

Government of the People's Republic of Bangladesh
Ministry of Labour and Employment

5th Implementation Status of National Action Plan (NAP) on the Labour Sector of
Bangladesh (2021-2026)

1. During the 9th session of the EU-Bangladesh Joint Economic Commission held in October 2019, the Government agreed to implement an Action Plan to uphold labour rights and workplace safety in Bangladesh. Towards this the National Action Plan (NAP) on the Labour Sector of Bangladesh (2021–2026) was developed in consultation with the European Union (EU) and was shared with the EU on 1 July 2021. The NAP is a commitment of the Government of Bangladesh to undergo further legal and administrative reforms and to implement practical activities to ensure decent working condition and wellbeing of the workers in Bangladesh. The specific target of these reforms include further alignment of labour related laws with ILO standards; elimination of child labour; prevention of violence, harassment, unfair labour practices and anti-union acts; promotion of social dialogue; improvement in trade union activities; reducing backlog of cases at labour courts; efficient complaint management; increase number of labour inspectors to ensure full functionality of labour inspectorate; ensure workplace safety; and ratification of two ILO instruments.

2. The NAP envisaged a strong engagement of the tripartite constituents and, where appropriate, the International Labour Organization (ILO) and other development partners in implementing the time-bound specific actions spelled out in the NAP.

3. For effective implementation of the NAP, a 'Tripartite Implementation and Monitoring Committee' (TIMC) has been formed by a circular dated 11 August 2021. The responsibilities of the TIMC include: (1) Monitoring of implementation progress of the time-bound actions of the NAP shared with the European Union (EU) as well as Roadmap shared with ILO; and (2) Providing overall guidance for implementation of both documents. By this time 8 meetings of the TIMC have been organized.

4. **NAP Actions and Progress Made**

As agreed with the EU, the implementation status of the NPA is published twice annually, in April and in October, in the MOLE's website. The 4th update on the implementation status was published on 26 October 2023. The following 5th implementation status of the NAP was endorsed by the TIMC at its 9th meeting held on 8 May 2024.

Action 1 Bring Bangladesh labour laws in compliance with ILO standards on freedom of association and collective bargaining

1.1 Amendment of the Bangladesh Labour Rules (BLR), 2015

The Bangladesh Labour Rules (BLR), 2015 has been amended and published through gazette notification on 1 September 2022 (S.R.O No.-284-Law/2022). The recommendations made by the ILO Committee of Experts on the BLR were taken into consideration during the amendment process.

1.2 Amendment of the Bangladesh Labour Act, 2006 (as amended in 2018)

After consultation with the relevant stakeholders and approval by the Cabinet, the amendment proposals were sent to the parliament. The Bill was approved by the 11th parliament at its last session on 1 November 2023 and it was sent to the H.E. President of the People's Republic of Bangladesh for His consent. The H.E. President sent back the Bill with an observation in relation to one of the provisions for upward revision of fines for anti-union discrimination and unfair labour practices.

After the 12th parliamentary election held in January 2024, the new government has again initiated the amendment process. The Tripartite Law Review Committee (TLRC) discussed the observation made by the president's office on 11 January 2024. Subsequently, on 23 January 2024, the TLRC finalized its recommendations along with several remaining concerns of ILO Committee of Experts. With the recommendations of the NTCC, the amendment proposal would soon be sent to the Cabinet. It is expected that the amendment Bill will be passed by the parliament at the earliest possible.

1.3 Amendment of Bangladesh Labour Rules, 2015, after BLA amendment

Further amendments to the Bangladesh Labour Rules 2015 (as amended in 2022) will be initiated after completion of the proposed amendment of BLA 2006.

1.4 Adoption of Export Processing Zone (EPZ) Labour Rules

The Bangladesh EPZ Labour Rules, 2022 had been published through gazette notification on 4 October 2022 (S.R.O No.-295-Law/2022). It contains, among others, provisions for preventing discrimination and conducting investigation against anti-workers welfare Association (WWA) activities and collective bargaining rights, formation of federation, formation of employers' association, DIFE inspection in EPZ, and preventing misconduct against female workers, i.e. sexual harassment and violence.

Since August 2023, tripartite consultations are being organized on "Labour rights in the EPZs & international best practices, Bangladesh EPZ Labour Act, 2019 and Bangladesh EPZ Labour Rules, 2022" to analyze the impact of the law and the newly adopted Rules in light of the international best practices.

1.5 Amendment of Bangladesh EPZ Labour Act, 2019

A Tripartite Standing Committee had been formed to work on the amendment proposals. The Committee started working in July 2023. On 26 December 2023, the Tripartite Standing Committee was reformed, the first meeting of which was held in January 2024.

The BEPZA works closely with ILO for improvement of labour standards in EPZs. During August 2022 to December 2023, BEPZA has conducted several stakeholders' meetings and exchanged views with ILO on the Technical Note and Global Good Practices to align Bangladesh Labour Laws with selected International Labour Standards.

As of 30th April 2024, BEPZA has conducted 17 consultations with the representatives of WWAs/workers, employers and other stakeholders in 08 Zones of EPZ. From 17 April 2024 BEPZA has started further consultation and exchanging views with all level of stakeholders in eight EPZs with a view to reviewing the EPZ Labour Act & EPZ Labour Rules in line with the international standard which will be completed by May, 2024.

The Tripartite Standing Committee has been reformed on 26 December 2023. The first meeting of the said committee has been held in 01 February 2024 and 2nd meeting has been held on 18 February 2024. Next meeting of the said committee will be held in May 2024. Meantime, the amendment proposals are being received from the investors & workers through the zones.

