, have the powers of an Inspector throughout the country.

(4) The Chief Inspector shall have powers of supervision and control over all the Deputy Chief Inspectors, 4[Assistant Chief Inspectors, Inspectors and Assistant Inspectors.]

(5) The Chief Inspector may, by general or special order in writing, delegate any of his powers and functions on any Deputy Chief Inspector, 5[Assistant Chief Inspector, Inspector or Assistant Inspector.]

(6) All principal officers of the Mercantile Marine Department shall be the Establishment Inspectors, ex-officio, for the purposes of regulations made under Chapter VI within the local limits of their jurisdictions.

319. Powers and functions of Chief Inspector, etc.—(1) For the purposes of this Act, the Chief Inspector or any Deputy Chief Inspector, 6[Assistant Chief Inspector, Inspector or Assistant Inspector] or Assistant Inspector shall have the following powers and functions within their respective jurisdictions, namely:—

(a) with necessary assistants, to enter, inspect and examine any place, premises, vessel or vehicle, at any reasonable time, which in his consideration, is deemed to be or used as, an establishment;

1The words and comma “Deputy Director of Labour, Assistant Director of Labour and Labour Officer” were substituted for the words “Deputy Director of Labour and Assistant Director of Labour officer” by section 80(d) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

2The words and comma “Assistant Chief Inspector, Inspector or Assistant Inspector” were substituted for the words “Assistant Chief Inspector of Inspector” by section 81(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

3The words and comma “Assistant Chief Inspector, Inspector or Assistant Inspector” were substituted for the words “Assistant Chief Inspector of Inspector” by section 81(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

4The words and comma “Assistant Chief Inspector, Inspector or Assistant Inspector” were substituted for the words “Assistant Chief Inspector of Inspector” by section 81(c) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

5The words and comma “Assistant Chief Inspector, Inspector or Assistant Inspector” were substituted for the words “Assistant Chief Inspector of Inspector” by section 81(d) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

6The words and comma “Assistant Chief Inspector, Inspector or Assistant Inspector” were substituted for the words “Assistant Chief Inspector of Inspector” by section 82(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(b) to require any registers, records, files, notices, certificates or any other documents maintained in pursuance of this Act or any rules, regulations or schemes to be produced, and to seize, inspect or examine them and to make copy thereof;
(c) to make necessary investigation or examination for ascertaining whether any provisions of this Act or any rules, regulations or schemes in respect of any establishment or any worker employed therein are properly complied with;
(d) to take deposition, in respect of any matter pertaining to this Act or any rules, regulations or schemes, of any person who is found in any establishment or who is believed to be or to have been within the preceding 2 (two) months employed in any establishment;
(e) to require every person so deposed or examined to sign the records or papers of such deposition or examination for verification;
(f) if necessary, to call to account or to demand an explanation from an employer or any person employed by him in respect of any register, record, certificate, notice or any other document maintained by that employer; and
(g) to exercise such other powers or perform such other functions as are conferred to them by this Act or any rules.
(2) The employer of an establishment shall provide such means or arrangement as may be required by an Inspector for making any entry, inspection, examination, enquiry or doing any other act necessary for the exercise of the powers or performance of the duties under this Act or any rules, regulations or schemes.
(3) Every employer shall be required to produce for inspection before an Inspector all such records, registers, and any other documents as he may require for the purposes of this Act or any rules, regulations or schemes; and shall furnish any other information in connection therewith as may be required by such Inspector.
(4) An Inspector shall have power to call for and to seize any record, register or any other document from any employer in respect of enforcement of this Act or any rules, regulations or schemes, as he may consider necessary for the purpose of performing duties there under.
(5) The Chief Inspector or any other officer subordinate to him authorized by him in this behalf, may submit any complaint with the Labour Court against any person for any offence, in any matter under his jurisdiction, under this Act or any rules, regulations or schemes.
1[(6) The Chief Inspector or an officer subordinate to him authorized by him in this behalf shall, in all cases of approval of design of a factory or an industrial establishment, grant and renewal of licence, permission for change of class and extension, etc, take necessary actions after making on the spot inspections.]

1Sub-section (6) was added by section 82(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

320. Controller of Tea Plantation Workers' Provident Fund.—(1) The Government shall, by notification in the official Gazette, appoint a Provident Fund Controller for the Tea Plantation Workers Provident Fund.

(2) The Controller shall be the Chief Executive Officer of the fund.

(3) The Controller shall perform his functions under the general control and superintendence of the Board of Trustees and shall also act as the Secretary to the Board.

(4) The Controller may take part in the meetings of the Board of Trustees, but shall not be entitled to vote.

(5) The Controller shall, in consultation with the Chairman of the Board of Trustees, convene meetings of the Board and shall record and keep records of its minutes.

(6) The Controller shall be responsible for carrying out the decisions of the Board of Trustees.

(7) The Controller may, if he thinks necessary, call for accounts of the said provident fund from the owner of a tea plantation.

(8) The Controller or any person authorized by him may, at any reasonable time and after giving notice of his intention to do so, enter into any tea plantation or any premises connected therewith and require any person in-charge thereof to produce any accounts, register, or any other documents relating to the employment of tea plantation workers or the payment of their wages for his examination.

(9) The Controller or any person authorized by him may, with respect to any matter mentioned in sub-section (8), examine the employer, any of his officers, employees or agents or any person in charge of a tea plantation or any premises connected therewith or any person who is, or is believed to have been, a worker in such tea plantation.

(10) The Controller may also exercise such other powers as may be prescribed by rules.

321. Accounts and audit.—(1) A Board shall maintain its accounts in such manner and in such form as the Government may direct.

(2) The accounts of income and expenditure of a Board shall be audited every year by the Comptroller and Auditor General of Bangladesh, hereinafter referred to as the Auditor General, in such manner as he deems fit.

(3) For the purpose of audit, the Auditor General or any person authorized by him in this behalf shall have access to all records, books, accounts, cash, stores, documents or any other properties of the Board and may examine any member or any officer or other employee of the Board.

