

Asia Pacific Labour Law Review

Asia Pacific Labour Law Review

Workers' Rights for the New Century

Asia Monitor Resource Centre

2003

Asia Monitor Resource Centre Ltd.

AMRC is an independent non-governmental organisation
that focuses on Asian and Pacific labour concerns.

The Center provides information, research, publishing, training, labour networking
and related services to trade unions, pro-labour groups, and other development NGOs.
AMRC's main goal is to support democratic and independent labour movements in Asia and the Pacific.
In order to achieve this goal, AMRC upholds the principles
of workers' empowerment and gender consciousness, and follows a participatory framework.

Published by

Asia Monitor Resource Centre Ltd (AMRC), 444 Nathan Road, 8-B, Kowloon, Hong Kong, China SAR
Tel: (852) 2332 1346 Fax: (852) 2385 5319 E-mail: admin@amrc.org.hk URL: www.amrc.org.hk
Copyright © Asia Monitor Resource Centre Ltd, 2003
ISBN 962-7145-18-1

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted
in any form without prior written permission.

Editorial Team

Stephen Frost, Omana George, and Ed Shepherd

Layout

Tom Fenton

Cover Design

Eugene Kuo

Acknowledgements

AMRC expresses sincere thanks to the following people and organisations for their gratefully received
contributions to this book.

Suchada Boonchoo (Pun) is co-ordinator for the Asian Network for the Rights of Occupational Accident
Victims. We thank her for all the help in organising our conference of authors in Bangkok.

Thanks to the American Center for International Labor Solidarity, Bangkok, Thailand for a financial con-
tribution towards printing the book.

We are indebted to Oxfam Hong Kong for their financial contribution towards the production costs.

Thanks to the International Labour Organisation for allowing us to use photographs from their library free
of charge.

Eugene Kuo, a freelance photographer and designer, a big thank you for contributing photographs and de-
signing the cover free of charge. Look at www.226-design.com for some of Eugene's stunning work and
ideas.

To Tom Fenton, co-founder (with Mary Heffron) of AMRC – thanks a lot for advice, maps, and all the time
devoted to the layout of the book, free of charge. E-mail: tfenton@igc.org.

Finally, we would like to thank the International Centre for Human Rights and Democratic Development,
Canada, for an extremely generous contribution that covered much of the publishing costs of this book.
Without their last-minute financial assistance, it is possible that this book would never have proceeded be-
yond the editing stage. E-mail: ichrdd@ichrdd.ca; URL: www.ichrdd.ca.

Bangladesh: Labour Law and Related Issues

Sk Jenefa K Jabbar

General background

British colonial rule over India ended in August 1947 with the division of British India into two independent countries, India and Pakistan, purely on the basis of religion. Areas with a Muslim majority formed part of Pakistan and the rest remained India. Bangladesh being densely populated with Muslims became part of Pakistan and being situated in the east was named East Pakistan. The geographical distance and the cultural differences between the people of the eastern and western parts of Pakistan were ignored during the partition of India. On 16 December 1971, after a nine-month war of independence, Bangladesh emerged as an independent state.

Bangladesh, like India and Pakistan, inherited the colonial legal system, which has remained substantially unchanged. All major legislation passed or promulgated during colonial rule has been retained with minor modification.



History of labour law

The Factories Act 1965

The first effective Labour Legislation was the Indian Factories Act 1881. Since then the Factories Act has been repealed a number of times with major changes taking place after the International Labour Organisation (ILO) was established in 1919, which was an epoch making event in the history of labour legislation. Changes to the Factories Act in 1934 brought about important changes regarding hours of work, improvement of working conditions and better enforcement by providing enhanced penalties for continuing offences under the Act. The Act was further amended in 1935, 1936, and 1940. The 1940 amendment extended the Act's provisions regarding health, safety, hours of work, and conditions of employment to all small factories, which employ ten or more persons and use mechanical power. During the Pakistan regime the Act applied until 1965, when the East Pakistan Assembly repealed it and enacted the East Pakistan Factories Act 1965. After the independence of Bangladesh the 1965 Act has had no major changes.

