

# Governing Body

343rd Session, Geneva, November 2021

Institutional Section

INS

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Tenth item on the agenda

## **Report by the Government of Bangladesh on progress made with the timely implementation of the road map taken to address all outstanding issues mentioned in the complaint concerning alleged non-observance of the Labour Inspection Convention, 1947 (No. 81), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98)**

1. At its 337th Session (October–November 2019), the Governing Body had before it a report of the Officers regarding a complaint concerning non-observance by the Government of Bangladesh of the Labour Inspection Convention, 1947 (No. 81), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), submitted under article 26 of the ILO Constitution by several Workers' delegates to the 108th Session (June 2019) of the International Labour Conference. <sup>1</sup>
2. Having considered that the complaint was receivable insofar as it met the conditions established in article 26 of the ILO Constitution, the Governing Body requested the Director-General to forward the complaint to the Government of Bangladesh, inviting it

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<sup>1</sup> GB.337/INS/13/1.

to communicate its observations on the complaint by 30 January 2020, and to include this item on the agenda of the 338th Session of the Governing Body (March 2020), a meeting which was further postponed due to the COVID-19 pandemic.

- 3.** At its 340th Session (October–November 2020), in view of the information communicated by the Government of Bangladesh on the situation of freedom of association in the country and taking due note both of its commitment to continue to further improve the overall situation and to address the outstanding issues before the supervisory bodies, the Governing Body requested the Government to develop, with the support of the Office and of the secretariat of the Workers' and Employers' groups, and in full consultation with the social partners concerned, a time-bound road map of actions with tangible outcomes to address all the outstanding issues mentioned in the complaint submitted under article 26 to the 108th Session of the International Labour Conference (2019).
- 4.** At its 341st Session (March 2021), the Governing Body took note of the progress made by the Government with regard to the development of a time-bound road map and requested the Government to submit the final road map for the information of the Governing Body in June 2021. It also requested the Government to report on progress made with the timely implementation of the road map to its 343rd Session (October–November 2021) and deferred the decision on further action in respect of the complaint to that Session.
- 5.** The Government submitted the final road map for the information of the Governing Body on 23 May 2021,<sup>2</sup> indicating that it was developed around four priority areas: (1) labour law reform; (2) trade union registration; (3) labour inspection and enforcement; and (4) addressing acts of anti-union discrimination/unfair labour practices and violence against workers. According to the Government, the road map would impact all economic sectors and would involve the wider engagement of stakeholders across the sectors.
- 6.** On 30 September 2021, the Government reported on the progress made with the timely implementation of the road map, in line with the decision of the Governing Body at its 341st Session (March 2021) (see the appendix). It informed that a Tripartite Implementation and Monitoring Committee (TIMC) had been created in August 2021 to monitor the progress in the implementation of the time-bound road map and to provide overall direction for its implementation. In addition, six subcommittees had been formed to implement actions in specific thematic areas under the road map and a reform implementation coordination unit was being set up within the Ministry of Labour and Employment to ensure effective coordination and support the work of the TIMC and the subcommittees. The Government indicated that the progress report had been shared with tripartite constituents and discussed at the TIMC meeting in September 2021.
- 7.** In accordance with article 26 of the Constitution, it is for the Governing Body to take the necessary decisions concerning future action on this complaint.

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<sup>2</sup> GB.342/INS/INF/2(Rev.1).

## ► Draft decision

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- 8. Taking note of the road map of actions submitted in May 2021 and of the report on progress made with its timely implementation submitted in September 2021, the Governing Body on the recommendation of its Officers:**
  - (a) requested the Government of Bangladesh to inform it of the progress made in the implementation of the road map to address all the outstanding issues mentioned in the article 26 complaint at its 344th Session (March 2022); and**
  - (b) deferred the decision on further action in respect of the complaint to its 346th Session (November 2022).**



## ▶ Appendix

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### Report of the Government of Bangladesh on progress made with the timely implementation of the road map developed in response to the decision made by the Governing Body at its 341st Session (March 2021)

