

► **Compilation of selected observations and direct requests of the Committee of Experts on the Application of Conventions and Recommendations: Bangladesh**

Note

Once a country has ratified an ILO Convention, it is required to report regularly on the measures it has taken for its implementation. Every three years, governments have to provide reports detailing the steps they have taken in law and practice to apply any of the ten fundamental and four governance Conventions that they have ratified. For all other Conventions, reports have to be provided every six years, except for Conventions that have been “shelved”.

The Committee of Experts was set up in 1926 to examine the growing number of government reports on ratified Conventions. Today it is composed of 20 eminent jurists appointed by the Governing Body for renewable three-year terms. The experts come from different geographic regions, legal systems and cultures. The role of the Committee of Experts is to provide an impartial and technical evaluation of the application of international labour standards in ILO member States. When examining the application of international labour standards, the Committee of Experts makes two kinds of comments to governments: **observations** and **direct requests**. Observations contain comments on fundamental questions raised by the application of a particular Convention in a State. These observations are published in the annual report of the Committee of Experts. Direct requests relate to more technical questions or requests for further information. They are not published in the report, but are communicated directly to the governments concerned.

This document compiled observations and direct requests of the Committee of Experts on application of selected Conventions ratified by Bangladesh.

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1. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (Ratification: 1972)

Observation (CEACR) - adopted 2023

The Committee takes note of the Government's report of 19 September 2023 on progress made in the implementation of the road map of actions to address all outstanding issues in the complaint pending under article 26 of the ILO Constitution concerning this Convention, among others. It also notes the decision adopted by the Governing Body at its 349th Session (November 2023) in this regard, requesting the Government to report on further progress to its 350th Session (March 2024) and to defer the decision on further action to that session.

The Committee notes the observations of the International Trade Union Confederation (ITUC) received on 27 September 2023 and of the Trade Union Committee of International Labour Standards (TU-ILS) (a committee of the workers' representatives from the National Coordination Committee for Workers' Education (NCCWE) and IndustriALL Bangladesh Council (IBC)) transmitted by the Government with its report, as well as the Government's comments thereon. Both the ITUC and the TU-ILS refer to matters addressed in this comment.

The Committee notes the observations of the Bangladesh Employers' Federation (BEF), which are incorporated in the Government's report.

The Committee observes from the Government's statement to the Governing Body, within the framework of the discussions on the article 26 proceedings, that the Parliament approved an amendment to the Bangladesh Labour Act (BLA) in November 2023.

Civil liberties. The Committee has been expressing deep concern at the allegations of violence and intimidation of workers for a number of years and has urged the Government to take all necessary measures to prevent such incidents in the future and ensure that, if they occur, they are properly investigated. In its previous comment, the Committee requested the Government to review all the allegations of violence, harassment and intimidation reported by the TU-ILS. The Committee notes with **regret** that the Government does not elaborate on any concrete investigations undertaken into these incidents but simply reiterates that the Industrial Police maintain law and order, prevent violence and threats against unionists and that any alleged excess of law enforcement officials is investigated through established legal and administrative procedures. The Committee further notes from the Government's report in the framework of the pending article 26 proceedings that, in February 2023, the Ministry of Labour and Employment (MOLE) requested the Ministry of Home Affairs to create a dedicated committee for ensuring and monitoring proper investigation of alleged cases of violence and harassment by the police against workers, including in the context of protests. **While welcoming this initiative, the Committee strongly encourages the Government to speed up its efforts to approve and establish the committee and to provide information on its composition and functioning in practice. The Committee expects these measures to significantly contribute to speedy and transparent investigations of violations of trade unionists' civil liberties.**

The Committee further notes that, in its 2023 observations, the ITUC expresses concern as to the anti-union tendencies of the security and police forces in relation to the exercise of workers' rights and denounces new instances of violence and union busting. In particular, the Committee notes with **deep concern** the death of Shahidul Ismal, a labour organizer at the Bangladesh Garment and Industrial Workers' Federation (BGIWF), and the wounding of Ahmed Sharif, also a union organizer, in July 2023 in Dhaka. The two were attacked by a group of assailants after they were assisting garment workers to obtain unpaid salaries. The ITUC also reports: (i) injuries to at least 16 garment workers in April 2022 when, during a clash over unpaid salaries, the police charged them with batons; and (ii) a serious case of union busting in a garment factory in 2021 and 2022, involving intimidation, threats and torture of union officers. **The Committee requests the Government to provide its observations on the specific ITUC allegations, as well as those reported by the TU-ILS in 2022, and urges the Government to ensure**

that rapid investigations are conducted by an independent entity to determine those responsible, punish the guilty parties and prevent the repetition of any such acts.

In its previous comments, the Committee also encouraged the Government to continue to provide all necessary training and awareness-raising to the police and other State agents on human and trade union rights and urged the Government to review their role to ensure that issues purely concerning labour relations are relegated to the unique authority of the relevant Ministry. The Committee notes the detailed information provided by the Government on the training and sensitizing programmes offered to Industrial Police personnel (1,348 personnel trained between January and June 2023), as well as continued training of workers, management and government officials on the applicable laws and regulations and the prevention of violence provided by the Department of Labour (DOL) and the Bangladesh Export Processing Zones Authority (BEPZA). The Government also indicates that a compendium of laws in Bangla has been drafted, allowing training of Industrial Police to focus on human and trade union rights, labour rights, labour law and other relevant laws and regulations. While taking note of the continued training and other initiatives undertaken, the Committee observes that, according to the TU-ILS, no steps were taken to relegate the authority regarding Industrial Police to the MOLE and the attitude towards trade union leaders has not changed, with new cases filed against them. The Committee is also aware, from publicly available information and the discussion in the Governing Body, of recent incidents of violence in the context of minimum wage protests, leading to injuries, arrests and the death of several workers. ***In light of the above, the Committee requests the Government to continue to provide and indeed intensify targeted training to the Industrial Police on the use of minimum force when engaged in crowd control measures, in particular during labour protests, and urges the Government once again to review the role of the Industrial Police, with the workers' and employers' organizations concerned, so as to ensure that issues purely concerning labour relations are relegated to the unique authority of the relevant Ministry.***

Article 2 of the Convention. Right to organize. Registration of trade unions. For a number of years, the Committee has been addressing the need to simplify the registration process to make it user-friendly, objective, rapid and transparent, including by providing comprehensive training to the relevant officers responsible for registration. The Committee notes the Government's indication that training and workshops for DOL officials, as well as workers' representatives, are ongoing, as are discussions to explore the possibility of further simplifying both online and regular registration systems. The Government provides updated statistics on registration between November 2022 and June 2023, which show that 421 new applications were received in addition to 83 pending applications, out of which 236 were accepted, 75 rejected, 172 filed and 102 remain pending. It further informs about the main reasons for rejecting trade union registration (lack of minimum membership, use of fake names, fraudulent practices, etc.). The Committee understands from the above that, in the specified period, registration was only granted to about half of all the applications received, that a large number of the applications were considered as invalid and were filed and that around 15 per cent of all the applications were rejected. It further observes that the Government does not distinguish in its report between the reasons that render a registration application invalid or inadmissible (the application is then filed without assessing whether the material requirements of registration are fulfilled) and those invoked by the Registrar to reject a valid registration application because it does not meet the registration requirements.

The Committee also observes that the ITUC and the TU-ILS raise a number of concerns and point to obstacles with regard to the registration process, including procedural complexities in the online application, delays in registration, DOL-created layers of approval (investigation hearings and other procedures) leading to arbitrary decisions, employers' opposition to trade union registration and lack of consultations on the simplification of the registration process. The ITUC also alleges that the rejection rate of applications by independent unions is higher than indicated by the Government as many of the approved applications only concern government-controlled unions. ***In these circumstances, the Committee urges the Government to continue to engage with workers' representatives on ways to further simplify the registration process and eliminate any legislative or practical obstacles that prevent it from becoming a rapid, objective and transparent process. The Committee also requests the Government once again to provide detailed information on the reasons which were found in practice to render applications for registration invalid or inadmissible, as well as the reasons which justify the rejection of applications because they do not meet the registration requirements. The Committee encourages the Government to continue to provide adapted training to the relevant officials who are responsible for assessing registration applications. The Committee expects that the Government will be in a position to report progress on this long-standing issue in its next report.***

Minimum membership requirements. The Committee had previously pointed to the need to review the BLA with a view to reducing the minimum membership requirements to a reasonable level (currently at 20 per cent, section 179(2)); ending the possible cancellation of trade unions that fall below minimum membership requirements (section 190(f)); and addressing the limits on the number of trade unions in an establishment (currently at three unions, section 179(5)). The Committee notes the Government's indication that no union has yet been cancelled under section 190(f) of the BLA and that the tripartite constituents in the Tripartite Working Group (TWG) for the BLA have discussed the issue of further lowering the minimum membership requirement and will make a comprehensive recommendation on the issue. The Committee further observes from the Government's statement to the Governing Body, within the framework of the discussions on the article 26 proceedings, that the minimum membership requirement for enterprises with over 3,000 workers was reduced from 20 to 15 per cent and the minimum membership requirement in groups of establishments from 30 to 20 per cent (section 183(6)). While taking due note of these amendments, the Committee understands that very few enterprises employ over 3,000 workers and recalls that a minimum membership requirement of 15 per cent in such enterprises and 20 per cent in groups of establishments is still excessive. The Committee further observes with **regret** that the Government has once again failed to take the opportunity of a legislative reform to address the Committee's previous concerns in relation to sections 179(2) and (5) and 190(f) and notes that the ITUC points to difficulties in almost all factories to reach the minimum membership requirement. **The Committee therefore requests the Government to continue to discuss the matter with a view to reducing the minimum membership requirements to a reasonable level (sections 179(2) and 183(6)), bearing in mind the recommendations of the tripartite constituents, and also with a view to amending sections 179(5) and 190(f) accordingly.**

With regard to the application of the BLA to workers in the agricultural sector, in its previous comment, the Committee requested the Government to provide detailed information on the practical application of the reduced minimum membership requirement in Rule 167(4) of the Bangladesh Labour Rules (BLR) applicable to groups of establishments, including small family farms (300 members). The Committee notes the Government's indication that there are 38 registered trade unions in groups of establishments in the agricultural sector in 20 out of 64 districts, covering 6,834 members and that the stakeholders did not report any hindrance in this regard. While taking note of this update, the Committee observes that the reported unionization rate in the agricultural sector seems extremely low given that tens of millions of workers are engaged in agricultural activities in Bangladesh, and that many of these may well be prevented from trade union activities as a practical matter. **Recalling that a minimum requirement of 300 members may in practice restrict the right to organize, especially in case of small family farms, the Committee requests the Government to continue to take measures, in consultation with the social partners, to reduce the requirement in Rule 167(4) so as to ensure that agricultural workers can exercise their right to organize without hindrance**

Articles 2 and 3. Right to organize, elect officers and carry out activities freely. Bangladesh Labour Act. In its previous comment, the Committee urged the Government to ensure that worker representation in the National Tripartite Consultative Council (NTCC), which is reviewing the BLA, reflects the independent choice of the trade union movement. The Committee notes the Government's indication that with the assistance of the Office, it is developing institutional mechanisms and capacity-building for the NTCC, as well as a road map on social partners' awareness and capacity-building for social dialogue and collective bargaining. The Committee however observes the concerns raised by the ITUC and the TU-ILS that malpractices in the selection process of workers' representatives in tripartite delegations continue, including lack of transparency and independence. **Noting these allegations with concern, the Committee urges the Government once again to ensure that selection of workers' representatives into the NTCC reflects the independent choice of the labour movement, so as to allow the NTCC to expeditiously and transparently conduct its work in reviewing the BLA with the aim of aligning it with the Convention.**

In relation to the review of the BLA, the Government further informs that, with the assistance of the ILO, a draft amendment of the BLA was discussed and finalized by the TWG, the Tripartite Labour Law Review Committee and the NTCC. While the Committee does not have at its disposal an official translation of the BLA amendment approved by the Parliament in November 2023, it takes note of the Government's indication to the Governing Body in the framework of the discussions on the article 26 proceedings that several amendments agreed on with the Office could not be implemented for technical reasons. The Committee understands, from the draft version of the BLA submitted to the Parliament, that besides the slight reduction in the minimum membership requirements mentioned above (referring to very large enterprises and groups of establishments), amendments were made to section 185 (broadening of the right to organize of seamen). While welcoming these amendments, the Committee observes that most of the other provisions previously highlighted by the Committee

as raising concerns with regard to their compatibility with the Convention were not addressed by the labour law review. The Committee is, therefore, obliged to recall the need to further review and amend, or provide information on, the following provisions of the BLA: (i) scope of the law – restrictions on numerous sectors and workers remain, including, among others, Government workers, university teachers and domestic workers (sections 1(4), 2(49) and (65), 175 and 185 (further amendments necessary on the right to organize of seamen)); (ii) restrictions on organizing in groups of establishments (sections 179(5) and 183(1)); (iii) restrictions on trade union membership (sections 2(65), 175, 193 and 300); (iv) interference in trade union activity, including cancellation of registration for reasons that do not justify the severity of the act (sections 192, 196(2)(b) read in conjunction with 190(1)(c), (e) and (g), 229, 291(2)–(3) and 299); (v) interference in trade union elections (section 180(1)(a) read in conjunction with section 196(2)(d), and sections 180(b) and 317(4)(d)); (vi) interference in the right to draw up constitutions freely by providing overly detailed instructions (sections 179(1) and 188 (in addition, there seems to be a discrepancy in that section 188 gives the DOL the power to register and, under certain circumstances, refuse to register any amendments to the constitution of a trade union and its Executive Council whereas Rule 174 of the BLR only refers to notification of such changes to the DOL who will issue a new certificate)); (vii) excessive restrictions on the right to strike (sections 211(3)–(4) and (8) and 227(c)) accompanied by severe penalties (sections 196(2)(e), 291(2)–(3) and 294–296); and (viii) excessive preferential rights for collective bargaining agents (sections 202(24)(b), (c) and (e) and 204). Furthermore, the Committee is still awaiting information on whether workers in small farms consisting of less than five workers can, in law and practice, group together with other workers to form a trade union or affiliate to existing workers' organizations (section 1(4)(n) and (p) of the BLA). The Committee observes with **regret** that the Government did not avail itself of the opportunity to address these numerous and long-standing concerns during the recent amendment of the BLA despite continued and extensive technical assistance provided by the Office. **Further noting the commitment of the Minister of Law, Justice and Parliamentary Affairs expressed in the Governing Body to address other outstanding amendments previously discussed with the Office, the Committee has been subsequently informed that the President has sent the amended law back to the Parliament for further consideration and firmly expects that the opportunity will be taken to address its pending comments so as to ensure compliance with the Convention. The Committee requests the Government to provide detailed information on the progress made in this regard. The Committee requests the Government to provide an English translation of the amended BLA.**

The Committee also observes the Government's indication to the Governing Body that section 34 of the Bangladesh Economic Zones Act, 2010 (BEZA) was amended so as to make the BLA applicable in special economic zones, instead of the Export Processing Zones Labour Act, 2019 (ELA). **The Committee requests the Government to provide information on the practical application of this amendment, in particular to indicate when the BLA will start to be applicable in special economic zones and to provide statistics on the formation of trade unions in these zones. The Committee requests the Government to provide an English version of the amended BEZA.**

Bangladesh Labour Rules. In its previous comment, the Committee requested the Government to provide detailed information on the application of Rule 188 (formation of election committees that conduct the election of worker representatives to participation committees in the absence of a union), as well as on the results of the Government's efforts to pilot such elections without any representation of employers (compared to the amended rule of one employer representative in election committees). The Committee notes the Government's indication that the DOL has been supervising the election of workers' representatives to participation committees but observes that the Government does not elaborate on the practical application of the amended Rule 188 or on the pilot project. **The Committee therefore reiterates its previous request in this regard.**

In its previous comment, the Committee also took note of the 2022 BLR amendment and urged the Government to ensure an expedited review of the remaining issues of BLR compatibility with the Convention (Rules 2(g) and (j); 85, Schedule IV, sub-rule 1(h); 169(4); 190; 202; and 350)). The Committee notes that both the ITUC and the TU-ILS raise concerns in relation to the pending issues of BLR compatibility with the Convention and allege, in addition, that: employers use participation committees to suppress trade union activities at the factory level; Rule 172(3) requires both the Director General and the union to inform the employer about its registration; Rule 81(4) allows for a predominant role of employers in the selection of the safety committee secretary and Rule 81(10) gives employers, in certain circumstances, a role in determining workers' representatives in safety committees, leading to concerns as to the legitimacy of these committees, which are essential to ensure safe working conditions. The Committee further observes the amendment to Rule 183(2) which limits workers' representatives in participation committees to permanent workers. **The Committee requests the Government to provide its observations on the practical application of these amendments and urges the Government once again**

to ensure an expedited review of all the remaining issues in relation to the Bangladesh Labour Rules, detailed in its previous and current comments, so as to bring them into conformity with the Convention.