Other legislation enacted during the Pakistan period

In August 1955 the Pakistan government declared a labour policy that emphasised the importance of developing trade unionism and collective bargaining. The government also expressed its intention to give effect to ILO Conventions by enacting the necessary legislation.

This policy was modified after a military regime took power in 1958. Most major labour legislation in Bangladesh was enacted in light of the 1955 policy and subsequent modifications. Major laws enacted during this period were the Trade Unions Act 1965, the Labour Disputes Act 1965, the Employment of Labour (Standing Order) Act 1965, the Shops and Establishment Act 1965, and the Factories Act 1965.

Industrialisation and labour

Bangladesh is a predominantly agrarian society and the majority of its population is engaged in agriculture. The history of industrial labour in Bangladesh can be traced in the development of indigo and tea plantations in Bengal and Assam in the early and mid nineteenth century.

Jute mills and cotton textile mills were established all in the western part of British Bengal, which formed part of India after the 1947 partition. Little industrialisation took place in East Bengal (now Bangladesh).

Until the 1980s industrial employment focused on a handful of jute mills, of which Adamji Jute Mills was the largest complex, two port authorities, railway and road systems, tea estates, and a few heavy industries. The number of women employed in industry was negligible except on tea estates. The employment of women boomed with the development of the ready-made garment industry in the early 1980s. By the end of the last century the ratio of men to women in the working population had changed; now women employed in the industrial sector outnumber men.

Main problems for workers

Workers generally complain about low wages, delay in payment of wages, unsafe and unhealthy working conditions, no medical facilities, unjust termination (termination - allows owner or worker to end the working relationship by providing reasonable notice or payment in lieu of) and dismissal (dismissal- allows the employer to fire a worker found guilty of misconduct, as ruled in the Employment of Labour and Standing Orders Act 1965). Without dedicated trade unions or proper collective bargaining representatives these problems cannot be addressed collectively. On the individual level the amount of time and cost involved in litigation deters workers from pursuing legitimate claims.

Working conditions for garment workers are particularly bad. Almost 90 percent of the workers are women, mostly from the poorest section of the rural population. These workers live in city slums apart from their families. An abundance of unemployed workers creates job insecurity. There is no provision by the state to provide unemployment allowance or social security benefits when a worker loses her job or is temporarily unemployed. Although there are garment unions, they are not dedicated to solving workers' problems. An individual garment worker seldom resorts to legal means against her employer.

Trade unions

The basic characteristic of our industrial relations system is the predominance of the government. As the sin-

gle major employer and industrial relations policy maker, the policies that it pursues in respect of state-owned enterprises are not conducive to the development of good bilateral relations between employers and trade unions through collective bargaining. The exclusion of wages, fringe benefits, and other employment conditions from the scope of collective bargaining in the public sector intensifies politicisation and causes a multiplicity of trade unions, and makes the conciliation services of the Department of Labour ineffective. The government also seems to dominate various tripartite bodies. The success or failure of tripartite consultation or negotiations largely depends on the responsiveness of government to the demands and aspirations of both employers and workers.

Although there is comprehensive legal enactment to cover the various aspects of industrial relations, they are not applied. Although under the law there are provisions to deal with demands through collective bargaining at the plant and sectoral levels, they are not observed in letter or spirit. As a result the industrial sector constantly faces unlawful actions like rail and road blockades, and strikes without notice. Pressure to resolve disputes through tripartite bargaining outside the purview of labour laws is increasing gradually.

Industrial relations

The government of Bangladesh ratified ILO Convention Nos. 87 and 98, concerning freedom of association and the right to collective bargaining, in the 1950s and thus accepted them as essential elements for sound industrial relations. Collective bargaining has little impact on the adversarial relationship between employers and workers and has been of little help towards securing industrial peace and harmony.

The trade union movement in the country is characterised by a large number of unions operating at enterprise level, but they constitute only a small percentage of the total labour force. At national level they are divided; many labour federations have diverse ideological and political philosophies. Division at national level is reflected in industrial relations at plant level causing intra and inter-union rivalries due to ideological and political differences.