On 18 February 2024 ILO, Bangladesh country office team visited BEPZA Office and exchanged views with the Executive Chairman regarding the collaboration on skill development, sustainable investment etc as well as the amendment of the Bangladesh EPZ Labour Act, 2019.

On 01 April 2024 BEPZA has exchanged views with Ms. Elena Gerasimova, Labour law and Labour Standards Specialist, Decent Work Team South Asia alongwith the ILO Officials, Dhaka on the Technical Note of ILO to align Bangladesh EPZ Labour Act with International Labour Standards.

On 30 April 2024 BEPZA has further exchanged views with Mr. Tim De Meyer, Senior Advisor on Standards Policy, International Labour Standards Department (NORMES), Geneva alongwith the ILO Officials of Dhaka on the amendment of the Bangladesh EPZ Labour Act to align it with International Labour Standards including collaboration with ILO & BEPZA.

It is expected that the whole process will be completed well ahead of the stipulated timeframe set as June 2025.

Action 2 Eliminate child labour in all its forms by 2025

Action 2.1 Regulatory and policy framework for the elimination of child labour

As part of regulatory framework, Bangladesh has ratified the ILO Minimum Age Convention, 1973 (No. 138) on 22 March 2022. The list of hazardous work has been updated with five new sectors. These are: (1) Work related to fish drying, (2) Street-based informal work, (3) Work related to production, collection and transportation of bricks or collection and transportation of stone, (4) Informal /local tailoring and clothe making (5) Garbage and waste management related work. The updated list of 43 sectors has been published through a Gazette Notification on 29 April, 2022. In same vein, the National Plan of Action (NPA) to Eliminate Child Labour (2021-2025) has been revised and published on 12 December 2021. Translation of the document in Bangla has been completed and published in January 2024.

2.2 Strengthen investigations and increase the number of convictions for child labour

In order to improve child labour inspection capacity, the number of labour inspectors is being increased gradually which is detailed out under Section 7. Regular training courses are being organized for the Labour inspectors by the DIFE. In 2022-23 Financial Year, 40 training courses and 7 workshops were arranged for the labour inspectors. In addition, 14 training

courses organized by GIZ. Special Yearly Plan of Action is being implemented since 2022 to eliminating child labour from child labour prone areas. As of April, 2024, for employing child labour 580 cases have been filed to the Labour Court. Of which 209 cases have been disposed of.

The Ministry of Labour and Employment ensures regular cooperation with different public authorities in eliminate child labour. As collective efforts to eliminate child labour, regular meetings of the National and Divisional Councils as well as District and Upazila (Sub-district) level committees, which are comprised of representatives from NGOs and CSOs, are being organized to take account of and follow up on the progress achieved. As of April, 2024, 11 meetings of National Child Labour Welfare Council (NCLWC), 78 meetings of Divisional Councils and 248 meeting of District Level Committees were organized.

2.3 Projects on (hazardous) child labour/child labour survey

2.3.1 Implementation of a Government funded project

The implementation of the government's own funded project "Eradication of Hazardous Child Labour from Bangladesh (4th Phase)" will be completed in June 2024. By this time through this project 100 thousand children have been withdrawn from hazardous work. The project provided 6 months' non-formal education and 4 months' skill development training and monthly stipend of Taka 1000 for 10 months to each child through mobile banking system. Taka 13 thousand per child has been provided as seed money to setup small business.

2.3.2 Conduct a child labour survey by Bangladesh

The National Child Labour Survey 2022 has been conducted by the Bangladesh Bureau of Statistics (BBS) with the support from ILO and the provisional report has been published has been published on 19 July, 2023. According to the provisional report of the survey the number of hazardous child labour in the country has reduced from 1.280 million (3.2%) in 2013 to was 1.068 million (2.7%) in 2022. However, the number of children aged 5-17 engaged in child labour has slightly increased from 1.698 million (4.3%) in 2013 to 1.776 million (4.4%) in 2022. The final report has been published in March 2024.

2.3.3 Design and implement programmes of action

In order to undertake a project to eliminate child labour from all sectors of the economy, a feasibility study has been completed in June 2023 and the findings was disseminated in a workshop in 19 July 2023. We have planned to implement a project entitled 'Elimination and Rehabilitation of Child Labour' to eliminate child labour from Bangladesh. A DPP of the project has already developed amounting 25 billion BDT. Required documents of the project have been developed and administrative process has been initiated for approval of the project.

Form January 2024, ILO has also initiated a new project "Advancing Decent Work in Bangladesh", a component of which will contribute reducing child labour with priority to hazardous forms.

Other concerned Ministries and Departments are also implementing supportive programmes

which are directly and indirectly contributing elimination of child labour.

2.3.4 Enhance Child Labour Unit of MOLE

The Child Labour Unit of MOLE has been strengthened with additional manpower headed by a Deputy Secretary along with required support staff.

2.4 Awareness raising action and process

Various awareness raising activities are being conducted on regular basis. Financial allocation is being made from the regular revenue budget of MOLE for the Divisional and District level committees to organise meetings, seminars and workshops. Four workshops supported by UNICEF were organized during October, 2023 to April 2024.

Action 3 Combat violence against workers, harassment, unfair labour practices and anti-union discrimination

The ILO has initiated a new project “Advancing Decent Work in Bangladesh” in 2024. The tenure of the project is January 2024 to December 2026. The cost of the project is 2684.12 Million BDT. The project is designed to develop tools to improve functionality of enforcement in addressing Anti-Union Discrimination and Unfair Labour Practices and capacitate government enforcement officials and social partners for improved functionality.