Right to organize in export processing zones. In its previous comment, the Committee urged the Government to expedite the review of the ELA to provide EPZ workers with all the rights guaranteed in the Convention, including on matters concerning the minimum membership requirements to establish Workers' Welfare Associations (WWAs) and federations and the right to associate with other entities. The Committee further requested the Government to provide detailed information on the number of applications and registrations of WWAs, WWA federations and employers' associations.

The Committee notes the Government's indication that: (i) the amendment process of the ELA started in July 2023, including consultations with the social partners, and should be completed by 2025; (ii) the issues raised by the Committee will be thoroughly reviewed in the process; (iii) the BEPZA and the ILO jointly conducted workshops on improving labour standards in the EPZs and trainings for relevant stakeholders; (iv) the BEPZA engaged in an exchange of views with WWA representatives on labour rights in EPZs and in consultations with workers' and employers' representatives on labour rights and best practices, the ELA and the EPZ Labour Rules adopted in 2022. The Committee also takes note of the statistical information provided on the formation and registration of WWAs between November 2022 and July 2023, showing that 31 applications for registration were received and granted. While taking due note of the Government's initiatives and welcoming the continued technical assistance of the Office, the Committee must recall that an exceptionally large number of provisions still need to be repealed or substantially amended to ensure the conformity of the ELA with the Convention and that many of the issues raised under the ELA continue under the newly adopted EPZ Labour Rules (an official translation has not yet been made available to the Committee for a detailed assessment). It also observes the allegations of the ITUC that the situation of the right to organize worsened with the implementation of the ELA, as workers can only join a WWA, where they may not be given the full scope of collective bargaining. **The Committee therefore urges the Government to expedite the review of the ELA and the EPZ Labour Rules, in full consultation with the social partners, to ensure the conformity of the legislation with the Convention, in particular on the pending issues highlighted by the Committee in its previous and current comments. The Committee recalls that these include, among others, scope of the law, minimum membership requirements, various forms of interference in WWAs' or WWA federations' internal affairs, unduly broad powers and interference of the Zone Authority, and excessive restrictions on the administration and functioning of WWAs, federations and employers' organizations. The Committee further requests the Government to continue to provide statistics on the number of applications and registrations of WWAs, WWA federations and employers' organizations in EPZs, and to provide an English translation of the EPZ Rules.**

In its previous comment, the Committee also encouraged the Government to continue to review the inspection framework set out in the EPZ Labour Rules to ensure the necessary independence of the Department of Inspection for Factories and Establishments (DIFE) and to continue to provide statistical information on inspections of the DIFE in EPZs. The Government informs that the DIFE inspection modality of EPZ factories had been incorporated in the EPZ Labour Rules and that the DIFE is conducting inspections independently and frequently (52 EPZ factories inspected as of July 2023). While taking note of this indication, the Committee recalls that sections 168(1) and 180(g) of the ELA stipulate that the BEPZA Chairperson retains ultimate supervision of labour standards in EPZs and that Rule 290 of the EPZ Labour Rules provides that the DIFE shall submit inspection reports to the Additional Inspector General of the zones who shall direct the concerned establishment to implement the recommendations which he deems feasible. **Considering that these provisions may hinder the independent nature and proper functioning of labour inspection, the Committee requests the Government to continue to review the inspection framework set out in the EPZ Labour Rules to ensure the necessary independence of the DIFE and to continue to provide statistical information on DIFE inspections of EPZs. The Committee once again requests the Government to continue to take steps to ensure that unrestricted access for and jurisdiction over labour inspection activities in EPZs is provided to DIFE inspectors. The Committee refers to its more detailed comments on this point made under the Labour Inspection Convention, 1947 (No. 81).**

Finally, noting the Government's indication that all relevant ministries and departments have been engaged in the implementation of the road map established to address all outstanding matters contained in the article 26 complaint, and recalling the overlapping nature of these matters and those raised in the present comment, the Committee expects full and genuine engagement of the Government in addressing these issues. In particular, the Committee firmly expects any upcoming measures taken by the Government, including any

legislative amendments, to duly take into account the Committee's present and previous detailed comments to achieve a timely implementation of the road map and full compliance with the Convention.

2. Right to Organise and Collective Bargaining Convention, 1949 (No. 98), (Ratification: 1972)

Observation (CEACR) - adopted 2023

The Committee takes note of the Government's report dated 19 September 2023 on progress made in the implementation of the road map of actions to address all outstanding issues in the complaint pending under article 26 of the ILO Constitution concerning this Convention, among others, as well as the decision adopted by the Governing Body at its 349th Session (November 2023) requesting the Government to report on further progress made to its 350th Session (March 2024) and to defer the decision on further action to that session

The Committee notes the observations of the International Trade Union Confederation (ITUC) received on 27 September 2023 and of the Trade Union Committee of International Labour Standards (TU-ILS) (a committee of the workers' representatives from the National Coordination Committee for Workers' Education (NCCWE) and IndustriALL Bangladesh Council (IBC)) submitted by the Government, as well as the Government's response to the latter observations. Both the ITUC and the TU-ILS refer to matters addressed in this comment, pointing to legislative and practical difficulties in the application of the Convention. The Committee also notes the Government's reply to the 2019 and 2020 ITUC observations alleging massive anti-union dismissal of garment workers.

The Committee notes the observations of the Bangladesh Employers' Federation (BEF), transmitted with the Government's report.

The Committee notes the 2022 amendment to the Bangladesh Labour Rules (BLR) and the adoption in 2022 of the Bangladesh Export Processing Zones Labour Rules (EPZ Labour Rules). The Committee further observes from the Government's statement to the Governing Body, within the framework of the discussions on the article 26 proceedings, that the Parliament approved an amendment to the Bangladesh Labour Act (BLA) in November 2023. ***The Committee has however been subsequently informed that the President has sent the amended law back to the Parliament for further consideration and firmly expects that the opportunity will be taken to address its pending comments. The Committee requests the Government to provide detailed information on the progress made in this regard.***

Articles 1 and 3 of the Convention. Adequate protection against acts of anti-union discrimination. In its previous comment, the Committee requested the Government to continue to provide detailed statistics on the follow-up to complaints of anti-union discrimination and encouraged continued training of the relevant labour officials. It requested information on the functioning in practice of the Workers' Resource Centre and expressed its expectation that the online database on anti-union discrimination would be fully functional. The Committee notes the Government's indication that between 2020 and April 2023, 60 complaints of anti-union discrimination and unfair labour practices were received by the Department of Labour (DOL), out of which 39 were settled (37 settled amicably and 2 cases filed in labour courts) and 21 cases are undergoing investigation. The Government also informs on trainings and workshops concerning the standard operating procedures (SOPs) on unfair labour practices and antiunion discrimination provided to relevant government officials and workers' and employers' representatives. It further provides information on the Workers' Resource Centre and a link to the online database on anti-union complaints. While welcoming this information, the Committee observes that the ITUC and the TU-ILS raise concerns as to anti-union tendencies of the security forces and anti-union discrimination by factories without investigations and dissuasive sanctions, as well as a backlog of labour cases in the courts. They allege that: there is a lack of appropriate procedures and remedies for unfair labour practice complaints in the BLR; DOL investigations of anti-union practices lack transparency and do not follow the SOPs; filing a case to the court remains a prerogative of the DOL, instead of the concerned workers; and there is a need for awareness-raising among workers on the online database. ***Taking note of the above, the Committee requests the Government to continue to engage in training activities of the relevant officials to ensure an efficient and transparent handling of anti-union discrimination complaints in line with the applicable SOPs and to provide the relevant statistics on the follow-up to the complaints, specifying the number and the nature of the sanctions imposed. The Committee also requests the Government to clarify whether, in line with section 213 of the BLA, a worker can address a complaint concerning anti-union discrimination directly to the labour court or whether referral to the DOL is a***

mandatory step in the procedure. The Committee further encourages the Government to promote the use of the online database among the workers, including through the Workers' Resource Centre, and to work together with representative workers' organizations on improving the functioning of the database.

The Committee also requested the Government to take the necessary measures, after consultation with the social partners, to increase the amount of the fines imposable for acts of anti-union discrimination. The Committee understands from the Government's statement to the Governing Body, within the framework of the discussions on the article 26 proceedings, that an amendment was made to section 291(1) of the BLA which increases the penalty for unfair labour practices and anti-union discrimination acts of employers (violations of sections 195 or 196A) from 10,000 Bangladeshi taka (BDT) (equals to US\$120) to BDT15,000 (equals to US\$136). While taking due note of this amendment, the Committee observes that the increase in penalties for acts of anti-union discrimination would still appear not to represent a sufficiently dissuasive sanction. **The Committee therefore urges the Government to take the necessary measures, after genuine consultation with the social partners, to review the relevant provisions of the BLA so as to increase the amount of penalties imposable on employers for acts of anti-union discrimination in order to ensure that such acts give rise to a just reparation and sufficiently dissuasive sanctions.**

In its previous comment, the Committee also requested the Government to provide further information on the outcome of the 5,407 labour-related complaints received and solved through the helpline in the ready-made garment sector and on the measures taken to ensure anonymity of the process. It encouraged the Government to continue to formally expand the helpline to other geographical areas and industrial sectors. While observing that the Government does not provide any details as to the outcome of the complaints or the measures to ensure anonymity, the Committee welcomes the Government's statement that the helpline has now been expanded to all geographical areas and industrial sectors. The Government also indicates that 1,307 complaints were received between 2022 and 2023, out of which 1,210 were solved and 97 are being processed. **Further noting the TU-ILS suggestion to conduct mass-level awareness raising campaigns among workers and to categorize the outcomes of the complaints to allow for appropriate remedial action, the Committee encourages the Government to engage with the social partners to further improve the functioning of the complaint procedure and to raise awareness about it among the workers. The Committee trusts that the helpline will contribute to a speedy resolution of reported labour complaints, including those related to anti-union practices.**

Allegations of anti-union discrimination following the 2018–19 minimum wage protests. In its previous comment, the Committee requested the Government to clarify its involvement in the investigations into the massive dismissals of workers following the 2018–19 minimum wage protests and to provide information on the concrete remedies applied in all cases of termination for anti-union reasons. The Committee notes with **regret** that the Government does not provide any updates in this regard and simply reiterates previously provided information. It adds that 29 committees composed of officials from the DOL and the Department of Inspection for Factories and Establishments (DIFE) were formed in eight labour intensive districts to, among others, publicize about a newly introduced DIFE helpline and to dispose of issues relating to termination or dismissal of workers. **Given the time that has elapsed since the 2018–19 minimum wage protests and observing that the Committee on Freedom of Association is also examining these incidents in the framework of Case No. 3263, the Committee expects the Government to ensure that, where this has not yet been the case, independent investigations will be conducted and, where appropriate, adequate remedies and sufficiently dissuasive sanctions ordered.**

Case concerning dismissed workers in the mining sector. In its previous comment, the Committee expressed its expectation that the case pending against dismissed workers in the mining sector who were charged with illegal activities would be completed rapidly. The Committee notes the Government's indication that the case is currently pending at the District Sessions Court, Dinajpur and that despite several hearings having been scheduled, they did not take place due to requests by both parties for time extension. **Regretting the delay in concluding these proceedings, which relate to incidents dating back to 2012, the Committee requests the Government to provide information on the outcome of the judgment and, in particular, to indicate any aspects of the case relating to alleged anti-union practices.**

Allegations of anti-union discrimination in practice and of inadequate judicial response. The Committee observes the TU-ILS concerns that incidents of anti-union discrimination are very common and that cases in labour courts are lengthy and often dismissed. **Recalling that improving measures to address instances of anti-union discrimination and unfair labour practices is one area of the Government's road map established in**

the framework of the article 26 proceedings and recalling that the Government regularly reiterates its commitment to reduce the backlog of cases in labour courts, including through the development of conciliation and arbitration as alternative dispute resolution mechanisms, the Committee urges the Government to provide updates in this respect and expects serious and concrete measures to be taken to eliminate the occurrence of systematic anti-union discrimination in practice. The Committee further requests the Government to provide information on the average duration of judicial proceedings relating to allegations of anti-union discrimination.

