

## **Information supplied by governments on the application of ratified Conventions**

**Bangladesh**

Convention No. 87

### **Bangladesh**

#### **Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)**

**Bangladesh** (ratification: 1972). The Government has provided the following written information.

The Bangladesh case on implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), has been examined several times by the Committee on the Application of Standards (CAS), including a recent examination in 2013 with follow-up examinations in 2015 and 2016. After the 105th International Labour Conference, there were a series of meetings and consultations with the tripartite constituents to share and discuss the labour rights concerns as specified in the CAS conclusions/special paragraph. A Committee was formed in a meeting of the Tripartite Consultative Council (TCC) to examine the ILO special paragraph and recommend required actions. The committee submitted its report with a specific set of actions to address the labour issues specified in the special paragraph, which was discussed in the TCC meeting held on 14 May 2017.

The actions taken by the Government on this year's main concerns of the Committee of Experts are presented below:

---

## **Bangladesh EPZ Labour Act**

In order to accommodate the ILO Committee of Experts' expectations related to the law governing the **EPZs**, in an unprecedented move the draft law that had been vetted by the Cabinet and transferred for adoption to the Parliament (Standing Committee for Law, Justice and Parliamentary Affairs) has been recalled by the Government and will be subject to a thorough review with the objective of ensuring its alignment with ILO core Conventions to which Bangladesh is a party. In light of the recommendations submitted by the ILO, consideration is being given to deleting chapters IX, X and XV by making reference to chapter XIII of the BLA, thus providing rights of freedom of association to all workers. At the time of revising the EPZ Labour Act, issues regarding administration and inspection, all applicable laws will be carefully examined for prevalent concerns to be addressed. A draft of the new EPZ legislation will be shared by November 2017 after consultation with the ILO. The exceptional nature of these decisions reflects the high degree of trust that shapes the overall Bangladesh–ILO relationship.

As of May 2017, a total of 232 WWAs (CBAs) have been formed. All registered WWAs (CBAs) in EPZs are performing their activities with full freedom/without any interference. During the last four years, the WWA within the EPZs submitted 351 Charters of Demands and all demands were settled amicably and agreements were signed accordingly, which indicates that EPZ workers are enjoying the right to organize and to collective bargaining.

It is pertinent to mention that in EPZs, 60 social counsellors-cum-inspectors, 30 environmental counsellors-cum-inspectors, 45 industrial relations officers and 129 engineers are constantly inspecting compliance issues of EPZ factories. The EPZ inspection module has been developed by the International Finance Corporation in collaboration with the Bangladesh Export Processing Zones Authority. Every EPZ has its own fire station and a strong firefighting team headed by the Director of the Fire Service and the Civil Defence Department of Bangladesh.

---

Besides, three conciliators and three arbitrators are involved in dealing with unfair labour practices. Furthermore, eight Labour Courts and one Labour Appellate Tribunal have been designated to address labour-related disputes in the EPZs. As of May 2017, a total of **161** cases were filed, of which **86** were settled.

### ***Consultation with the social partners to review the BLA, 2006***

In the Bangladesh Labour Act 2006, significant amendments were adopted in 2013 after a wide range of consultations with the relevant stakeholders. The ILO Country Office for Bangladesh was also involved in the entire process. In order to get feedback from workers, employers and the ILO, tripartite consultations took place to reach a consensus on the amendment. Through this process 87 sections were amended and some new sections were incorporated in the amended Act.

The Government is determined to take necessary steps to review the BLA to accommodate the observations of the ILO Committee of Experts. The recently established **Tripartite Technical Committee** that includes representatives of the Government, the employers and the workers, has been tasked with contributing to this revision and the matter has already been discussed in the meetings of the Committee held this year. The concerns of the ILO Committee of Experts will be examined and accommodated by the Technical Committee, based on tripartite consensus, taking the level of industrial development, socio-economic conditions and the institutional capacity of the country into account. Since the Bangladesh Labour Law is applicable to a large number of sectors, a wide range of consultations with stakeholders is necessary. However, the steps taken so far reflect the positive intentions of the Government to bring about necessary amendments in close consultation with the ILO and to share a concept draft in advance in December 2017.

---

## ***Bangladesh Labour Rules (BLR)***

**Clarification of Rule 167(4):** The Rule deals with the right to form trade unions for agricultural farm workers. Previously, agricultural farm workers did not have the right to form trade unions. With the amendment of the BLA 2006 in 2013, agricultural farm workers have been provided this right. Under Rule 167(4), workers engaged in agricultural farms may form groups of establishment. In the Rule, the requirement to form a trade union was set as 400 farm workers. It is to be mentioned that the issue has already been resolved through a gazette notification S.R.O. No. 02-ain/2017 dated 5 January 2017.