(4) The Board shall, at the time of such audit, produce all its books of account and connected documents to the Auditor General or any officer auditing, and shall furnish such explanation and information as he may require.
(5) The Auditor General shall submit his audit report to the Board and shall forward a copy thereof to the Government.
(6) The Board shall take steps forthwith to rectify any defects or irregularities pointed out in the audit report.
(7) The Government may, at any time, require the Auditor General to report to it upon the financial affairs of the Board.
(8) In this section, "Board" means "The Dock Workers Management Board" or "the Board of Trustees of the Tea Plantation Workers Provident Fund".
322. Reports, etc.—(1) A Board mentioned in section 321 shall, as soon as possible after the end of every financial year, furnish to the Government a statement of accounts of its income and expenditure audited by the Auditor General together with an annual report giving therein an account of its activity during that year and its proposed programme for the next year.
(2) The Government may require the Board to furnish the following information or documents which the Board shall be bound to furnish, namely:-
(a) any report, statement, estimate, statistics or any other information regarding any matter under the control of the Board;
(b) a report on any such matter;
(c) a copy of any document which is in the custody of the Board.
323. National Council for Industrial health and safety.—(1) The Government may, by notification in the official Gazette, constitute a Council, to be called the National Council for Industrial Health and Safety.
(2) The said Council shall consist of the following members, namely:—
(a) Minister in charge of the 1[Ministry of Labour and Manpower], ex■oficio, who shall also be its Chairman;
(b) Secretary, 2[Ministry of Labour and Manpower], ex-oficio;
(c) Secretary, Ministry of Industries, ex-oficio;
3[(cc) Secretary, Ministry of Commerce, ex-officio;]
(d) Secretary, 4[Ministry of Health], ex-oficio;
(e) Secretary, Ministry of Textile and Jute, ex-oficio;

1 The name of the Ministry of Labour and Manpower has been amended. The present name of the ministry is "Ministry of Labour and Employment", vide
Cabinet Division Notification No. CD-4/2/2001-Rules/156, dated 20 December 2001 & S.R.O No. 231-Law/2008-CD-4/5/2008-Rules, dated 24 July, 2008.
2 Ibid.
3Clause (cc) was inserted by section 83(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
4 The name of the Ministry of Health has been amended. The present name of the ministry is "Ministry of Health and Family Welfare", vide S.R.O No. 231-Law/2008-CD-4/5/2008-Rules, dated 24 July, 2008.

(f) Secretary, Ministry of Shipping, ex-oficio;
(g) Secretary, Ministry of Communications, ex-oficio;
1[(gg) Director General of Industrial Police, ex-officio;]
(h) 7 (seven) members representing industrial establishment to be appointed by the Government in consultation with establishments widely representing the employers;
(i) 7 (seven) members representing workers, to be appointed by the Government in consultation with trade unions widely representing the workers:
Provided that at least one female representative shall be included in the members representing both workers and the employers;
2[(ii) 5 (five) specialists in industry, health and safety to be appointed by the Government;]
(j) Chief Inspector, ex-officio, who shall also be its Secretary.
(3) The nominated members shall hold office for a term of 3 (three) years.
(4) The Council shall follow its own rules of procedure.
(5) The Council shall—
(a) prepare national policy for ensuring safety in industrial establishments and for maintaining therein the healthy or neat and clean environment and conditions;
(b) frame guidelines for implementation of its policy.
(6) Every establishment shall take necessary steps to implement the policy prepared by the Council following the guidelines framed by it.

CHAPTER XXI
MISCELLANEOUS

324. Power to exempt.—(1) The Government may, by notification in the official Gazette, exempt, subject to such conditions and restrictions as it may specify therein, any employer or class of employers or any establishment or class of establishments or any part thereof or any worker or class of workers from the operation of or compliance with all or any provision of Chapter II, V, VI, VII, VIII, IX or XVIII or any section thereof, or section 325, 326, 337 or 338 of Chapter XXI of this Act.
(2) An order of exemption under sub-section (1) shall be made in the public or national interest and shall be in operation for a period not exceeding 6 (six) months at a time.

1Clause (gg) was inserted by section 83(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2Clause (ii) was inserted by section 83(c) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(3) The Chief Inspector may, by notification in the official Gazette, suspend the operation of all or any provision of section 100, 101, 102, 103, 105 or 114 in respect of any establishment or class of establishments for the purpose of any festival, fair or exhibition, for any such period and on such conditions as may be specified in the notification.

325. Notice to Chief Inspector before commencement of work.—(1) An employer shall, at least 15 (fifteen) days before starting work or business in his establishment, send a notice relating thereto to the Chief Inspector, and such notice shall contain the following information or particulars, namely:—

(a) name and location of the establishment ;

(b) name and address of the employer;

(c) mailing address of the establishment;

(d) nature of work or business to be carried on in the establishment;

(e) nature and quantity of power to be used;

(f) name of the manager of the establishment;

(g) number of workers likely to be employed in the establishment;

(h) such other particulars as may be prescribed by rules.

(2) Where an establishment keeps in operation its manufacturing process, ordinarily for a period of less than 180 (one hundred and eighty) working days in a year, the employer thereof shall send a written notice to the Chief Inspector containing the particulars specified in sub-section (1) at least 30 (thirty) days before the date of the resumption of manufacturing process in that establishment.

(3) Whenever any new manager is appointed, the employer shall send to the Chief Inspector a written notice of such change, within 7 (seven) days from the date on which such person assumes his office.

(4) During a period when no manager is appointed in an establishment or the person so appointed does not work, any person acting as manager or, if no such person is found, the employer himself shall be deemed to be the manager of that establishment for the purposes of this Act.

326. Approval of plans and fees for licence and registration.—(1) The Government may—

(a) require that previous permission in writing be obtained in the manner prescribed by rules from the Chief Inspector for the construction, establishment or extension of any factory or class of factories1[:]

2[Provided that in such a case, no structural change in the factory layout plan with structural design of the factory building approved by the appropriate authority shall be made;]

1The colon ":" was substituted for the semi-colon ";" by section 84(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

2The proviso was added by section 84(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(b) require for registration of any factory or class of factories or for obtaining license therefore or renewal thereof in such manner and on payment of such fees as may be proscribed by rules.