Action 3.1 Preventive measures

3.1.1 Conduct regular training for awareness raising for responsible factory security staff, police and employers to prevent violence, harassment, unfair labour practices and anti-union acts

The Department of Labour (DOL), Industrial Police and BEPZA are conducting regular awareness raising programmes for responsible factory security staff, police and employers to prevent violence, harassment, unfair labour practices and anti-union acts.

DoL: From July 2020 to 30 April 2024, DOL has trained 38853 workers, management staff, and government officials through 5 days long ‘Workers’ Education’ and 4 weeks long ‘Industrial Relations’ courses by its four Industrial Relations Institutes (IRIs) and 32 Labour Welfare Centres (LWCs). Nearly 42% of the participants were female. On 24 January 2023, a day long workshop was organized on remediation of unfair labour practices and anti-trade union discrimination for the representatives of workers, employers and various government departments including Industrial Police, Labour Courts, and Labour Appellate Tribunals. On 9th August 2023 a sensitization workshop was organized on the use of minimum force and respect of workers’ rights during labour protests for 30 IP officials from Narayanganj, Gazipur and Dhaka.

Industrial Police: The Industrial Police has trained 8611 of its personnel from January 2021 to 20 April 2024. The courses include Awareness on Human Rights and Gender, Intelligent Aspects of Industrial Police, Employer, Worker and Ministry of Labour Relationship Development Course, Public Order Management Course, Human Rights, Gender Awareness and Social Responsibility Course, Settlement of Industrial Dispute Management Course, and

Labour Education Matter Course etc.

BEPZA: BEPZA conducts regular trainings & awareness programmes for workers, employers/management, security staff and Industrial Police of Bangladesh.

From January 2024 to April 2024, BEPZA has provided training to total 1465 participants including workers, employers/management, security staff and Industrial Police on Bangladesh EPZ Labour Rules, 2022, Unfair Labour Practices, Decent Work, Prevention of discrimination against anti WWA activities, Prevention of Violence & Harassment, Social Dialogue, Effective Workplace Co-operation, Fire Safety, Health & Hygiene, etc.

With a view to promoting decent work and ensuring the labour rights in the EPZs, BEPZA in collaboration with ILO Better Work Bangladesh, has trained 25 Inspectors (Social & Environmental, Doctors and Engineers & IR Officers) on ToT basis on the Workplace Cooperation and Communication, Grievance Handling procedures at Factory-Level & Collective Bargaining with the best IR Practices, and Promotion of Occupational Safety and Health (OSH) Management Systems. The trainers will continue the ILO Better Work programme at the enterprises in EPZs.

3.1.2 Develop and regularly update (online) databases to provide an overview of number and nature of training programmes as well as number of trainees among factory security staff, police, employers and workers

Database on training are being maintained/managed by DoL, BEPZA and Ministry of Home Affairs.

A database for training related information has been developed and linked with the DoL's website (<https://lw.orionisbd.com/certificate-database>). All IRIs and LWCs regularly update database with participants' information segregated by name, designation, factory, trade union, age, sex and so on.

The Ministry of Home Affairs maintains a database (<https://iphq.police.gov.bd/training>) on the training being imparted to the police personnel including the Industrial Police.

In March 2023, BEPZA established an online database (<https://www.bepza.gov.bd/training>) to record the information of the trainees segregated by name, designation, factory, WWA, age, sex etc. Simultaneously, the record of training is maintained manually.

3.1.3 Develop a compendium in Bangla language of all existing and relevant laws, rules and regulations (including the use of minimum force and applicable sanctions or penalties for any proven violation) in order to train and raise awareness among industrial police and relevant law enforcement agencies (LEAs)

On 1 December 2023, the Industrial Police officially published a compendium in native language (Bangla) of all existing and relevant laws, rules, and regulations on the use of minimum force, applicable sanctions and penalties for any proven violation. This compendium helps developing better understanding on the normative measures by the Industrial Police and Law Enforcement Agencies.

3.1.4 Continue to train and provide clear instructions to the industrial police and relevant LEAs on the use of minimum force, respect of human rights and labour rights, including on trade union rights and civil liberties during labour protests

As a regular activity, the DoL and the Ministry of Home Affairs are regularly imparting training to the industrial police and relevant LEAs on the use of minimum force, respect for human rights and labour rights as well as on trade union rights and civil liberties during labour protests.

The DoL and the Ministry of Home Affairs regularly impart training to the industrial police and relevant LEAs on the use of minimum force, respect of human rights and labour rights, including on trade union rights and civil liberties during labour protests.

DoL's Industrial Relations Institute (IRI), Gazipur, Khulna, and Chattogram have conducted six batches of training for 35 members of industrial police along with other law enforcement agencies in October and November 2023. The IRIs continues the training on Labour Law and other laws related to Human rights.

DoL has been providing sensitization seminars on the use of minimum force and respect for workers' rights during labour protests for Industrial Police members. Industrial Police personnel from three different industrial zones (Dhaka, Gazipur and Narayanganj) attend the seminar regularly. DoL conducts such training, workshops, seminars, and focus group discussions to better facilitate investigation and remediation of violence, harassment, unfair labour practices and anti-union acts against workers.

A sensitization workshop for 30 Industrial Police members was organized on 9th August 2023 in Dhaka. During January 2021 to June 2023, the Industrial Police organized 7,496 hours of training courses participated by 5,972 males and 638 female members of the Industrial Police. Curricula and other details are available in at <https://iphq.police.gov.bd/training>.