Protection of workers in export-processing zones (EPZs) against acts of anti-union discrimination. In its previous comment, the Committee requested the Government to provide detailed statistics on the follow-up to anti-union discrimination complaints brought to the competent authorities in EPZs. While taking note of the Government's indication that, as of July 2023, out of the total of 7,192 calls received through the helpline established in EPZs, none were related to anti-union discrimination, the Committee observes that the Government does not refer to any of the other procedures that it had previously indicated were in place to ensure protection against anti-union discrimination, including inspection and monitoring by the Bangladesh Export Processing Zones Authority (BEPZA) and other complaint procedures. The TU-ILS suggests that statistics compiled by the Government should be published to be accessible to workers' organizations. ***In line with the above, the Committee requests the Government once again to provide statistical information on anti-union discrimination complaints in EPZs, whether received through the helpline or otherwise brought to the attention of the competent authorities, and to indicate, in particular, their follow-up and remedies and sanctions imposed.***

The Committee further recalls from its previous comment that a number of provisions of the Bangladesh Export Processing Zones Labour Act (ELA) needed to be amended to ensure that all workers covered by the Convention are adequately protected against acts of anti-union discrimination. The Committee notes the Government's indication that the Committee's recommendations will be placed before the Tripartite Standing Committee at the time of revision of the law and points to ongoing trainings on this matter provided by the BEPZA. The Committee also observes from the Government's report under the Freedom of Association and the Right to Organise Convention, 1948 (No. 87) that the amendment process of the ELA started in July 2023, including consultations with the social partners, and should be completed by 2025. ***Recalling the need to substantially amend the ELA to achieve its compliance with the Convention, the Committee expects the Government to ensure that the pending issues highlighted in its previous comment, which relate to sections 2(48), 93, 115(2), 121(2)-(4), 151 and 157, will be duly reviewed and addressed in the ongoing legislative reform, so as to ensure that all workers covered by the Convention are adequately protected against acts of anti-union discrimination.***

The Committee also requested the Government to provide its observations on the allegations communicated by the ITUC referring to widespread anti-union practices in the country, illustrated by the dismissal of 36 workers in two EPZ factories in April 2019 following unsuccessful attempts at collective bargaining. The Government indicates that the BEPZA does not have sufficient information to provide a reply on this point. ***Considering that the Committee does not have in its possession any other details in this regard, it invites the Government to forward the 2019 ITUC observations to the relevant EPZ authorities and invites the ITUC to provide any relevant details that may assist the authorities in providing their observations and addressing the denounced practices.***

Articles 2 and 3. Lack of legislative protection against acts of interference in the BLA and the ELA. In its previous comment, the Committee requested the Government to take all necessary measures to broaden the scope of protection against acts of interference in the BLA and the ELA. The Committee notes the Government's indication that the applicable legal provisions offer sufficient protection against acts of interference. It also points to trainings, workshops and consultations with representatives of workers and employers in EPZs on the applicable legislation, promotion of labour rights and best practices. Taking note of the above, the Committee recalls that while the BLA and the ELA contain provisions which prohibit certain acts of interference, they do not cover all acts prohibited under Article 2 of the Convention, such as acts designed to promote the establishment of workers' organizations under the domination of the employer, to support workers' organizations by financial or other means with the objective of placing them under the control of an employer or an employers' organization and to exercise pressure in favour or against any workers' organization. ***The Committee therefore requests the Government once again, including in the framework of the legislative reform, to engage in consultations with the social partners, with a view to broadening the current scope of protection against acts of interference both in the BLA and in the ELA. The Committee trusts that, in the meantime, efforts will be made to ensure that, in***

practice, workers' and employers' organizations will be protected from any acts of interference against each other.

Article 4. Promotion of collective bargaining. In its previous comment, the Committee encouraged the Government to consider amending Rule 202 of the BLR, which prohibits certain trade union activities in a way that could impinge on collective bargaining. The Committee observes with ***regret*** that although the BLR were amended in 2022 and the TU-ILS submitted a proposal for amendment in 2023, Rule 202 has not been substantially modified. ***Observing the Government's indication that this issue may be considered in further amendments to the BLR following the 2023 BLA amendment, the Committee trusts that Rule 202 will be amended to ensure that it does not unduly impinge on the right to collective bargaining.***

Higher-level collective bargaining. In its previous comment, the Committee requested the Government to consider further revisions to sections 202 and 203 of the BLA so as to clearly provide a legal basis for collective bargaining at the industry, sector and national levels. It also requested the Government to continue to provide statistics in relation to higher-level collective agreements concluded and in force. The Committee notes the Government's indication that: (i) collective bargaining is conducted at the level of the enterprise or industry, except for wage fixation in the tea and shipping sectors, which are done at the sectoral level; (ii) despite provisions to this effect (section 210(3) of the BLA), employers generally fail to submit concluded bipartite collective agreements to the DOL, leading to a lack of statistics on this point but training programmes are being used to sensitize employers on this issue; (iii) when bipartite negotiations do not lead to an agreement, they are referred as disputes to the DOL and resolved through tripartite negotiations; and (iv) the DOL was involved in 34 such demands between January 2018 and May 2023, 32 of which were settled. The Committee also notes, from the Government's report under the article 26 proceedings before the Governing Body, that the DOL has developed a road map on social partners' awareness and capacity building for social dialogue and collective bargaining at all levels. Furthermore, according to the TU-ILS, workers' organizations are in favour of creating a legal basis for collective bargaining at the sectoral and national levels. ***Taking note of the above, the Committee requests the Government to take, in consultation with the social partners, the necessary measures, including of a legislative nature, to ensure that collective bargaining is allowed and promoted at all levels, including at the sectoral and national levels, both in law and in practice. The Committee also requests the Government to continue to engage in training of employers to increase compliance with section 210(3) of the BLA so as to allow for collection of statistics in this regard.***

Collective bargaining in the agricultural sector. The Committee requested the Government to provide any available statistics on collective bargaining in the agricultural sector and to clarify the functioning in practice of tripartite negotiations in the sector. The Committee notes the Government's indication that there are 38 registered trade unions in the agricultural sector covering 6,834 members but that the DOL has not received any charters of demands from such unions. According to the TU-ILS, the excessive minimum membership requirement of 300 workers to create a trade union in the sector prevents trade union formation and collective bargaining. ***In light of the above and referring to its comments under Convention No. 87 on the minimum membership requirements, the Committee requests the Government to take, both in law and in practice, and in consultation with the social partners, active measures to promote collective bargaining in the agricultural sector and to clarify the functioning in practice of tripartite negotiations in the sector, previously mentioned by the Government.***

Determination of collective bargaining agents. In its previous comment, the Committee requested the Government to clarify whether, in a case where no union reaches the required threshold to be recognized as the exclusive collective bargaining agent under section 202 of the BLA, the existing unions are given the possibility, jointly or separately, to bargain collectively, at least on behalf of their own members. The Government informs that if there are more unions in an establishment, they either elect a collective bargaining agent or the Director General of Labour can, upon application by either of the unions or the employer, hold a secret ballot to determine which union will be the collective bargaining agent for the establishment. According to the Government, in practice, at least one union reaches the required threshold to be the exclusive bargaining agent under section 202(15)(e) of the BLA. ***Further noting the Government's indication that simplification of the determination process is being considered as part of the revision of the BLA, the Committee requests the Government to provide information in this regard and to ensure that, where no union reaches the required threshold for the acquisition***

of the exclusive bargaining agent status under section 202 of the BLA, the existing unions can negotiate, jointly or separately, at least on behalf of their own members.

Promotion of collective bargaining in EPZs. In its previous comment, the Committee requested the Government to continue to provide statistics on collective bargaining in EPZs and to endeavour to further amend section 180 of the ELA to ensure that the determination of collective bargaining agents is the prerogative of an independent body. The Committee also requested the Government to clarify the implications in practice of section 117(2) which does not allow any proceedings before a civil court for the purpose of enforcing or recovering damages for breach of any agreement. While noting the Government's indication that Workers' Welfare Associations (associations formed for the purpose of regulating relations between workers and employers – WWAs) can engage in collective bargaining and are performing their activities in full freedom, the Committee observes that the Government does not provide any information on the Committee's previous comments. It also observes that the issue raised in relation to section 180 of the ELA (determination of the legitimacy of a WWA and its capacity to act as a collective bargaining agent by the Executive Chairperson) has been reproduced in Rule 195 of the EPZ Labour Rules. Furthermore, the ITUC alleges that the situation of workers in EPZs worsened with the implementation of the ELA, as workers can only join WWAs, where they may not be given the full scope of collective bargaining. **In view of these concerns, the Committee requests the Government once again to endeavour to amend section 180 of the ELA and to take further measures to promote collective bargaining in EPZs. It also requests the Government to provide statistics on collective bargaining agreements in EPZs and to clarify the implications in practice of section 117(2) of the ELA.**

The Committee also observes, from the EPZ Labour Rules that: (i) Rule 4 gives the Additional Inspector General discretion to shape the outcome of service rules and determine their conformity with the law; (ii) Rule 130(4) provides that the EPZ Wage Board can function with a quorum of 50 per cent of all members including the chairperson and one representative from workers and employers each and allows for proceedings in subsequent meetings not to be interrupted in the absence of any such member; and (iii) Rule 131(6) allows the chairperson to remove any member if it is contrary to public interest, for misconduct or any other reason. The Committee recalls that, according to *Article 4* of the Convention, collective bargaining takes place between employers or employers' organizations and workers' organizations, and that collective bargaining must be free and voluntary and respect the principle of the autonomy of the parties ([General Survey of 2012 on the fundamental Conventions](#), paragraph 200). **The Committee requests the Government to provide information on the application of these Rules in practice and, in particular, to ensure that Rule 4 is not used to limit collective bargaining.**

Compulsory arbitration in the ELA. The Committee recalls from its previous comment that sections 131(3)-(5) and 132 of the ELA read in conjunction with section 144(1) allow for unilateral referral of disputes to EPZ Labour Court which could result in compulsory arbitration. **Taking note of the Government's indication that the Committee's recommendations will be taken up by the Tripartite Standing Committee at the time of review of the ELA, the Committee expects the Government to ensure that the issue is properly addressed and recalls that compulsory arbitration is only acceptable in relation to public servants engaged in the administration of the State (Article 6 of the Convention), in essential services in the strict sense of the term or in cases of acute national crisis.**

Articles 4 and 6. Collective bargaining in the public sector. The Committee requested the Government to indicate whether trade unions in the public sectors previously referred to by the Government (sector corporations, city corporations and municipalities, port authorities, secondary and higher secondary education boards, water development boards, energy sectors, banks and financial institutions, power sectors, jute mills and sugar mills) have the right to undertake collective bargaining and to provide examples of collective bargaining agreements. While noting the Government's indication that between January 2018 and May 2022 there were 32 collective bargaining agents formed in the public sector and the DOL settled 12 cases of charters of demands in 12 different public sectors, the Committee observes that the Government does not clarify whether organizations in all of the mentioned sectors can undertake collective bargaining and it does not provide examples of specific collective agreements.

The Committee further recalls from its previous comment the distinction made by the Government between public autonomous organizations, in which workers can form trade unions, and other public sector entities. The Government also indicated that only staff and not officers of public autonomous organizations can form trade unions. The Committee requested the Government to provide a list of public sector services or entities

where collective bargaining is not allowed and to indicate the criteria used to distinguish between staff and officers for the purposes of collective bargaining. The Committee notes the Government's indication that, in line with section 1(4) of the BLA, collective bargaining is not allowed for the Government or any office under the Government (except the railway department, posts, telegraph and telephone departments, roads and highways department, public works department, public health engineering department and Bangladesh Government press), security printing press and ordnance factories. In accordance with *Article 6* of the Convention, the Committee recalls that, only public servants engaged in the administration of the State may be excluded from the scope of the Convention while all other persons employed by the Government, by public enterprises or by autonomous public institutions, should benefit from the guarantees provided for in the Convention ([General Survey of 2012 on the fundamental Conventions](#), paragraph 172). ***The Committee therefore requests the Government to ensure that collective bargaining is granted to all workers covered by the Convention, including public sector workers and public servants not engaged in the administration of the State. It requests the Government to clarify whether trade unions in the sectors previously referred to by the Government have the right to undertake collective bargaining and to provide examples of collective bargaining agreements concluded in the public sector. The Committee also requests the Government to indicate the criteria used to distinguish between staff and officers for the purposes of collective bargaining.***

Collective bargaining in practice. The Committee, in its previous comment, expressed hope that significant progress would be made to bring both the legislation and the practice relating to collective bargaining into conformity with the Convention. In reply, the Government informs about progress made in the promotion of effective conciliation and arbitration as a means of alternative dispute resolution. The Committee further notes the measures mentioned above in relation to higher-level collective bargaining and observes from the Government's statement to the Governing Body during the article 26 proceedings that amendments were made to the BLA to provide for SOPs on expert support during collective bargaining. The Committee, however, notes in this regard that the ITUC alleges that trade unions face serious obstacles when carrying out their activities which is demonstrated by the low number of collective agreements signed, including in the garment sector where only four trade unions reached an agreement with their management through conciliation. The Committee further observes that, according to ILOSTAT, the coverage of collective bargaining in 2020 was only 1.6 per cent. ***In view of the above, the Committee requests the Government to step up its efforts in bringing both the legislation and practice in line with the Convention and to take active measures to promote collective bargaining as a means of achieving balanced and sustainable industrial relations.***

Finally, noting the Government's indication that all relevant ministries and departments have been engaged in the implementation of the road map established to address all outstanding matters contained in the article 26 complaint, and recalling the overlapping nature of these matters and those raised in the present comment, the Committee expects full and genuine engagement of the Government in addressing these issues. In particular, the Committee firmly expects any upcoming measures taken by the Government, including any legislative amendments, to duly take into account the Committee's present and previous comments to achieve a timely implementation of the road map and full compliance with the Convention.

3. Labour Inspection Convention, 1947 (No. 81) (Ratification: 1972)

Observation (CEACR) – adopted 2023

The Committee notes the observations of the Trade Union's International Labour Standards Committee (TU-ILS Committee), communicated with the Government's report. The Committee also notes the reply of the Government to the observations submitted by the TU-ILS Committee in 2022.

The Committee notes that the complaint submitted in 2019 under article 26 of the ILO Constitution, concerning non-observance by the Government of Bangladesh of the Convention as well as of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), is pending before the Governing Body. At its 349th Session (November 2023), taking note of the report submitted by the Government on 19 September 2023 on the progress made with the implementation of the road map of actions, the Governing Body, on the recommendation of its Officers, decided to: (i) request the Government of Bangladesh to report on further progress made in the implementation of the road map of actions to address all the outstanding issues mentioned in the article 26 complaint at its 350th Session (March 2024); and (ii) defer the decision on further action in respect of the complaint to that session or any subsequent session.

The Committee takes note of the additional information provided by the Government on 19 September 2023 on the progress made in the implementation of the road map to address all the outstanding issues mentioned in the article 26 complaint.

