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The following Act adopted by the Parliament has been assented by the President on 22 July, 2013 (07 Shrabon, 1420) and it is hereby published for the information of the public:-

Act No. 30 of 2013

**An Act adopted to amend further the Bangladesh Labour Act, 2006
(Act No. 42 of 2006)**

Since it is obliged and important to bring further amendments to the Bangladesh Labour Act, 2006;

Therefore, the following Act is adopted thereby:-

1. **Short Title and Introduction.** (i) This Law shall be called the Bangladesh Labour (Amendment) Act, 2013.

(ii) It shall be applicable immediately.
2. **Amendment to Section 1 of the Act No. 42 of 2006.** - The Sub-Section (4) of Section 1 of The Bangladesh Labour Act, 2006 (Act No. 42 of 2006), referred as that law hereafter-
 - (a) In Clause (G), the words “run not for profit or interest” shall be inserted before “education.”

- (b) In Clause (h), words “hospital, clinic and diagnostic center” shall be inserted after “mess.”
- (c) In Clause (i), word “ten” shall be replaced by “five.”

3. **Amendment to Section 2 of the Act No. 42 of 2006.** In Section 2 of that law-

- (a) The following Clause (8a) shall be inserted after Clause (8), for example:-

“(8a) an agricultural worker means such a person who is engaged in agricultural work for wage on a daily, monthly or yearly contract or contract to complete a certain work.”

- (b) A new Clause, (9a) shall be inserted after Clause (9), for example:-

“(9a) “Food Allowance” means half of the basic salary, dearness allowance and ad hoc or interim salary, if any.”

- (c) Replacing the existing Clause (10), following Clause (10) shall be inserted, e.g.,

“(10) ‘*gratuity*’ means wages payable on termination to a worker on the basis of his latest basic salary for a completed year of service or for service for a period of more than six months, salary of minimum 30 days, or salary of 45 days for a continuous service for more than ten years, it shall be in addition to any payment of compensation or payment of any wage or allowance in lieu of notice due to termination of services of a worker on different grounds;”

- (d) Mentioned in Clause (31), after the two words, “commercial establishments,” the word and sign “transport,” shall be inserted;

- (e) After the Clause (35), a new Clause (35a) shall be inserted, e.g.:-

“(35a) Trained in Primary Health Care” means any person who has training in primary health care for a duration of minimum of six months;

- (f) “10 persons” mentioned in Clause (40), shall be replaced by the words, “five persons;”

- (g) After the Clause (42), a new Clause (42a) shall be inserted, e.g.:-

(42a) “Expert”¹ means any person who is not an owner or worker of the establishment concerned, however, an owner or trade union leader of the sector or who has specialized knowledge and experience on labour, industry, work place safety issues;”

- (h) In Clause (43), the words “breach of rules,” shall be replaced by the words “in violation of rules;”

- (i) In Clause (44), the words “breach of rules,” shall be replaced by the words “in violation of rules;”

- (j) In Clause (47), a coma shall be inserted after “and” and afterwards, “and Assistant Inspector” shall be inserted after the word “Inspector”;

- (k) In Clause (48), a coma shall be inserted after “and” and afterwards, “and Assistant Labour Director” shall be inserted after the word “Labour Officer”;

- (l) In Clause (52), after the word “representative,” the word (CBA) with bracket shall be inserted;

¹The respective Bangla word could be translated as “Specialist” as well.

(m) In Clause (57), the words “refuse to allow to work” shall replace the word “refusal to continue to employ;”

(n) In Clause (61), after (i) comma shall replace semi-colon and thereafter following Sub-Clauses shall be inserted, e.g.:-

- “(j) Ship building,
- (k) Ship recycling;
- (l) Welding,
- (m) Out-sourcing company or contractor or sub-contractor engaged in supplying security workers,
- (n) Port- port shall include Sea, River or land port,
- (o) Mobile operator company, mobile network service provider, land phone operator Company,
- (p) Private radio and TV channels, cable operator,
- (q) Real estate company, courier service insurance company,
- (r) Fertilizer and cement manufacturing companies,
- (s) Clinic or hospital run for a profit,
- (t) Rice mill or *Chatal*,
- (u) Sawmill,
- (v) Fishing trawler,
- (w) Fish processing industries,
- (x) Ocean-bound ships;”²

(o) Mentioned in Clause (65), instead of the word “contractor” the group of words “contractor or whatever names it may be called” and comma and in the fourth line after the word, “administrative,” “Monitoring Officer”³ shall be inserted.

4. Amendment to Section 3 of the Act No. 42 of 2006.- Following of the Section 3 of the said Act-

(a) At the end of the Sub-Section (1), the full-stop shall be replaced by a semi-colon and thereafter following conditions shall be inserted, e.g.,

“Further provided that the establishments where this Act is not applicable shall not make any Policy, Rule, House-Policy giving less favourable facilities compare to this Act.”

(b) In Sub-Section (2), the words ”six months” shall be replaced by ”ninety days;”

(c) In Sub-Section (4), after the word ”and,” ”the Government shall resolve that appeal within 45 (forty five) days from its receipt” shall be inserted.

5. Insertion of Section 3a into the Act No. 42 of 2006.- After Section 3 of the said Act a new Section 3a shall be inserted as follows, e.g.-

² **Translator’s Note:** There is a mistake in the Bangla word; the literal translation of the word in the sub-clause is “ship carrying the ocean,” which should be “Ocean-bound ship.”

³ It also can be translated as “Supervising Officer.”

“3(a). Registration of Contracting Agencies.- (1) Notwithstanding whatever exists in any other law, no contracting agency, whatever name it may be called, without registration with the government shall supply workers on contracts to any company, factory or industrial establishment or commercial establishment of any other public-private organization.

(2) All contracting agencies existed in the country shall be bound to have registration with the Government as per rule within six months from the date of the effect of this Act.

(3) Workers supplied by a contracting agency/contractor shall be considered as workers of the contractor concerned and be regulated under the Labour Act.

(4) The registration procedure under this Section shall be governed by the Rule.

Explanation: For the purpose of this Act, an employee means “worker,” including security worker, driver etc.”