#### Information on the implementation of the road map

1. The road map on the Labour Sector in Bangladesh (2021–2026) is a commitment of the Government of Bangladesh to uphold labour rights and workplace safety in the country. The road map contains specific actions on legal and administrative reforms as well as enforcement of laws and training and promotional activities.
2. Accordingly, the road map has been developed under four priority areas with a series of specific actions set against timelines.
3. These four priority areas are:
  - (1) labour law reform;
  - (2) trade union registration;
  - (3) labour inspection and enforcement; and
  - (4) addressing acts of anti-union discrimination/unfair labour practices and violence against workers.
4. The road map was developed in consultation with the ILO, Employers' and Workers' groups of the ILO, and national employers' and workers' organizations. The road map was discussed in the National Tripartite Consultative Council. Pursuant to the decision of the ILO Governing Body at its 341st Session (March 2021), the final road map was submitted by Bangladesh on 23 May 2021 and was shared for the information of the Governing Body at its 342nd Session (June 2021).
5. Subsequently, the Ministry of Labour and Employment (MOLE) has formed a Tripartite Implementation and Monitoring Committee (TIMC) by a circular dated 11 August 2021. The responsibilities of the TIMC include:
  - (1) to monitor the progress of implementation of the time-bound actions contained in the road map submitted to the ILO as well as the National Action Plan on the Labour Sector of Bangladesh, shared with the European Union (EU); and
  - (2) to provide overall direction for the implementation of both the documents. The first meeting of the TIMC was held on 5 September 2021.
6. Operationally, to support the implementation process, **six** thematic subcommittees have been formed with responsibilities to implement the actions in specific thematic areas under the road map/National Action Plan: (1) Labour Law Subcommittee; (2) Export Processing Zones (EPZ) Labour Law Subcommittee; (3) Social Dialogue and Labour Administration Subcommittee; (4) Labour Inspection and Industrial Safety Subcommittee; (5) Social Protection Subcommittee; and (6) Child Labour Elimination Subcommittee. The ILO may provide technical assistance for the work of the TIMC and subcommittees, as required and mutually agreed.

7. For effective coordination and to support the work of the TIMC and **six** thematic subcommittees, a reform implementation coordination unit within the MOLE is currently in the process of being set up.
8. The implementation of the road map will impact all economic sectors of Bangladesh and involve a wider engagement of stakeholders across all industrial sectors.
9. Technical assistance of both the ILO and development partners is crucial to ensure the successful implementation of the road map over a period of time. The Government of Bangladesh has started engaging with the ILO and the EU in this regard.

### **Progress made on the actions under each priority area of the road map**

The following progress report was shared with tripartite constituents and subsequently discussed by the TIMC at its meeting on 26 September 2021.

#### **Action point 1. Labour law reform**

##### **Action 1.1. Amendment of Bangladesh Labour Rules (BLR), 2015**

- An 11-member Tripartite Committee for Amendment of Bangladesh Labour Rules, 2015 (the Tripartite Committee) was formed on 1 October 2019. The Tripartite Committee held its first meeting on 17 November 2019, but could not function subsequently due to the COVID-19 pandemic during which two of its members also passed away (and have now been substituted).
- As decided by the Tripartite Committee, relevant stakeholders had been requested to submit amendment proposals. To date, amendment proposals have been received from six government, employers' and workers' organizations.
- A six-member tripartite working group was formed on 31 January 2021 along with a legal expert to prepare draft proposal for the amendment of Bangladesh Labour Rules, 2015. The working group in its six meetings, prepared the draft amendment proposal and submitted it to the Tripartite Committee on 4 March 2021. In the process, the observations of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) were taken into due consideration.
- The Tripartite Committee in its eight meetings finalized the draft amendment proposal and submitted it to the MOLE. Upon clearance from the Honourable State Minister for Labour and Employment, the draft proposal will be placed before the National Tripartite Consultative Council for its consideration.