Action 3.2 Investigation of violence and harassment against workers, anti-union discrimination and unfair labour practices

3.2.1 Continue to provide regular training and clear instructions (including monitoring of instructions) for all DOL staff handling complaints on how to comply with the SOPs on anti-union discrimination and unfair labour practices against workers

Regular training and instructions are being provided to the DOL staff handling complaints related to anti-union discrimination and unfair labour practices against workers. Two rounds of 3-day long training on the SOP for Unfair Labour Practices and Anti-Union Discrimination for 30 DoL officials were organized in October 2021 and August 2022 in collaboration with ILO. Four daylong in-house training sessions on the SOP for Unfair Labour Practices and Anti-Union Discrimination has been organized in September and November 2023 for all DoL officials. DoL will continue refreshment training on the SOP for Unfair Labour Practices and Anti-Union Discrimination for all officials of DoL.

3.2.2 Continue to provide regular information to all workers on their rights and to complain and access legal support in case those rights are violated/ abused

The DoL officials provide regular information on labour rights during the Trade Unions' general meetings. Information includes ways and means to lodge complaints and legal redress in cases of alleged violation or abuse. If an employer does not comply in a timely manner with the remedial actions recommended by the DoL, a case with the Labour Court on behalf of the workers concerned is filed. In addition, the DoL continues to train workers on complaints and remedial issues under the aegis of the SoP on Unfair Labour Practices and Anti-Union Discrimination.

3.2.3 Continue to sensitise managers/ employers, security staff on how they can support the investigations

The DoL imparts training to the security staff, managers/employers of factories through IRIs and LWCs. Such a training includes basic information concerning complaint management and investigations. The number of training programmes conducted by IRIs and LWCs are furnished in Action 4.2 and 3.1.1. For every complaint on unfair labour practices and anti-union discriminations, the DoL notifies both the concerned employer and the complainant in writing seeking their cooperation in the investigation process.

The Industrial Police continues to engage with the employers and the factory management to sensitize their respective security personnel about prevention of violence and supporting investigations in case of alleged violence and harassment. The data in this regard are provided in section 3.1.4.

3.2.4 Continue to provide regular training and clear instructions (including monitoring of instructions) for all personnel handling cases of alleged acts of violence and harassment against workers, including in cases of protests

The concerned Ministries including Ministry of Labour and Employment, Ministry of Home Affairs, Ministry of Law, Justice and Parliamentary Affairs monitors the subordinate agencies activities regarding handling of cases, including those involving alleged acts of violence and harassment against workers. The judiciary, prosecutorial services and LEAs receive regular training on these matters helping them efficiently handle the relevant cases and complaints.

3.2.5 Rapid and thorough investigation of alleged cases of violence and harassment of the police against workers, including in cases of legal protests

Any complaints filed related to anti-union discrimination are addressed following an SOP that follows a stipulated timeframe. The Ministry of Home Affairs imparts training to the industrial police and relevant Law Enforcing Agencies (LEAs) to sensitize on the issue of violence and harassment against workers. It is also working to ensure proper investigation of alleged cases of violence and harassment by the police against workers, including in cases of legal protests. A CFA Case Monitoring Committee, formed on 23 January 2023, identifies the long pending cases to expedite remedies. Till now, the Committee has held 5 (five) meetings. Furthermore, the Ministry of Law, Justice and Parliamentary Affairs has also been playing a role in expediting the remedy of the pending cases.

Action 3.3 Ensure timely and dissuasive sanctions/convictions and related information

3.3.1 Review for possible upward revision of fines for employers for anti-union discrimination and unfair labour practices in the BLA

Ensuring dissuasive measures against anti-union disclination and unfair labour practices has been of paramount importance to the government of Bangladesh. Therefore, after intensive consultation in the Tripartite Law Review Committee (TLRC), a consensus was reached to amend the relevant Section 294(2) of BLA 2006. Fines for employers have been proposed from existing Taka 5,000 Tk to Taka 20,000.

3.3.2 Compile and regularly update statistics on complaints received and of alleged incidents of violence and harassment, their follow-up including remedies for victims and sanctions/convictions imposed

- All complaints of Anti-Union Discrimination and Unfair Labour Practices are duly addressed following a timeframe stipulated in the SOP. From January 2020 to 30 April 2024, a total of 84 complaints on anti-union discrimination and unfair labour practices were submitted to DOL. Of all the complaints, 58 have been settled (56 complaints have been amicably disposed of, and 2 cases were filed in Labour Courts). Investigations are ongoing on the remaining 26 complaints. All complaints of Anti-Union Discrimination and Unfair Labour Practice were duly addressed. The full record of proceedings of the cases/complaints on unfair labour practices and anti-union discrimination is maintained in the publicly accessible database managed by the DoL at <http://103.48.18.197/en/antiunion>.

Action 3.4 Promoting Social Dialogue

3.4.1 Developing institutional mechanism and capacity building for national and sectoral Tripartite Consultative Councils (TCCs)

Self-assessments for the NTCC and the RMG-TCC were organized from 5 to 8 February 2023 and on 9 February 2023 respectively. In the workshop, a report on “The Assessment on the Effectiveness and Inclusiveness of the National Tripartite Consultative Council (NTCC)” along with recommendations and an “Action Plan to Enhance Effectiveness and Inclusiveness of the National TCC” was prepared and submitted. The ILO Country Office is planning to mobilize technical assistance to implement the Action Plan.