6. Amendment to Section 4 of the Act No. 42 of 2006.- In Section 4 of the said Act-

(a) In Sub-Section (1), Clause (e) and (f) shall be replaced by the following Clauses (e), (f) and (g), e.g.-

(e) Apprentice;

(f) Permanent; and

(g) Seasonal worker;”

(b) Sub-Section (4) shall be replaced as follows, e.g.-

“(4) A worker shall be called a casual worker if he is appointed in an establishment temporarily for a work casual in nature.”

(c) At the end of the Sub-Section (8), the full-stop shall be replaced by semi-colon and thereafter the following conditions shall be inserted, e.g.:-

“Further provided that after completion of the three months or extended period of probation, the concerned workers shall be treated as permanent under sub- section (7) even if he is not issued any letter of confirmation;”

(d) Replacing the Sub-Section (10), following Sub-Sections (11) and (12) shall be inserted, e.g.-

(11) A worker shall be called a seasonal worker if he is employed in an establishment for a seasonal work and remains in the work for the season.

(12) In appointing workers for industries like sugar mills, chital etc and seasonal factories, worker employed previous years shall be given preference.”

7. Amendment to Section 9 of the Act No. 42 of 2006.- In Sub-Section (2) of Section 9 of the said Act-

(a) After Clause (a), following new Clause (aa) shall be inserted, e.g.-

“(aa) Parents names of the worker;”;

(b) After Clause (c), following new Clause (cc), (ccc) and (cccc) shall be inserted, e.g.:-

“(cc) Designation;

(ccc) Department or section;

(cccc) Ticket or card;”;

8. **Amendment to Section 10 of the Act No. 42 of 2006.**- In place of words “sufficiently in advance before the expiry” in Sub-Section (5) of Section 10 of the said Act, “apply in writing through registered post before reasonable time” shall be inserted.

9. **Amendment to Section 17 of the Act No. 42 of 2006.**- At the end of Section 17 of the said Act, replacing the full-stop, a colon shall be inserted and thereafter the following conditions are to be inserted, e.g.:-

“Provided that no master roll for workers shall be maintained in other way or any worker shall not be employed on a master roll basis.”

10. **Replacement of Section 19 of the Act No. 42 of 2006.**- Section 19 of the said Act shall be replaced by the following Section 19, e.g.:-

“19. **Compensation due to Death.**- If a worker dies while in service after a continuous service of not less than two years, his nominee or in the absence of any nominee, his dependent shall be paid a by the employer a compensation at the rate of thirty days’ wages_for a normal death and of forty five days for an accidental death while working in the establishment or on duty for every completed year of service or for any part thereof in excess of six months, or gratuity whichever is higher, and the amount will be in addition to any other benefit to which the deceased worker would have been entitled to had he retired from the service.

11. **Amendment to Section 23 of the Act No. 42 of 2006.**- In Section 23 of the said Act-

(a) Sub-Section (3) shall be replaced by the following Sub-Section (3), e.g.:-

“(3) A worker who is dismissed under sub-section (2)(a) shall, if his continuous service is not less than one year, be paid by the employer compensation at the rate of 15 days wages for every completed year of service:

Provided that if a worker is dismissed for a misconduct under sub-section (4)(b) and (g), no compensation is applicable. However, in such a case, the worker concerned shall be entitled to receive other dues for which he is legally entitled;”.

(b) In Sub-Section (4)-

(i) Mentioned in Clause (b), after the word “theft,” and comma, “grabbing” and a comma shall be inserted;

(ii) Clause (g) shall be replaced by a new Clause (g) as follows, e.g.:-

“(g) Disorderly behavior in the establishment, fighting, setting fire or vandalism;”.

12. Amendment to Section 24 of the Act No. 42 of 2006.- In Section 24 of the said Act-

(a) Replacing Clause (d) under Sub-Section (1), the following Clause (d) shall be inserted, e.g.:-

“(d) is found guilty, after inquiry by an inquiry committee comprised of the equal number of representatives from the owner and workers’ sides;

Provided that the inquiry has to be completed within 60 days;”;

(b) Replacing the conditions in Sub-Section (2), the following conditions shall be inserted, e.g.:-

“Provided that during the period of such suspension, a worker shall be paid by his employer a subsistence allowance and shall be entitled to receive other allowances in full as applicable.”;

(c) Mentioned in Sub-Section (4), the word “assisted” shall be replaced by the word “guided.”⁴

(d) Mentioned in Sub-Section (10), after the word “importance,” a group of words “achievement and contribution in service including a comma” shall be inserted.

13. Amendment to Section 27 of the Act No. 42 of 2006.- A new Sub-Section (3a) shall be inserted following the Sub-Section (3), e.g.:-

“(3a) Whatever the provision of sub-section (3), a worker remained absent without notice or without permission for more than 10 days, the employer shall serve a notice to the worker for an explanation to be submitted within 10 days and to re-join the job and in such a case if the worker failed to submit a reply within the stipulated time or he did not join the work, the worker concerned shall be granted seven more days for self-defense. Despite of that if the worker concerned did not join the work or did not defend his position then it shall be considered that that worker has resigned from his job from the day of the absence.”

14. Insertion of Section 28(a) to the Act No. 42 of 2006. – After Section 28 of the said Act, the following new Sub-Section , 28(a) shall be inserted:

“28(a). Employers-Workers relations due to any disaster beyond control or damage thereby.- Notwithstanding whatever in this Chapter, if any industry ceased to be transferred or production of an industrial establishment comes to a halt permanently due to any sudden natural disaster or any disaster or emergency reason beyond control, in that case, the owners-workers relations may be determined by the Government under the prescribed procedures set out by the Rule.”

⁴ Translator’s Note: Actually the change of the related Bangla word does not bring any change here indeed; it is a change of synonyms indeed.

15. **Amendment to Section 32 of the Act No. 42 of 2006.-** At the end of Sub-Section (2) of Section 32, the full-stop shall be replaced by a colon and thereafter the following condition be inserted, e.g.:-

“Provided that no worker shall be evicted from the residence till all dues are paid.”

16. **Amendment to Section 33 of the Act No. 42 of 2006.-** In Section 33 of the said Act-
- (a) In Sub-Section (1), the word “submit” shall be replaced by the word “forward;”
 - (b) In Sub-Section (2), the word “fifteen” shall be replaced by the word “thirty.”