**Review of other Rules:** Further review of the BLA is under process. In line with the further amendment of the Act, the Rules may be updated.

### ***Information on anti-union discrimination or unfair labour practice***

The Bangladesh Labour Act, 2006 (BLA 2006) (as amended in 2013) provides specific provisions to protect trade union activities. Anti-union discrimination or unfair labour practices (ULPs) in any form is a violation of law and subject to legal actions. The Department of Labour (DoL) is authorized to receive complaints on unfair labour practices. According to the provisions of the Labour Act, every aggrieved worker has the right to file complaints with the Department of Labour for remedial action against management for anti-union activities or ULPs. Every complaint received by the Department is addressed in due time. For example, from 2013 to 2016, **93** complaints relating to ULPs were lodged in JDL, Dhaka Office. Out of these, **80** complaints were settled: **35** criminal cases were filed, 45 complaints were settled amicably and 13 complaints were under investigation. The disposal rate was relatively high in the year 2016, where all of the **71** cases were settled with a disposal rate of **100 per cent**.

---

## ***Public database on anti-union discrimination or ULP***

Recently, detailed outcomes of anti-union discrimination or ULP cases are being uploaded to the DoL's website to make the process more transparent and publicly available. At present, the status of **69** cases of anti-union discrimination or ULPs are available on the website which consists of **46** settled cases and **23** ongoing cases.

## ***Capacity building of labour officers to deal with anti-union discrimination cases***

Intensive training programmes are being conducted under the “Social Dialogue and Harmonious Industrial Relations (SDIR)” project being implemented with the assistance of Sweden and Denmark and the ILO. In order to develop a credible, efficient and transparent system of arbitration and conciliation, the project is providing specialized training to labour officials. The project has already conducted **20** capacity-building training courses on handling cases of anti-union discrimination or ULPs where **125** labour officials, **33** judges, **30** lawyers and **166** employers have participated. Under an MOU, the labour officials from Bangladesh are being trained on grievance handling and conciliation at Nunian Training Institute, Singapore. Training courses on grievance handling are also being conducted in **four** Industrial Relation Institutes (IRIs) of the Government. By this time, **50** officials have completed training on anti-union discrimination or ULPs at IRIs.

## ***Awareness raising and capacity building of workers and employers on social dialogue***

Regular training programmes are also being conducted at **four** Industrial Relations Institutes (IRIs) and **29** Labour Welfare Centres (LWCs) under the Department of Labour. In 2016–17, around 11,000 participants received training in these institutes. The **SDIR** project is also assisting capacity building of workers and employers on social dialogue in 150 enterprises with newly formed unions to introduce a systematic approach for workplace cooperation in 350 non-unionized medium-sized RMG factories; conducting training on international labour standard (ILS) for mid-level management of 500 participating

---

enterprises. With the support of the SDIR project, establishment of a “Workers’ Resource Centre” (WRC) has been initiated which will act as a centre of excellence for workers’ training and awareness building.

### ***SOPs to address anti-union discrimination or ULPs***

With the support of the SDIR project, Standard Operating Procedures (SOPs) to address anti-union discrimination or ULPs have been drafted which will be adopted after consultation with the relevant stakeholders. It is hoped that the SOPs will facilitate easy handling and investigation of cases of anti-union discrimination or unfair labour practices in a transparent manner following a uniform procedure. The SOPs will be piloted in 500 enterprises with the support of the SDIR project.

### ***Information on helpline for workers***

A helpline for workers was established on 15 March 2015 in order to facilitate the lodging of complaints. The helpline has been launched on a pilot basis for RMG workers in a particular RMG intensive area (Ashulia). A total of **226** complaints from the RMG sector workers were received from Ashulia through this helpline. Among them, **142** complaints were settled by the inspectors and the rest – **84** complaints – are under process of settlement. Most of the complaints were on wages, overdue payments and job terminations.

Although the helpline targets RMG workers in Ashulia, complaints received from other geographical areas and other industrial sectors are also being addressed by the Department of Inspection (DIFE). After gaining sufficient experience from the pilot operations, the Government will formally replicate/expand the model in other areas and industrial sectors.

### ***Information on union registration***

Applications for union registration are considered according to procedures that aim at creating a conducive environment for genuine labour representatives to set up their

---

organizations. In relation to freedom of association the following positive changes took place through the amendment of the BLA 2006 in 2013:

- the obligation for submitting the list of workers to factory management before forming trade unions has been omitted;
- a provision for getting support from external experts for collective bargaining has been included;
- a single trade union in an enterprise is entitled to act as a collective bargaining agent.

