

**SECOND EDITION**

**– STUDENT'S MATE –**

**Labour and Industrial  
Laws of Bangladesh**

*With*

**Hints on Questions and Answers**

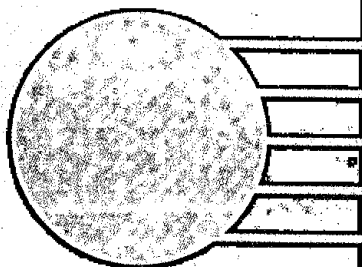
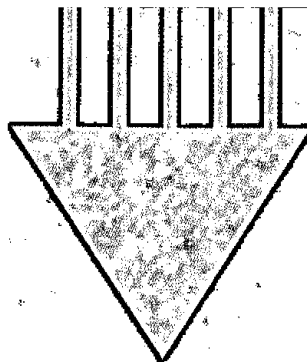
**Nirmalendu Dhar**



**ReMiSi Publishers**

**SECOND EDITION**

**– STUDENT'S MATE –**



**Labour and Industrial  
Laws of Bangladesh**

*With*

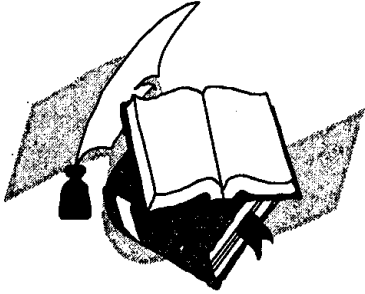
**Hints on Questions and Answers**

**Nirmalendu Dhar**

Advocate, Supreme Court of Bangladesh  
Professor, Dhanmondi Law College, Dhaka



**ReMiSi Publishers**



## About the Book

**Publisher**    ✪    **Md. Rafiqul Islam**  
**ReMiSi Publishers**

36, Purana Paltan (2nd floor)  
Dhaka-1000  
Mob : 01713049890

**First Published**    ✪    20th August, 2007  
**Reprint**    ✪    15th November, 2009  
**Second Edition**    ✪    20th September, 2011

**Pages**    ✪    **359**

**Printer**    ✪    **Apan Printing & Packaging**  
6/C, Nayapaltan,  
Dhaka-1000.

**Copy Right**    ✪    **Author**

**Price**    ✪    **Tk. 400.00 (Four hundred Only).**

## **In lieu of Preface**

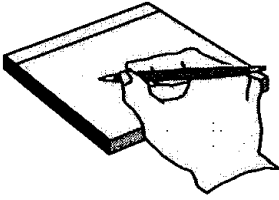
The Labour Act, 2006 was passed on 11th October, 2006 which necessitated writing of a book for students. Considering the situation the book was written covering syllabii of different universities. The book became popular among the students. The book was reprinted twice.

After that a few amendments were made in 2010 wherefor another edition was required be published.

I am sorry for the delay causing difficulties to the students. I am thankful to the publisher for publication of the book.

**(Nirmalendu Dhar)**

Dhaka, September, 20, 2011



## **Preface to the First Edition**

A new Labour law viz., Bangladesh Sram Ain, 2006 (Act No. XLII of 2006) has been passed by repealing most of the Labour Laws of Bangladesh. vide Gazette Notification dated 11th October, 2006. The Act has been passed in Bangla and no official Text has yet been published.

On request from various quarters as well as in consideration of necessity of the people and students I dared to publish an annotated unofficial English of this Act.

Role of Labour and Industrial Laws are of paramount importance. The course of different universities mostly covers the laws relating to establishments, conditions of services, payment of wages, industrial relations, payment of compensation in case of accident etc. But no comprehensive and reliable text or help book is available for the students.

I believe, that students often benefit from reading the exact language of the statutes. For this reason I wrote such a comprehensive book for the students in Bangla a few years ago. With mixed emotion I note that the book has been copied by some unprincipled so-called authors and someone followed my style.

The present book covers the syllabi on labour law of almost all the universities. The book is divided into two parts. Part I contains the statutes with notes, comments and precedents. There is a special section in Part II of this book for the students briefing them about the standard and model answers on important topics. Study of this section will substantially raise the grades of most students.

I earnestly welcome any valuable suggestion from teachers and students.

I have tried my best to present a complete and worthy book. Yet I think any suggestion from any reader may enrich the book further. Any suggestion for further improvement of the book will be welcome.