##### **Action 1.2. Amend the Bangladesh Labour Act, 2006 (as amended in 2018)**

- For further amending the Bangladesh Labour Act, 2006 (amended up to 2018), a Tripartite Labour Law Review Committee (TLRC) was formed on 20 December 2020 and a tripartite working group along with a legal expert was formed in the first meeting of the TLRC held on 11 February 2021.
- Following the decision of the first meeting of TLRC, relevant stakeholders were requested on 1 March 2021 to submit amendment proposals by 10 March 2021. The call for amendment proposals was also published on the MOLE's website on 1 March 2021. Within the stipulated date, amendment proposals were received from 11 government, employers' and workers' organizations. These proposals, along with the relevant observations of CEACR, will be taken into consideration by the working group in its subsequent meetings.

**Action 1.4. Adoption of EPZ Labour Rules**

- An initial draft on the EPZ Labour Rules has already been prepared. Discussions on the initial draft with the concerned stakeholders, including investors, workers' associations and relevant government authorities have started in July 2021. To date, four meetings have taken place in this regard.
- After completion of consultations on the initial draft in December 2021, it will be placed before a tripartite committee. A consultation meeting with employers and workers was held on 23 September 2021 with a view to forming the Tripartite Committee.

**Action 1.5. Amendment of Bangladesh EPZ Labour Act, 2019**

- Following the work on the Bangladesh EPZ Labour Rules and its impact analysis, the work on amending the Bangladesh EPZ Labour Act, 2019 will start in July 2023. It is now envisaged that the whole exercise will be completed by June 2025 instead of December 2026.

**Action point 2. Trade union registration****Action 2.1. Explore and implement ways of further simplifying the registration process through tripartite consultations:****2.1.1. Overhaul the existing online registration system**

The Department of Labour (DOL) has already taken initiative for further simplifying trade union registration process through completion of digitization (under [myGov platform](#)) with the assistance of a2i (Access to Information) programme under the Information and Communications Technology Division. The system is expected to go live in December 2021, and will continue to be reviewed and updated based on stakeholders' feedback.

**2.1.2. Establish a pre-application service at the DOL**

- A pre-application service desk has been established in every office of the Registrar of Trade Union of the DOL in January 2021 to ensure smooth registration through quality applications.
- From January to September 2021, the DOL has provided 209 trade unions registrations, which reflect 88.19 per cent success rate.

**2.1.3. Continuing with the provision for offline registration system**

- The offline trade union registration system is active in full swing. Until September 2021, 8,710 trade unions have been registered covering about three million trade union members.
- In the ready-made garment sector, the number of trade unions has been increased from 132 in January 2013 to 1,045 in August 2021.
- The number of national trade union federation and sector-wise trade union federation is 34 and 191 (including 56 garments sector federations) respectively.

### **Action 2.2. Training workers and employers on the trade union registration process**

- From July 2020 to June 2021, the DOL has trained 10,605 workers, management staff, and government officials through its 4 Industrial Relations Institutes (IRIs) and 32 Labour Welfare Centres (LWCs), with nearly 45 per cent of female participants.
- The Workers' education and industrial relations courses include training on trade union registration process among other issues.
- The DOL will conduct refreshers' training sessions for selected DOL officials on standard operating procedures (SOPs) on trade union registration in the fourth quarter of 2021 with support from the ILO.

### **Action 2.3. Publicly accessible online database on registration to be made fully operational and regularly updated**

- To make the trade union registration system more transparent, the detailed outcome of the applications is ready to be made public through an online database available on the DOL's website ([www.dol.gov.bd](http://www.dol.gov.bd)). The database is expected to be launched soon.
- Currently 32 DOL staff members from the DOL headquarters, 6 divisional and 9 regional labour offices are engaged in updating the relevant information on the database.

