



# ► Factsheet on Technical Note

May 2023

## Factsheet on Technical Note and Global Good Practices to Align Bangladesh Labour Laws with Selected International Labour Standards (Bangladesh Labour Act and Rules)

### No. 1: Introduction

#### Key points

##### Technical Note

- Background to the Technical Note
- Objectives and scope
- Methodology
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##### Key Issues in the Labour law reform process in Bangladesh (BLA and BLR):

- A1: Lack of transparency in the labour law reform process
- A2: Need to improve the structure and operation of the tripartite bodies for the national labour law reform
- A3: The need for the use of gender-neutral language throughout the laws and regulations

### Background to the Technical Note

Bangladesh became a member of the International Labour Organization (ILO) in 1972 and has ratified 36 ILO conventions and 1 Protocol, including all eight ILO fundamental conventions, two governance conventions and 26 technical conventions. The latest two instruments ratified by Bangladesh are the [Protocol of 2014 to the Forced Labour Convention, 1930 \(ratified on 20 January 2022\)](#) and [the Minimum Age Convention, 1973 \(No. 138\) \(ratified on 22 March 2022\)](#).

In recent years, Bangladesh has made progress in terms of administrative, legal and policy reforms, particularly in improving rights for trade unions, workplace safety, wages, skills development, and labour welfare. Nonetheless, in 2019, a complaint was submitted to the ILO by delegates to

the International Labour Conference under Article 26 of the ILO Constitution concerning non-observance by Bangladesh of the Labour Inspection Convention, 1947 (No. 81), 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). In response, the ILO Governing Body (GB) at its 340<sup>th</sup> session (October–November 2020) requested the Government of Bangladesh to develop a time-bound

roadmap of actions.<sup>1</sup> At the 342<sup>nd</sup> session of the ILO GB (June 2021), the Government of Bangladesh transmitted the final roadmap of actions, which was drafted under four priority areas:<sup>2</sup> 1) labour law reform; 2) trade union registration; 3) labour inspection and enforcement; and 4) addressing acts of anti-union discrimination, unfair labour practices and violence against workers. The labour law reform process outlined in the roadmap involves setting up the Tripartite Labour Law Review Committee (TLLRC) as well as the engaging with the Inter-Ministerial Committee and the Tripartite Consultative Councils (TCCs). The Government of Bangladesh submitted reports on the progress made on implementation of the Roadmap, which was discussed at the ILO Governing Body in November 2021<sup>3</sup>, March 2022,<sup>4</sup> November 2022<sup>5</sup> and, most recently, in March 2023<sup>6</sup>. In parallel, as a result of the recommendation of the 9th session of the EU-Bangladesh Joint Commission held in October 2019, the Government of Bangladesh adopted the National Action Plan (NAP) on the Labour Sector of Bangladesh (2021-2026)<sup>7</sup>. Actions under the NAP include, among others, actions related to labour law reform to address issues related to ILO Conventions Nos. 87, 98 and 81.

The Ministry of Labour and Employment (MoLE) is taking the lead on the amendments of Bangladesh Labour Rules (BLR), 2015 and the Bangladesh Labour Act (BLA), 2006, while the Bangladesh Export Processing Zones Authority (BEPZA) is taking the lead on adopting the Export Processing Zone (EPZ) Labour Rules and Bangladesh EPZ Labour Act, 2019.

## Objectives and scope

The Roadmap noted that the technical assistance of the ILO is crucial for its full implementation. ILO Office in Dhaka and the MoLE agreed that the ILO prepare a Technical Note to support the Government of Bangladesh in the national labour law reform initiatives, so as to ensure their conformity with Convention Nos. 87, 98 and 81. The three key areas of the reform agenda are freedom of association; the right to organize and collective bargaining; and labour inspection.

It was against this background that the ILO developed the **“Technical Note and Global Good Practices to Align Bangladesh Labour Laws with Selected International Labour Standards”** (Hereinafter referred to as the Technical Note). The key objective of the Technical Note is to provide technical knowledge and options on how to amend the labour laws in line with the comments of the CEACR, guided by the International Labour Standards and some selected good practices from other countries.