**(Nirmalendu Dhar)**

Dhaka, November, 15, 2009

# **SUBJECT INDEX**

<b>Sl No.</b>		<b>Pages #</b>
<b>PART-I</b>		
<b>01.</b>	<b>HINTS ON PROBLEM QUESTIONS AND ANSWERS</b>	<b>01-104</b>
<b>PART- II</b>		
<b>02.</b>	<b>THE BANGLADESH LABOUR ACT, 2006</b>	<b>01-244</b>
<b>03.</b>	<b>SCHEDULE</b>	<b>245-255</b>

# **PART-1**

## CONTENTS

### CHAPTER-1

#### PROVISIONS RELATING TO CONDITIONS OF SERVICE

Object of The Chapter .....	13
Classification of Workers .....	13
Probation- Purpose of .....	14
Whether a probation period may be counted on re-appointment probationer can be reverted to his former post .....	15
Whether a probationer can be reverted to his former post .....	15
Relationship of master and servant or employer and employee- how can be determined .....	15
Procedure for obtaining leave .....	16
Lay Off .....	17
Right of laid-off workers for compensation .....	17
Employer's duty to maintain a Muster-roll for laid-off workers .....	18
Workers not entitled to lay-off compensation in certain cases .....	18
Retrenchment .....	19
Procedure for retrenchment .....	19
Re-employment of retrenched workers .....	20
Discharge .....	20
Termination of Service .....	21
Termination by worker (Resignation) .....	22
Termination of service of temporary workers .....	22
Misconduct .....	22
Misconduct- kinds of .....	23
Punishment for conviction and misconduct .....	23
Procedure for punishment .....	24
Compensation in case of dismissal .....	25
Grievance procedure .....	25

### CHAPTER-II

#### LAW RELATING TO TRADE UNIONS AND SETTLEMENT OF INDUSTRIAL DISPUTES

Industrial dispute .....	27
Ingredients of industrial dispute .....	27



Nature of dispute .....	27
Dispute- how raised .....	27
Mode of settlement of industrial dispute .....	28
Strike and lock-out .....	29
Strike or lock-out in public utility services .....	30
Conciliator .....	31
Unfair Labour practice .....	32
Registration of Trade Union .....	34
Cancellation of registration of trade union .....	36
Remedy of trade union in case of cancellation of registration .....	36
Appeal against permission for cancellation .....	37
Collective bargaining agent- determination of .....	37
Mode of determination of collective bargaining agent .....	37
Rights and obligations of a collective bargaining agent.....	40
Right and privileges of Registered trade unions and collective bargaining agents.....	41
Labour Court .....	42
Constitution of Labour Court .....	42
Jurisdiction of Labour Court .....	43
Powers and functions of labour court .....	44
Powers and functions of labour appellate tribunal .....	46
Power to prohibit strikes and lock outs .....	47
settlement Interpretation of settlements .....	47
Interpretation of settlements .....	48
Strike .....	48
Functions of participation committee .....	51
Meetings of the Participation Committee .....	51

### CHAPTER-III

#### LAW RELATING TO ESTABLISHMENTS

Dangerous Part of the machinery .....	52
Safeguard providing for protection of Health .....	52
Facilities provided for the workers .....	55

Precautions and safety measure of workers .....	58
Provision relating to regulation of hours of works .....	64
Leave and holidays .....	67
Restriction on employment of women .....	70
Restriction on employment of <u>children</u> and adolescent .....	71
Prohibition of employment of <u>children</u> and adolescent .....	71
Dangerous occupations .....	74
Companies profit .....	74
Dangerous occupations .....	75

## CHAPTER-IV

## LAW RELATING TO WAGES

Objects of the payment of wages legislation .....	76
Wages .....	76
Responsibility for payment of wages .....	78
Time limit within which the wages is to be paid by the employer .....	79
Deductions which may be made from wages .....	79
Provisions for fine .....	80
Remedy for the persons employed under the payment of wages act in the event of deduction from wages or delayed payment of wages .....	81
Malicious or vexatious claims .....	82
Whether group application may be made .....	82
History of minimum wages legislation .....	83
Object of fixation of minimum wages .....	83
Establishment of Minimum Wages Board .....	84
Recommendation of minimum rates of wages for workers with respect to particular industries .....	84
Prohibition to pay wages at a rate below the minimum rate of wages and penal action for contravention of the provision .....	85

## CHAPTER V

## LAW RELATING TO COMPENSATION

Objects of Workmen's Compensation .....	87
Accident .....	87
Dependent .....	88

Total disablement .....	89
Employer's liability for compensation as provided in the Bangladesh Labour Act, 2006.....	90
In the Course of employment .....	92
Procedure to be followed by the Labour Court for distribution of compensation .....	93
Restriction imposed by the provisions of Workmen's Compensation relating to the assignment, charge and attachment of the compensation amount .....	94
Steps a workman should take when he is injured in an accident arising out and in the course of employment in order to get compensation from his employer .....	94
Effect of failure to register an agreement .....	95
<b>Some problems and solutions.....</b>	<b>97-104</b>