(2) If, in accordance with the provisions of sub-section (1), an application for permission accompanied by the plans is sent to the Chief Inspector and 1[no order or direction of the Chief Inspector is communicated to the applicant within 3 (three) months from the date of its receipt by him, the aggrieved owner of the establishment may, within the following 30 (thirty) days, apply to the Government seeking relief.]

(3) Where the Chief Inspector refuses to grant permission for construction or extension of a factory or for registration of or, granting license for a factory, the applicant may, within 60 (sixty) days of the date of such refusal, appeal to the Government.

Explanation.—A factory shall not be deemed to have been extended within the meaning of this section by reason only of alteration or the replacement of any plant or machinery or addition of any plant or machinery within such limits as may be prescribed by rules.

327. Appeals against certain orders of Inspector.—(1) Where an order in writing of an Inspector is served on an employer under this Act, he may, within 30 (thirty) days of the receipt of such order, appeal against it to the appellate authority, and such appellate authority may, subject to rules made in this behalf, confirm, modify or set aside the order.

(2) Subject to the rules made in this behalf and to such conditions or such performance as may be imposed or directed by the appellate authority, the appellate authority may, if it thinks fit, suspend the order appealed against pending the decision of the appeal.

(3) The Government may make rules for the purpose of this section.

(4) In this section, appellate authority means the Government or such other authority as the Government may appoint in this behalf.

328. Seasonal factories.—The Government may, by notification in the official Gazette, declare any factory, in which manufacturing process is ordinarily carried on for not more than 180 (one hundred and eighty) working days in a year and cannot be operated except during a particular season or at times dependent on the irregular action of natural forces, to be a seasonal factory for the purposes of this Act.

1The words and comma “no order or direction of the Chief Inspector is communicated to the establishment within three months from the
date of its receipt by him, the aggrieved owner of the establishment may, within the following thirty days, apply to the Government seeking
relief” were substituted for the words and comma “no order was communicated to the applicant within two months, the permission shall be
deemed to have been given” by section 84(b) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

329. Recovery of money recoverable under this Act.—(1) Subject to this Act, any money directed by the Labour Court or the Tribunal to be paid under any section of this Act or any money payable by any person under any provision of this Act or any money payable by any person or an employer under any settlement or agreement or under any award or decision of an Arbitrator or the Labour Court or Tribunal may, on the application by any person entitled to receive such money and at his option, be recovered by or at the direction of the Labour Court by any of the following ways, namely:—

(a) as a public demand;

(b) by attachment and sale of the movable properties belonging to the person who is liable to pay such money in the manner prescribed by rules;

(c) if the entire money could not be recovered in the aforesaid manner, by attachment and sale of the immovable property belonging to such person, in the manner prescribed by rules; or

(d) as a money decree of a Civil Court.

(2) Where any worker is entitled to receive from the employer any benefit, which is capable of being computed in terms of money under any settlement or agreement or under any decision or award of an Arbitrator or the Labour Court or Tribunal, such benefit being computed in money may be recovered under the provisions of sub-section (1).

(3) No application for recovery of any money shall be entertained under this section unless it is submitted within 1 (one) year from the date on which money become payable:

Provided that any such application may be entertained after the expiry of the said period if the Labour Court is satisfied that the applicant had sufficient cause for not making the application within the said period:

Provided further that the matter of payment of the dues to the worker shall get highest priority.

330. No recovery of money for proving facilities.—No employer shall recover any fees or money, except the price for food supplied in the canteen, from any worker for providing any facilities or supplying any equipment or appliances which ought to be provided or supplied by the employer under this Act.

331. Obligations of workers.—No worker in an establishment shall—

(a) willfully misuse or interfere in the use of any system or appliance provided in the establishment for the purpose of securing the health, safety or welfare of the workers therein;

(b) willfully or without reasonable cause do anything which is likely to endanger himself or any other person;

(c) willfully neglect to make use of any appliance or system provided in the establishment for the purposes of securing the health or safety of the workers therein.

332. Conduct towards women.—Where any woman is employed in any work of any establishment, whatever her rank or status may be, no person of that establishment shall behave with her which may seem to be indecent or unmannerly or which is repugnant to the modesty or honour of that woman.

333. Service of notice and submission of return.—The Government may, by rules,—

(a) prescribe the manner of service of any order under this Act; and

(b) direct an employer to submit such return as mentioned therein, either regularly or time to time, for the purposes of this Act.

334. Certain persons to be public servants.—The Chairman or any member or officer of a Board, by whatever name it may be called, constituted under this Act, the Director of Labour, the Chief Inspector, the Controller of the provident funds, the Chairman of a Labour Court, the Chairman or any member of the Tribunal and any person appointed under Chapter XX shall be deemed to be public servant within the meaning of section 21 of the Penal Code, 1860 (XLV of 1860).

335. Protection of act done in good faith.—No civil or criminal case or other legal proceeding shall lie against any person or authority for anything done or intended to be done in good faith under this Act, rules, regulations or schemes.

336. Protection of existing conditions of employment in certain cases.—Nothing in this Act or any rules, regulations or schemes shall affect any right or privilege to which a worker was entitled on the date of commencement of this Act under any law repealed by this Act or under any award, agreement, settlement, custom or usage, so long he continues to be employed under the employer under whom he was employed on the date of such commencement, if such right or privilege is more favourable to him than those provided in this Act or rules, regulations or schemes.

337. Abstracts of the Act, rules and regulations to be displayed.—(1) The employer of every establishment shall cause to be displayed in a conspicuous and accessible place at or near the main entrance of the place of work or the establishment, as the case may be, a notice containing an abstract of the necessary or important provisions of this Act and of the rules and regulations.

(2) All notices displayed under sub-section (1) shall be maintained in a clean and legible condition.

(3) The Chief Inspector may, by order in writing served on the employer, require that there shall be displayed in his establishment any other notice or poster relating to the health, safety or welfare of the workers employed in his establishment.