## **Action point 3. Labour inspection and enforcement**

### **Action 3.1. Provide for new labour inspectors and ensure full functionality of labour inspectorate**

#### **3.1.1. Filling vacant labour inspectors posts**

- The recruitment of labour inspectors is made through the Bangladesh Public Service Commission (BPSC). In June 2021, against a requisition of 108 vacant posts, BPSC has recommended 54 labour inspectors for Department of Inspection for Factories and Establishments (DIFE) from the candidates of the 38th Bangladesh Civil Service examinations.
- In addition, on 16 September 2021, BPSC has recommended 35 labour inspectors (LIs-Engineers) to join DIFE through a direct recruitment process.
- Following the delay caused by the COVID-19 pandemic, the process will resume in due course for recruitment of additional labour inspectors against the remaining vacant posts.
- Filling vacant posts by promotion: according to the recruitment rules of DIFE, a certain number of vacant posts must be filled by inspectors eligible for promotion to the next upper level. As of June 2021, there are 110 vacant posts for promotion. The Government is now working on the administrative process through finalizing the gradation list for qualified inspectors to be promoted to the next upper level.

#### **3.1.2. Creation of new posts and recruitment of labour inspectors**

A proposal for creating new posts as part of the second phase of DIFE up-gradation has already been sent to the Ministry of Public Administration (MOPA) for its approval. A meeting was held in MOPA on 31 August 2021 to assess the proposal. Upon clearance from the concerned Ministries, the matter will be referred to BPSC for initiating the recruitment process.



### **3.1.3. Full application of Labour Inspection Management Application (LIMA) digitalized labour inspection system**

The LIMA is currently being used in all the district offices (23) of DIFE. In 2020 and 2021, 8,367 inspections were performed using this web-based application system. DIFE is working with the ILO and the German Society for International Cooperation (*Deutsche Gesellschaft für Internationale Zusammenarbeit – GIZ*) to upgrade and resolve the technical problems with LIMA. A committee has been formed to oversee the progress.

### **3.1.4. Developing competencies of labour inspection staff through regular training and capacity-building measures and creating more senior positions**

- New posts of 4 additional inspector generals, 12 joint inspector generals, 51 deputy inspector generals and 288 assistant inspector generals have been included as part of the proposal submitted to the MOPA. If approved, this will create more promotion opportunities for labour inspectors and make the profession a viable career option.
- Regular training activities are going on. A total of 988 trainees have attended 47 in-house training programmes for labour inspectors during 2020 to 2021. Besides this, one foundation training course has been completed for 30 labour inspectors.
- Moreover, a total of 700 trainees have attended 22 different training programmes for labour inspectors during 2020 to 2021, organized by national and international partners.
- The creation of a legal wing is also part of the proposal for creation of new posts for DIFE, as submitted to the MOPA.

### **3.1.6. Formulating DIFE inspection modalities for EPZs.**

Development of DIFE inspection modalities for EPZs is under discussion. To this effect, a further meeting is expected to be held between DIFE and the Bangladesh EPZs Authority to follow up on their last meeting on 16 February 2021.

### **3.1.8. Promote effective functioning of National Occupational Safety and Health Council and of Safety Committees**

- The tenth Meeting of the National Occupational Safety and Health Council headed by Honourable State Minister for Labour and Employment was held on 18 September 2021, where all relevant stakeholders were present. The Council approved the National Plan of Action on Occupational Safety and Health (OSH), and unveiled the newly published OSH Profile for Bangladesh, developed with the technical assistance from the ILO.
- The OSH Council has previously approved the OSH Guidelines for Prevention and Mitigation of COVID-19 at Work.
- As of June 2021, a total of 4,852 Safety Committees have been formed in factories across the country, as per the provision of Bangladesh Labour Act, 2006.

### **3.1.9. Development of a framework for Ready-Made Garment Sustainability Council (RSC) coordination/monitoring in consultation with the Ministry of Commerce**

The MOLE is in discussion with the ILO concerning the outline of the proposed framework on how DIFE and RSC could collaborate for monitoring building safety in the ready-made garment sector.

### **Action 3.2. Set up an efficient system to follow up on worker's complaints received through helpline**

#### **3.2.1. Continuation of the helpline (16357) under revenue budget of DIFE**

- Since January 2021, a helpline is being operated under the regular budget of DIFE.
- Since then, 628 complaints have been received through the helpline, out of which 287 cases have been resolved till August 2021.