17. **Replacement of Section 36 of the Act No. 42 of 2006.** Section 36 of the said Act shall be replaced by a new Section 36, e.g.:-

“**36. Disputes as to age:** (1) If any question arises as to whether any person is a child or an adolescent, the question shall be resolved based on the Birth Registration Certificate, School Certificate or a certificate from a registered physician certifying the age of the person concerned.”.

18. **Replacement of Section 39 of the Act No. 42 of 2006.** Replacing Section 39 of the said Act, the following Section 39 shall be inserted, e.g.:-

“**39. List of dangerous works and restriction of employment of adolescents in certain works:-** (1) The Government from time to time through gazette notification shall declare list of hazardous works.

(2) No adolescent shall be appointed in job which is declared dangerous by the Government.

(3) No adolescent shall be allowed in any establishment to clean, lubricate or adjust any part of machinery while that part is in motion or to work between moving parts or between fixed and moving.”.

19. **Amendment to Section 40 of the Act No. 42 of 2006.-** In Section 40 of the said Act-
- (a) In the title line, following the word “work,” “or hazardous works” shall be inserted;
 - (b) Sub-Section (3) shall be revoked.

20. **Amendment to Section 44 of the Act No. 42 of 2006.-** In Section 44 of the said Act-
- (a) In the title line, after the word “worker,” “physically challenged workers” shall be inserted;
 - (b) In Sub-Section (2), after the word “worker” “and physically challenged worker” shall be inserted;
 - (c) After the Sub-Section (2), the following Sub-Section (3) shall be inserted, e.g.:-
“(3) No physically challenged worker shall be employed in a job involving dangerous equipment or risky works.”

21. **Amendment to Section 59 of the Act No. 42 of 2006.-** In Section 59 of the said Act-
- (a) In the title line, words “toilets and urinals” shall be replaced by “latrines and washrooms”;

- (b) In Clause (a), words “toilets and urinals” shall be replaced by “hygienic latrines and washrooms”;
- (c) In Clause (b), words “toilets and urinals” shall be replaced by “latrines and washrooms”;
- (d) In Clause (c), words “toilets and urinals” shall be replaced by “latrines and washrooms”;
- (e) In Clause (d), words “toilets and urinals” shall be replaced by “latrines and washrooms”;

22. **Amendment to Section 61 of the Act No. 42 of 2006.-** In Sub-Section (1) of Section 61 of the said Act, after the word “plant” words “or internal electric supply system” shall be inserted.

23. **Amendment to Section 62 of the Act No. 42 of 2006.-** In Section 62 of the said Act-

- (a) In Sub-Section (1), after the word “and” it shall be inserted by “adequate in number in each floor”;
- (b) In Sub-Section (2), after the word “no” a group of words “or there is no adequate number of firefighting equipment as per the license of the Department of Fire Safety” shall be inserted;
- (c) After Sub-Section (3), following Sub-Sections (3a), (3b) and (3c) shall be inserted, e.g.:

“(3a) In every establishment the doors affording exit from any room shall not be locked or fastened so that they can be easily and immediately opened from inside while any person is within the room.

(3b) All doors have to be made in such a way so that it can be immediately opened from inside and also be opened from outside.

(3c) All doors shall be constructed to open outwards or where the door is between two rooms, in the direction of the nearest exit from the building and no such door shall be locked or obstructed while work is being carried on in the room.”

(d) In Sub-Section (8), the word “year” shall be replaced by the two words “six months.”

24. **Amendment to Section 72 of the Act No. 42 of 2006.-** In Section 72 of the said Act-

- (a) After the word “be provided with” in Clause (a), words “gangways and stairs remained open during work hours to facilitate easy movement” shall be inserted.
- (b) In Clause (c), words “all floor” shall be revoked;
- (c) In Clause (c), instead initial full-stop, a semi-colon shall be replaced and thereafter the following Clause (d) shall be inserted, e.g.:-

“(d) for overall safety of workers employed, gangways, stairs, gate, go-down and common utility areas shall be under closed circuit cameras.”.

25. **Insertion of Section 78a into the Act No. 42 of 2006.** After Section 78 of the said Act a new Section 78a shall be inserted as follows, e.g.:-

“78(a). Mandatory use of personal safety equipment. (1) In an applicable case, an employer shall not engage any workers in work without providing and ensuring use of personal safety equipment, and in doing so, a record book shall be maintained as designated by the owner.

(2) In spite of supply of personal safety equipment if those are not used by workers concerned, they are to be held liable thereof.

(3) For ensuring professional health and safety for workers at workplace, each of workers shall have to be aware on the risk of the work through trainings.”.

26. **Amendment to Section 80 of the Act No. 42 of 2006.-** In Sub-Section (1) of Section 80, the full-stop at the end shall be replaced by a colon and thereafter the following conditions to be inserted, e.g.:-

“Provided that following the occurrence of the above-mentioned incident, with an aim to minimize potential damages or to control the situation and to initiate appropriate measures, it shall be immediately notified through telephone, mobile phone or SMS or fax to the Government, Fire Service, Directorate of Factories and Establishments, Police Station, if so required to the nearest hospitals or public private health service institutions.

27. **Amendment to Section 82 of the Act No. 42 of 2006.-** In Section 82 of the said Act-
(a) After Sub-Section (2) and new Sub-Section (2a) shall be inserted as follows, e.g.:-

“(2a) The employer shall arrange medical treatment for a worker affected and suffered by occupation diseases and identified by the Chief Inspector.

28. **Amendment to Section 89 of the Act No. 42 of 2006.-** Following Sub-Section (5) of Section 89 of the said Act new Sub-Sections (6), (7) and (8) shall be inserted, e.g.:-

“(6) Where in any establishment or part of it, 5,000 or more workers are employed, the employers of those establishments shall arrange for running a Health Center in the manner prescribed by law.

(7) The employer shall have to continue treatment, on his own cost and responsibility, of the workers’ disease, injury or sickness suffering from occupational disease or injury in an occupational accident by an appropriate or specialized physician until the worker becomes completely cured.

(8) Where in any establishment, 500 or more workers are employed, the employers of those establishments shall arrange for a Welfare Officer against the specified number of workers in the manner prescribed by rule.”