338. Liability of owner of houses or premises in certain special circumstances.—(1) Where in any premises, separate buildings are leased to different employers for use as separate establishments, the owner of the premises shall be responsible for providing and maintaining of common facilities and services, like approach roads, drainage, water supply, lighting and sanitation.
(2) Where in any premises, the independent and self-contained flats or houses are leased to different employers for use as separate establishments, the owner of the premises shall be liable for any violation or contravention of provisions of this Act or rules in respect of the following matters, as if he were the employer of the establishments, namely:—
(a) common supply of water in 1[toilets, washrooms] and washing facilities.
(b) fencing of machinery or plant belonging to the owner, which has not been specially transferred to the tenant for his use;
(c) safe means of access to the higher floors and flats and cleanliness of staircases and common passages;
(d) precautionary measures in case of fire;
(e) providing and maintenance of hoists and lifts; and
(f) maintenance of any other common facilities in the premises.
(3) Where in any premises the independent rooms with common 2[toilets, washrooms] and washing facilities are leased to different employers for use as separate establishments the provisions of sub-section (2) shall apply in that case also.
(4) Where in any premises the portions of a room or a shed is leased to different employers for use as separate establishments, the owner of the premises shall be liable for any violation or contravention of any provisions of Chapter V, except sections 53 and 55, and Chapter VI, except sections 40, 64, 74, 75 and 77, and of section 91:
Provided that in respect of the provisions of sections 63, 65 and 72, the owner’s liability shall be only in so far as such provisions relate to things under his control:
Provided further that the employer shall be liable for complying with the provisions of Chapter VI in respect of plant and machinery belonging to, or supplied by, him.
(5) The Chief Inspector shall have, subject to the control of the Government, power to issue any necessary order to the owner of the premises in respect of carrying out the provisions of this section.

1The words and comma “toilets, washrooms” were substituted for the words and comma “latrines, urinals” by section 85(a) of the
Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2The words and comma “toilets, washrooms” were substituted for the words and comma “latrines urinals” by section 85(b) of the
Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(6) In respect of sub-sections (3) and (4), in computing the number of workers employed for the purposes of this Act, the whole premises shall be deemed to be a single establishment.

339. Powers to collect information.—Any Board, or any officer or authority acting under this Act or any rules, regulations or schemes, may, for the due discharge of its or his functions, direct any employer to furnish such records, documents or information or do such other acts, as it or he may require, and every such employer shall comply with such direction.

340. Presumption as to employment.—Any person who is found in a factory when work is going on, or at any time except during intervals for meals or rest, or when any of its machinery is in motion, shall, until anything is proved contrary, be deemed to have at that time been employed in that factory.

341. Restrictions on disclosure of certain information.—(1) No person shall disclose any information, other than in connection with the administration of this Act, relating to any manufacturing or commercial secret which might have come to his knowledge in the course of discharging his duties under this Act or any rules, regulations or schemes, either during his service or after leaving his service.

(2) Nothing in sub-section (1) shall apply to any disclosure of information made with the previous consent of the employer in writing of such secret, or for the purposes of any legal proceeding including arbitration pursuant to this Act, or for any criminal proceedings relating thereto, or for giving any report relating to such proceedings.

342. Certain matters to be kept confidential.—No information shall be included in any report, decision, award or judgment under this Act obtained by any officer, authority, Conciliator, Arbitrator, Labour Court or Tribunal during the course of any investigation or enquiry as to a trade union or to business or trade which is not available otherwise than through the evidence given before them, if the trade union or establishment, in question makes a request in writing that such information shall be treated as confidential, nor shall any such information be disclosed in any such proceedings without the consent in writing of the trade union or establishment concerned:

Provided that nothing contained in this section shall apply to disclosure of any such information for the purpose of a prosecution under section 193 of the Penal Code.

343. Protection of proceedings of Boards.—No act or proceeding of any Board, by whatever name it may be called, constituted under this Act, shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of the board or any defect in the appointment or qualification of any member thereof.

344. General provisions relating to tenure, powers, proceedings, etc. of Boards.—(1) Unless otherwise contained in this Act, the term of office of the Chairman and other members of any Board, by whatever name it may be called, constituted or established under this Act, the manner of filling its vacancies, the proceedings and conduct of business of it and its committees, and the allowances payable to them for attending meetings shall be prescribed by rules.

(2) Unless otherwise contained in this Act, any such Board may, for the purpose of performance of its functions,—
(a) direct any employer to furnish such records, documents or information or do such other acts as it may specify;
(b) enter, at all reasonable times, in any establishment;
(c) inspect any books, registers and other documents relating to such establishment;
(d) record the statement of any person connected with the management of such establishment;
(e) like a Civil Court—
(i) compel any person to appear and to make deposition on oath;
(ii) compel to produce any documents and anything; and
(iii) issue commission for examination of witness.
(3) The aforesaid powers of a Board may be exercised by its Chairman or by any of its members or officers authorized in this behalf.

345. Payment of equal wages for equal work.—In determining wages or fixing the minimum rate of wages for any worker, the principle of equal wages for 1[male, female and handicapped] workers for work of equal nature or standard or value shall be followed; and no discrimination shall be made in this respect on the ground of being 2[male-female-handicapped.]

346. Court fees in general cases.—Subject to the provisions of this Act, the Government may, by rules, prescribe the amount of court-fees or other fees payable in respect of any application, proceedings or appeal under this Act.

347. Restrictions on certain questions, etc.—No person shall be compelled under this Act to answer any question or make any statement which may tend directly or indirectly to incriminate him.

348. Training on this Act.—(1) The Government shall take necessary steps to organize training courses on this Act for officers of trade unions of workers and employers.
(2) Any officer of a trade union of workers shall undertake such training course when invited by the competent authority to do so.
(3) The employer of an establishment in which at least 50 (fifty) workers are ordinarily employed or an officer of an establishment specified by the employer shall undertake such training course when invited by the competent authority to do so.