Specifically, the Technical Note provide guidance for amendments of the following national labour laws and regulations:

- a. the Bangladesh Labour Act, 2006 (BLA) (revised in 2013 and 2018);
- b. the Bangladesh Labour Rules, 2015 (Amended in 2022) (BLR);
- c. The Export Processing Zone (EPZ) Labour Act, 2019;
- d. The Export Processing Zone (EPZ) Labour Rules,

<sup>1</sup>Governing Body, “Complaint concerning non-observance by Bangladesh of the Labour Inspection Convention, 1947 (No. 81), 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)”, 340<sup>th</sup> Session, Geneva, October-November 2020, GB.340/INS/14(Rev.1), available online at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_757504.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_757504.pdf)

<sup>2</sup> Governing Body, “Road map of actions to address all the outstanding issues mentioned in the complaint concerning non-observance by Bangladesh of the Labour Inspection Convention, 1947 (No. 81), 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)”, 342<sup>nd</sup> Session, Geneva, June 2021, GB.342/INS/INF/2(Rev. 1), available online at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_800701.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_800701.pdf).

<sup>3</sup> GB.343/INS/10(Rev.2), available online at [https://www.ilo.org/gb/GBSessions/GB343/ins/WCMS\\_822796/lang--en/index.htm](https://www.ilo.org/gb/GBSessions/GB343/ins/WCMS_822796/lang--en/index.htm)

<sup>4</sup>GB.344/INS/13(Rev.1), available online at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_837532.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_837532.pdf)

<sup>5</sup>GB.346/INS/11(Rev.2), available online at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_858319.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_858319.pdf)

<sup>6</sup> GB.347/INS/15(Rev.2), available online at [https://www.ilo.org/gb/GBSessions/GB347/ins/WCMS\\_869201/lang--en/index.htm](https://www.ilo.org/gb/GBSessions/GB347/ins/WCMS_869201/lang--en/index.htm)

<sup>7</sup>[https://mole.gov.bd/sites/default/files/files/mole.portal.gov.bd/notices/816f03a6\\_6237\\_4a20\\_8c9f\\_0c4120d260ff/National%20Action%20Plan%20on%20Labour%20Sector%20on%20Bangladesh\\_30%20June%202021.pdf](https://mole.gov.bd/sites/default/files/files/mole.portal.gov.bd/notices/816f03a6_6237_4a20_8c9f_0c4120d260ff/National%20Action%20Plan%20on%20Labour%20Sector%20on%20Bangladesh_30%20June%202021.pdf)

2022.

The targeted audience of the Technical Note include the Ministry of Labour and Employment (MoLE), the Bangladesh Export Processing Zones Authority (BEPZA), representatives of workers' and employers' organizations, Ministry of Law and parliamentarians. The Technical Note can be used as technical and supporting document when discussing labour law reform.

## Methodology

The Technical Note focuses on a review of Bangladesh's national labour laws, namely, the Bangladesh Labour Act 2006 (revised in 2013 and 2018) (BLA) and Bangladesh Labour Rules 2015 (Amended 2022) (BLR), and the Export Processing Zone Labour Act 2019 (ELA) and Rules 2022 (ELR), against the ILO Conventions Nos. 87, 98 and 81 related to three thematic areas, namely freedom of association, the right to organize and collective bargaining, and labour inspection. The linkages between the aforementioned laws and other relevant laws (such as the Constitution, the Penal Code, Code of Criminal Procedure and other laws) have been considered. The National Action Plan (NAP) on the Labour Sector of Bangladesh (2021-2026) offers a number of recommendations to amend labour laws, and they are duly incorporated in the Recommendations offered in the present Technical Note.

The main body of the Technical Note has been developed on the basis of CEACR comments, the Compilation of decision of the Committee on Freedom of Association, General Surveys, and secondary literature review. The Technical Note has been reviewed by the relevant ILO specialists and officials in the field offices and at the Headquarters.<sup>8</sup>

## Factsheets on the Technical Note

The ILO Office in Bangladesh developed 12 chapter-wise factsheets on two sets of the Technical Note, one for the Bangladesh Labour Act of 2016 (revised in 2013 and 2018) (BLA) and Bangladesh Labour Rules of 2015 (revised in

2022) (BLR) and another for the Export Processing Zones (EPZ) Labour Act, 2019 and the EPZ Labour Rules, 2022:

### BLA and BLR

1. Introduction to the Technical Note for BLA and BLR (the present Factsheet No.1)
2. Freedom of association and right to organize (No.2)
3. Acts of anti-union discrimination and interference (No.3)
4. Collective bargaining (No.4)
5. Workplace dialogue (No.5)
6. Labour inspection (No.6)

### ELA and ELR

7. Introduction to the Technical Note for ELA and ELR (No.7)
8. Freedom of association and right to organize (No.8)
9. Acts of anti-union discrimination and interference (No.9)
10. Collective bargaining (No.10)
11. Workplace dialogue (No.11)
12. Labour inspection (No.12)

Each factsheet contains information on the relevant International Labour Standards and the comments of the ILO Supervisory Bodies made to the Government of Bangladesh in recent years, on the basis of which key issues in Bangladesh are identified. The factsheets also offer some examples of provisions from other countries.<sup>9</sup> The factsheets, however, do not include recommendations, as they are reserved for the purpose of facilitating consultation among the tripartite constituents of Bangladesh in the ongoing national labour law reform process.