Some reasons hindering sound industrial relations are as follows:

Mushroom growth of trade unions

Rapid proliferation of trade unions threatens the development of good industrial relations. The number of trade unions increased from 516 in 1969 to 5,000 in 1999. Ignoring legal provisions is also a problem. According to the Industrial Relations Ordinance 1969 (IRO) at least 30 percent of the workers is necessary to register a trade union, which means more than one union may be registered in one workplace; one of them is determined as collective bargaining agent by the Registrar of Trade Unions. There are, however, instances where five unions are registered in a single establishment. For instance Adamji Jute Mills, one of the largest jute mill complexes in the world, has five registered trade unions, all notified to participate in the collective bargaining agreement election.

Cumbersome dispute settlement procedure

The dispute settlement procedure is cumbersome. According to the law, an industrial dispute can be raised formally by the collective bargaining agent (CBA) or the employer, and is handled in stages as follows:

- Bipartite Negotiation - where one party communicates a view to the other party in writing. Within 10 days of receipt of the written document a meeting is arranged between both parties to discuss the issues.
- Conciliation - if the parties to a dispute fail to reach a settlement by negotiation, either of them may report to the conciliator that the negotiations have failed and request in writing to conciliate the dispute.
- Arbitration - if the conciliation fails the Conciliator shall persuade the parties to refer the dispute to an Arbitrator. If the parties agree they make a joint request in writing for reference of the dispute to an Arbitrator. If arbitration fails the parties may make a joint application to the labour court for adjudication of the dispute.
- Strike and lockout - if the conciliator fails to settle the dispute within 10 days of a request, the CBA or the employer may serve on the other party 21 days of notice of strike or lockout provided that three quarters of the members of a CBA consent in the case of a strike. However the government can prohibit a strike or lockout after 30 days, or before if the

strike or lockout is causing hardship to the community, and can refer the dispute to the Labour Court for adjudication.

Hence once a dispute is formally raised, nobody knows when it will end. No time frame is prescribed in law for settlement of a labour dispute. Due to inordinate delay in getting redress to demands submitted formally, workers often adopt tactics not prescribed by law, which give them immediate benefit.

Delay in the adjudication of a labour dispute

The system of adjudication of labour disputes can be traced back to the Industrial Disputes Act 1947, which provided an Industrial Tribunal to adjudicate in labour disputes. The most important factor that prompted the establishment of such courts was to speed up the procedure.

The first Industrial Tribunal was established in East Pakistan in 1957, which was replaced by the Labour Court established under the East Pakistan Labour Disputes Act 1965. The IRO also provided for establishment of Labour courts. After liberation of the country, Bangladesh adopted the IRO along with other laws and the labour courts continued to function.

To adjudicate in industrial disputes and dispose of grievance cases concerning dismissals or termination, the government established seven labour courts. Presently more than 95 percent of the cases filed in the labour courts are individual grievance cases and their speedy disposal is not yet ensured due to various reasons, such as, lack of formation of the courts, frequent time adjournments, and non-attendance of labour court members etc. Nearly 5,000 cases remained pending before labour courts at the close of 2001 and instances are not rare of cases lingering for eight years. This state of affairs creates frustration among the parties.

No free collective bargaining

At national level unions are divided into many labour federations with diverse ideological and political philosophies. This division at the national level is reflected in industrial relations at the plant level, causing inter-union rivalries. This weakness of the trade union structure is a constraint to free collective bargaining in public sector enterprises and has damaged labour-management relations.

Ineffective institutions

Many of the institutions dealing with labour matters are hardly effective, for example the Participation Committee as provided for by the IRO is hardly practiced in enterprises; the Industrial Relations Institutes, the Labour Welfare Centres and other programmes for industrial relations are not working efficiently.