1The words and comma “male, female and handicapped” were substituted for the words “male and female” by section 86 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2The words and hyphens “male-female-handicapped” were substituted for the words and hyphen “male-female” by section 86 of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(4) The cost of such training course shall be borne by the Government and the employer in such proportion as the Government may determine.
(5) The period spent on such training shall be deemed to be a period spent on duty of the establishment concerned.
(6) In this section, "competent authority" means the Government, or any establishment or authority established or authorized by the Government to organize or conduct training courses under this section.
(7) Notwithstanding anything contained in this section, a collective bargaining agent or a federation of trade unions may, with the approval of the Director of Labour, organize training courses on this Act for officers of trade unions for a period of not exceeding 7 (seven) days, and in the case of a person attending such course with the permission of the employer, the provisions of sub-section (5) shall apply.
349. Certain activities of trade union are prohibited.—No trade union shall engage in any activity which is not within the aims and objects of the union as specified in its constitution.
350. Bar to jurisdiction of other Courts.- Any suit, complaint or other legal proceeding which is cognizable or triable by the Labour Court or Tribunal under this Act shall not be cognizable or triable by any other Court.
351. Power to make rules.—(1) The Government may, by notification in the official Gazette, make 1[single consolidated or separate] rules for carrying out the purposes of this Act or for every or any matter which shall be, or may be, prescribed by rules under this Act.
(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters enumerated under the following Chapters, namely:—
(a) under Chapter V—
(i) ventilation of sufficient light and air and determination of reasonable standard of temperature for an establishment, and maintenance thermometer therein;
(ii) arrangements for disposal of wastes and effluents of an establishment there from and approval by the prescribed authority for such arrangements;
(iii) in the case of an establishment where humidity is required to be increased artificially—
(a) prescribing standard of humidification,
(b) regulating the methods for artificially increasing the humidity of the air,

1The words "single consolidated or separate" were inserted by section 87(a) of the Bangladesh Labour (Amendment) Act, 2013 (Act No.
XXX of 2013).

(c) test for determining and recording the humidity of the air, and
(d) prescribing methods for sufficient ventilation of light and air and ensuring to keep the air cold;
(iv) prescribing standard for suitable and sufficient lighting for every establishment;
(v) ensuring compliance with the provisions relating to drinking water in an establishment;
1[(vi) prescribing the number of toilets and washrooms for an establishment;]
(vii) prescribing the type and number of spittoons for an establishment and providing its setting up and proper maintenance; and
(viii) prescribing additional measures in respect of maintaining health in an establishment;
(b) under Chapter VI—
(i) provision for additional precautionary measures in respect of any particular machinery or part thereof in an establishment;
(ii) prescribing safety measures for a dangerous part of any machinery;
(iii) prescribing additional requirements to be followed in respect of any lifting machinery;
(iv) examination of any plant or machinery and prescribing additional safety measures in relation thereto; and
(v) prescribing maximum weights which may be lifted, carried or moved by a woman, man and adolescent in an establishment2[;]
3[(vi) prescribing additional precautionary measures in respect of fire preventive measures in an establishment;]
(c) under Chapter X—
(i) maintenance of records, registers, returns and notices required to be maintained for implementation of this Chapter and prescribing forms thereof;
(ii) display, in a conspicuous place of an establishment, of notices specifying rates of wages payable to workers employed in that; establishment; and
(iii) provision for regular inspection of the weights, measures and weighing machines kept by the employers for payment of wages of the workers;

1Sub-clause (vi) was substituted for original sub-clause (vi) by section 87(b)(i) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
2The semi-colon ";" was substituted for the full stop "." by section 87(b)(ii) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).
3Sub-clause (vi) was added by section 87(b)(ii) of the Bangladesh Labour (Amendment) Act, 2013 (Act No. XXX of 2013).

(d) under Chapter XI—
(i) procedure to be followed by the Board in fixing rates of wages;
(ii) giving opportunities to persons likely to be affected by the minimum rates of wages to offer comments and make proposals relating thereto; and
(iii) maintenance of all necessary books, wage slips, registers and other records and prescribing their forms and particulars to be entered therein and the manner of authenticating such entries;
(e) under Chapter XII—
(i) prescribing the manner in which money deposited with a Labour Court may be invested for the benefit of dependents of a deceased worker and for the transfer of money so invested from one Labour Court to another;
(ii) prescribing the manner in which any balance of money may, be transferred to the fund constituted for the benefit of the workers, under section 155(5), and the establishment and administration of such fund;
(iii) prescribing the form and manner in which memorandum of agreement shall be presented and registered;
(iv) subject to the review, withholding of payment of monthly compensation by the Labour Court, in whole or in part; and
(v) maintenance of registers and records of proceedings by the Labour Court;
(f) under Chapter XVII—
(i) the time and manner at or in which subscription of an employer and workers shall be paid to a provident fund by the employer, and the manner in which such subscription may be realized;
(ii) the powers and duties of the Board of Trustees for the administration of provident fund;
(iii) the conditions of withdrawal of money from provident fund and permissible deduction and forfeiture relating thereto and the maximum amount thereof;
(iv) the form in which a worker shall furnish information about himself and his family whenever required;
(v) the nomination of a person to receive any amount of money standing to the credit of a worker after his death and the cancellation or modification of such nomination;
(vi) maintenance of record and register of members of the provident fund and returns to be furnished by the members;
(vii) the form or design of any subscription card, token or dice and the issue, custody and replacement thereof; and
(viii) the conditions under which a member may be permitted to pay premium for life insurance from the provident fund;

(g) under Chapter XVIII—
(i) the selection of apprentices and the conditions of contract of apprenticeship;
(ii) the manner relating to discipline, welfare, supervision and control of apprentices;
(iii) the forms of records to be maintained by the employers pertaining to the training of apprentices;
(iv) the periodical tests and grant of certificates on the successful completion of training; and
(v) prescribing the standards for practical and theoretical tests.

352. Provision for penalty in rules, regulations and schemes.—Provisions may be made in any rules, regulations or schemes that a violation or contravention of a provision thereof shall be punishable with imprisonment for a term which may extend to 3 (three) months, or with fine which may extend to 1,000 (one thousand) taka, or with both.