With this amendment, trade union registration has increased remarkably. Before the amendment, there were **132** trade unions in the RMG sector. By this time, a total of **439** new trade unions have been registered in the RMG sector and as of 30 April 2017, there are **571** trade unions in this sector. The rate of success in trade union registration in Dhaka Division since the beginning of 2017 is 75 per cent. Before the amendment, there were **6,726** trade unions and **161** trade union federations registered in the country. By this time, **1,000** new trade unions and **14** trade union federations have been registered. As of 30 April 2017, there were a total of **7,726** registered trade unions and **175** trade union federations. In order to further ease the union registration process, an online registration system has been introduced on the website of the Department of Labour.

The trade union registration process is clearly spelled out in the Law. There are some conditions to be fulfilled for registration of trade unions set forth in the BLA. If the applicants fail to meet this criterion the applications are lawfully rejected. From 2016, the causes of rejection of any application were communicated in a transparent manner by registered post within **60** days of rejection. No registration applications are kept pending. If the legal requirements are fulfilled, then the registration is given.

---

## ***Public database on union registration***

Recently, detailed outcomes of applications for trade union registration have been uploaded on the website of the DoL to make the process more transparent and publicly available. At present, the status of **171** trade union applications which includes **129** successful cases of application and **42** cases of rejection, is available at [www.dol.gov.bd](http://www.dol.gov.bd) in the database section. It contains relevant information on the submission and resolution of registration requests, including the reasons for rejections of applications. The ILO Country Office, Dhaka is supporting development of the public database under the SDIR project.

## ***Devising SOPs for union registration***

To expedite the trade union registration process, **Standard Operating Procedures (SOPs)** for trade union registration, which were developed with the assistance of the ILO and the Fair Work Commission (FWC), Australia under the SDIR project, were adopted on 17 May this year. Through the introduction of the SOPs, the time requirement for union registration has been reduced by five days from the Government part. During the development process of the SOPs, the SDIR project facilitated consultation with the stakeholders concerned. The Joint Directorate of Labour has already started SOPs on trade union registration, and training of internal staff on SOPs has begun. The adoption of the SOPs is just another clear indication of the Government's willingness to comply with international labour standards. This démarche would be duly acknowledged by the ILO, development partners and stakeholders in Bangladesh.

The union registration process broadly comprises of examination, rectification and decision on application registration. Previously, there was no timeline for each step. In the SOPs, a specific time frame has been set within which each activity must be completed. It is hoped that the SOPs will not only help expedite the trade union registration process but will also ensure greater transparency in the process.



---

## ***Up-gradation of the Department of Labour***

Apart from legal instruments, the institution plays an important role in upholding freedom of association. For effective enforcement of the BLA, the Government of Bangladesh has initiated the up-gradation of the Department of Labour. Through this initiative, the manpower of the DoL will be increased from 712 to 921. The process is at the final stage as consent from the Ministry of Public Administration (MOPA) and the Ministry of Finance has already been received.

## ***Formation of the Tripartite Consultative Council (TCC) for the country's RMG sector***

Bangladesh has ratified ILO Convention No. 144 concerning tripartite consultation, which is at the heart of social dialogue. In line with the Convention, a TCC has been formed to deal with labour issues at all sectoral levels. Moreover, considering the importance of the RMG sector, the Government has formed a 20-member TCC solely for the country's RMG sector on 12 March this year. The TCC (RMG) will examine/review the overall labour situation in the RMG sector and advise the Government on establishing sound employer–worker relationships and enhancing productivity in the RMG sector.

## ***Concluding remarks***

Bangladesh is a densely populated (1,015 inhabitants per square kilometer) agro-based country with around half of the working population living in rural areas. Although remarkable progress has been achieved in the country's most labour-intensive RMG industry, the country's overall industrial development still remains in its infancy. Even the most promising RMG sector is still run by the first-generation entrepreneurs.

During the last two decades, the country has been experiencing an annual economic growth of around 6 per cent. Despite this notable progress, poverty still remains the single most socio-economic policy challenge for the country. In terms of the labour market, the greatest challenge today is to create jobs for 2–2.2 million who are entering the labour market

---

each year. To ensure full, productive and decent employment for them, 8 per cent annual economic growth is crucial.

The employers and workers in Bangladesh are not always aware of their rights and responsibilities. Greater engagement of tripartite constituents and continuous engagement of the ILO and development partners in planning, designing, and implementation of promotional activities is essential in building a culture of harmonious industrial relations in the country.