#### **3.2.2. Establishment of a complaint management cell to follow up the cases directly by the labour inspectors**

A complaint management cell was established at DIFE consisting of eight **labour inspectors who were given a two-day training on receiving complaints via the helpline**. Regular trainings will also be provided.

#### **3.2.5. Establishment of the Helpline for all workers in EPZs**

- The 24/7 BEPZA Helpline 16128 was inaugurated by the Hon'ble Minister for Law, Justice and Parliamentary Affairs on 28 March 2021. The helpline has been launched to ensure labour rights and to strengthen the existing grievance redressed system as well as to ensure prompt services for the workers of enterprises in the 8 (eight) EPZs under BEPZA.
- Till date, a total of 1,044 calls have been received since the helpline was launched, of which 1,015 cases have been resolved and the rest 29 are under consideration.

### **Action 3.3. Eliminate the backlog of cases at labour courts**

#### **3.3.1. Take steps to make the three newly established labour courts fully functional**

- To expedite labour related cases and clear backlogs, three new Labour Courts were established in 2019 in Sylhet, Barishal and Rangpur. At present, there are ten Labour Courts in the country.
- Following setting up of offices, recruitment of Judges and getting nominations of representatives from employers and workers, the new courts are functional now.
- The appointments for the posts of registrar have also been issued on 16 September 2021. The recruitment of lower-level support staff has been completed through outsourcing. However, recruitment of remaining support staff is under process. The newly recruited officials will be given training soon.

#### **3.3.2. Establishment of new labour courts in Narayanganj, Gazipur, Cumilla and Faridpur districts**

- For establishment of new labour courts in Narayanganj, Gazipur, Cumilla and Faridpur, the required number of posts, number of vehicles and logistics has been determined by MOPA. Subsequently, the pay structure of the proposed manpower (except Faridpur) was vetted by the Ministry of Finance.
- On 18 July 2021, the proposal to establish new courts in Narayanganj, Gazipur and Cumilla has been sent to the Cabinet Division to place it before the "Secretaries' Committee for Administrative Development" for its approval.

### **3.3.3. Deployment of one additional judge (member) to the Labour Appellate Tribunal**

On 11 August 2021, a proposal was sent by the MOLE to the Labour Appellate Tribunal for the latter's opinion for creating the new post.

### **3.3.4. Establish pilot processes to classify cases in consultation with the Judges of the Labour Courts with a view to addressing case backlogs**

The MOLE is working on organizing a workshop involving the Judges of the Labour Courts for this purpose.

## **Action 3.4. Promoting effective conciliation and independent arbitration system as a means of alternative dispute resolution (ADR)**

### **3.4.1. Establish a Conciliation and Arbitration Cell at the DOL to provide secretarial service and monitor individual cases**

A three-member Conciliation and Arbitration Cell has been established in the DOL on 29 September 2021. Since 2013, 101 conciliation applications have been submitted to the DOL. Of these, 94 industrial disputes have been settled through the DOL's conciliation mechanism, 5 industrial disputes have been ceased according to the Bangladesh Labour Act, and only 2 conciliation applications remained pending.

### **3.4.2. Develop an SOP for conciliation system through tripartite consultations**

The DOL has started consultation with ILO, Bangladesh to develop an SOP on conciliation which is expected to be completed by the end of 2021. A tripartite discussion is planned for the last week of October 2021.

### **3.4.4. Develop an SOP for arbitration system through tripartite consultations**

The DOL has started consultations with ILO, Bangladesh to develop an SOP on arbitration by the second quarter of 2022.

### **3.4.5. Promote a conciliation and arbitration system as ADR**

The DOL will conduct a refresher's training sessions for 35 DOL officials on SOPs on conciliation and arbitration system in February 2022 with the support of the ILO. Previously, 30 DOL officials have been trained as master trainers on Managing Labour Relations and these master trainers provided training to 1,680 workers and management staffs on conciliation process, collective bargaining and social dialogue etc. in 2020-21.