353. Repeal and savings.—(1) The following laws are hereby repealed, namely:—
(a) The Workmen's Compensation Act, 1923 (VIII of 1923);
(b) The Children (Pledging of Labour) Act, 1933 (II of 1933);
(c) The Workmen's Protection Act, 1934 (IV of 1935);
(d) The Dock Labourers Act, 1934 (XIX of 1934);
(e) The Payment of Wages Act, 1936 (IV of 1936);
(f) The Employer's Liability Act, 1938 (XXIV of 1938);
(g) The Employment of Children Act, 1938 (XXVI of 1938);
(h) The Maternity Benefit Act, 1939 (IV of 1939);
(i) The Mines Maternity Benefit Act, 1941 (XIX of 1941);
(j) The Motor Vehicles (Drivers) Ordinance, 1942 (V of 1942);
(k) The Maternity Benefit (Tea Estate) Act, 1950 (XX of 1950);
(l) The Employment (Records of Service) Act, 1951 (XIX of 1952);
(m) The Bangladesh Plantation Employees Provident Fund Ordinance, 1959 (XXXI of 1959);
(n) The Coal Mines (Fixation of Rates of wages) Ordinance, 1960 (XXXIX of 1960);
(o) The Road Transport Workers Ordinance, 1961 (XXVII of 1961);

(p) The Minimum Wages Ordinance, 1961 (XXXIV of 1961);
(q) The Plantation Labour Ordinance, 1962 (XXIX of 1962);
(r) The Apprenticeship Ordinance, 1962 (LVI of 1962);
(s) The Factories Act, 1965 (IV of 1965);
(t) The Shops and Establishment Act, 1965 (VII of 1965);
(u) The Employment of Labour (Standing Orders) Act, 1965 (VIII of 1965);
(v) The Companies Profits (Worker's Participation) Act, 1968 (XII of 1968);
(w) The Industrial Relations Ordinance, 1969 (XXIII of 1969);
(x) The Newspaper Employees (Conditions of Service) Act, 1974 (XXX of 1974); and
(y) The Dock Workers (Regulation of Employment) Act, 1980 (XVII of 1980).

(2) Notwithstanding such repeal, under any such repealed law—
(a) anything done, any rules, regulations or schemes made, or any order, notice or notification issued or any chairman, member or officer appointed, or any Court, Tribunal, Board, committee or fund constituted, or any notice given, or any trade union or federation registered, or any collective bargaining agent elected or any complaint presented, or any application submitted, or any permission, licence, constitution, service rules or exemption granted, or any other action or proceedings taken or commenced shall, subject to conformity with the provisions of this Act, remain in force and shall be deemed to have been done, made, issued, appointed, constituted, given, registered, elected, filed, submitted, granted, taken or commenced under the corresponding provision of this Act, until repealed, or amended;
(b) any case or proceedings pending in any Court or Tribunal at the time of commencement of this Act shall be continued in and heard and disposed of by such Court or Tribunal, as if such laws were not repealed.

354. Original text and English text.—The original text of this Act shall be in Bangla and there may be an authentic text of translation in English of this Act: Provided that in the event of conflict between the Bangla and English texts, the Bangla text shall prevail.

THE SCHEDULES

THE FIRST SCHEDULE

[see sections 2(1), (67) and section 151]

LIST OF INJURIES DEEMED TO RESULT IN PERMANENT PARTIAL DISABLEMENT

Serial No.	Description of injury	Percentage of loss of earning capacity
1	2	3
1.	Loss of both hands or amputation from higher parts	100
2.	Loss of 1 (one) hand or one leg	100
3.	Loss of sight of both eyes to such an extent as to render the claimant unable to perform any work for which eye-sight is essential	100
4.	Amputation of both legs or thighs, or amputation of one leg or thigh and loss of any leg	100
5.	Severe facial disfigurement	100
6.	Absolute deafness	100
	Amputation cases-upper limbs (either arm)	
7.	Amputation upto shoulder joint	80
8.	Amputation below shoulder with stump less than 20 centimetres from tip of acromion	70
9.	Amputation from 20 centimetres from tip of acromion to less than 11 centimetres below tip of olecranon	60
10.	Loss of a hand or of the thumb and four fingers of one hand or amputation from 20 centimetres below tip of olecranon	60
11.	Loss of thumb	30
12.	Loss of thumb and its metacarpal bone	30
13.	Loss of 4 (four) fingers of 1 (one) hand	50
14.	Loss of 3 (three) fingers of 1 (one) hand	30
15.	Loss of 2 (two) fingers of 1 (one) hand	20
16.	Loss of terminal phalanx of thumb	10
	Amputation cases-lower limbs	
17.	Amputation of both feet	90
18.	Amputation through both feet proximal to the metatarso■phalangeal joint	80
19.	Loss of all toes of both feet through the metatarso-phalangeal joint	40
20.	Loss of all toes of both feet from proximal to the proximal inter■phalangeal joint	30
21.	Loss of all toes of both feet from distal to the proximal inter■phalangeal joint	20
22.	Amputation from lower part of the hip	90
23.	Amputation from lower part of the hip with stump exceeding 12.5 centimetres measured from tip of great trenchanter, but not beyond middle thigh	80