29. **Amendment to Section 90 of the Act No. 42 of 2006.-** Replacing words “prescribed” and “Preservation of Safety Board” in the Section 90 of the said Act, respectively “prescribed by the Rule” and “Preservation and display of the Safety Information Board” shall be inserted.

30. **Insertion of Section 90a of the Act No. 42 of 2006.-** Following Section 90 of the said Act, a new Section 90a shall be inserted as follows, e.g.:-

“90a. Formation of the Safety Committee. Where in any factory, 50 or more workers are employed, there shall be a Safety Committee formed and functioned in the manner prescribed by the Rule.”

31. **Insertion of Section 94a of the Act No. 42 of 2006.-** Following Section 94 of the said Act, a new Section 94a shall be inserted as follows, e.g.:-

“94a. Residential Facility for Physically Challenged Workers.- If there are residential facilities for workers in factories, during allocation of those, the physically challenged workers shall get preferences.”

32. **Replacement of Section 99 of the Act No. 42 of 2006.-** Replacing Section 99, the following Section 99 shall be replaced, e.g.:-

“99. Compulsory Group Insurance.- (1) The Employer shall introduce group insurance in under the existing Insurance Act, in the establishments wherein 100 permanent workers are employed.

(2) The amount claimed as insurance shall be in addition to other dues payable to a worker under this Act.

Provided that in case of death of a worker the responsibility will be of the employer to recover the insured money and the employer shall pay the amount, received from the insurance claim, directly to the dependents.

Further provided that notwithstanding whatever difference in any other law, if an insurance claim is raised under this Section, this has to be resolved by the joint initiative of the insurance company and employer within hundred twenty days.”

33. **Amendment to Section 101 of the Act No. 42 of 2006.-** Replacing full-stop at the end of Clause (c) of Section 101 there shall be a semi-colon and thereafter the following Clause (d) shall be inserted, e.g.:-

“(d) Whatsoever in this Act, the Government through rules shall determine the hours of work and rest for risky and labour-intensified factories including construction, re-rolling, still mills, ship breaking, welding.”

34. **Amendment to Section 103 of the Act No. 42 of 2006.-** The full-stop at the end of Clause (b) of Section 103 shall be replaced by a semi-colon and thereafter the following Clause (c) shall be inserted, e.g.:-

“(c) No deduction can be made from the wage of a worker for taking any leave under the above clause (a) and (b).”

35. **Amendment to Section 108 of the Act No. 42 of 2006. –** In the first line of Sub-Section (2) under Section 108, after the word, “contract-rate,” words “(piece rate)” and brackets

at the end of the Section, the group of words- “Provided in such case the provisions of Sub-Section (1) shall not be applicable” shall be inserted.

36. Amendment to Section 114 of the Act No. 42 of 2006.- In Section 114 of the said Act-

(a) In Clause (e) of Sub-Section (5) the word “liquid” shall be replaced by “lighter;”

(b) After Sub-Section (5), the following new Sub-Section (6) shall be inserted, e.g.:-

“(6) Sub-Section (1) shall be applicable in case of shops and commercial establishments under sub-section (5) premised in a market or shopping mall.”

37. Amendment to Section 123 of the Act No. 42 of 2006.- In Sub-Section (2) under Section 123 of the said Act, the words “terminated or” shall be replaced by “call an end to the job by the worker or” and instead of the word “seven” there shall be “thirty;”

38. Amendment to Section 124 of the Act No. 42 of 2006.- The existing provision in Section 124 of the said Act shall be introduced as Sub-Section (1) and thereafter the following Sub-Section (2) shall be inserted, e.g.:-

“(2) In addition to Sub-section (1), in applicable cases given the requirement of the workers, any payment shall be made through an electronic transfer in favour of the bank account of the worker or make a direct payment through any other digital medium.”

39. Insertion of Section 124a into the Act No. 42 of 2006. Following Section 124 of the said Act, the following new Section 124a shall be inserted, e.g.:-

“**124a. Payment of dues including wages through conciliations.** - (i) Application for conciliations regarding payment of dues including wages can be submitted to the Chief Inspector or any other Official authorized in that regard by the Chief Inspector at any stage of the service including while in employment or on retirement or on dissolution of service or on suspension.

(ii) Upon receipt of the application, the Chief Inspector or the Official authorized in this regard shall initiate discussions or conciliation with the employer or the management concerned with an aim to resolve the claim within in twenty days.

(iii) For any claim raised for conciliation under this Section, the Chief Inspector or the authorized Official in this regard shall perform as a Mediator while initiating in this regard or conducting discussions or mediations.

(iv) Any decision reached out of this conciliation shall be binding on the parties.

(v) The Mediator shall communicate the decision reached through discussion or mediation in writings to both the parties.

(vi) Any of the worker or employer or both the parties, if are not agreed to follow the decision of the Mediator after completion of the dispute resolution, the concerned party or the both shall file a case in the Labour Court seeking a solution on the matter and the Labour Court, in the trial of such case, shall take into consideration the decision of the Mediator.”.

40. **Amendment to Section 125 of the Act No. 42 of 2006.-** In Sub-Section (2) under Section 125 of the said Act, the two words “wages of workers” shall be replaced by “basic wages of workers.”

41. **Amendment to Section 140 of the Act No. 42 of 2006.-** In Section 140 of the said Act-

(a) In Sub-Section (2), the word “thirty” shall be replaced by “forty five;”

(b) In Sub-Section (4), the word “recommended” shall be replaced by “or that amended recommendations by the Government.”

42. **Insertion of Section 140a into the Act No. 42 of 2006.-** After Section 140, the following new Section 140a shall be inserted, e.g.:-

“140a. Special Power of the Government.- Notwithstanding whatever prescribed in Sections 139, 140 and 142 under this Act, the Government at any stage, in consideration of the circumstances, shall form a Minimum Wage Board for an industrial sector with an aim to implement the declared minimum wage structure and shall re-schedule the minimum wage structure given all required formalities are fulfilled.

Provided that if the Government finds it appropriate, through Gazette Notification, instead of declaring a new wage structure and in consultation with both workers and employers shall bring an amendment or modification to the existing wage structure.”