Conciliation-cum-arbitration committee

There are certain non-governmental initiatives to develop institutions to help workers obtain redress. For instance the Bangladesh Garments Manufacturers and Exporters Association (BGMEA), the representative of the employers in ready-made garments set up the Conciliation-cum-Arbitration Committee (CAC) on 26 April 1998 following the IRO. The CAC was formed by a bilateral committee composed of BGMEA and labour leaders on the basis of the Industrial Law 1969. The CAC follows the procedure of the Arbitration Act of Bangladesh as far as possible. The CAC has equal numbers of labour leaders and owners; a retired district judge or ex-chairperson of the labour court is designated Chief-Arbitrator.

The CAC performs the following:

- solves grievances between owners and workers rapidly;
- tries to solve the disputes that arise between owner and employees before referring to the court;
- tries to gain a solution rapidly without expenses to owners or workers;
- tries to solve the dispute between both parties amicably, since it is a lengthy process to settle the matter in court and the cost is high.

The BGMEA Conciliation-cum-Arbitration 1999 regulation is intended to run the Conciliation-cum-Arbitration Committee smoothly. The employees or workers initially write down their grievances. The committee then sends the written grievance to the relevant factory for reply. If the factory authority delays the reply or if there remains any objection against the complaint, the Chief Arbitrator discusses the problems with both parties. After listening to the arguments, the committee arrives at a solution. Later, the Chief Arbitrator delivers his decision in a prescribed form, when both parties are informed in writing. This process of settling disputes has proved quite successful.

Export processing zones (EPZ)

There are three fully functioning EPZs in Bangladesh, one in Dhaka and two in Chittagong. Other EPZs are being developed. These EPZs are privileged areas for investors.

Several provisions of labour and industrial laws are not applicable in EPZs. The law strictly prohibits trade union activities within EPZs. This was a burning issue in 1999 when most foreign investors threatened to boycott or withdraw investments from Bangladesh if EPZ workers were allowed trade union rights. Denial of such rights violates ILO Convention Nos. 87 and 98, both of which Bangladesh has ratified.

The government has introduced welfare committees in EPZs with equal numbers of representative from workers and management.

Effects of globalisation and WTO on garment workers

The garment industry is the single most important industry in terms of employment and accounts for more than 76 percent of the total export earnings in Bangladesh. The ready-made garment sector now faces global expansion and competition. Due to globalisation and trade liberalisation under the World Trade Organisation (WTO) regime, the world's trading environment is changing fast. After quotas are lifted in 2005 when the multi-fibre agreement ends, countries like Bangladesh are likely to lose out because the industries have become used to protection under the quota system. The explosion of the garment industry in Bangladesh was primarily attributable to the fact that the multi-fibre agreement imposed fewer restrictions, which coupled with low wages, offered steady profits to local and foreign investors.

The US Trade and Development Act of 2000 (TDA) confronted Bangladesh with further competition. The TDA authorises a new trade and investment policy for sub-Saharan Africa and expands trade benefits to Caribbean countries for the US. Under the TDA, textile and apparel imported directly into the customs territory of the US from a sub-Saharan African country shall enter the US free of duty and free of quantitative limitations. Similar provisions have also been made for Caribbean countries.

The effect of the WTO is to cause more unemployment resulting from closure of factories. The effects of

the 11 September 2001 attack on the US have already resulted in the closure of around 1,276 factories in Bangladesh making 350,000 workers jobless. These female workers have no alternative but to seek more hazardous occupations.

Rights of garment workers have been a low priority for policy makers, employers, and even for themselves. Low wages and late payment have always been issues for workers. However under present conditions the situation for workers is likely to be more precarious. Many European and American buyers have put pressure on garment manufacturers to demonstrate their commitment to ethical purchase policies and insist on strict compliance with 'corporate codes of conduct' as a precondition to importing garments from Bangladesh. The challenge ahead for the ready-made garment sector lies in being compliant with corporate codes of conduct, which include local laws, to ensure social compliance while simultaneously facing the challenges of globalisation and competition. This is not an easy task, as preferential treatment is now offered to African countries, and many factories are likely to lose out, and hence increase the rate of unemployment.