1 2 3
24. Amputation from lower part of the hip with stump not exceeding 12.5 centimetres measured from tip of great trenchanter 70
25. Amputation from middle thigh to 9 centimetres below knee 60
26. Amputation below knee with stump exceeding 9 centimetres but not exceeding 12.5 centimetres 50
27. Amputation below knee with stump exceeding 12.5 centimetres 40
28. Amputation of 1 (one) foot resulting in end-bearing 30
29. Amputation of one foot from proximal to the metatarso-phalangeal joint 30
30. Loss of all toes of 1 (one) foot through the metatarso-phalangeal joint 20
Other injuries
31. Loss of 1 (one) eye, without any complications, the other being normal 40
32. Loss of vision of 1 (one) eye, without any complications or disfigurement of eye-ball, the other being normal 30
Loss of fingers of right or left hand (Index finger)
33. Whole 14
34. 2 (two) phalanges 11
35. 1 (one) phalanx of finger 9
36. Guillotine amputation of tip without loss of bone 5
(Middle finger)
37. Whole 12
38. 2 (two) phalanges 9
39. 1 (one) phalanx 7
40. Guillotine amputation of tip without loss of bone 5
(Ring or little finger)
41. Whole 7
42. 2 (two) phalanges 6
43. 1 (one) phalanx 5
44. Guillotine amputation of tip without loss of bone 5
(Toes of right or left foot (great toe))
45. Through metatarso-phalangeal joint 10
46. Part, with some loss of bone 3
(Any other toe)
47. Through metatarso-phalangeal joint 3
48. Part, with some loss of bone 2
(2 (two) toes of one foot excluding great toe)
49. Through metatarso-phalangeal joint 5
50. Part, with some loss of bone 2
(3 (three) toes of 1 (one) foot, excluding great toe)
51. Through metatarso-phalangeal joint 6
52. Part, with some loss of bone 3
(4 (four) toes of 1 (one) foot, excluding great toe)
53. Through metatarso-phalangeal joint 9
54. Part, with some loss of bone 5

THE SECOND SCHEDULE
[see sections 82 and 83]
List of Notifiable Diseases
1. Lead poisoning;
2. Lead tetra-ethyl poisoning;
3. Phosphorus poisoning;
4. Mercury poisoning;
5. Manganese poisoning;
6. Arsenic poisoning;
7. Poisoning by nitrous fumes;
8. Carbon bisulphide poisoning;
9. Benzene poisoning or poisoning by any of its homologues;
10. Chrome ulceration;
11. Anthrax;
12. Silicosis;
13. Poisoning by halogens;
14. Pathological manifestation due to X-rays or radium or other radioactive substances;
15. Primary epitheliomatous cancer of the skin;
16. Toxic anemia;
17. Toxic jaundice due to poisonous substances;
18. Oil acne or dermatitis due to mineral oils and compounds containing mineral oil base;
19. Byssionosis;
20. Asbestosis;
21. Occupational or contract dermatitis caused by direct contract with chemical and paints;
22. Noise induced hearing loss;
23. Beryllium poisoning;
24. Carbon monoxide;
25. Coal miners' pneumoconiosis;
26. Phosgene poisoning;
27. Occupational cancer;
28. Isocyanides poisoning;
29. Toxic nephritis;
30. Jolt induced occupational diseases.

THE THIRD SCHEDULE

[see section 150]

List of Occupational Disease

Serial No.	Occupational disease	Employment
PART-A		
1.	Anthrax.	Any employment— (a) involving the handling of wool, hair, bristles, animal carcasses or parts of carcasses; (b) in connection with animals infected with anthrax; or (c) involving the loading, unloading or transport of any merchandise.
2.	Compressed air illness and its sequelae.	Any process carried on in compressed air.
3.	Poisoning by lead tetra-ethyl.	Any process involving the use of lead tetra■ethyl.
4.	Poisoning by nitrous fumes.	Any process involving exposure to nitrous fumes.
5.	Poisoning by manganese.	Using or handling of, or exposure to the fumes, dust or vapour of manganese, or a compound of manganese or substances containing manganese.
6.	Poisoning by carbon bisulphide.	Using or handling of, or exposure to the fumes, dust or vapour of carbon bisulphide or a compound of carbon bisulphide or a substances containing carbon bisulphide.
7.	Poisoning by tetrachlorethane	Using or handling of, or exposure to the fumes, dust or vapour of compound of tetrachlorethane.
8.	Poisoning by pesticide.	Spraying of pesticide.
PART-B		
9.	Poisoning by leptospiraicterohaemorrahagia.	Works in a rat infested place.
10.	Poisoning by dinitrophenol or homologue.	Using or handling of, or exposure to the fumes, dust or vapour of dinitrophenol or its homogenous.

Serial No.	Occupational disease	Employment
11.	Poisoning by tricresyl phosphate.	Using or handling of, or exposure to the fumes, dust or vapour of any substance containing tricresyl.
12.	Chrome ulceration or its sequelae.	Using or handling of chromic acid or chromates or bichromate of ammonium, potassium, sodium or zinc, or preparation or solution containing any of these substances.
13.	Contact produced by exposure to the glare of, or rays from molten glass or red-hot metal.	Frequent of prolonged exposure to the glare of, or rays from molten glass or molten or red-hot metal.
14.	Poisoning by beryllium.	Using or handling of, or exposure to the fumes, dust or vapour of beryllium or a compound of beryllium or any substance containing beryllium.
15.	Carcinoma of mucous membranes of the nose or associated air sinuses of primary carcinoma branchus of lung.	Any occupation in a factory where nickel is produced by decomposition of a gaseous nickel compound which involves work in or about a building where that process ancillary or incidental thereto is carried on.
16.	Papilloma of urinal bladder.	(a)Works in a building where the following substances are produced for commercial purposes, namely:— (1) alpha-naphthylamine, beta-naphtylamine or benzadine or any of their salt; (2) auramine or magenta; (b) Using or handling of any substances mentioned in paragraph (a) (1), or work in process in which such substance is used or liberated.
17.	Lead poisoning or its sequelae(excluding poisoning by lead tetraethyl.)	Any process involving the use of lead or any of its preparations or compounds except lead tetraethyl.
18.	Poisoning by phosphorous or its sequelae.	Any process involving the use of phosphorous or its preparations or compounds.
19.	Mercury poisoning or its sequelae.	

Any process involving the use of mercury or its preparations or compounds.	
20. Poisoning by benzene and its homologues, or the sequelae of it.	Handling benzene or any of its homologues and any process in the manufacture or involving the use of benzene or any of its homologues.