43. **Amendment to Section 151 of the Act No. 42 of 2006.-** In Sub-Section (1) of Section 151-

(a) The semi-colon at the end of Clause (a), shall be replaced by a colon and thereafter the following conditions shall be inserted, e.g.:-

“Provided that this amount of compensation shall be in addition to his compensation due to normal retrenchment, dismissal, termination or resignation;”

(b) In Clause (b), “irrespective of adult or minor” shall be inserted before the word “in case;” and after that “sub-section (2) shall be deleted.”

44. **Amendment to Section 155 of the Act No. 42 of 2006.-** The full-stop at the end of the Sub-Section (3) in Section 155 of the said Act shall be replaced by a colon and thereafter the following conditions shall be inserted, e.g.:-

“Provided that in case a worker died, the expenses incurred for cremation of the dead-body, or treatment or carrying cost of the dead body no deduction shall be made from the amount paid by the employer as an advance or compensatory-payment to the dependants payable through the Labour Court the employer.”

45. **Amendment to Section 160 of the Act No. 42 of 2006.-** In Section 160 of the said Act-
- (a) In Sub-Section (1), the word “free of charge” shall be replaced by “at the cost of the employer;
 - (b) After Sub-Section (10), the following new Sub-Section (11) shall be inserted, e.g.:-
“(11) In an establishment, where there is a minimum of 10 workers, the employer shall introduce and implement accident-insurance scheme for workers under group insurance. The benefits or money received from such an accident-insurance scheme shall be utilized for the purpose of the treatment of workers.”
46. **Amendment to Section 161 of the Act No. 42 of 2006.-** In Section 161 of the said Act-
- “(a) Referred in Sub-Section (1), the word “contractor” shall be replaced by “Contractor Agency;
 - (b) Replacing Sub-Sections (2), (3) and (4), the following Sub-Sections (2) and (3) shall be inserted, e.g.:-
“(2) Where sub-section (1) is applicable, then the principal or main employer shall pay the full compensation.
(3) Where the principal or main employer is of the opinion that the occurrence of death of the concerned worker was, due to actually or specially occurred, due to violation of any conduct rules, in that case he after depositing the amount to the Labour Court, (where the worker is dead) or after payment of the specified amount (in case the worker sustained injury), he may make an application to the Chief Inspector to determine which portion of the amount shall be payable to the principal or main employer by the contractor. The Chief Inspector shall resolve the application as per rule within 45 days from the date of its receipt.”
47. **Amendment to Section 168 of the Act No. 42 of 2006.-** In Section 168 of the said Act, the two words “any dependent” shall be replaced by “any injured worker himself or the dependent.”
48. **Amendment to Section 176 of the Act No. 42 of 2006.-** At the end of Clause (d) of Section 176 of the said Act, the full-stop shall be replaced by a semi-colon and after that the following new Clause (e) shall be inserted, e.g.:-
- “(e) Wherever a trade union is formed in an establishment, if there is 20 percent of the total workforce are female at least 10% of female members shall be included in the executive committee to the union.

Provided that those unions, which are registered under this Act, shall be guided by the same.”

49. **Amendment to Section 177 of the Act No. 42 of 2006.-** The existing provision in Section 177 of the said Act shall be re-numbered as Sub-Clause (1) and thereafter a new Sub-Clause (2) shall be inserted, e.g.:-

“(2) Under sub-section (1) the Registrar of Trade Unions means the Director of Labour or his representative authorized by him.”

50. **Amendment to Section 178 of the Act No. 42 of 2006.-** In Section 178 of the said Act-
(a) In Sub-Clause (3) under Clause (a) of Sub-Section (2), the word “name” shall be replaced by “name, parents’ names;”

(b) Replacing Sub-Section (3), the following Sub-Section (3) shall be inserted, e.g.:-

“(3) The Director of Labour or the Officer authorized in this regard, in case of receiving of a trade union registration by a group of companies under sub-section (1), shall issue a public notice attaching a list of its officials on the expenses of the applicant.”

51. **Amendment to Section 179 of the Act No. 42 of 2006.-** In Section 179 of the said Act-

(a) In Sub-Section (1)-

(i) The word “custody” in Clause (h) shall be replaced by the word “protection;”

(ii) At the end of the Clause (j) a group of words- “and not more than three years for a group of companies” and a colon shall be inserted, and thereafter the following conditions shall be inserted, e.g.:-

“Provided that if an election cannot be held within 2 years for a trade union and 3 years for a group of company due to circumstances beyond control namely state of emergency, serious natural disasters (force majeure), the existing committee shall not be declared void.”

(b) After Sub-Clause (2), the following new Sub-Clause (2a) shall be inserted, e.g.:-

“2(a) The Director of Labour or any other designated Officer in this regard, after on the spot visit to the establishment or through collecting a list from the management, shall verify matters related to Sub-Section 2(a)(5) under Section 178.”

(c) In Sub-Section (5), words “no registered trade unions” shall be replaced “no registration shall be issued.”

52. **Amendment to Section 180 of the Act No. 42 of 2006.-** After clause (b) of sub-section (1) under Section 180, the following sentences shall be inserted, e.g.:-

“Provided that, for public industrial sectors, if the members of the unions desire, 10% of the officials to the executive committee to the union shall be elected from persons who are not employed in the establishment concerned.”