Fire and safety regulations in the garment sector

Fires are common in garment factories in Bangladesh. Electrical short circuits are blamed as the main causes of fire. Every year several workers die due to factory fires. There have been instances where workers died in stampedes panicked by fire alarm (false in some cases). Lack of proper exits, inadequate fire fighting apparatus, absence of workers competent to use fire fighting apparatus, and no fire drills are identified as causes of death and injury. However the law provides for trained workers in fire fighting, adequate number of fire fighting apparatus, proper exits and drills to be conducted regularly.

After the worst fire in a Bangladesh plant on 26 November 2000 at Chowdhury Knitwear, a few kilometres from the capital, caused the death of around 40 workers, the BGMEA introduced a crash programme to conduct fire drills and awareness programmes in every garment factory. After the crash programme there were around eight fires in garment factories but there were no casualties. The crash programme on fire prevention procedures proved to be very successful.

Women workers

Women are continuously exposed to violence and lack of safety. Almost all women, irrespective of social or economic class, suffer some form of disadvantage in enjoying constitutionally guaranteed rights. These rights include right to life and mobility, freedom of choice and expression, and access to leisure. Prevalent societal attitudes where women are treated as commodities together with structural barriers in the public sphere make it almost impossible for women to enjoy their rights. According to government statistics, each hour a woman is the subject of violence in Bangladesh.

Violence against women domestic workers has yet to receive adequate attention. Domestic work is in the informal sector where no laws protect workers. A growing number of girls and women are forced to go to the cities in search of jobs as domestic aids. However the violence suffered by domestic workers, in some cases perpetrated by women employers, goes unchallenged, unseen, and largely secret. In 2000 around 40 cases of violence against domestic workers were reported in the media.

Women working in the formal sector are also abused. Although various laws are in place to protect workers, many laws are not enforced. Employers prefer to employ women because they are docile and work for low wages. Women are generally employed in low paid positions while men are managers and supervisors. Women are discriminated against in various spheres, however this is not seen as a problem because of the religious and social acceptance that women are weaker than men and entitled to half of men's entitlement. Trade unions also ignore women's problems and generally hardly any women occupy top posts in unions. Women are now demanding at least 30 percent representation in trade unions.

Child labour

There is an abundance of child labour in Bangladesh. Child labour is directly linked to poverty and lack of



Street children seeking recyclable garbage. (Credit: S Cid. Copyright: ILO)

ability of parents to provide food, shelter, education, and other facilities for their children. A large number of children start working from the age of eight. However there is wide variation in the condition of child work. Child workers are found both in the formal and informal sector. Children working in the informal sector as domestic workers are not accounted for by the Government and no legislation has been passed to control the informal sector. Child labour is recognised in the formal sector where the children are shop assistants, restaurant boys, factory workers, and transport workers etc.

Conditions also vary in child labour. Children work in bidi making, brick breaking, and rickshaw driving. These jobs are physically hazardous and expose children to pollution and other risks that affect their health and increase child mortality.

Various programmes have been undertaken to eradicate child labour. One project was the BGMEA-ILO-UNICEF tripartite agreement in 1995, which proved to be a tremendous success in eliminating child labour from the garment sector.

However effective rehabilitation of the children needs undertaking and adequate education must be ensured for children. The government is working with the ILO to eliminate child labour. The government of Bangladesh signed the ILO-International Programme on the Elimination of Child Labour memorandum of understanding in 1994. It also ratified the ILO Convention No.

182 on the Worst Forms of Child Labour on 12 March 2001. With the ratification of the Convention 182 the country has set the stage for targeting the worst forms of child labour. The ILO and partners, together with civil society, are now collaborating to launch a major programme to combat child labour in Bangladesh with a priority focus on its worst forms. Presently there are two projects, which exclusively focus on removing children from hazardous occupations and arrange for reintegration.

Migrant workers

Bangladesh has signed the UN Convention on the Rights of Migrant Workers and Member of their Families 1990 but has not ratified it. Bangladesh has ratified ILO Convention No. 96 Concerning Fee Charging Employment Agencies (Revised 1949).