3.4.3 Develop and implement a roadmap on social partners’ awareness and capacity building for social dialogue and collective bargaining at all levels, including sectoral and national levels

The DoL has been in discussion with the ILO to develop a Roadmap on social partners’ awareness and capacity building for social dialogue and collective bargaining at all levels. The Roadmap is expected to include training sessions, workshops, focus group discussions, information sessions etc. To this end, a comprehensive project has been designed by the ILO.

Action 4 Increase the success rate of application for trade union registration (paper and online)

The ILO has initiated a new project “Advancing Decent Work in Bangladesh”. The project will develop a collaborative action plan on Freedom of Association (FoA) and Collective Bargaining (CB) followed by a system for monitoring and evaluating the effectiveness of the traditional and online Trade Union registration system.

Action 4.1 Explore and implement ways of further simplifying the registration process through tripartite consultations

4.1.1 Overhaul the existing online Registration System

The digitization of the trade union registration process under the Department of Labour (DoL) was completed on 27 October 2021. It was introduced to provide trade union registration facilities to the doorstep of the workers. Of late, this simplification process has been undertaken under myGov Platform (<https://www.mygov.bd/>), an integrated system encompassing a wide range of government services. The required registration forms have been linked to this Platform to make those users friendly. The formation of a technical working group with ILO support is under way to further simplify the process.

4.1.2 Establish a pre-application service at the Department of Labour (DOL)

A pre-application service desk was established in the offices of the Registrar of Trade Union (RTU) under the DoL in January 2021 to ensure smooth registration. Pre-application service has been extended to 1505 applicants during January 2021- April 2024.

4.1.3 Continuing with the provision for offline registration system

The provision of the offline registration system remains functional in parallel to the online system at registrars of the trade union offices. The DOL is running awareness activities and providing support to the applicants to promote submission of online registration. Up to 30 April 2024, 9460 trade unions have been registered covering about 3.16 million trade union members. In the RMG sector, the number of trade unions has increased from 132 in January 2013 to 1296 on 30 April 2024.

Action 4.2 Training workers and employers on Trade Union Registration Process

Training to the workers and employers on trade union registration process is one of the regular activities of all training institutions that belong to DOL. Through Industrial Relations Courses and Workers Education Courses, 04 Industrial Relations Institutes (IRIs) and 32 Labour Welfare Centers (LWCs) are imparting training to both workers and employers on a regular basis. From July 2020 to April, 2024, DOL has trained more than 38 thousand personnel including workers, employers, and government officials.

DOL arranged training on online trade union registration system on 23rd January 2023, where associations i.e., Industry All Bangladesh Council (IBC), National Coordination Committee for Workers Education (NCCWE) and Jatio Sramik League participated. The DoL registrars and the officers of Divisional and regional offices attend regular in-house training programs with an annual set target given by the MOLE. The program covers, inter-alia, lessons on how to efficiently handle registration applications process in offline and online platform.

Action 4.3 Publicly accessible online database on registration to be made fully operational and regularly updated

The Publicly accessible online database on registration has been operational since September 2021. Designated officials were assigned from registrars of the trade union offices under DoL to regularly update the database. They were trained in efficiently managing the database. The statistics along with relevant statements on trade union applications granted, filed, and rejected are being updated on a regular basis in the publicly accessible online database.

Two tripartite consultative workshops on publicly accessible database in relation to its function, scope and renovation were organized on 7 August 2022 and 23 January 2023 respectively.

Action 5 Eliminate the backlog of cases at labour courts, including in the Dhaka Metropolitan Area

5.1 Take steps to make the three newly established Labour Courts fully functional

In addition to seven existing labour courts, three new Labour Courts in Sylhet, Barishal, and Rangpur were established in 2019 to expedite the labour related cases as well as to clear the backlogs of such cases. For these newly established courts, judges have been recruited and representatives of the employers' and workers' groups have been nominated. A two-day long training course, organized 30-31 May 2023, was attended by the registrars and support staff of all Labour Courts. The issues of case file management and the procedures to handle the cases were covered in the training course.

5.2 Establishment of new labour courts in Narayanganj, Gazipur, Cumilla and Faridpur districts

After the offices of the new labour courts had been set up, judges were recruited, and representatives from the employers' and the workers' groups were nominated. Currently, the new courts in Narayanganj, Gazipur and Cumilla are fully functional. The previously proposed Labour Court in Faridpur was not viable. However, although it was not a commitment through the Roadmap, a new labour court in Mymensingh is in progress and a new initiative was taken to establish a new labour court in Cox's Bazar.

5.3 Deployment of one Additional Judge (Member) to the Labour Appellate Tribunal

On 31 August 2022, the Ministry of Public Administration sanctioned the post of an additional Judge (Member) for the Labour Appellate Tribunal along with relevant support staff. The administrative process for deploying the stated Additional Judge (Member) and recruiting official support staff is in progress. The offices for the newly created post will be established after completion of the recruitment process.

5.4 Establish pilot processes to classify cases in consultation with the Judges of the Labour Courts with a view to addressing case backlogs

A software for 'Management and Monitoring of Courts Cases (MMCC)', developed previously, was updated with the support from ILO.

The ILO has also initiated a new project “Advancing Decent Work in Bangladesh”. The project will develop tools and processes for improved efficiency of judicial bodies to conduct and resolve cases. In collaboration with ILO, development of an Online Case Management System to monitor the cases and capacity building of the courts through further training are being actively considered.

In order to improve court facilities and premises the MOLE is shifting the Labour Courts Offices from hired premises to permanent one. The MoLE is exploring options to improve the court facilities as well as to provide space for the Courts in Dhaka and Chattogram in the existing office spaces of the DoL and the DIFE. The facilities of these courts have been enhanced.