53. **Amendment to Section 183 of the Act No. 42 of 2006.**- In Sub-Section (3) of Section 183 of the said Act-
- (a) Replacing Clause (a), the following Sub-Clause (a) and (aa) under Clause (a) shall be inserted:
- (a) Bus, minibus, truck, covert van etc. privately owned mechanized transport;
- (aa) Rickshaw, rickshaw van, pull-cart etc. privately owned non-mechanized transport;
- (b) At the end of Clause (o), a semi-colon shall replace the colon and thereafter the following five new Clauses- (p), (q), (r), (s), (t) and (u) shall be inserted, e.g.:-
- “(p) ship building;
- (q) ship recycling;
- (r) construction workers;
- (s) *chatal* or rice mill worker;
- (t) agricultural farm.”
54. **Amendment to Section 187 of the Act No. 42 of 2006.** – In Section 187 of the said Act, replacing words, “General Secretary, Organizing Secretary or Treasurer with his”, “and any office bearers including the General Secretary with their” shall be inserted.
55. **Amendment to Section 200 of the Act No. 42 of 2006.**- In Section 200 of the said Act-
- (a) Mentioned in Sub-Section (1), words “two or more trade unions” shall be replaced by “five or more trade unions and trade union organizations in more than one administrative division”;
- (b) Mentioned in Sub-Section (5), “and trade union organizations formed in more than one administrative divisions” shall be inserted before “jointly”.
- (c) After sub-section (5) the following sub-section (6) shall be inserted, e.g.:-
- “(6) Minimum ten National-level Trade Union Federations formed under the provision of sub-section (5), shall jointly form a National Confederation.”
56. **Amendment to Section 202 of the Act No. 42 of 2006.**- Under Section 202-
- (a) In Sub-Section (2), after the word “in that case”, “unions shall arrange to elect the Collective Bargaining Agent (CBA) through nomination of an Election Commissioner among themselves, or;”
- (b) After sub-section (25) the following sub-section (26) shall be inserted, e.g.:-
- “(26) Each owner in his establishment shall provide an office room for the elected Collective Bargaining Agent (CBA) as per provisions prescribed by the Rule.”
57. **Insertion of Section 202a into the Act No. 42 of 2006.**- After Section 202 the following Section 202a shall be inserted, e.g.:-
- “**202a. Appointment of Experts.** (1) Notwithstanding whatever the provisions in this Chapter, for conducting the activity of collective bargaining, the employer or the Collective Bargaining Agent (CBA) can seek assistance from Experts if required.

(2) In case of arising any dispute regarding the Experts under Sub-Section (1), with an aim to dissolve the matter the parties can request the Director of Labour to arbitrate that.

58. Amendment to Section 205 of the Act No. 42 of 2006.- In Section 205 of the said Act-

(a) After the word “owner” in sub-section (1), a group of words- “with direct involvement of workers working in the establishment” shall be inserted;

(b) In Sub-Section (6), the word “nominated” shall be replaced by “elected”;

(c) After sub-section (6), the following sub-section (6a) shall be inserted, e.g.:-

“6(a) For an establishment where there is no trade union, until a trade union is formed, the workers’ representatives to the Participation Committee shall run activities related to workers’ interests in the establishment concerned.”

(d) Sub-Section (9) shall be replaced by Sub-Sections (9), (10) and (11), e.g.:-

“(9) The employers shall not transfer an official and member elected or nominated by workers to a Participation Committee without their consent during the tenure.

(10) The employer shall not bring any charge or take any revenge against a member to the Participation Committee who has acted upon on good faith as a member of such a committee.

(11) The provisions of this section applicable in case of Participation Committee shall *mutatis-mutandis* apply to a Unit- Participation Committee.”

59. Amendment to Section 211 of the Act No. 42 of 2006.- In Sub-Section (1) of Section 211, in condition portion, in place of “three-fourth” and the hyphen there shall be insertion of “two-third” with a hyphen.

60. Amendment to Section 213 of the Act No. 42 of 2006.- In Section 213, after “under a contract or confirmed by or provided by” a group of words “or any existing custom or any announcement or order or notification or otherwise recognized” shall be inserted.

61. Amendment to Section 214 of the Act No. 42 of 2006.- After Sub-Section (3) of Section 214 a new Sub-Section shall be inserted as follows, e.g.:-

“(3a) The Members to the Labour Court shall communicate their opinions to the Chairman of the Labour Court in writing and in case Members communicated their opinions that must be mentioned in judgments.”

62. Amendment to Section 215 of the Act No. 42 of 2006.- In Sub-Section (2) of Section 215 of the said Act, “First Class Magistrate” shall be replaced by the “First Class Judicial Magistrate or Metropolitan Magistrate”.

63. Replacement of Section 232 into the Act No. 42 of 2006.- Section 232 of the said Act shall be replaced by a new Section 232 as follows, e.g.:-

“232. Application of the Chapter.- (1) This Chapter shall apply to all establishments which are companies or which satisfy any of the following conditions, namely:–

(a) the paid-up capital of the company as on the last day of its accounting year is one crore taka or more;

(b) the value of the fixed assets of the company at cost as on the last day of the accounting year is not less than two crore taka;

(2) The Government may, by notification in the official Gazette, apply this Chapter to such other companies and establishments as it may specify therein.

(3) Notwithstanding provisions in Sub-Sections (1) and (2), in case of a 100% export-oriented industrial sector or for any industry investing 100% foreign exchange, the Government, through enactment of Rule, shall adopt required provisions with regard to formation of sector-based central fund comprising of buyers and owners, form a Board to execute that fund, determine contributions and their realization procedure and provisions for utilizations of the money for the welfare of the beneficiaries in the sector.

Further provided that for the fulfillment of the purpose of this Act, the Board with prior approval of the Government shall adopt its rules.

64. Amendment to Section 233 of the Act No. 42 of 2006.- Sub-Section (1) of Section 233 of the said Act-

(a) After Clause (e) the following new Sub-Clause (ee) shall be inserted, e.g.:-

“(ff) ‘Owner’ means owner of a company or establishment or management authority or the Chief Executive or any other person authorized thereof.”

(b) In Clause (f), “87-C”, hyphen and the alphabet shall be replaced by “119”;

(c) Replacing Clauses (g) and (h), following Clauses (g), (h) and (i) shall be inserted, e.g.:-

“(g) ‘Industrial undertaking’ or ‘establishment’ means an establishment which involves the use of electrical, mechanical, thermal, nuclear or any other form of energy transmitted mechanically and not generated by human or animal agency and which is engaged in any one or animal agency and if is engaged in any one or more of the following operations, namely:

(i) the subjection of goods or materials to any manufacturing, assembly, finishing or other artificial, natural process, which changes their original condition or adds to their value ;

(ii) ship-building and recycling;

- (iii) the transformation, generation, conversion, transmission, or distribution of electrical energy including hydraulic power ; and
- (iv) the working of a mine, oil well or any other source of mineral deposit, including blending, refining and purification of oils and gases;
- (v) the marketing and distribution of gas or oil;
- (vi) the carriage of men or goods by sea or air.
- (vii) Service oriented establishments like mobile operating company, construction company; and
- (viii) includes any other operation which the Government may, by notification in the official Gazette, declare to be an industrial undertaking for the purposes of this Chapter;

(h) “Industrial establishments” mean such an industrial establishment referred in Clause (61) of Section 2 which are run for making a profit;

(i) The beneficiary of a company means individual irrespective of designations who is employed in the company for a minimum period of nine months including an Apprentice, however to exclude owner or partner or member of the Board of Governors of the establishment.”