Legislative developments. Following its previous comments on the labour law reform, the Committee notes the Government's indication in its report that the tripartite working group, headed by the Joint Secretary of Labour, has finalized a draft amendment of the Bangladesh Labour Act, 2006 (BLA) and submitted its recommendations to the Tripartite Law Review Committee (TLRC). According to the Government, the amendment process is expected to be completed by December 2023, and it "will be more [in] compliance with ILO labour Standards." The Government further indicates that the Bangladesh Export Processing Zone Authority (BEPZA) has formed a 15-member tripartite committee, responsible for amending the Export Processing Zone (EPZ) Labour Act, 2019 and that technical notes were prepared on the EPZ laws with the technical support from the ILO, with discussions being held to hold consultative workshops on their content. The Committee nevertheless notes the observations of the TU-ILS Committee, that there has been no agreement reached on 51 issues discussed by the TLRC. The Committee notes that the forthcoming legislative amendments provide an opportunity to resolve once and for all the outstanding issues of compatibility with the Convention. **Noting also the trade union's observations, the Committee expects that the amendments to the BLA and the EPZ Labour Act will take into account all the outstanding issues concerning the application of the Convention raised by the Committee in these comments, and requests the Government to continue providing detailed information on the progress of its legislative reform.**

Articles 2, 4, 12 and 23 of the Convention. Labour inspection in EPZs and special economic zones (SEZs). Following its previous comments, the Committee notes the Government's indication that, pursuant to section 290 of the EPZ Labour Rules of 2022, labour inspectors of the Department of Inspection for Factories and Establishments (DIFE) are only required to give written or oral intimation to the Executive Chairman of the BEPZA to conduct inspections in the EPZs, and do not need prior approval. The Government indicates that the BEPZA is currently working on the revision process of the EPZ Labour Act, in consultation with social partners and stakeholders, and that the Act will be amended by 2025. The Committee also notes the EPZ inspection checklist communicated by the Government. The Committee further notes the indication by the Government that as of July 2023, the DIFE has inspected 52 factories within EPZs with the overall compliance of the factories concerned having been found to be satisfactory in general. **The Committee requests the Government to continue to take the necessary measures to ensure that labour inspectors are empowered to enter freely establishments in EPZs and SEZs without any restrictions, including by amending section 168 of the EPZ Labour Act which provides that DIFE inspectors are required to receive approval from the Executive Chairman of the BEPZA prior to the inspection of EPZs. In**

addition, the Committee requests the Government to indicate whether labour inspectors of the DIFE can carry out tests, examinations, and enquiries that are not covered by the EPZ inspection checklist but that they consider necessary to verify the strict observance of the relevant legal provisions. In the absence of information in this regard, the Committee once again requests the Government to provide detailed information on the number of inspections in the EPZs and SEZs undertaken by the DIFE that were announced, as compared with those that were unannounced, the number and nature of violations detected in each group, and the measures taken as a result of such violations. The Committee also requests the Government to indicate the number of workers employed in the EPZs and SEZs and those covered by the 52 inspection visits indicated by the Government.

Articles 5(b) and 15(a). Cooperation with employers and workers. Impartiality of labour inspectors. Following its previous comments, the Committee notes that the Government denies all previous allegations of the TU-ILS Committee regarding corruption and political or undue pressure on labour inspectors during inspections. The Government further states that there are institutional mechanisms in place to deal with malpractice, and that any written allegation of corruption or undue exercise of power would be investigated. Regarding the Hashem Food Factory incident in 2021, the Government indicates that the inspection occurred during the COVID-19 lockdown, and that the focus was on preventing the spread of COVID-19. The Committee also notes, however, that according to the TU-ILS Committee, factory operations at the Hashem Food Factory restarted soon after without the necessary changes, and that labour inspectors of the DIFE visit small establishments and shops instead of factories, because of the informal relationships between factories and labour inspectors. The TU-ILS Committee also alleges that labour inspectors do not sufficiently collaborate with the ready-made garment Sustainability Council (RSC) and that the National Industrial Health and Safety Council, which has identified 5,000 factories requiring safety changes, does not have workers' representation. **The Committee requests the Government to provide its comments in respect of each of these observations. In addition, the Committee requests information on any instance in which inspectors were investigated for charges of being corruptly or politically influenced in the performance of their duties, and the results of any such investigations. The Committee also requests the Government to take measures to further improve collaboration between officials of the labour inspectorate and employers and workers or their organizations.**

Articles 5, 7, 10, 11 and 16. Human and material resources of the labour inspectorate. Frequency and thoroughness of labour inspections. Cooperation with employers and workers organizations. Following its previous comments, the Committee notes that, according to the Government, as of 30 June 2023, there are 711 sanctioned posts compared to 575 sanctioned posts in 2022, of which 396 posts are filled (366 noted in 2022). The Government also indicates that there are 133 posts to be filled by promotion (2 for joint inspector-general and 131 for assistant inspector general). The Committee notes the statistics provided regarding the number of inspection visits conducted in the year 2022–23, with 47,826 inspection visits in total. Regarding material resources, the Committee notes that the statistics provided by the Government are similar to those of 2022, and that the labour inspectors have at their disposal two cars (previously five), three jeeps, 27 minibuses, 158 motorcycles, 40 scooters, 292 laptops and 339 desktop computers. The Government also indicates that the annual budget allocated for the DIFE has increased almost ten times since 2013 from 56.12 million Bangladeshi taka to 524.1 million taka in 2023. **Noting that a considerable number of labour inspectors' posts remain vacant, the Committee requests the Government to intensify its efforts to increase the number of labour inspectors through recruitment and promotion of inspectors. The Committee requests the Government to continue to provide statistics on the number of labour inspectors in the DIFE, including the number of posts filled by recruitment of new labour inspectors and those filled by promotion.**

Article 6. Status and conditions of service of labour inspectors. Following its previous comments, the Committee notes the information provided by the Government on the current workforce of the DIFE, including the number of approved and filled posts for inspectors, and the information comparing the remuneration and conditions of employment of labour inspectors with tax collectors and the police. The Committee takes note of this information, which addresses its previous request.

Articles 12(1) and 15(c). Inspections without previous notice. Duty of confidentiality in relation to complaints. Following its previous comments, the Committee notes the statistics provided by the Government concerning the number of inspection visits conducted by labour inspectors of the DIFE in the year 2022–23. In particular, the Government indicates that a total of 47,826 inspections were conducted in 2022–23, with 19,229 announced and 28,597 unannounced inspections, out of which 3,150 were conducted by the DIFE as a result of a complaint. Regarding the confidentiality of complaints, the Committee notes the Government's indication that complaint boxes are set up during inspections outside the range of camera surveillance, to allow workers to submit

complaints anonymously. In addition, the Government indicates that workers can submit grievances against DIFE officials in cases where union members or workers who submitted a complaint face negative consequences from labour inspectors disclosing information. The Committee also notes the observations of the TU-ILS Committee, that: (i) there should be more unannounced inspections; (ii) labour inspectors may not conduct inspection visits at night; and (iii) there are limitations to the scope of labour inspection, as labour inspectors may not inspect sectors falling outside the scope of BLA. **The Committee requests the Government to provide its comments in respect of these observations. The Committee further requests the Government to continue to provide information on the number of inspection visits disaggregated between announced and unannounced inspection visits, separately noting the number of inspections resulting from complaints, along with information on the number and nature of violations found in response to each category of inspection visit. The Committee requests the Government to continue providing statistics on the use of the helpline and other mechanisms to submit anonymous complaints, including the number of inspections conducted as a result of a complaint and the outcome of such inspections.**

Articles 17 and 18. Legal proceedings. Effectively enforced and sufficiently dissuasive penalties. Following its previous comments, the Committee notes that, according to the Government, the legal unit of the DIFE is fully functional and has one Legal Officer (with another who has yet to join), an inspector and other staff members. The Committee also notes the statistics provided by the Government indicating that in the year 2022–23, there were 495 cases solved in court with fines imposed in all of them, that the total amount of money collected from fines was 1,163,667 taka, equivalent to US\$10,559 or an average of US\$21.33 for each case where a fine was imposed, and that 653 cases are still pending. The Committee notes the Government's indication that increasing penalties for relevant violations is being considered in the labour law reform. The Committee notes that, according to the additional information provided by the Government concerning the implementation of the third priority area of the road map of actions, a proposal to set up a fully-fledged Labour Court in Faridpur is currently awaiting approval. **Noting that the Government had previously indicated that the legal unit would be expanded to nine officers, the Committee requests the Government to pursue its efforts to fill in the posts of the legal unit of the DIFE. The Committee urges the Government to take measures to ensure that penalties for labour law violations are sufficiently dissuasive and to clear the backlog of labour cases. The Committee further requests the Government to provide statistics on the number of violations detected by labour inspectors, and the provisions to which they relate. The Committee also requests the Government to provide information on any progress made in the establishment of a Labour Court in Faridpur.**

The Committee is raising other matters in a request addressed directly to the Government.

[The Government is asked to reply in full to the present comments in 2024.]

4. Worst Forms of Child Labour Convention, 1999 (No. 182) (Ratification: 2001)

Observation adopted 2021, published 110th ILC session (2022)¹

Articles 3(a), 5 and 7(1) of the Convention. Worst forms of child labour, monitoring mechanisms and penalties. Sale and trafficking of children. The Committee previously noted the establishment of an Anti-Human Trafficking Offence Tribunal at the district level wherein the offences under the Prevention and Suppression of Human Trafficking Act No. 3 of 2012 (Trafficking Act) shall be tried. While observing that the Government did not provide statistics related to the number of penalties imposed on persons found guilty of child trafficking specifically, the Committee noted from the 2016 UNODC Global Report on Trafficking in Persons, that 232 child victims of trafficking were identified by the police between May 2014 and April 2015. It also noted from the list of issues of 14 February 2017 under the International Covenant on Civil and Political Rights (ICCPR), that the Human Rights Committee pointed out that there seemed to be numerous acquittals in human trafficking cases for the number of prosecutions.

The Committee notes the Government's information in its report that the Police has set up two tiers of monitoring cells, namely the Human Trafficking Monitoring Cell at the Police Headquarters in each district and a Monitoring Cell headed by the Additional Superintendent of Police which has been monitoring, guiding and liaising with the district level monitoring cells. A Trafficking in Human Beings (THB) Cell has also been set up in the Criminal Investigation Department (CID) of the Bangladesh Police to monitor the investigation of human trafficking cases and to provide necessary instructions and guidance to the field level officers. Moreover, an 'Integrated Crime Data Management System' (CDMS) has been set up at the Monitoring Cell in Police Headquarters where relevant statistics on human trafficking cases are regularly preserved and analysed. According to the statistical information provided by the Government concerning cases of trafficking in persons, from 2018 to 2020, a total of 715 cases of trafficking were reported, which included cases involving the trafficking of 182 children. It further states that, as of June 2021, 554 cases are under investigation while 4,945 cases are pending trial before the tribunal. The Committee once again observes that the Government has not provided any specific information concerning the investigations, prosecutions and penalties applied for trafficking of children. ***The Committee therefore once again urges the Government to take the necessary measures to ensure that, in practice, thorough investigations and prosecutions are carried out for persons who engage in the trafficking of children, and that sufficiently effective and dissuasive sanctions are imposed. In this regard, the Committee once again requests the Government to provide information on the number of investigations, prosecutions, convictions and penal sanctions applied by the Anti-Human Trafficking Offence Tribunal for the offence of trafficking in persons under 18 years of age, in accordance with the provisions of the Trafficking Act.***

Articles 3(d) and 5. Hazardous work and labour inspection. In its previous comments, the Committee noted the information on the measures taken to strengthen the capacity of the labour inspectors of the Department of Inspection for Factories and Establishments (DIFE). It also noted that the DIFE regularly inspects the shrimp and dried fish industries, the construction sector, brick factories and tanneries and the ready-made garment sector and that as of 2016, a total of 95 cases were filed by the DIFE against employers for employing children below the minimum age. However, it noted from the National Child Labour Survey (NCLS) findings published in 2015, that 1.28 million children aged 5 to 17 were found to be engaged in hazardous work in manufacturing (39 per cent); agriculture, forestry and fishing (21.6 per cent); wholesale and retail (10.8 per cent); construction (9.1 per cent); and transportation and storage (6.5 per cent). The Committee requested the Government to continue taking measures to strengthen the capacity and improve the ability of labour inspectors of the DIFE to detect all children under the age of 18 engaged in hazardous work, and to provide information on the progress achieved in this regard.

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The Committee notes the Government's information that from 2020 to 2021, more than 47000 inspections were carried out and 98 cases were filed by the DIFE against employers for employing children in violation of the Bangladesh Labour Act 2006 (as amended up to 2018), of which 14 cases were settled. The Committee also notes the Government's indication that the DIFE withdrew 5,088 children from hazardous work during 2020–21. The Committee notes, however, the Government's statement in its report under the Minimum Age (Industry) Convention (Revised), 1937 (No. 59) that the inspectors are mandated for inspection of child labour in the formal sector. However, child labour is mostly concentrated in the informal sector where regular inspection is not possible.

In this regard, the Committee notes from the draft National Plan for the Elimination of Child Labour 2021–25 that according to the Multiple Indicator Cluster Survey of 2018, child labour continues to affect 6.8 per cent of children aged 5–17 years with a massive majority of 95 per cent working in the informal sector which includes: food shop and tea stalls, motor and steel workshops, grocery and furniture shops, clothing and tailoring and waste collection. The Committee further notes from the UNICEF research document of 2021 entitled *"Evidence on Educational Strategies to Address Child Labour in India and Bangladesh"* (UNICEF document 2021) that although the findings from the two NCLS of 2003 and 2015 indicates a significant drop in child labour levels in Bangladesh, the number of children engaged in hazardous work decreased by just 0.01 million, from 1.29 to 1.28 million. This report also points to the fact, based on the findings of the NCLS of 2015, that over 1 million children identified as hazardous child labourers are invisible to the formal authorities. In this regard, the Committee notes that the Committee on Economic, Social and Cultural Rights in its concluding observations of April 2018, expressed concern about the large number of children still engaged in child labour, their dire conditions of work, particularly in domestic settings, and the lack of sufficient labour inspections focusing on child labour (E/C.12/BGD/CO/1, paragraph 54). While noting the measures taken by the Government, the Committee must once again express its **concern** at the significant number of children who are engaged in hazardous work, particularly in the informal economy. ***The Committee strongly urges the Government to take the necessary measures, in law and practice, to strengthen and adapt the capacities and expand the reach of the labour inspectors to ensure that children under the age of 18 years are not engaged in hazardous work, particularly in the informal economy and that they benefit from the protection afforded by the Convention. In this regard, the Committee requests the Government to take the necessary measures to promote collaboration between the labour inspectorate and other relevant stakeholders and to provide adequate training to the labour inspectors to detect cases of children engaged in hazardous work and remove them from this worst form of child labour. It requests the Government to provide information on the measures taken in this regard and on the results achieved.***

Articles 3(d) and 7(2)(d). Hazardous work and effective and time-bound measures. Identifying and reaching out to children at special risk. Child domestic workers. The Committee previously noted that the Domestic Workers' Protection and Welfare Policy of 2015 (DWPWP) provides the legal framework for the protection of domestic workers, including child domestic workers. By virtue of this policy, any kind of indecent behaviour, physical or mental torture, towards domestic workers, is strictly prohibited and existing laws, including the Penal Code and the Women and Child Repression Prevention Act, are applicable. While this Policy sets the minimum age for light domestic work at 14 years, and hazardous domestic work at 18 years, the Committee observed that children of 12 years of age could possibly be employed with the consent of the legal guardian of the child. The Committee therefore requested the Government to provide information on the measures it envisages in the framework of this Policy, to ensure that all children under 18 years of age are protected from performing hazardous work in the domestic work sector.