5.5 Independent conciliation and arbitration system as a means of Alternative Dispute Resolution (ADR)

5.5.1 Establish a Conciliation and Arbitration Cell at DOL to provide secretariat service and monitor individual cases as need be

A three-member Conciliation and Arbitration Cell had been established by the DoL on 29 September 2021. The Cell stands ready to extend secretariat services to the conciliators and the panel of arbitrators. During 2013 to April 2024, a total of 114 conciliation applications have been submitted to the DoL. Of these, 106 disputes have been settled through DoL’s conciliation mechanism, 05 have been ceased and 03 conciliation applications remained pending.

5.5.2 Develop an SOP for conciliation system through tripartite consultations

After several tripartite consultation meetings and workshops held through 2021-2023 with support from ILO, the SoP for Conciliation was finalized by National Tripartite Consultative Council (NTCC) on 2 February 2023. It was then notified by MoLE on 16 July 2023.

5.5.3 Appointment of conciliators through gazette notification

On 10 March 2022, the MOLE, through a gazette notification, assigned 15 conciliators with a view to settling industrial disputes.

5.5.4 Develop an SOP for arbitration system through tripartite consultations

After a series of tripartite consultation meetings and workshops with stakeholders, the SoP for arbitration system has been prepared and shared with the ILO Country Office, Dhaka for comments and suggestions. The draft SOP for arbitration process will soon be placed before NTCC for approval.

5.5.5 Establish an arbitrators’ panel

The ‘Guideline for Arbitrator for Industrial Dispute Settlement’ was developed by the DOL in discussion with its field offices. The said draft was consulted in the tripartite meeting on 19 September 2023. The draft has been shared with ILO Country Office, Dhaka for comments and suggestions. The draft guideline will soon be placed before NTCC for

approval. After the approval of the guideline, necessary steps will be taken for appointing the arbitrator's panel.

5.5.6 Promote conciliation and arbitration system as ADR

In collaboration with the ILO, the DoL conducted a day-long training session on 31 August 2022 for 15 designated conciliators along with another 15 senior officials of DOL on Dispute Resolution and Conciliation. On 25 October 2022, a self-assessment of existing dispute resolution mechanism was conducted by ILO. An Action Plan was outlined aiming to improve the effectiveness of the mechanism. The findings of the self-assessment mission from ILO were finalized in a tripartite workshop, held on 26 October 2022. Moreover, DOL, with ILO's support, will facilitate academic discussions for exploring the role of conciliation and arbitration in resolving labour disputes in Bangladesh for trade union leaders, employers and DOL officials on 13th May 2024.

5.5.7 Provide information sessions on the conciliation and arbitration system to workers, employers and DOL officials

DOL has conducted a day long workshop on industrial dispute settlement focusing on process of appointing arbitrators for workers representatives from IBC, NCCWE and Jatio Sramik League; employers' representatives from BGMEA, BKMEA and BEF; government representatives from DoL DIFE, BEPZA and Industrial Police Judiciary from Labour Courts and Labour Appellate Tribunals on 25 January 2023.

DOL, with ILO's support, will conduct information sessions/ focus group discussions on conciliation and arbitration for trade union leaders, employers and DOL officials.

Action 6: Set up an efficient system to follow-up on worker's complaints received through helpline

6.1 Continuation of the helpline (16357) under revenue budget of DIFE

The helpline established in June 2020 continues to operate and receive complaints under revenue budget. A pool of 6 (six) Labour Inspectors are assigned to attend the helpline. The helpline is open for 24/7 so that worker can make complain free of charge related to wage, benefit, harassment etc. The helpline number 16357 will be exhibited in all factories. All are settled.

From July to April 2024, a total of 1908 complaints were received through the helpline of which 1660 were settled. 248 of them are awaiting necessary actions within a course of reasonable time. The DIFE strives to increase the remedy rate, while also ensuring the quality of redressals that sometimes incur a longer time.

6.2 Establishment of a complaint management cell to follow up the cases directly by the labour inspectors

A Complaint Management Cell had been established at the DIFE on 21 December 2020. Eight Labour Inspectors are assigned with the Cell to monitor the progress of resolution of the complaints received. The Cell arranges training for the assigned Labour Inspectors. 2

(two) training programmes so far have been arranged by the Cell.

6.3 Develop a database of the complaints covering relevant information

A database of the complaints received via the helpline had been developed in December 2021. This database covers information related to the complaints and cases as well as resolution/follow-up. The database includes information on complaints, received via both online and offline. The information on all complaints (mentioned in Action Point 3.2.1) is maintained in this database.

During July 2023 to April 2024, a total of 4,539 complaints have been received. Of which 3,004 complaints were received through the online website, helpline, and emails, while the remaining 1,535 complaints were received through the conventional offline process. A total of 4,095 were resolved. The rest are under process.

6.4 Organise regular training programme for all service personnel/officials receiving complaints via the helpline on SOP on grievance handling

Requisite training, including foreign training, is being organized on a regular basis for the inspectors assigned to receive the complaints.

- A 3-day long training has been provided to 8 labour inspectors regarding receiving complains via helpline in 26-28 December 2020.
- A day-long training program was organized on 1 February 2022 for the 16 Labour Inspectors including 3 responsible for receiving complaints via the helpline
- Five inspectors of DIFE visited Denmark in August, 2022 for 7 days special training about complain management and helpline with the assistance of Denmark Government.
- A day long workshop program on “Assessment on DIFE helpline(16357)” was organized consisting 25 labour inspectors in September, 2023.
- A 3-day long workshop was held on “data management system and helpline” consisting 23 labour inspectors in 5-7 March, 2024.