65. Amendment to Section 234 of the Act No. 42 of 2006.- In Section 234 of the said Act-
 (a) Replacing Clause (b) of Sub-Section (1), the following Clause (b) shall be replaced, e.g.:-

“(b) of the owner within maximum nine months from the completion of a year, 5 percent from the net profit for the year shall contribute with a proportion of 80: 10: 10 to the Participatory Fund, Welfare Fund and Workers’ Welfare Foundation Fund established under Section 14 of the Bangladesh Workers Welfare Foundation Act, 2006:

Provided that if any employer has paid one percent (1%) of net profit to the Welfare Fund immediately before effectiveness of this Act, the Board of Trustees is obligated to transfer 50% of deposited amount in favour of the Welfare Fund to the Workers Welfare Foundation Fund.”

(b) In Sub-Section (2), “two funds” which is mentioned twice shall be replaced by the word “funds”.

66. Amendment to Section 235 of the Act No. 42 of 2006.- In the said Act, after Sub-Section (7) of Section 235 the following new Sub-Section (8) shall be inserted, e.g.:-

“(8) If the Government dissolve any Trustee Board or the Chairman or any Members is removed under sub-section 5(a), the Members of the same Board or the Chairman or the Member cannot be re-elected or nominated.”

67. Replacement of Section 236 of the Act No. 42 of 2006.- A new Section 236 shall be inserted replacing the existing one in the said Act, e.g.:-

“236. Realization of money, fine etc.- (1) where any company or Board of Trustees fails to comply with the provisions of section 234, the Government may, by making an order in writing, shall ask to complete the activities as per the provisions concerned within such a time as may be specified in the order.

(2) If the company in relation to which an order has been made, fails to comply within the time specified therein, every director, manager or other officer responsible for the management of the affairs of the company, or the Board of Trustees concerned, or the Chairman or Members of individuals involved with the activities of the Trust shall, if the Government, by order, so directs, pay by way of penalty a sum which may extend to maximum 01 (one) lac Taka and in the case of continuing failure, a further amount which may extend to 05 (five) thousand Taka for each day's failure after the first during which will be payable in 30 days.

Provided that the fine will be double in case of repeated failure or failure to comply with the provision by any individual.

(3) If any amount and fine imposed by an order under Section 234 is not paid within the date specified in the order, the amount and fine shall be considered as public money and shall be recoverable under the Public Demands Recovery Act 1913 (Act No. IX of 1913).

(4) Any individual aggrieved by order under Sub-Section (1) and (2) may submit an application to the Government for its review within 30 days from the issuance of the order, and the matter has to be resolved in 45 days upon receiving such an application, and the individual concerned and the company shall be notified accordingly.

(5) Any order by the Government under Sub-Section (4) shall be considered as final.

68. Amendment to Section 240 of the Act No. 42 of 2006.- In that said Act, Sub-Section (11) of Section 240 shall be followed by a new Sub-Section (11), e.g.:-

“(11) The money belongs to the Participation Fund shall be invested with a public-owned appropriate investment scheme.”

69. Amendment to Section 241 of the Act No. 42 of 2006.- In Section 241 of the said Act-

(a) In Sub-Section (1)-

(i) The word “worker” shall be replaced by “beneficiaries”;

(ii) “In equal proportion” shall be inserted after the word “benefit”;

(b) In Sub-Section (2), the word “beneficiary” shall replace the word, “worker”.

70. Amendment to Section 242 of the Act No. 42 of 2006.- In Section 242 of the said Act-

(a) In Sub-Section (1), in place of “workers” two times “beneficiaries” shall be inserted in both cases;

(b) In Sub-Section (2), in place of the word “worker” the word “beneficiary” shall be inserted;

(c) In Sub-Section (3), in place of “workers” two times “beneficiaries” shall be inserted in both cases;

(d) In Sub-Section (4), in place of “worker” the word “beneficiary” shall be inserted;

- (e) In Sub-Section (5), in place of “worker” the word “beneficiary” shall be inserted;
- (e) In Sub-Section (6), in place of “worker” the word “beneficiary” shall be inserted;

71. **Replacement of Section 243 of the Act No. 42 of 2006.-** In Section 243 of the said Act, a new Section 243 shall be inserted, e.g.:-

“243. Utilization of Welfare Fund.- The amounts deposited in the Welfare Fund shall be utilized for such purposes and in such manner as the Board may decide in pursuant to the provision of this Chapter; and the Board shall inform the Government of such decisions.”

72. **Amendment to Section 266 of the Act No. 42 of 2006.-** After Sub-Section (6) of Section 266 of the said Act, two new Sub-Sections (7) and (8) shall be inserted, e.g.:-

“(7) Anybody can’t be a Member of the Trustee Board, if-

- (a) convicted in criminal charges on moral turpitudes;
- (b) five years not elapsed after being declared bankrupt by a competent court;
- (c) declared by a competent court as a mentally retarded or loss of memory;

(8) The Government may adopt Rule for hiring personnel for smoothly functioning of the activities of the Board.”

73. **Amendment to Section 274 of the Act No. 42 of 2006.-** In Section 274 of the said Act, the group of words “and whereas as apprentice or in profession minimum five persons are employed”- shall be revoked.

74. **Amendment to Section 275 of the Act No. 42 of 2006.-** Replacing Clause (a) in Section 275 of the said Act, the following Clause (a) shall be inserted, e.g.:-

“(a) ‘*competent authority*’ means the Chief Inspector of Factories or any Official designated by him.”

75. **Amendment to Section 277 of the Act No. 42 of 2006.-** In Clause (c) under section 277 of the said Act, after the words at the end- “provide training as Apprentice” a group of words- “and while nominating Apprentice for training, preference shall be given to the physically challenged” shall be inserted.