The Committee notes the Government's information in its report that the DWPWP provides guidelines for the working conditions and safety of domestic workers, a decent working environment, decent wages and welfare enabling workers to live with dignity, good employer–employee relations, and redress of grievances. Appropriate actions in line with the existing laws will be taken in case of any physical or mental torture or engaging child domestic workers in hazardous work. The Government also indicates that a "Central Monitoring Cell on Domestic Workers" has been created to monitor implementation of this Policy and two divisional level workshops were organized in 2019 as part of the awareness raising campaign of this Policy. However, the Committee notes from the draft document on the National Action Plan for the Elimination of child labour 2020-25 (NPA document) that a study on the DWPWP revealed that only 7 per cent of the employers were aware of this policy and identified poor media coverage and illiteracy as the prime reasons behind poor policy awareness. The NPA document also states that the Policy establishes a very loose grievance settlement process in which a domestic worker has to report to the Central Monitoring Cell, human rights organisations or child help line for any support. This Policy, without any supportive legal instrument and mass awareness, is largely unimplemented. This document also refers to the

findings of the NCLS of 2015 which indicates that 115,658 children aged between 5 and 17 years are domestic workers in Bangladesh, of which 91 per cent are girls. The Committee once again recalls that child domestic workers constitute a high-risk group who are outside the normal reach of labour controls and are scattered and isolated in the households in which they work. This isolation, together with the children's dependency on their employers, lays the ground for potential abuse and exploitation. In many cases, the long hours, low or no wages, poor food, overwork and hazards implicit in the working conditions, affect the children's physical health (General Survey on the fundamental Conventions, 2012, paragraph 553). ***The Committee therefore urges the Government to take effective and time-bound measures to provide the necessary and appropriate direct assistance to remove children engaged in domestic work from hazardous working conditions and ensure their rehabilitation and social integration. It requests the Government to indicate the measures taken or envisaged by the Central Monitoring Cell on Domestic Workers in ensuring that children under 18 years of age are not engaged in hazardous domestic work. In addition, the Committee requests the Government to provide information on the imposition, in practice, of sufficiently effective and dissuasive penalties on persons who subject children under 18 years of age to hazardous work.***

The Committee is raising other matters in a request addressed directly to the Government.

Direct Request (CEACR) - adopted 2021, published 110th ILC session (2022)

Article 6 of the Convention. Programmes of action to eliminate the worst forms of child labour. 1. *National Plan of Action (NPA) for Suppression and Prevention of Human Trafficking 2018–2022.* The Committee notes the Government's information that it has implemented two National Plan of Actions for Combating Human Trafficking during 2012 to 2014 and 2015 to 2017 and has adopted a new NPA for 2018 to 2022. This NPA focuses on five areas of action, namely (1) prevention of human trafficking; (2) holistic protection of trafficking victims; (3) prosecution of traffickers; (4) partnership and cross-country legal assistance; and (5) monitoring and evaluation. The Committee also notes from the document on the new NPA to Eliminate Child Labour 2020–2025 that the NPA on Prevention and Suppression of Human Trafficking 2018–2022 addresses the issue of child trafficking. It recognizes the special protections needed for children both vulnerable to and victims of trafficking. It has also promoted child participation in the partnership cluster by including child representatives in the Counter-Trafficking Committees (CTCs). ***The Committee requests the Government to provide information on the specific measures taken within the framework of the NPA on Prevention and Suppression of Human Trafficking 2018–2022 to eliminate trafficking of children and the results achieved.***

2. *Projects on elimination of hazardous child labour.* In its previous comments, the Committee noted the various measures undertaken within the framework of the National Plan of Action on Child Labour (NPA) 2012–16, including the adoption of policies on occupational safety and health and on the protection of domestic workers; the adoption of the list of hazardous types of work; and the organization of workshops and seminars on different aspects of the elimination of child labour. The Committee, however, noted that according to the National Child Labour Survey (NCLS) of 2015, out of 3.45 million child labourers aged 5 to 17 years, 1.7 million are considered engaged in child labour, among which 1.28 million children are engaged in hazardous work, in sectors such as manufacturing, agriculture, forestry and fishing, construction, and more. Among the 1.28 million children engaged in hazardous work, 32,808 are in the 6–11 age group, 38,766 in the 12–13 age group, and 1,208,620 in the 14–17 age group. The Committee therefore urged the Government to continue its efforts to combat hazardous child labour in the country.

The Committee notes the Government's information that the Eradication of Hazardous Child Labour Project in Bangladesh has completed its three phases and the fourth phase is in progress. Within this project, 90 thousand children have been withdrawn from child labour through non-formal education, skills development training and the socio-economic empowerment of their parents. The fourth phase has a target to remove 100,000 children from hazardous work. The Committee also notes the Government's information that a new NPA to Eliminate Child Labour 2020–2025 has been drafted drawing up actions relevant to address child labour from the Sustainable Development Goal (SDG) implementation plan of the Government.

According to the NPA document (2020–2025), this National Plan of Action aims to eliminate the worst forms of child labour by 2021 and all forms of child labour by 2025, through focussing on five objectives, namely:

(i) reducing vulnerability to child labour; (ii) withdrawing children from hazardous work and the worst forms of child labour; (iii) increased capacity to protect children at the workplace; (iv) partnership and multi-sectoral engagement; and (v) monitoring and evaluation of NPA implementation. The Committee also notes from this document that in addition to the currently listed hazardous child labour, this NPA shall set priority on six additional manifestations of child labour, namely; child domestic worker; child labour in the dry fish sector; children working on the street; stone collection, carrying and crushing (brick production, stone collection, brick and stone carrying and breaking); child labour in informal/local tailoring and clothing sectors; and children working in garbage picking and waste disposal (collection, carrying, sorting and waste disposal/management). **The Committee requests the Government to provide information on the adoption and implementation of the NPA to Eliminate Child Labour 2020-2025, including the concrete measures taken to eliminate the worst forms of child labour and the results achieved. It also requests the Government to continue to provide information on the specific measures adopted and the results achieved through the implementation of other projects, such as the Eradication of Hazardous Child Labour project.**

Article 7(2). Effective and time-bound measures. Clause (a). Preventing the engagement of children in the worst forms of child labour. Access to free basic education. In its previous comments, while noting that there was an increase in the net enrolment rate at the primary level and a decrease in the drop-out rate at the secondary level, the Committee noted with concern that the enrolment at the secondary level had significantly decreased, going down from 72.95 per cent in 2010 to 54.50 per cent in 2016. The Committee also observed that the Committee on the Rights of the Child, expressed concern about the limited implementation of the National Education Policy due to the lack of adequate resources (CRC/C/BDG/CO/5, para. 66); and the Committee on the Elimination of Discrimination Against Women, expressed concern that the number of girls in school drops by half between the primary and secondary levels of education owing, among other things, to child marriage, sexual harassment, the low value placed on girls' education, poverty and the long distances to schools in rural and marginalized communities (CEDAW/C/BGD/CO/8, para. 28(a)).

The Committee notes the Government's information that the country has almost achieved universal primary education in terms of enrolment with the gross and net enrolment rates reaching 104.90 per cent and 97.81 per cent, respectively in 2020. The primary education completion rates also increased from 60.2 per cent in 2010 to 82.80 per cent in 2020, while the drop-out rates reduced from 39.8 per cent to 17.20 per cent. The Government states that it is continuing its efforts by undertaking different policies and measures in order to achieve the SDG 4 of ensuring inclusive and equitable quality education for all by 2030. These measures include: (i) the Reaching out of School Project, under which, 25,000 students received pre-vocational training and almost 720,000 children undertook basic education; (ii) a School feeding programme which is provided to 3 million children; and (iii) a Stipend and kits allowance which is made available to around 14 million children. In addition, 1,495 new schools were established in villages, and various infrastructure developments essential for education were constructed. The Government further states that through the Primary Education Development Programme under the Bureau of Non-Formal education, one million out of school children, both boys and girls, will benefit from non-formal primary education. Moreover, the Child Protection and Monitoring Project of 2017-2021, which has been extended up to December 2022, aims to create an enabling environment for boys and girls of primary school age, especially from hard to reach and vulnerable areas.

The Committee further notes from the UNICEF document of 2021 that the schooling rates for girls in Bangladesh have increased rapidly over the last two decades. Furthermore, according to the Education Sector Analysis for Bangladesh, 2020 by the Global Partnership for Education (GPE), there has been a substantial improvement in the enrolment of girls and boys in secondary education with girls surpassing boys. The transition of primary completers to secondary education is around 95 per cent. The net enrolment rate was about two-thirds of the designated secondary school age-group (11–15 years) and just over one-third of the higher secondary age group (16–17 years) in 2018. The rates of completion have lagged at just over one-third of the enrolled for secondary and one-fifth at the higher secondary stage. **Considering that education is key in preventing the engagement of children in the worst forms of child labour, the Committee strongly encourages the Government to continue its efforts to provide access to free basic education for all children, thereby ensuring enrolment and retention of students both in primary and secondary education. The Committee also requests the Government to continue providing updated statistical data on school enrolment and drop-out rates, disaggregated by age and gender.**

Clause (d). Children at special risk. 1. Street children. The Committee notes from the Government's report that the Ministry of Women and Children Affairs (MOWCA) operates two shelters and outreach schools for street

children through a program named “Street Children Rehabilitation Program”. This program has provided shelter to 4623 street children and non-formal education to 5157 street children through nine outreach schools. In the rehabilitation centre, street children are provided with shelter, food, clothing, non-formal education, psycho social counselling, and healthcare. The Committee, however, notes from a UNICEF report of 2020 entitled “*For many in Bangladesh, staying home isn’t an option*” that hundreds of thousands of children are living on the streets in Bangladesh. **Recalling that street children are at particular risk of becoming engaged in the worst forms of child labour, the Committee requests the Government to take effective and time-bound measures to protect street children from the worst forms of child labour and to ensure their rehabilitation and social integration. It requests the Government to provide information on the measures taken and the results achieved in this respect.**

2. *Refugee children.* The Committee notes from a report of the United Nations Office on Drugs and Crime of March 2020 that Cox’s Bazar (refugee camp) is considered as one of the hotspots for human trafficking in Bangladesh, and the Bay of Bengal is a major trafficking route by sea. This report also indicates that according to a report of the International Organization for Migration (IOM), human trafficking is on the rise in the sprawling 6,000-acre refugee camp with more than 350 cases identified in 2019, approximately 15 per cent of which involved children. **The Committee requests the Government to take effective and time-bound measures to protect refugee children from the worst forms of child labour. It also requests the Government to provide information on the concrete measures taken and the results achieved in this regard.**

Article 8. International cooperation and assistance. 1. *Trafficking.* In its previous comments, the Committee noted the Government’s information that it took initiatives to halt cross-border human trafficking through the coordination and cooperation of the Rescue, Recovery, Repatriation and Integration (RRRI) Task Forces in Bangladesh and India and that a Standard Operating Procedure (SOP) was developed in this regard. It also noted that considering the prevalence of trafficking in Bangladesh and India, a Memorandum of Understanding (MoU) was signed by the two countries.

The Committee notes the information provided by the Government in its report under the Forced Labour Convention (1939) (No. 29) that in 2020, the Border Guards rescued 191 children while being trafficked abroad through different bordering areas. This report also indicates that the RRRI Task Force has established a Child Affairs Desk and assigned Child Affairs Police Officers in every police station throughout the country. Training on Child Affairs Desk Skills were provided to 1,785 officials. The Committee also notes from a news release of 2019 of the IOM entitled “*Human Trafficking in the coastal belt*”, that human trafficking is a major challenge in Bangladesh, with the coastal belt and the borders along India being some of the most vulnerable locations. This news release also refers to a study by border security forces, 2018, which suggests that over 50,000 women and children are trafficked to India each year. The study says that there is a network of touts, agents, and sub-agents who lure people into danger by promising better lives abroad. **The Committee requests the Government to provide information on the measures taken or envisaged to combat the trans-border trafficking of children, including within the framework of the MoU as well as by the Border Guards and the RRRI Task Force and on the measures taken to ensure their rescue, repatriation and rehabilitation.**

2. *Elimination of poverty.* Following its previous comments, the Committee takes note of the Government’s detailed information regarding the proportion of the budget which was allocated to social protection and social empowerment programmes, as well as the plans and policies it has adopted to reduce poverty. According to the Government’s report, various programmes are being implemented as part of the National Social Security Strategy (NSSS), including *Ekti Bari Ekti Khamar* (one household one farm), *Ahsrayan* (shelter) Project, and *Grehayan* (Housing) Project. Furthermore, specific measures for children have been included in the NSSS, such as the introduction of allowances for abandoned children, orphans and for children below 4 years from poor families; the school tiffin system; and the establishment of child centres. The Social Safety Net Program of the MOWCA has introduced the Vulnerable Group Development programme, through which about 1,040,000 ultra-poor households receive monthly food rations and development support services, including life skills and income generating skills training for a cycle of two years. **Noting that poverty reduction programmes contribute towards breaking the cycle of poverty, which is essential for eliminating the worst forms of child labour, the Committee strongly encourages the Government to continue taking the necessary measures to ensure that the NSSS, the Social Safety Net Program, and all other such initiatives, are implemented in such a way as to step up the process of elimination of the worst forms of child labour in Bangladesh. The Committee requests the Government to continue providing information on the progress made in this respect and the results achieved.**

5. **Forced Labour Convention, 1930 (No. 29) - (Ratification: 1972)**

Observation (CEACR) - adopted 2021, published 110th ILC session (2022)²

Articles 1(1), 2(1) and 25 of the Convention. 1. *Trafficking in persons.* (i) *Legal framework and law enforcement.* The Committee previously noted the adoption of the three implementing rules to the Prevention and Suppression of Human Trafficking Act, 2012, as well as the adoption and implementation of the National Plan of Action for Combating Human Trafficking (NPA). The Committee, however, referring to the statistical information contained in the Government's replies to the UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), observed that while there was an increase in the number of trafficking investigations and prosecutions and the measures undertaken for the protection of victims, the number of convictions were low.