6.5 Establishment of the Helpline for all workers in EPZs

- On March 28, 2021, the Hon'ble Minister, Ministry of Law, Justice, and Parliamentary Affairs inaugurated the BEPZA Helpline 16128. The helpline was to ensure labour rights and to strengthen the existing grievance redressed system as well as to ensure prompt services for the workers in the eight EPZs under BEPZA. The helpline provides 24/7 hours services to the workers and employees in EPZs. The calls, so far received through helpline, relate to arrears of wages, provident fund, earned leave encashment, leave & holiday and information regarding plots, investments, etc.
- As of April 2024 total 9157 calls have been received since the helpline was launched of which 9136 have been resolved and rest 21 are in resolving process.

Action 7 Provide for new labour inspectors and ensure full functionality of labour inspectorate

7.1 Filling vacant posts of Labour Inspectors by recruitment and promotion

Since the submission of the Roadmap, 152 labour inspectors have been recruited and 21 staff have been promoted to Labour Inspector post. With this the number of Inspectors working at present has increased from 314 to 450 against the previously sanctioned 575 posts of inspectors.

Bangladesh Public Service Commission (BPSC) has recommended 16 posts of labour inspectors on 7th December 2023. Their verification and medical test are going on. Moreover, requisition for 87 inspectors has been sent to BPSC to recruit from 46 BCS and Non-cadre recruitment process. Furthermore, 37 Assistant Inspector General (AIG) were promoted to Deputy Inspector General (DIG) and 5 Deputy Inspector General (DIG) to Joint Inspector General (JIG) on 24th August 2023.

The BPSC also has published circular for direct recruitment of 41 labour inspectors (Safety).

7.2 Creation of new posts and recruitment of Labour Inspectors

Since submission of the Roadmap, 8 new DIG offices, 136 Labour Inspectors and 13 new posts for National Occupational Health and safety Training and Research Institute (NOHSTRI) have been created. DIFE's sanctioned manpower has now increased to 1,156 out of which the posts of inspectors are 711. It may be mentioned here that the current fiscal constraints, which started aggravating owing to the outbreak of the Ukraine war, are now posing practical challenges to such considerations. Newly established field level offices of DIFE in eight districts are functional now.

7.3 Full application of Labour Inspection Management Application (LIMA) digitalized labour inspection system in 23 DIFE offices

The Labour Inspection Management Application (LIMA) has been initiated in 2018. The system has been made functional with the support from the ILO and the GIZ. The district offices of DIFE are using the LIMA system for inspection, licensing, and other pertinent issues. From July 2023 to April 2024, a total of 36,869 inspections were carried out and 5,152 new licenses were issued. Besides, 17,414 licenses were renewed, and 1,906 lay-out plans were approved through LIMA.

7.4 Developing competencies of Labour Inspection staff through regular trainings and capacity building measures and creating more senior positions

To develop the competencies of the labour inspectors, regular training programmes are being conducted. During July 2021 to December 2023, 67 training programmes, 14 workshops and 4 (four) Foundation Training Courses were arranged. In total, 2,665 participants took part in those training programmes. In some cases, inspectors attended more than two training programmes.

For the FY 2023-24 (July, 2023 to April, 2024), in 30 training programmes 894 officials were trained and 345 officials attended in 10 workshops (one inspector attended two or more training and workshop counted separately) were conducted through GoB funding.

7.5 Promote an effective sector-specific labour inspection approach

In December 2021, the 9 (nine) priority sectors including readymade garments, tannery, chemical, plastic and rubber, jute and textiles, engineering workshop and automobile, rice mills, brickfields, and cement industries were identified. Depending on safety issues, accident rates and other relevant factors, the district offices of the DIFE develop yearly Strategic Inspection Plan (SIP) targeting 5 to 8 priority sectors.

To ensure efficient labour inspection, an internal tracking mechanism was developed. It has connected all DIFE offices for the purpose of obtaining and collating information. During July 2021 to April 2024 a total of 92,410 inspections were carried out following the yearly sector-specific Labour Inspection Plan.

One Legal Officer (Law Officer) has been recruited on 28 December 2023 to enhance the capacity of the legal unit of DIFE. This initiative would ensure dissuasive penalties and would follow-up labour law violations.

7.6 Formulating DIFE inspection modalities for EPZs

The modality of DIFE inspection in EPZs has been incorporated in the newly formulated EPZ Labour Rules, 2022. The Inspection Checklist has been finalized in collaboration with DIFE. Now, DIFE is carrying out inspections within EPZs. As of April, 2024 DIFE has already inspected 120 factories within EPZs. The IG, DIFE has conducted inspection in six instances.

The IG, DIFE has conducted inspection in six instances.

Noteworthy, from January, 2024 to March, 2024 the Inspectors of BEPZA as their regular work has conducted total 2,005 inspections in eight EPZs. During such inspections, the overall compliance of the factories concerned have been found satisfactory in general.

EPZ checklist link

The inspection checklist under which inspections are conducted are shared below:

Link-1: <https://bit.ly/4dMPA0L>

Link-2: <https://www.bepza.gov.bd/content/labour-issues>

Link-3: <https://dife.portal.gov.bd/site/page/d60953be-00d2-4325-9637-f81d5a35f6e3>

7.7 Incorporating the Standard Operating Procedure (SOP) on Labour complaints and investigation in the BLA

The required provision has been proposed in the ongoing BLA, 2006 amendment process.