<sup>8</sup> The comments in this document are provided without prejudice to any comments that may be made by the bodies responsible for supervising compliance with international labour standards. For the avoidance of doubt, the absence of comments on any particular provision should not be taken as indicating a particular view as to compliance with international labour standards.

<sup>9</sup> Examples of provisions from other countries that are aligned with the ILS and with which the ILO supervisory bodies have not identified compliance issues.

## Labour law reform process in Bangladesh (BLA/BLR)

The ongoing round of labour law reform process of the Bangladesh Labour Act started in 2019 and the process was partly prompted by the Article 26 Complaint. While there is an increased opportunities to participate in the reform process compared with the past reform processes, there is still the need to increase transparency and meaningful consultation, both in terms of the process and the outcome.

### Key Issues

#### Issue A1: Lack of transparency in the labour law reform process

The Government has set up the 'Tripartite Implementation and Monitoring Committee' (TIMC) and sub-committees on six thematic areas. The two sub committees that are relevant to the labour law reform are (1) Labour Law Sub-Committee and (2) Export Processing Zones Labour Law Sub-Committee. It also established the Tripartite Labour Law Review Committee and its working group. A variety of measures can be taken to ensure effective engagement with relevant stakeholders and to increase openness and transparency of this TIMC in the law reform process.

#### A2: Need to improve the structure and operation of the tripartite bodies for the national labour law reform

The Government of Bangladesh has established national and sectoral tripartite consultative bodies in recognition of the "importance of social dialogue" in "achieving both social and economic goals" and to "give stakeholders a voice and stake in their societies and workplaces". This includes 1) the **Tripartite Labour Law Review Committee (TLRC) and its working group**, 2) the **National Tripartite Consultative**

**Council (NTCC)** which was originally established on 12 August 1980 following the ratification of the ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No.144) and was last reconstituted on 2 December 2005<sup>10</sup>; and 3) the **Ready-Made Garment Sector Tripartite Consultative Council (RMG TCC)** which was established in March 2017. These two national and regional bodies function, among other things, as consultative bodies in the development and amendment of labour laws, regulations, policies and plans.<sup>11</sup>

#### CEACR Observation on C.87, 2022 (2023):

- The Committee further observes with **concern** the observations from TU-ILS<sup>12</sup> that the worker nomination to the TCC...was made by the Government and not by the workers organizations independently and further that the recommendations agreed by the tripartite representatives for amendment to the BLR were not endorsed, stalling the process for some time. Similarly, not all proposals agreed by tripartite representatives in 2018 for the amendment of the BLA were reflected in the final Act. Finally, the TU-ILS indicates that TCC meetings do not take place regularly and alleges that it meets merely to validate government needs
- **"....The Committee urges the Government to take the necessary measures to ensure that the worker representation reflects the independent choice of the Bangladesh trade union movement and requests the Government to schedule regular meetings to expedite the work of the NTCC..."**<sup>13</sup>
- The Committee...notes the observation from the TU-ILS Committee which indicates that the TLRC has been recently reformed, but that the legislative reform process is not advanced at the expected speed. **The Committee requests the Government to continue to provide detailed information on the progress made in the legislative reform process and on the measures**

<sup>10</sup> Government of the People's Republic of Bangladesh, "DRAFT Terms of Reference of the National Tripartite Consultative Council, Ready-Made Garment Sector Tripartite Consultative Council and the Tripartite Consultative Council's Support Unit", August 2017. These two bodies are supported by the TCC Support Unit which performs secretariat and administrative functions, including arranging meetings of the NTCC and the RMG-TC.

<sup>11</sup> *Ibid.*

<sup>12</sup> Trade Union Committee of International Labour Standards (a committee of the workers' representatives from the National Coordination Committee for Workers' Education (NCCWE) and IndustriALL Bangladesh Council (IBC)

<sup>13</sup> CEACR, Observation on C.87 for Bangladesh, adopted in 2022 and published for the 110th ILC Session in 2023 [emphasis original].

***adopted in order to ensure that such process takes into account the outstanding issues concerning the application of the Convention raised by the Committee.***<sup>14</sup>

While the establishment of NTCC and RMG TCC is certainly commendable, there is some room to improve their structure and operation through making some adjustments to their TORs.

### **A3: The need for the use of gender-neutral language throughout the laws and regulations**

The BLA and BLR uses the pronoun “He” to refer to any person, be it a worker, an employer or an officer of administrative bodies.