Serial No.	Occupational disease	Employment
21.	Arsenical Poisoning or its sequelae.	Any process involving the production, liberation or utilization of arsenic or its compounds.
22.	Pathological manifestations due to X-ray, radium and other radio■active substance;	Any process involving exposure to the action of X-rays, radium or other radio-active substances.
23.	Primary epitheliematouscancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances.
24.	Silicosis.	Any employment involving exposure to the inhalation of dust containing silica.
25.	Pneumoconiosis of the coal mine worker.	Any employment in coal mining.
26.	Asbestosis.	Any employment in producing fiber cements materials or asbestos mill board, processing of ore containing asbestos.
27.	Bagassosis.	Any employment in the production of bagasse mill board or other article from bagasse.
28.	Byssinosis.	Any employment in cotton-room, blowing-room carding room in such industry where spinning of raw cotton is produced.
29.	Writer’s cramp.	Hand-writing for prolonged period.
30.	Twister’s cramp	The twisting of cotton or woolen yarn.
31.	Miner’s nystagmus.	Work in poorly illuminated mines.
32.	Dermatitis.	(1) Any occupation where organic or inorganic chemicals are used or handled. (2) Any occupation where any material is handled manually.
33.	Fibrosis of lung.	Any process where jute and cotton fibre are used.

THE FOURTH SCHEDULE

[see section 150 (8)]

LIST OF PERSONS WHO, SUBJECT TO THE PROVISION OF SECTION 150 (8), ARE INCLUDED IN THE DEFINITION OF WORKER

Any person who is—

(1) employed, otherwise than in the railway or in a clerical capacity, in connection with the operation or maintenance of a lift or a vehicle propelled by steam or other mechanical power or by electricity;

(2) employed in any premises wherein or within the precincts whereof 5 (five) or more persons are employed in a manufacturing process or in any kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made, and steam, water or other mechanical power or electrical power is used, but does not include any person who is employed as a clerck only in a place or room where no manufacturing process is carried on;

(3) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof at least five persons are employed;

(4) employed in the manufacture or handling of explosives in any premises wherein or within the precincts whereof at least 10 (ten) persons are employed;

(5) employed in a mine in any kind of work, other than clerical work, incidental to or connected with mining operation or with the minerals obtained, or in any kind of work whatsoever below ground:

Provided that any excavation in which not more than 50 (fifty) persons were employed, or no explosive was used on any day within the preceding 12 (twelve) months and whose depth is not more than 6 (six) metres shall not be deemed to be a mine for the purpose of this clause;

(6) employed as master, seaman or otherwise on any ship or vessel which is propelled wholly or in part by steam or other mechanical power or by electricity, or which is towed by a ship or vessel so propelled;

(7) employed for the purpose of loading, unloading, fuelling, constructing, repairing, demolishing, cleaning or painting any ship of which he is not the master or seaman, or employed in operation of transport within the limits of any port subject to the Ports Act, 1908 (Act No. XV of 1908), used for loading or unloading cargoes in or from a ship;
(8) employed in loading or unloading of goods in the vehicles propelled by mechanical power in the Chittagong and Mongla Ports;
(9) employed in the following kinds of construction, maintenance, repair or demolition, namely:—
(a) any building or structure,
(b) any dam or embankment which is 6 (six) metres or more in height from its lowest to the highest point,
(c) any road, bridge or tunnel, or
(d) any wharf, quay, sea-wall or other marine work including any moorings of ships;
(10) employed in setting up, maintaining, repairing or taking down any telegraph or telephone line or post or any overhead electric line or cable or post therefor;
(11) employed, otherwise than in a clerical capacity, in the construction, working, repair or demolition of any aerial ropeway, canal, pipe-line, or sewer;
(12) employed in any work of the fire brigade;
(13) employed in railway directly or through a sub-contractor, by a person fulfilling a contract with the railway;
(14) employed as an inspector, mail guard, sorter or van peon in the Railway Mail Service, or employed in any occupation ordinarily involving outdoor work in the Post and Telegraph Department;
(15) employed as treasurer clerk performing outdoor duties in the Post, Telegraph and Telephone Department;
(16) employed, otherwise than in a clerical capacity, in connection with operations for raising natural petroleum or natural gas;
(17) employed in any occupation involving blasting operations;

(18) employed in any construction or excavation work in which more than 25 (twenty-five) persons are employed or explosives are used, or whose depth from its highest to the lowest point exceeds 6 (six) metres;
(19) employed in the operation of any ferry boat capable of carrying more than 10 (ten) persons;
(20) employed, otherwise than in a clerical capacity, in any estate which is used for the purpose of growing coffee, rubber or tea, and where at least 25 (twenty-five) persons are employed;
(21) employed, otherwise than in a clerical capacity, in the generating, transforming or supplying of electricity or in the generating or supplying of gas;
(22) employed in a lighthouse as defined in section 2 (d) of the Lighthouse Act, 1927 (Act No. XVII of 1927);
(23) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures;
(24) employed in the training or keeping of or working with elephants or other wild animals;
(25) employed in the tapping of palm-trees or the felling or logging of trees, or the transport of timber by inland waters, or the control or extinguishing of forest-fires;
(26) employed in operations for the catching or hunting of elephants or other wild animals;
(27) employed as a driver;
(28) employed in warehousing, or working within the precincts of any warehouse or other place in which at least ten persons are employed, or employed in the handling or transport of goods in any market or precincts thereof in which at least 100 (one hundred) persons are employed;
(29) employed in any occupation involving the handling and manipulation of radium or X-rays apparatus, or contact with radio-active substances;
(30) employed as driver, cleaner, conductor and checker in the road transport service; or
(31) employed in the service of watch and ward.

THE FIFTH SCHEDULE

[see section 151]

Amount of compensation payable in certain cases

Monthly wages of the injured worker	Amount of compensation for temporary disablement	Monthly payment as compensation	
	In case of death	In case of permanent total disablement	
1	2	3	4
Whatever be the amount of basic wages of the worker	Tk/-1,00,000	Tk/-1,25,000	Compensation shall be paid for the period of disablement or for 1 (one) year, whichever is shorter. Such compensation shall be paid at the rate of full monthly wages for the first 2 (two) months, at the rate of two-thirds of the monthly wages for the next 2 (two) months and at the rate of half of monthly wages for the subsequent months. In the case of prolonged occupational disease, compensation for disablement shall be paid at the rate of half of monthly wages during the period of disablement, but such period shall in no case exceed 2 (two) years.