Action 8: Ensure proper work for the Remediation Coordination Cell (RCC) and transition to Industrial Safety Unit (ISU)/Ensuring close cooperation of the RCC/ISU with the RMG Sustainability Council (RSC)

8.1 Remediation of factories under the national initiative for fire, electrical and structural safety

8.1.1 Complete development of a business plan outlining three categories of factories including timelines for remediation

This planning process was completed on 10 February 2021 by RCC, DIFE. The Total No was 1549 Factories.

Category-1: Remediation of factories easily possible by factories owner considering their technical capacity 173 Factories

Category-2: Remediation of factories possible 375 factories

Category-3: Remediation of factories challenging 1001 factories

8.1.2 Implement the business plan on remediation of factories

This plan is implemented through motivational seminar, Drawing/Design Approval, Continuous Follow-up, Technical Discussion with consulting Firm and Implement of Escalation process.

As of September 2023, the Industrial Safety Unit has already visited 173 factories of category 1 for taking interim and final decision about these factories. DIFE have already issued 46 initial CAP completion certificate, and UD cancellation letter to total 54 factories. 44 factories are closed or shifted to new locations.

8.1.3 Continue to work on remediation of factories under category 2 and 3, including with support from relevant international development partners

Present status:

Number of category 1 factories in operation is 118.

In category 2, number of factories in operation is 220

In Category 3, number of factories is 1211 out of which 101 factories is open.

So, total 1110 out of 1549 factories have been closed or shifted considering all categories.

Support from ILO under the project RMGP-phase II , to work on remediation under category 2 and 3 was over in May 2023. Under the project Advancing Decent Work the support from ILO on remediation will be started soon. This project will carry out specific activities to establish an Industrial Safety Framework, to expand ISU to prioritized sectors and to ensure Fire and Chemical safety in logistics and storage.

8.2 Enhancing quality control and transparency of the RCC

8.2.1 Develop a quality assessment mechanism for remediation being monitored by RCC and apply it.

ILO has done this action in the year 2022. Risk ranking of all NI factories has been completed. Based on the ranking factories were categorized for the process of UD cancellation and escalation protocol.

8.2.2 Ensure full application of Remediation Tracking Module (RTM)

RTM was revised with the technical support of ILO. Assessment report and CAP(corrective action plan) of 666 NI factories are uploaded in RTM. Under the project Advancing Decent Work the support from ILO on remediation more revised reports would be uploaded in RTM system.

8.3 Establishing a transition plan to graduate RCC to ISU

8.3.1 Upon project completion, RCC to handover the remediation work to DIFE Safety Unit

This action was completed in December 2021. Upon project (RMGP-phase1supported by ILO) completion, RCC handed over the remediation work to DIFE Safety Unit in December 2021.

8.3.2 Post Creation and Deployment of Labour Inspectors for the ISU

GoB has Created dedicated ISU(Industrial Safety Unit) Organogram with 9 posts in DIFE. Presently 9 Engineers of DIFE are working in ISU.

8.3.3 Upon establishment of ISU, DIFE Safety Unit to handover the responsibility to ISU

Completed. Please refer to Action 8.3.2.

ISU (Industrial Safety Unit) was established in DIFE in September 2022 consisting 09 labour inspectors with engineering background. Upon establishment of ISU, DIFE Safety unit handed over the responsibility to ISU.

8.3.4 Capacity building and training of DIFE's existing Engineers on building safety (fire, structure, electrical, chemical, boilers etc.)

Apart From Covid 19 Pandemic Situation, DIFE safety units consists of 24 Engineers Capacity building training has ended on 28 November 2021 in First Phase. Second Phase training also ended in June 2022 consisting 23 Engineers. Those Engineers also taken special Master Training about Structural, Fire and Electrical Safety Issues with the help of ILO.

8.4 Development of a framework for coordination with RMG Sustainability Council (RSC)

As per the conditions stipulated in the License issued in favour of RSC as well as Article 41 of RSC's Articles of Association,a Government Coordination Council (GCC) has been formed under the Ministry of Commerce. GCC is headed by Additional Secretary (Export), Ministry of Commerce (MOC), and comprises of representatives from MOLE, Ministry of Foreign Affairs, Ministry of Jute & Textile, Ministry of Industries, BEPZA and Bangladesh Economic Zones Authority (BEZA).

A Framework for coordination between the DIFE and the RSC based on the terms and conditions of the license given to the RSC, had been approved and endorsed by the Ministry of Commerce on 20 October 2022. GCC held its first meeting on 23 December 2021. As of

4th April 2024, to coordinate the activities of the RSC and the DIFE, GCC has conveyed its seventh meetings.

The Review Panel, formed to examine operation of risky factories, assessed a nine-storied building in December 2023. The structure was modified in line with the instruction of the Review Panel. Besides, 4 bilateral meetings took place between DIFE and RSC to settle issues on remediation of factories.

Action 9 Ratify ILO Convention on minimum age and Forced Labour Protocol

9.1 Ratify Protocol of 2014 to ILO Convention on forced labour (P29)

- Bangladesh has ratified protocol of ILO Convention 29 on 20 January 2022. It has entered into force for Bangladesh on 20 January 2023.

9.2 Ratify ILO Convention 138 on minimum age (C138)

- Bangladesh has ratified the ILO Minimum Age Convention 138 on 22 March 2022 and has set the minimum age of 14 for admission to employment.
- With this, Bangladesh has reached the milestone of ratifying eight ILO Fundamental Conventions of ILO.
