The amendments to the Bangladesh Labour Act 2006, adopted on 15 July 2013, will hopefully prove to be the first step towards fulfilling the Government’s obligation to respect fully the fundamental rights to freedom of association and collective bargaining and to address the critical need to bolster occupational safety and health. Bangladesh has ratified ILO Conventions 87 and 98 on freedom of association and collective bargaining and thus is required to protect the rights contained therein.

The conformity of the amended legislation with international labour standards ratified by Bangladesh will be reviewed by the ILO supervisory machinery later in the year.

An initial review suggests that the amendments did address some of the ILO’s specific concerns, while falling short of several important steps called for by the ILO supervisory system to bring the law into conformity with ratified international labour standards.

Several provisions to improve workplace safety have now been included in the law. Since Bangladesh has only ratified category or sector specific Conventions on OSH not directly related to the Labour Act, the specific steps taken in this area and detailed below can only be welcomed. However the country is encouraged to ratify the key international labour standards on OSH policy, namely Promotional Framework for Occupational Safety and Health Convention, 2006 (no. 187) and Occupational Safety and Health Convention, 1981 (no.155).

Freedom of Association and Collective Bargaining

The ILO has not yet received an official version and translation of the final amendments adopted. Based on an unofficial translation, it appears that the amendments take several steps called for by the ILO. They eliminate the previous obligation to send to employers the names of union leaders at the time of registration of a trade union at the factory or federation level. They will allow workers to call on outside experts for advice during collective bargaining. In the public industrial sector, workers will now be allowed to elect 10 percent of their enterprise officers from outside the workplace, although this right is not extended to workers in the private sector.

A number of restrictions to workers’ freedom of association rights which have been the subject of ILO concerns were not addressed by the amendments. For example, major areas that remain to be addressed include the reduction of the 30 per cent minimum membership requirement to form a union. The amendments also do not extend freedom of association and collective bargaining rights to workers in export processing zones. Some new provisions of the law, for example with respect to rights of workers who are contracted for services and new exclusions from coverage of the labor law of certain sectors, may raise new and additional concerns about conformity with ratified conventions.

The ILO notes that progress has been made by the Government in recent months in registering enterprise-level trade unions, which did not require an amendment of the labour law.

Workplace safety and health

Several provisions to improve workplace safety have now been included in the law, such as creation of safety committees in factories with 50 workers or more. The labour inspectorate will be given new responsibilities to inspect safety and health conditions of workplaces and conduct on-the-spot inspections. Personal safety equipment will now be required. Provisions now require the establishment of workplace Health Centres in workplaces with over 5000 employees and safety welfare officers in workplaces with more than 500.

Under the amendments compensation for work-related deaths will be provided after two years in employment, compared to the current three years. Workplaces of over 500 employers will be required to arrange for and cover the cost of treatment of occupational diseases.

Other fundamental rights
With regard to ratified Conventions covering other fundamental rights, the amendments did not prohibit discrimination in employment or remuneration, as called for by the ILO supervisory system. The law was not amended to prohibit debt bondage by children nor to ensure that compulsory labour cannot be used as a punishment for breaches of labour discipline or violations of provisions restricting the right to strike.

Next steps on cooperation

Important additional labour law reforms will be required to fulfill the Government’s commitments and obligations under ratified Conventions and these should be undertaken as a matter of urgency. With respect to the areas of progress noted above, implementing regulations will be needed to bring the provisions of the new amendments into practical effect. Changes are also needed to existing industrial relations regulations that allow employers to conduct the elections for worker Participation Committees.

The ILO calls on the Government of Bangladesh to take the further steps necessary to fulfill its obligations under ratified conventions, as well as its commitments on labour law reform made at the Organization’s International Labour Conference in June and commitments made in the Sustainability Compact agreed with the EU on July 8. The ILO is prepared to immediately begin work with the Government on the development and adoption of further legislative proposals to address the conclusions and recommendations of the ILO supervisory bodies. The ILO also offers to work with urgency on the regulations required to implement the amendments and to build the capacity of the labour inspectorate to assume its new responsibilities.

The ILO is also dedicating important resources to the strengthening of the labour and safety inspection capacity of the Government, the training of workplace safety representatives and the development of the necessary infrastructure to ensure a safe and healthy working environment.

The ILO and the International Finance Corporation of the World Bank Group, has been exploring the possibility of launching their Better Work Programme in Bangladesh. Better Work mobilizes the tripartite efforts of employers, trade unions and governments to improve productivity, working conditions and rights in the garment sector. After a feasibility study, Better Work notified the Government of several steps that were needed for Bangladesh to meet the minimum requirements for Better Work. The amendments to the law and other steps by Bangladesh will be reviewed by the Better Work Management Group next week which, as announced earlier, will decide whether the minimum requirements have been met to launch the programme.

Tags: collective bargaining, labour law, ILO conventions, international labour standards, freedom of association, occupational safety and health
Regions and countries covered: Bangladesh
Unit responsible: Communication and Public Information