The Committee notes the Government's information in its report that from January to December 2020, 7,248 cases of trafficking in persons were filed. Out of the cases filed, 527 cases are under investigation with 411 persons being charged for the offences of trafficking and a conviction with a sanction of life imprisonment was secured in one case. In this regard, the Committee notes that according to the information from a news release of 2019 by the International Organization for Migration (IOM) entitled "*Human trafficking in the coastal belt*", human trafficking is a major challenge in Bangladesh, with the coastal belt and the borders along India being some of the most vulnerable locations. Furthermore, the same report indicates that 50,000 women and children are trafficked to India each year. The Committee also notes from a report of March 2020 from the United Nations Office on Drugs and Crime that Cox's Bazar (refugee settlement) is considered as one of the hotspots for human trafficking in Bangladesh, and the Bay of Bengal is a major trafficking route by sea. The Committee notes that, in its concluding observation of August 2019, the UN Committee against Torture (CAT), expressed concern that a vast majority of trafficking victims choose not to pursue cases against their traffickers, often because of fear of retaliation and intimidation, as many do not believe that they will receive effective protection from the police. The CAT also expressed concern at the reported cases in which Bangladeshi border guards and military and police officials have been involved in facilitating the trafficking of Rohingya women and children. Moreover, to date the Bangladesh High Court has refused to entertain anti-trafficking cases filed by Rohingya and the authorities have failed to open investigations (CAT/C/BGD/CO/1, paragraph 40). ***Noting with concern the low number of investigations and convictions for cases of trafficking in persons, the Committee urges the Government to take the necessary measures to ensure that all persons who engage in trafficking and related offences, including complicit officials, are subject to thorough investigations and prosecutions, and that sufficiently effective and dissuasive penalties are imposed in practice. In this regard, it requests the Government to take the necessary measures to strengthen the capacities of the law enforcement officials, including labour inspectors, prosecutors and judges, particularly by providing appropriate training. The Committee also requests the Government to continue to provide information on the application in practice of the Prevention and Suppression of Human Trafficking Act, supplying information on the number of investigations carried out, and convictions and penalties imposed.***

(ii) *National plan of action and awareness-raising measures.* The Committee notes the Government's information that two National Plan of Actions for Combating Human Trafficking from 2012 to 2014 and 2015 to 2017 have been successfully implemented and a new National Plan of Action (NPA) for Suppression and Prevention of Human Trafficking 2018-2022 has been adopted. According to the Government's report, the NPA 2018-22, has integrated the strategies and actions provided for in the 7th Five-Year Plan, which is aligned with the implementation of the sustainable development goals. This NPA focuses on five areas of action, namely (1) prevention of human trafficking; (2) holistic protection of trafficking victims; (3) prosecution of traffickers; (4) partnership and cross-country legal assistance and (5) monitoring and evaluation. The National Committee against Human Trafficking under the Ministry of Home Affairs is the authority responsible for coordinating, monitoring and evaluating the implementation of the NPA, and several Counter Trafficking Committees are established at the district and subdistricts for its implementation.

² https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4116528,103500

The Committee also notes the Government's indication that in 2020, the Bangladesh Police conducted 235 training programmes on trafficking in persons which were attended by a total of 38,793 officials and conducted awareness-raising programmes for 892,051 persons. Moreover, the Border Guards of Bangladesh (BGB) conducted 46,872 awareness-raising programmes in the border areas in 2020. **The Committee requests the Government to continue providing information on the activities undertaken by the Police and the Border Guards in combating trafficking in persons, including the training and awareness-raising activities relating to trafficking. It further requests the Government to provide information on the concrete measures taken within the framework of the NPA 2018–22 to prevent trafficking in persons and the results achieved.**

(iii) *Identification and protection of victims.* The Committee notes the Government's information that the Bangladesh Police has set up a two-tier monitoring cell, one at the Police headquarters in each district which closely monitors all cases related to trafficking in persons; and one headed by the Additional Superintendent of Police which oversees the functions of the 64 district monitoring cells. It also notes the Government's information that the Rescue, Recovery, Repatriation and Integration (RRRI) Task Force coordinates the initiatives to stop the cross-border trafficking of persons and a Standard Operating Procedure (SOP) was developed in this regard. The Committee further notes that in 2020, the Border Guards rescued 452 women, 191 children and 1045 men who were being trafficked abroad through different borders and the Coast Guard Force rescued 10 women, 10 men and 9 children from traffickers who were illegally travelling to Malaysia by sea route on 8 December 2020. The Government further indicates that victims rescued from trafficking are taken to shelter homes and are provided with medical assistance and psychosocial counselling. **The Committee requests the Government to continue providing information on the measures taken by the RRRI, the Bangladesh Police, the Border and the Coast Guards of Bangladesh for the identification and protection of victims of trafficking, as well as the number of victims identified and rehabilitated.**

2. *Forced labour practices.* The Committee previously noted that pursuant to section 9 of the Prevention and Suppression of Human Trafficking Act, 2012, the act of unlawfully forcing an individual to work against their will, or compelling them to provide labour or services, or holding a person in debt bondage by threat or use of force in order to perform any work or service is punishable with five to 12 years' imprisonment. It noted that the CMW, in its concluding observations of 2017, expressed concern at undocumented nationals of Myanmar working in Bangladesh, including children, who are frequently subject to sexual and labour exploitation, including forced labour, and Indian migrant workers who are subject to debt bondage in the brick kiln sector (CMW/C/BGD/CO/1, paragraph 31). In this regard, noting the Government's information that no cases of forced or compulsory labour had been detected, the Committee requested the Government to take the necessary measures to strengthen the capacity of law enforcement agencies to detect and investigate forced labour cases, and to provide information on any results achieved or progress made in this regard.

The Committee notes with **regret** that the Government has not provided any relevant information in this regard. It notes, however, that the CAT, in its concluding observations of 2019, expressed concern at the reports of more than 100 cases in which the Rohingya have been subjected to forced labour within Bangladesh (CAT/C/BGD/CO/1, paragraph 40). Moreover, the UN Committee on Economic, Social and Cultural Rights, in its concluding observations of 2018, expressed concern at the repeated reports of continuing abuse and exploitation, and poor conditions, in workplaces, particularly in the garment industry (E/C.12/BGD/CO/1, paragraph 33(c)). **The Committee urges the Government to take the necessary measures to ensure that all workers, including refugees, are fully protected from abusive practices and working conditions that amount to forced labour. It requests the Government to strengthen the capacity of law enforcement agencies to detect and investigate forced labour cases, and to provide information on any results achieved or progress made in this regard. The Committee also requests the Government to provide information on the application in practice of section 9 of the Prevention and Suppression of Human Trafficking Act, 2012, including the number of investigations and prosecutions carried out, convictions handed down and the specific penalties applied for the offences related to forced labour and debt bondage.**

The Committee is raising other matters in a request addressed directly to the Government.

Direct Request (CEACR) – adopted 2021, published 110th ILC session (2022)³

Articles 1(1) and 2(1) of the Convention. Restrictions on freedom of workers to terminate employment. For many years, the Committee has been referring to certain provisions of the Essential Services (Maintenance) Act No. LIII, 1952, and the Essential Services (Second) Ordinance No. XLI, 1958, which impose restrictions on termination of employment by any person employed by the central Government and in essential services, punishable with sanctions of imprisonment. It noted the Government's information that the above Acts entitle the Government to restrict the *sudden* termination of the labour relation with an employee only if he/she is engaged in such employment or class of employment which is deemed as essential to the Government, aimed at ensuring the delivery of certain services, which if obstructed would affect the normal life of the people. However, the Committee observed that section 5 of the Essential Services (Maintenance) Act, 1952, and section 4 of the Essential Services (Second) Ordinance No. XLI, 1958, prohibit the termination of employment by workers in essential services without the previous consent of the employer, even if a notice has been given. The Committee therefore requested the Government to repeal the abovementioned provisions so as to bring national legislation into conformity with the Convention.

The Committee notes the Government's information in its report that the provisions of the Essential Services (Maintenance) Act No. LIII, 1952, and the Essential Services (Second) Ordinance No. XLI, 1958 have never been used in practice. Moreover, section 27 of the Labour Act, 2006 ensures the freedom for all workers to terminate their employment with notice. Referring to paragraph 290 of the 2012 General Survey on the fundamental Conventions, the Committee once again recalls, that without being limited to cases of emergency within the meaning of *Article 2(2)(d)* of the Convention, statutory provisions depriving workers of the right to terminate their employment by *giving notice of reasonable length* are incompatible with the Convention. ***While having noted that section 5 of the Essential Services (Maintenance) Act, 1952, and section 4 of the Essential Services (Second) Ordinance No. XLI, 1958, are not being applied in practice, the Committee expects that the appropriate measures will be taken in the near future in order to formally repeal these provisions, so as to bring the national legislation into conformity with the Convention and indicated practice.***

³ https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4116530,103500

6. Abolition of Forced Labour Convention, 1957 (No. 105) (Ratification: 1972)

Observation (CEACR) - adopted 2021, published 110th ILC session (2022)

Article 1(a) of the Convention. Sanctions involving an obligation to work as a punishment for the expression of political views or views ideologically opposed to the established political, social or economic system. Penal Code. The Committee previously noted section 124A of the Penal Code, which provides that whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law shall be punished with imprisonment for life or any shorter term, to which a fine may be added, or with imprisonment which may extend to three years, to which a fine may be added, or with a fine. The Committee observed that according to section 53 of the Penal Code, rigorous imprisonment and imprisonment for life involve compulsory hard labour, while simple imprisonment does not involve an obligation to work. Observing that section 124A provides for sanctions involving compulsory labour, the Committee requested the Government to take the necessary measures to ensure that no penalties involving compulsory labour may be imposed for the peaceful expression of political views, or views opposed to the established system.

The Committee notes that the Government, in its report, reiterates its statement that the Penal Code does not interfere in the employer-worker relations and is applied to impose penalties on acts of violence or incitement to violence or engagement in acts aimed at violence which goes beyond the scope of application of the Convention. It also states that there are no cases where penalties involving compulsory labour are imposed for the peaceful expression of political views, or views opposed to the established political system.

The Committee recalls that the Convention protects persons who hold or express political views or views ideologically opposed to the established political, social or economic system by prohibiting the imposition of penalties which may involve compulsory labour. The Committee stresses that the purpose of the Convention is to ensure that no form of compulsory labour, including compulsory prison labour exacted from convicted persons, is imposed in the circumstances specified in the Convention, which are closely interlinked with civil liberties, and not limited to employer-worker relations. The range of activities which must be protected from punishment involving compulsory labour thus comprises the freedom to express political or ideological views (which may be exercised orally or through the press and other communications media), as well as various other generally recognized rights, such as the right of association and of assembly, through which citizens seek to secure the dissemination and acceptance of their views. However, the protection provided for by the Convention does not extend to persons who use violence, incite to violence or engage in preparatory acts aimed at violence (paragraphs 302 and 303 of the 2012 General Survey on the fundamental Conventions). In this connection, the Committee observes that, by referring to “incitement to contempt or disaffection towards the Government”, section 124A of the Penal Code is worded in terms broad enough to lend itself to application as a means of punishment for the expression of views, and in so far as it is enforceable with sanctions involving compulsory labour, it falls within the scope of the Convention. ***The Committee therefore once again requests the Government to take the necessary measures to ensure that no penalties involving compulsory labour may be imposed for the peaceful expression of political views, or views opposed to the established system, by clearly restricting the scope of section 124A of the Penal Code to situations connected with the use of violence or incitement to violence, or by repealing sanctions involving compulsory labour. The Committee requests the Government to provide information on the application of this section in practice, including on prosecutions conducted, court decisions handed down, penalties imposed and the facts that led to convictions.***

The Committee is raising other matters in a request addressed directly to the Government.

Direct Request (CEACR) - adopted 2021, published 110th ILC session (2022)

Article 1(a) of the Convention. Sanctions involving the obligation to work as a punishment for the expression of political views or views ideologically opposed to the established political, social or economic system. The Committee previously noted that section 57 of the Information and Communication Technology Act of 2006 (ICT Act) criminalizes several forms of online expression, including defamation, expressions tarnishing the image of the State or an individual and statements hurting religious sentiments with sanctions of imprisonment.

The Committee notes that section 57 of the ICT Act has been repealed by the Digital Security Act of 2018 which replicates the above provisions under sections 25, 28 and 29. While noting that the violation of these provisions continues to be punishable with sanctions of imprisonment, the Committee observes that the Act refers to simple imprisonment which, pursuant to section 53 of the Penal Code, does not involve an obligation to work, contrary to rigorous imprisonment and imprisonment for life, which involve compulsory hard labour.

Article 1(c). Disciplinary measures applicable to seafarers. The Committee previously referred to sections 198 and 199 of the Merchant Shipping Ordinance (No. XXVI of 1983), which provide for the forcible conveyance of seafarers on board ship to perform their duties. It noted the Government's information that it has initiated a project to review the Merchant Shipping Ordinance in order to bring it into line with the Maritime Labour Convention, 2006, also ratified by Bangladesh.

The Committee notes the Government's information in its report that the revision of the Merchant Shipping Ordinance is in its final stage. ***The Committee urges the Government to take the necessary measures, in the context of the review of the merchant shipping legislation, to amend or repeal sections 198 and 199 so as to ensure that seafarers will not be forcibly conveyed on board ship to perform their duties, except in situations of danger for the ship or the life or health of persons. It also requests the Government to provide information on any progress made in this regard, and a copy of the Merchant Shipping Ordinance, once revised.***

Article 1(d). Penalties involving compulsory labour as a punishment for participation in strikes. The Committee previously referred to sections 2 and 3 of the Services (Temporary Powers) Ordinance (No. II of 1963), under which the Government may prohibit strikes by employees of the Government or of a local authority in the interest of public order. The Committee observed that violations of such provisions are punishable with rigorous imprisonment, which involves compulsory hard labour.

The Committee notes the Government's reiterated indication that the 1963 Ordinance was adopted with a view to improving the administrative system and does not interfere in the employer-worker relations. The Government also states that the implementation of this Convention is in no way hampered by the Services (Temporary Powers) Ordinance (No. II of 1963). The Committee once again recalls that *Article 1(d)* of the Convention prohibits the use of any form of compulsory labour, including compulsory prison labour, as a punishment for having participated in a strike. Referring to paragraph 314 of its 2012 General Survey on the fundamental Conventions, the Committee emphasizes that a suspension of the right to strike enforced by sanctions involving compulsory labour can only be compatible with the Convention in so far as it is necessary to cope with cases of force majeure in the strict sense of the term – namely, when the existence or well-being of the whole or part of the population is endangered – provided that the duration of the prohibition is limited to the period of immediate necessity. ***The Committee therefore urges the Government to take the necessary measures in order to bring sections 2 and 3 of the Services (Temporary Powers) Ordinance (No. II of 1963) into conformity with the Convention. Pending the adoption of such measures, the Committee once again requests the Government to provide information on the application of the above provisions in practice, including any prosecutions carried out or court decisions handed down, indicating the penalties imposed and the facts that led to convictions.***

7. Equal Remuneration Convention, 1951 (No. 100) (Ratification: 1998)

Observation (CEACR) - adopted 2022, published 111st ILC session (2023)⁴

Articles 1–4 of the Convention. Assessing and addressing the gender wage gap and its underlying causes. The Committee observes: (1) the wide gender pay gap that persists in both the public and private sectors and the formal and informal economy; and (2) the occupational segregation of women in elementary occupations and the increasing number of women who are working in the informal economy. The Committee notes the Government's indication that: (1) disaggregated statistical data on the earnings of men and women in the informal economy is not recorded by the Department of Inspection for Factories and Establishments (DIFE); and (2) according to the 2017 Labour Force Survey, 85 per cent of employed persons are in informal employment. The Committee further notes that 59.7 per cent of women and 32.2 per cent of men work in agriculture, forestry and fishing, and that the wage gap in agriculture was 31.51 per cent in 2018–19 (40.52 in 2010–11) (see Policy Brief of the Bangladesh Bureau of Statistics of 2 May 2021). The Committee also notes the Government's continued repetition that: (1) there is no gender pay gap in the formal sector both in public and private industrial and commercial enterprises; and (2) section 345 of the Labour Act, 2006, provides for equal wages for work of equal value. The Government adds that it is concerned about promoting women's access to the labour market and that several ministries are providing training for women on different skills. ***In this context, the Committee reiterates its request to the Government to adopt specific measures to assess and reduce the existing gender wage gap in both the formal and informal economy. The Committee also asks the Government to provide information on: (i) the steps taken to address occupational segregation, including by promoting women's access to the labour market and to jobs with career prospects and higher pay, and their results; and (ii) the earnings of men and women, disaggregated by economic activity and occupation, in both the public and private sectors, as well as in the informal economy.***

Article 1(a). Definition of remuneration. Legislation. The Committee notes that the Government has formed a Tripartite Labour Law Review Committee, which has started its work. It notes however with **concern** the Government's repeated statement that it considers that the definition of "wages" in section 2(45) of the Labour Act to be in line with the Convention. The Committee recalls that this definition excludes particular aspects of remuneration such as "the value of any house accommodation, light, water" or "any travelling allowance". In this regard, the Committee again draws the Government's attention to *Article 1(a)* of the Convention which sets out a broad definition of remuneration, including not only "the ordinary, basic or minimum wage or salary" but also "any additional emoluments whatsoever ... whether in cash or in kind". The use of "any additional emoluments whatsoever" requires that all elements that a worker may receive for his or her work, including accommodation and travel allowances, are taken into account in the comparison of remuneration. Such additional components are often of considerable value and need to be included in the calculation, otherwise much of what can be given a monetary value arising out of the job would not be captured (see the 2012 General Survey on the fundamental Conventions, paragraphs 686–687 and 690–691). ***Noting the Government's indication that a Tripartite Labour Law Review Committee was formed and started its work, the Committee reiterates its request to the Government to take appropriate steps so that the definition of "wages" provided under section 2(45) of the Labour Act is modified to encompass all the elements of remuneration, as defined in Article 1(a) of the Convention so as to ensure that the principle of equal remuneration for men and women for work of equal value can be fully applied.***

The Committee is raising other matters in a request addressed directly to the Government.