76. **Amendment to Section 286 of the Act No. 42 of 2006.-** In Section 286 of the said Act-

- (a) In Sub-Section (1), “five thousand” shall be replaced by “twenty five thousand”;
- (b) After Sub-Section (2), a new Sub-Section (3) shall be inserted, e.g.:-

“(3) The Court shall direct the employer to give the benefit to the worker, which he was deprived of under Chapter IV; this will be in addition to Sub-Section (2).”

77. **Amendment to Section 306 of the Act No. 42 of 2006.-** In Section 306 of the said Act-

- (a) In Sub-Section (1), “three months” shall be replaced by “six months” and “five thousand” by “twenty five thousand”;

(b) In Sub-Section (2), “one thousand” shall be replaced by “ten thousand”;

78. Amendment to Section 307 of the Act No. 42 of 2006.- In Section 307 of the said Act, “five thousand” shall be replaced by “twenty five thousand”.

79. Amendment to Section 313 of the Act No. 42 of 2006.- In clause (b) under sub-section (2) of Section 313, “or 301” shall be inserted after the words- “Section 298”.

80. Amendment to Section 317 of the Act No. 42 of 2006.- In Section 317 of the said Act-

(a) In Sub-Section (1), “Deputy Labour Director, Assistant Labour Director and Labour Officer” and a comma shall be inserted replacing “Deputy Labour Director and Assistant Labour Director”;

(b) In Sub-Section (2), “Deputy Labour Director, Assistant Labour Director or Labour Officer” and a comma shall be inserted replacing “Deputy Labour Director or Assistant Labour Director”;

(c) In Sub-Section (3), “Deputy Labour Director, Assistant Labour Director and Labour Officer” and a comma shall be inserted replacing “Deputy Labour Director and Assistant Labour Director”;

(d) In Sub-Section (5), “Deputy Labour Director, Assistant Labour Director or Labour Officer” and a comma shall be inserted replacing “Deputy Labour Director or Assistant Labour Director”;

81. Amendment to Section 318 of the Act No. 42 of 2006.- In Section 318 of the said Act-

(a) In Sub-Section (1), “Assistant Chief Inspector, Inspector or Assistant Inspector” and a comma shall be inserted replacing “Assistant Chief Inspector or Inspector”;

(b) In Sub-Section (2), “Assistant Chief Inspector, Inspector or Assistant Inspector” and a comma shall be inserted replacing “Assistant Chief Inspector or Inspector”;

(c) In Sub-Section (4), “of the Assistant Chief Inspector, Inspector or Assistant Inspector” and a comma shall be inserted replacing “of the Assistant Chief Inspector or Inspector”;

(d) In Sub-Section (5), “of the Assistant Chief Inspector, Inspector or Assistant Inspector” and a comma shall be inserted replacing “of the Assistant Chief Inspector or Inspector”;

82. Amendment to Section 319 of the Act No. 42 of 2006.- In Section 319 of the said Act-

(a) In Sub-Section (1), “of the Assistant Chief Inspector, Inspector or Assistant Inspector” shall be inserted replacing “of the Assistant Chief Inspector or Inspector”.

(b) After Sub-Section (5), the following new Sub-Section (6) shall be inserted, e.g.:-

(6) The Chief Inspector or any other Official designated on his behalf in this regard, in all matters of approving designs for factories or industrial establishments, issuing or renewing licenses, modification of classes and permission for extensions etc, shall take necessary actions through undertaking on the spot inspections.

- 83. Amendment to Section 323 of the Act No. 42 of 2006.-** In Sub-Section (2) of Section 323 of the said Act-
- (a) After Clause (c), a new Clause (cc) shall be inserted, e.g.:-
“(c) The Secretary to the Ministry of Commerce, Ex-Officio;”
 - (b) After clause (g), the following new clause (gg) shall be inserted, e.g.:-
“(gg) The Inspector General of Industrial Police, as an Ex-Officio;”
 - (c) After Clause (i), a new Clause (ii) shall be inserted e.g.:-
“(ii) Five experts on industry, health and safety appointed by the Government;”
 - (d) The word “safety” shall replace the word “security” wherever in this Section.”
- 84. Amendment to Section 326 of the Act No. 42 of 2006.-** In Section 326 of the said Act-
- (a) In the end of Clause (a) in Sub-Section (1), semi-colon shall be replaced by a colon and thereafter the following new conditions are to be inserted, e.g.:-

“Provided that in that case no deviation or change shall be made between the factory layout plan and structural design approved by the authority;”
 - (b) In Sub-Section (2), “no order is communicated to the applicant within two months, then the permission applied for in the said application shall be deemed to have been granted” shall be replaced by words “in case, the applicant does not receive any order or direction after three months of submission of an application along with the layout to the Chief Inspector of Factories for approval, the aggrieved Factory Owner is entitled to submit an appeal to the Government seeking a remedy within 30 days thereof” and a coma.
- 85. Amendment to Section 338 of the Act No. 42 of 2006.-** In Section 338 of the said Act-
- (a) In Clause (a) of Sub-Section (2), replacing words “toilets, urinals” and comma, “latrines and washrooms” shall be inserted;
 - (b) In Sub-Section (3), replacing words “toilets, urinals” and comma, “latrines and washrooms” shall be inserted.
- 86. Amendment to Section 345 of the Act No. 42 of 2006.-** In Section 345 of the aid Act, “female, male and physically challenged” and a coma shall be inserted replacing words “female and male” and “female, male and physically challenged” shall be inserted replacing “female and male” and the hyphen.
- 87. Amendment to Section 351 of the Act No. 42 of 2006.-** In Section 351 of the said Act-
- (a) In Sub-Section (1), “uniformly or separately” be inserted after “through Gazette Notification”;
 - (b) In Sub-Section (2)-
 - (i) Replacing Sub-Clause (vi) in Clause (a), a new Sub-Clause (vi) shall be inserted, e.g.:-

“(vi) Determination of number of latrines and washrooms for an establishment.”

(ii) At the end of the Sub-Clause (v) of Clause (b), the full-stop shall be replaced by a colon and thereafter a new Sub-Clause (vi) shall be inserted, e.g.:-

“(vi) Determination of additional security measures regarding fire prevention and safety in an establishment.”

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