In the last two decades migration has multiplied, and the state has become heavily dependent upon migrant workers remittances from abroad. A need for foreign exchange has encouraged policy makers to ignore the rights of migrant workers. Thus the procedures for overseas employment are open to all kinds of abuse, particularly through illegal recruitment and employment practices and levying unofficial charges. The Emigration Ordinance 1982, the main regulatory law, does not provide a strong enough legal framework for action against those who violate the rules.

In the absence of a policy or legal regime for migrant labour, workers often find themselves in weak bargaining positions in the process of recruitment in Bangladesh as well as in their places of employment overseas. Their vulnerability is related to the structure of recruitment, which is a complex and overlapping mix between governmental and non-governmental agencies. Migrant

workers are recruited by the government's Bureau of Manpower Employment and Training, by private company the Bangladesh Overseas Employment & Services Ltd, and by private recruiting agencies. An informal network of friends, relatives, and brokers facilitates workers' access to these agencies, or helps in sending them directly through undocumented channels, which increases their vulnerability.

Until the 1990 UN Convention is ratified by Bangladesh, bilateral agreements are the best way to ensure minimum standards. The agreements should contain standard employment contracts detailing the terms and conditions of employment.

ILO conventions and labour standards

Bangladesh has ratified 33 ILO conventions, accounting for seven of the eight ILO core standards, and include restriction on employment of women at night (89), freedom of association (87), right to organise and collective bargaining (98), abolition of forced labour (105), and abolition of the worst forms of child labour (189).

There is no domestic machinery for implementing and monitoring ILO standards and local laws. Although the Labour Department has government inspectors to visit the factories and monitor labour laws, resources are low and hence there is no effective monitoring.

In 1994 the BGMEA made an agreement with the ILO to eliminate child labour from the garment industry and has successfully done so. This model has been used in other parts of the world and has been adopted to remove child labour from the soccer ball sector in Pakistan.

Appendix 1

Overview of labour law

Wages and benefits

The Minimum Wages Ordinance 1961 authorises the government to fix minimum wages in different industries

Allowable deductions

- fines
- absence from duty
- damage to or loss of goods or money expressly entrusted to the employed person where such damage or loss is directly attributable to his/her neglect or default
- living accommodation supplied by the employer
- government-authorized amenities and services supplied by the employer
- recovery of advancements or for adjustment of over-payments of wages
- income tax
- subscriptions to or repayment of advances for provident fund
- payments to co-operative societies

Hours

Maximum regular hours/day	eight hours
Maximum regular hours/week	48 hours
Daily breaks	one hour for above six hours work or a half hour for above five hours work
Maximum overtime allowed per day	10 hours
Maximum weekly hours	60 hours

Holiday and leave

Weekly holiday:	one day
Casual leave:	10 days with full pay
Annual leave:	for an adult, one day for every 22 days of service; and for a child one day for every 15 days of service. However the employee should be employed for at least 12 months before availing such leave
Sick leave:	14 days at half pay

Overtime rate twice basic hourly rate

Probation period three months extendable for another three months

Termination provisions exist

Occupational health and safety Provision for cleanliness, proper ventilation, adequate lighting, safe drinking water, and proper washing facilities
Precautions to be taken in case of fire, protection from equipment, and proper protective clothing

Appendix 2

Major labour legislation

Laws relating to establishments

The Factories Act 1965

The Factories Rules 1977

The Shops and Establishments Act 1965

The Shops and Establishments Rules 1970

The above acts and rules mainly cover working hours, payment of overtime, leave and holidays, occupational health, safety and welfare, and punishments for non-compliance with them.

Laws relating to conditions of service

The Employment of Labour (Standing Orders) Act 1965 - covers probation, lay-off, retrenchment, discharge, dismissal, termination, penalties, and procedures.

The Employment (Record of Services) Act 1951 - contains the form of the service book, type of entry to be made, possession etc.

The Employment (Record of Services) Act 1951 - contains the form of the service book, type of entry to be made, possession etc.

The Control of Employment Ordinance 1965 - empowers a board constituted under the ordinance to regulate and control employment.