Direct Request (CEACR) - adopted 2022, published 111st ILC session (2023)⁵

⁴ https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4313115,103500

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https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4313112,103500,Bangladesh,2022

Articles 1 and 2 of the Convention. Application of the principle of equal remuneration for men and women for work of equal value. In response to its request for information regarding the application of section 345 of the Labour Act, 2006, the Committee notes the Government's repeated general indication that: (1) the Department of Inspection for Factories and Establishments (DIFE) is responsible for enforcing the provisions of the Labour Act; and (2) it regularly provides training, awareness-raising seminars and workshops. The Government adds that the DIFE has started a project on Gender Equality and Women's Empowerment at the Workplace, which includes training, advocacy programmes, and policy, however it does not provide specific information on their content, nor on their impact on the implementation of the principle of the Convention in practice. The Committee notes that the Decent Work Country Programme (DCWP) for 2017–20, which was extended to 2021, set as specific outcome 2.1, the promotion of the ILO fundamental Conventions, among which are the Convention, and the enhancement of constituents' capacity for their better implementation. **Noting the lack of specific information in the Government's report, the Committee again asks the Government to provide information on the application of section 345 of the Labour Act, indicating how the terms "work of equal nature or standard or value" have been applied or interpreted in practice, including information on any cases of pay inequality dealt with by the labour inspectors, the courts or any other competent authority, the sanctions imposed and remedies granted. It also asks the Government to continue to provide information on the proactive measures taken to raise awareness of the principle of equal remuneration for work of equal value among workers, employers and their organizations, as well as among law enforcement officials, in particular in the framework of the DWCP 2017–21 and the DIFE Project on "Gender Equality and Women's Empowerment at the Workplace".**

Article 2(2)(b). Minimum wages. The Committee notes the Government's indication that the Minimum Wages Board has fixed minimum wages in 42 economic sectors, in line with the principle laid down in section 345 of the Labour Act. The Committee notes the Government's repeated general statement that the Minimum Wages Board takes into consideration male and female dominated work when determining wages, and notes its statement that the question of discrimination does not arise. In that regard, the Committee wishes to stress once again that a uniform national minimum wage system can help to raise the earnings of the lowest paid, most of whom are women, and thus has an influence on the relationship between men's and women's wages and on reducing the gender pay gap (see 2012 General Survey on the fundamental Conventions, paragraph 683). **The Committee asks the Government to provide specific information on:**

- **(i) the method and criteria used, when determining minimum wages in accordance with section 345 of the Labour Act, to ensure that the remuneration rates are fixed free from gender bias, and in particular that the work in sectors with a high proportion of women is not being undervalued;**
- **(ii) any developments with respect to the coverage and rates of minimum wages; and**
- **(iii) any measures envisaged, including in cooperation with employers' and workers' organizations to set a national minimum wage rate that would apply equally to all sectors and all categories of workers.**

Articles 2(2)(c). Collective agreements. **Noting that the Government did not provide any information in this regard, the Committee asks once again the Government to provide information on any measures taken or envisaged, in cooperation with employers' and workers' organizations, to promote the principle of equal remuneration between men and women for work of equal value through collective agreements, and to provide examples of any clauses of collective agreements reflecting the principle of equal remuneration for men and women for work of equal value.**

Article 3. Objective job evaluation. The Committee notes that no information was provided in the Government's report regarding approaches and methods for objective job evaluation. It notes the Government's request for ILO training on objective job evaluation. The Committee again recalls that the effective implementation of the principle of the Convention requires some method of measuring and comparing the relative value of different jobs held by men and women, through an examination of the respective tasks involved, undertaken on the basis of entirely objective and non-discriminatory criteria, such as skills, effort, responsibilities and working conditions, in order to avoid the assessment being tainted by gender bias. It further recalls that measures for the objective evaluation of jobs can be taken at the enterprise, sectoral or national level, in the context of collective bargaining, as well as through wage-fixing mechanisms (see 2012 General Survey on the fundamental Conventions, paragraph 695). **The Committee asks the Government to provide information on :**

- *(i) any measures taken to promote, develop and implement practical approaches and methods for objective job evaluation, both in the public and private sectors, based on criteria that are free from gender bias, such as qualifications and skills, effort, responsibilities and conditions of work; and*
- *(ii) any job evaluation exercise undertaken in the public sector, indicating the method and criteria used and the measures adopted to ensure that men and women receive equal remuneration not only for the same work but also for work of equal value.*

The Committee encourages the Government to avail itself of the technical assistance of the Office in this regard.

Article 4. Cooperation with employers' and workers' organizations. The Committee notes the Governments repeated indication that representatives of employers' and workers' organizations are part of the wage-setting process in the Minimum Wages Board for the private sector, in the Wage Commission for the officers and workers employed by the Government, and in the Wage and Productivity Commission for public sector enterprises. ***Noting that once again no information was provided by the Government in this regard, the Committee again asks the Government to provide specific information regarding the methods and criteria used during wage-setting process in the above entities. It further asks the Government to provide information on any specific actions undertaken to promote the principle of the Convention by and among the social partners.***

8. Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (Ratification: 1972)

Observation (CEACR) - adopted 2022, published 111st ILC session (2023)

The Committee notes the observations of the Trade Union Committee of International Labour Standards (TU-ILS Committee) of Bangladesh, received on 1 September 2022.

Article 1 of the Convention. Protection against discrimination. Definition and prohibition of discrimination in employment and occupation. Legislation. While noting the current humanitarian situation in the country, the Committee is bound to note that for a number of years, it has been drawing the Government's attention to the absence of legislative provisions providing protection against discrimination based on all of the grounds listed in *Article 1(1)(a)* of the Convention, with respect to all aspects of employment and occupation as defined in *Article 1(3)* of the Convention and covering all workers. The Committee notes the TU-ILS Committee's statement that there is discrimination in employment both in the private and public sectors. While noting the Government's repeated statement that the Constitution provides protection against discrimination in employment and occupation, the Committee recalls that the main non-discrimination provision of the Constitution (article 28) provides for non-discrimination by the State but does not address the situation of the private sector and does not prohibit all of the grounds of discrimination enumerated in *Article 1(1)(a)*. The Committee has repeatedly drawn the Government's attention to the fact that: (1) the constitutional provisions providing for equality of opportunity and treatment, although important, are generally not sufficient to address specific cases of discrimination in employment and occupation; and (2) a more detailed legislative framework addressing specifically discrimination in employment and occupation is required. Such a framework could include the following elements: coverage of all workers; provision of a clear definition of direct and indirect discrimination, as well as sexual harassment; the prohibition of discrimination at all stages of the employment process; the explicit assignment of supervisory responsibilities to competent national authorities; the establishment of accessible dispute resolution procedures; the establishment of dissuasive sanctions and appropriate remedies; the shifting or reversing of the burden of proof; the provision of protection from retaliation; affirmative action measures; and provision for the adoption and implementation of equality policies or plans at the workplace, as well as the collection of relevant data at different levels (see 2012 General Survey on the fundamental Conventions, paragraphs 850–855). In this regard, the Committee notes that an Anti-Discrimination Bill, 2022, was submitted to Parliament in April 2022. ***Taking into account the difficult situation in the country and recalling that the absence of a clear and comprehensive legislative framework may prevent workers from availing themselves of their right to equal opportunity and treatment and non-discrimination, the Committee asks the Government to take steps to ensure that, in the framework of the current labour law reform, the Labour Act of 2006 is amended or the Anti-Discrimination Bill, 2022, is adopted with a view to: (i) prohibiting direct and indirect discrimination based on at least all of the grounds enumerated in Article 1(1)(a) of the Convention, with respect to all stages of employment and occupation, including recruitment; and (ii) covering all categories of workers, in both the formal and informal economy, including domestic workers. The Committee asks the Government to provide information on any progress made in this regard, as well as a copy of any new legislation, including the 2022 Amendment to the Labour Rules 2015. It further asks the Government to ensure the protection of men and women workers against discrimination in employment and occupation in practice, and particularly the categories of workers excluded from the scope of the Labour Act.***

Article 1(1)(a). Discrimination based on sex. Sexual harassment. The Committee notes the Government's statement that section 332 of the Labour Act prohibits any kind of behaviour that is "indecent" or "repugnant to the modesty or honour" towards a working woman irrespective of her rank or status. The Committee notes from the National Review Report for Beijing +25 (2019), that with the increased participation of women in economic activities, workplace harassment has also become evident in many places and needs urgent prevention. In this regard, it notes with *interest* that the National Action Plan to Prevent Violence Against Women and Children (2018–2025) provides for a wide definition of sexual harassment which includes both quid pro quo and hostile environment sexual harassment. The Committee notes however that section 332 of the Labour Act and the Domestic Worker's Protection and Welfare Policy, 2015, do not contain such a comprehensive definition of all

forms of sexual harassment. The Committee considers that without a clear definition and prohibition of both quid pro quo and hostile work environment sexual harassment, it remains doubtful whether the legislation effectively addresses all forms of sexual harassment and that the scope of the protection against sexual harassment should cover all employees both male and female, with respect not only to employment and occupation, but also vocational education and training, access to employment and conditions of employment (see 2012 General Survey on the fundamental Conventions, paragraphs 789, 791 and 793). **The Committee asks the Government to take steps to ensure that: (i) a comprehensive definition and a clear prohibition of all forms of sexual harassment, including quid pro quo and hostile work environment sexual harassment, in employment and occupation is included in the Labour Act and/or the Ant-Discrimination Bill and covers all workers, both women and men; (ii) preventive measures are taken, including awareness-raising initiatives on the social stigma attached to sexual harassment, in cooperation with workers' and employers' organizations; and (iii) procedures and remedies are established. The Committee also asks the Government to provide information on the number, nature and outcome of any complaints or cases of sexual harassment in education, training and employment and occupation dealt with by labour inspectors, the courts or any other competent authority,**

Articles 2 and 3. Equality of opportunity and treatment for men and women. With regard to the promotion of non-traditional fields of study and occupations for women and girls and the reduction of the number of girls dropping out of school early, the Committee notes the Government's indication that: (1) primary and secondary education is free for girls and they are provided a stipend for higher studies; (2) in technical and vocational education, institutes have been established for women only; (3) the number of places reserved for women in technical and vocational institutes increased from 10 per cent to 20 per cent during the reporting period; and (4) extensive training, job creation, labour market participation promotion and small and medium-sized enterprise support services for women have been undertaken. The Committee further notes that the Department of Inspection for Factories and Establishments (DIFE) has started a project entitled Gender Equality and Women's Empowerment at the Workplace, which includes training, advocacy programmes and policy. The Government also indicates that it is maintaining quotas in public sector employment, but the Committee notes that it has not reported on results achieved or how such quotas are implemented. The Committee notes the indication by the UT-ILS Committee that women are discriminated against and that it has provided examples of discriminatory job advertisements allowing only male applicants. It further notes the UT-ILS Committee's indication that: (1) the society is patriarchal in nature, and women feel less safe in performing certain jobs outside; (2) there is a problem with ensuring equality in women's employment, and there are still barriers for women in obtaining jobs in certain sectors and certain ranks (namely, managerial positions and mid-level management). The union adds that, while the activities of the Government to promote women's employment are appreciated: (1) the scope of this promotion should be widened; (2) the quota in the public sector is being applied and is having positive social impacts; and (3) the Government needs to ensure that the affirmative action policy that it has developed is applicable to the private sector as well. **The Committee asks the Government to step up its efforts to: (i) address legal and practical obstacles to women's employment, including patriarchal attitudes and gender stereotypes regarding their aspirations and capabilities, and their lack of access to productive resources; (ii) enhance women's economic empowerment and promote their access to equal opportunities in formal employment and decision-making positions; and (iii) encourage girls and women to choose non-traditional fields of study and occupations while reducing the number of girls dropping out of school early. The Committee asks the Government to provide information on: (i) the content and implementation of the DIFE project on Gender Equality and Women's Empowerment at the Workplace, and its impact on women's employment; (ii) the implementation and results of the quotas in public employment (15 per cent) and primary school teaching (60 per cent); and (iii) the participation of men and women in education, training, employment and occupation, disaggregated by occupational category, if possible, in both the public and private sectors, as well as the informal economy.**

Domestic workers. The Committee recalls that the Labour Act, 2006, excludes domestic workers from its scope of application. It notes the TU-ILS Committee's indication that: (1) discussions on including domestic workers within the scope of law are ongoing; (2) the Government has established a committee called the "Central Monitoring Cell on Domestic Workers' Protection and Welfare Policy" which includes representatives of the Ministry of Labour, workers' and employers' organizations and civil society; and (3) there is only limited training for domestic workers within the country and there are not enough organizations and opportunities for skills development for domestic workers. The Committee notes the Government's indication that the Domestic Workers Protection and Welfare Policy, 2015, gives effect to the principle of equal rights and basic human rights for all citizens as enshrined in the Constitution. It notes, however, that the provisions of the policy do not provide

domestic workers with the same protections as enshrined in the Labour Act 2006, and that the High Court, in a ruling of August 2022, deemed that the policy had so far failed to frame “proper and complete guidelines” to protect domestic workers. The Committee further notes that the policy does not prohibit direct and indirect discrimination on at least all of the grounds enumerated in *Article 1(1)(a)* of the Convention and does not cover both the formal and informal economy. The Committee once again recalls that all categories of workers, including domestic workers, should enjoy equality of opportunity and treatment irrespective of race, colour, sex, religion, political opinion, national extraction or social origin, in all aspects of employment (see 2012 General Survey on the fundamental Conventions, paragraph 778). In addition, the Committee notes from the Beijing +25 report that some 90 per cent of domestic workers are women and domestic workers are a category facing gender-based violence. The Committee recalls the 2016 concluding observations of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) which highlighted the difficult situation of women domestic workers in the country and expressed concern that women domestic workers are subject to violence, abuse, food deprivation and murder; that such crimes go unreported; and that the victims have limited access to justice and redress (CEDAW/C/BGD/CO/8, 25 November 2016, paragraph 32). ***The Committee asks the Government to take the necessary steps to enact the Domestic Workers Protection and Welfare Policy, 2015, into law and include therein provisions defining and prohibiting direct and indirect discrimination based on at least all of the grounds enumerated in the Convention in all aspects of employment and occupation. In the meantime, it asks the Government to ensure that: (i) the policy is effectively implemented; (ii) domestic workers are protected, in practice, against any form of discrimination in employment and occupation, including all forms of sexual harassment; (iii) they enjoy full equality of opportunity and treatment with other categories of workers covered by the Labour Act; and (iv) they have effective access to procedures for redress and remedies. The Committee asks the Government to provide information on: (i) the work of the Central Monitoring Cell on Domestic Workers’ Protection and the Welfare Policy regarding non-discrimination and equality, including stereotypes and prejudices; and (ii) the number, nature and outcome of complaints of discrimination filed by domestic workers, disaggregated by sex, race, national extraction and social origin.***

The Committee is raising other matters in a request addressed directly to the Government.

Direct Request (CEACR) - adopted 2022, published 111st ILC session (2023)

The Committee notes the observations of the Trade Union Committee of International Labor Standards (TU-ILS Committee) of Bangladesh, received on 1 September 2022.

Articles 1(1)(a) of the Convention and 5. Restrictions on women’s employment. Special measures of protection. For more than a decade, the Committee has been drawing the Government’s attention to the fact that section 87 of the Labour Act, which provides that the restrictions set out in sections 39 (restrictions of employment in certain work), 40 (work on dangerous machines) and 42 (underground and underwater work) of the Labour Act shall also apply to women workers, may have the effect of excluding women from work opportunities. The Committee notes the Government’s statement that a tripartite committee (workers, employers and Government) was formed, and the further amendment of the Labour Act is underway. ***Noting that, in 2022, an amendment to the Labour Rules 2015 was adopted, the Committee asks the Government:***

- ***(i) to indicate whether the amended provisions address the restrictions on women’s employment; and***
- ***(ii) to provide information on how it ensures any further obstacles to women participating in employment and occupation, such as stereotyped assumptions regarding the capacity and role of women in society, are eliminated. It asks the Government to provide information on any progress made in this regard.***

Article 1(1)(b). Additional grounds of discrimination. Disability. The Committee notes that, according to the Bangladesh Bureau of Statistics, the disability rate was 9 per cent in 2017 (8 per cent for women). It notes from the Government’s report the adoption of: (1) the Rights and Protection of the Persons with Disability Rules, 2015; (2) the Disability Related Integrated Special Education Policy, 2019; (3) quotas for persons with disabilities (5 per cent quota for enrolment in technical schools and colleges, one per cent for 1st and 2nd class government jobs and 10 per cent for 3rd and 4th class government jobs); (4) tax incentives (5 per cent if a company employs at least 10 per cent of persons with disabilities); (5) the Bangladesh National Building Code 2020 for disability-friendly construction in every public place; and (6) the establishment of the Bangladesh Business and Disability Network

(BBDN). The Committee notes the UT-ILS Committee observes that persons with disabilities are discriminated against and have very little access to employment in the private sector. It further notes that the United Nations Committee on the Rights of Persons with Disabilities (CRPD) expressed concern about: (1) discriminatory practices, including harassment, against persons with disabilities in employment, particularly against women with disabilities, persons affected by leprosy, persons with intellectual and/or psychosocial disabilities and workers in tea plantations, including unequal treatment in recruitment, the lack of individualised support and reasonable accommodation, inequality in remuneration and unfavourable employment conditions and benefits; (2) reported cases of sexual harassment in the workplace against women with disabilities and the lack of measures to prevent and protect them; and (3) the absence of effective incentives and affirmative action programmes to promote the inclusion of persons with disabilities in the open labour market, both in the public and private sectors (CRPD/C/BGD/CO/1, 9 September 2022, paragraph 51). In addition, the Committee notes that, according to the 2019 National Review Report for Beijing + 25, access to education, and employment is low for women with disabilities compared to that of men and with the increase of women's mobility in public sphere, gender-based violence has created an insecure situation for women and girls. **The Committee asks the Government to provide:**

- **(i) information on any measures taken to ensure that educational and employment quotas are applied and enforced, and the impact of those measures on the integration of men and women with disabilities in the labour market;**
- **(ii) information on any other practical steps taken to promote equality of opportunity and treatment for both men and women with disabilities in all aspects of employment and occupation, and ensure protection against violence and harassment including gender-based violence, and the results achieved;**
- **(iii) updated information on the employment rate of persons with disabilities, disaggregated by sex and work environment (segregated work environment or open labour market).**

Articles 2 and 3. Equality of opportunity and treatment irrespective of social origin. Noting that the Government's report does not provide any information in response to the Committee's request for information, the Committee observes that the United Nations Committee on Economic Social and Cultural Rights (CESR) and the Human Rights Committee expressed specific concern about the persistence of a caste-based system resulting in Dalit workers being segregated in socially stigmatized service sectors that have been traditionally assigned to them and who are facing severe difficulties in accessing employment outside those sectors (E/C.12/BGD/CO/1, 18 April 2018, paragraph 31, and CCPR/C/BGD/CO/1, 27 April 2017, paragraph 11(d)). It recalls that, in its 2016 concluding observations, the UN Committee on the Elimination of Discrimination against Women (CEDAW) also expressed concern about Dalit women facing multiple forms of discrimination, about the abductions, sexual harassment, rape and intimidation of Dalit women, as well as their lack of access to public services and resources (CEDAW/C/BGD/CO/8, 25 November 2016, paragraph 40). The Committee notes the observations from the UT-ILS Committee according to which persons from the horizon community are viewed as able only to be cleaners, sweepers, or laboratory assistants who handle corpses. The Committee again recalls that discrimination in employment and occupation against men and women due to their real or perceived membership of a certain caste is prohibited under the Convention and that continuing measures, including legal measures, are required to end such discrimination. **The Committee again asks the Government to provide information on:**

- **(i) any steps taken to combat stereotypes and prejudices based on social origin and to promote equal opportunity and tolerance among all sections of the population and raise public awareness of the legal prohibition of caste-based discrimination in employment and occupation;**
- **(ii) any measures taken aiming at ensuring equality of opportunity and treatment for socially disadvantaged groups, as well as on the results achieved by the various existing schemes and programmes in this regard;**
- **(iii) any initiatives taken or envisaged to put in place programs to open up and include Dalit people in public sector employment; and**
- **(iv) specific measures taken to address multiple forms of discrimination faced by Dalit women, including sexual harassment.**

Equality of opportunity and treatment for indigenous people. The Committee notes the Government refers again to the 5 per cent quota reserved for minority groups in the public service. The Committee recalls that the Decent Work Country Programme (DWCP) for 2017–20 cites a recent study revealing that the existing 5 per cent

quota is not being filled and that despite Government's policy commitments, progress has been slow because of a lack of proper implementation of such policies. In response to its request, the Committee notes the Government's indication that so far there have been no complaints received by a person from an ethnic minority group regarding sexual harassment. In this regard, the Committee recalls that the absence of complaints can indicate a lack of an appropriate legal framework, lack of awareness of rights, lack of confidence in or absence of practical access to procedures, or fear of reprisals (see 2012 General Survey, paragraph 870). **The Committee reiterates its request to the Government to provide information on the measures, including legal measures, taken to prevent discrimination and prejudice and to enhance equal opportunities and the equal treatment of indigenous peoples in employment and occupation. It again asks the Government to provide comprehensive information on:**

- **(i) the results achieved in practice by the various existing programmes and initiatives, including the implementation of the quotas, as well as on the stipend provided; and**
- **(ii) any measures taken to prevent and address specifically sexual harassment faced by indigenous peoples, in particular indigenous women, and to ensure their access to preventive measures and effective complaints mechanism.**

Equality of opportunity and treatment irrespective of race, colour or national extraction. Rohingya refugees and migrant workers. The Committee notes that, according to the 2017 Labour Force Survey (LFS) of the Bangladesh Bureau of Statistics (BBS), migrants represented 19.3 per cent of the total population in 2017 (32.3 per cent are men and 67.7 per cent are women), of which 53.5 per cent were in the labour force. It notes the Government's indication that migrant workers and refugees are always protected and there is no scope for discrimination based on race, colour, sex, religion or national extraction in employment and occupation. The Committee recalls that, in its 2016 concluding observations, the CEDAW expressed concern about the multiple forms of discrimination faced by Rohingya Women and girls; their lack of access to education, employment and freedom of movement; and the increased rates of trafficking they face (CEDAW/C/BGD/CO/8, 25 November 2016, paragraphs 20 and 40). The Committee recalls the particular vulnerability of migrant workers to discrimination and, that under the Convention, all migrant workers, including those in an irregular situation, must be protected from discrimination in employment on the basis of the grounds set out in *Article 1(1)(a)* (see 2012 General Survey on the fundamental Conventions, paragraph 778). **Therefore, the Committee reiterates its request for the Government to provide information on the steps taken to ensure that migrant workers and refugees are effectively protected against discrimination based on race, colour, sex, religion or national extraction in employment and occupation. Referring to its 2018 General Observation on discrimination based on race, colour and national extraction, the Committee firmly encourages the Government to take steps to address prejudices and stereotypes against migrant workers and refugees and to promote mutual understanding and tolerance among all sections of the population.**

Enforcement, training and awareness-raising. The Committee notes the Government's indication that: (1) regular training activities for inspectors are ongoing and in 2020-21, 25 training sessions took place training 436 inspectors, 60 inspectors completed a foundational training course, 301 inspectors completed an in-house training program; (2) the Department of Inspection for Factories and Establishments (DIFE) conducts awareness building programs; training of trainers on gender-based violence and reproductive health; and developed the Operational Strategy to Prevent and respond to Gender Based Violence and Gender Discrimination in the Workplace under which 35,000 people including owners, mid-level management and workers will be trained; (3) the DIFE established a toll-free helpline for workplace complaints (from July 2021 to June 2022, two complaints of sexual harassment were received and addressed). The Committee also notes that the Bangladesh Employers' Federation organizes training on labour related issues gender, diversity, occupational health and safety, industrial relations and disability issues. **The Committee asks the Government to provide information on:**

- **(i) the implementation of the Operational Strategy to Prevent and respond to Gender Based Violence and Gender Discrimination in the Workplace;**
- **(ii) any other awareness-raising to promote non-discrimination, particularly among employers, workers and their respective organizations, and the general public;**
- **(iii) any capacity-building or training activities provided to employees, judges, labour inspectors and legal practitioners on the detection and treatment of cases of discrimination; and**
- **(iv) the number, nature (ground concerned) and outcomes (sanctions and compensation) of cases of discrimination dealt with by the enforcement authorities, including through the helpline.**

9. Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (Ratification: 1979)

Observation (CEACR) - adopted 2020, published 109th ILC session (2021)

Article 5(1) of the Convention. Effective tripartite consultations. The Committee welcomes the information provided by the Government on tripartite consultations held within the Tripartite Consultative Council (TCC) during the reporting period on matters concerning international labour standards covered by *Article 5(1)* of the Convention. In this respect, the Committee notes that, in 2017, the TCC discussed the possibility of ratifying the Minimum Age Convention, 1973 (No. 138). The Government reports that preparatory work for the ratification of Convention No. 138 is being carried out, including tripartite consultations in the TCC concerning ratification. With regard to the possible ratification of the Labour Inspection (Agriculture) Convention, 1969 (No. 129), the Employment Policy Convention, 1964 (No. 122), and the Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Government reiterates that the ratification of these instruments is not feasible in the near future, indicating that in light of current economic and social circumstances in the country, it would take considerable time to create favourable administrative and legal systems prior to ratification. With respect to the ratification and application of the ILO instruments relevant to the occupational safety and health (OSH) framework contemplated under the 2013 Tripartite Statement of Commitment adopted after the tragic events of Rana Plaza and the Tazreen Factory, the Government indicates that the ratification of these instruments is not envisaged. The Government once again indicates that, while it has not ratified the OSH instruments, it is nevertheless committed to ensuring enforcement of existing legislation related to OSH. The Government refers in this context to the implementation of a set of initiatives taken with a view to improving the OSH situation of workers in the country, including the adoption of a National OSH Policy in 2013 and the establishment of a permanent Industrial Safety Unit under the Department of Inspection for Factories and Establishments within the Ministry of Labour and Employment (MOLE). It also refers to the establishment in March 2017 of a 20-member TCC for the ready-made garment (RMG) sector. The Government does not, however, indicate whether or not tripartite consultations were held to examine the possible ratification of the OSH instruments referenced. Lastly, the Government refers to the adoption of measures taken during the reporting period to strengthen the Tripartite Consultative Council, such as the establishment in 2017 of a TCC support unit within the MOLE. In addition, the formation of the TCC was incorporated in the Bangladesh Labour Act, 2006 (BLA), in amendments introduced in 2018. **The Committee requests the Government to provide specific and detailed information on the content, the outcome and the frequency of the tripartite consultations held on all matters concerning international labour standards covered by the Convention, including on: replies to the questionnaires on Conference agenda items (Article 5(1)(a)); the submission of instruments adopted by the Conference to Parliament (Article 5(1)(b)); the re-examination at appropriate intervals of unratified Conventions and Recommendations to which effect has not yet been given (Article 5(1)(c)), including ILO instruments relevant to the occupational safety and health (OSH) framework; and reports to be presented on the application of ratified Conventions (Article 5(1)(d)).**

In the context of the global COVID-19 pandemic, the Committee recalls the comprehensive guidance provided by international labour standards. It encourages Member States to engage in tripartite consultation and social dialogue more broadly as a solid foundation for developing and implementing effective responses to the profound socio-economic impacts of the pandemic. **The Committee invites the Government to continue to provide updated information in its next report on the measures taken in this respect, in accordance with Article 4 of the Convention and Paragraphs 3 and 4 of Recommendation No. 152, including with regard to steps taken to reinforce the capacity of the tripartite constituents and strengthen mechanisms and procedures, as well as challenges and good practices identified.**

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