The Apprenticeship Ordinance 1962 - defines 'apprentice' and sets out the obligations of employer and apprentice towards the apprenticeship.

Laws relating to trade unions and settlement of industrial disputes

The Industrial Relations Ordinance 1969 - covers formation of trade unions, collective bargaining agents, participation committees, strikes, lockouts, unfair labour practices by employers and workers, grievance procedures under labour courts, and penalties.

Laws relating to wages

The Payment of Wages Act 1936 - aims at regulating the payment of wages to certain classes of workers and provides a speedy and effective remedy for employees concerning claims of illegal deduction or delay in paying the wages.

The Minimum Wages Ordinance 1961 - provides for the regulation of minimum rates of wages for workers in different industries.

The Minimum Wages Rules 1961 - sets the procedures to determine minimum wage rates.

Laws relating to compensation

The Workmen's Compensation Act 1923 - provides for compensation payment by certain classes of employer for occupational injury of workers.

The Employer's Liability Act 1938 - defines certain defences that may not be raised in suits for damages concerning injuries to workers.

The Fatal Accidents Act 1855 - provides for the compensation of families for loss occasioned by the death of a person caused by actionable wrong. A worker is entitled to Tk30,000 (US\$520) as compensation for death or permanent injury.

Social laws

The Companies Profits (Workers Participation) Act 1968 - provides for the participation of workers in the profits of the companies and ancillary matters.

The Workmen's Protection Act 1934 - prevents the recovery of debts from certain classes of workers.

Laws relating to maternity benefit

The Maternity Benefit Act 1939 - regulates the employment of women for certain periods before and after childbirth and provides for the payment of maternity benefit at average daily earnings over the last three months of work.

The Maternity Benefit Rules 1953 - sets the notice of confinement and method of payment.

Laws relating to child labour

The Employment of Children Act 1938 - regulates the employment of children in certain industries.

The Children (Pledging of Labour) Act 1933 - prohibits the pledging of the labour of children.

Miscellaneous

The Provident Funds Act 1925 - amends and consolidates the law relating to the government and provident funds.

Appendix 3

Chronology of significant events

23 September 2000 - A fire took place in the finishing section of a Narayanganj factory. 10 to 20 workers were injured. The fire was caused by an electrical short circuit and workers could not make a quick escape because gates were locked.

13 August 2000 - Case filed in the High court of Bangladesh to lift the restriction on female workers from working on the night shift on the ground that it is discriminatory and violates Article 28 of the Constitution of Bangladesh (still pending).

September/November 2001 - Female garment workers face large-scale unemployment. Bangladesh apparel industry faces a slump and its many sub sectors are also going broke.

- The Ittefaq, a Bengali national daily newspaper, reports that 1,250 garment factories in Bangladesh closed, with a loss of 400,000 jobs.

- The Daily Star, a national daily newspaper, reports that export earnings suffered 12 percent negative growth in September. All major sectors including ready-made garments, knitwear, frozen food, raw jute, jute goods, engineering products, petroleum by products, tea, and chemical products could not

achieve their respective targets and also marked substantial negative growth in the first quarter.

27 February 2002 - Political victimisation resulting in the termination of 19 journalists of Bangladesh Sangbad Sangstha, a government-owned news agency, over alleged allegiance to the opposition political party.

12 April 2002 - Paramilitary forces deployed when severe crisis grips Adamji Jute Mills, leading to violent confrontation between CBA union members at the plant and Jatiyatabadi Sramik Dal, the labour wing of the Bangladesh Nationalist Party (BNP) causing one death and over 50 injuries.

29 May 2002 - Trade unions of Chittagong Port dockworkers strike for three days in protest of a decision of the port authority to allow stevedore managers to employ non-union labour.

11 June 2002 - The Daily Bhorer Kagoj national newspaper in Bengali reports that illegal migrant Bangladeshi workers in Malaysia under police custody are subject to torture including electric shock.

28 June 2002 - Adamji Jute Mills close. More than 25,000 workers made jobless.