### **3.4.7. Provide information sessions on the conciliation and arbitration system to workers, employers and DOL officials**

The DOL will conduct two information sessions/focus group discussions on conciliation and arbitration for trade union leaders, employers and DOL officials in the first and third quarters of 2022.

Action point 4. Addressing acts of anti-union discrimination/unfair labour practices and violence against workers

#### **Action 4.1. Preventive measures**

##### **4.1.1. 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**

From July 2020 to June 2021, the DOL has trained 10,605 workers, management staff and government officials through its 4 IRIs and 32 LWCs including 4,772 female participants. The training topic includes (but not limited to) violence, harassment, unfair labour practices and anti-union discrimination in the workplace.

##### **4.1.2. 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**

The DOL will incorporate training-related data into the existing publicly accessible database by 2021. Instructions have been given to the IRIs, LWCs so as to compile participants' information segregated by name, designation, factory/trade union, age, sex and so on.

##### **4.1.4. 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**

The DOL is organizing four-week long training programmes for members of industrial police and relevant law enforcement agencies, among others, on industrial relations in its four IRIs (Gazipur, Chittagong, Rajshahi and Khulna).

#### **Action 4.2. Investigation of violence and harassment against workers, anti-union discrimination and unfair labour practices**

##### **4.2.1. 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**

The DOL will conduct refreshers' training sessions for 35 DOL officials on SOPs on unfair labour practices/anti-union discrimination from 12–14 October 2021 with support from ILO.

##### **4.2.2. 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 are regularly providing information to workers on labour rights by attending unions' general meetings. The DOL has already initiated the system of submitting complaint and suggestions through a web portal that will be publicly accessible soon.

##### **4.2.3. Continue to sensitize managers/employers, security staff on how they can support the investigations**

The DOL will take initiative to provide training to the security staff, managers/employers through IRIs and LWCs. In addition to that the DOL will arrange awareness-raising sessions with stakeholders on complain management. In every complaint of unfair labour practices/anti-union discrimination, the DOL notifies both

employer and complainant in writing seeking their cooperation in the investigation process.

#### **Action 4.3. Ensure timely and dissuasive sanctions/convictions and related information**

##### **4.3.2. 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**

The DOL has started maintaining record of proceedings of unfair labour practices and anti-union discriminations in the publicly accessible database, that is expected to be launched soon. According to SOPs on unfair labour practices/anti-union discrimination, the DOL recommends solutions to be complied by employers. Some, 195 complaints on anti-union discrimination and unfair labour practices were submitted to the DOL from 2013 to September 2021. Of these, 186 complaints have been settled (173 complaints have been amicably disposed of while 13 cases have been filed in the labour courts). Investigations are ongoing concerning the remaining complaints.

#### **Action 4.4. Promoting social dialogue**

##### **4.4.2. Developing institutional mechanism and capacity-building for national and sectoral Tripartite Consultative Councils (TCCs)**

The Government is working for further developing institutional mechanisms and capacity-building for national and sectoral TCC with the support from the ILO.

##### **4.4.3. Develop and implement a road map 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 ILO to develop a road map on social partners' awareness and capacity-building for social dialogue and collective bargaining at all levels. The road map will include training sessions, workshops, focus group discussions, information sessions etc. This awareness-raising and capacity-building events will be held in tripartite settings.

##### **4.4.4. Work on finalizing the project proposal on introducing Employment Injury Insurance Scheme through tripartite consultations and piloting the project in collaboration with the ILO, towards possible scaling up at the national level**

- In order to finalizing the project design, scope and financing for piloting of the Employment Injury Insurance Scheme, a 14-member Tripartite Technical Committee, with a representative from ILO, was formed on 18 February 2021. The first meeting of the Technical Committee was held virtually on 6 July 2021. Subsequently, a 10-member Tripartite Working Group, along with one representative each from ILO Country Office and the GIZ, Bangladesh has been formed on 29 September 2021.
- To implement the Employment Investment Incentive Scheme on a pilot basis, a project document to be signed between Bangladesh and ILO has been prepared. The document has been shared with the concerned Ministries of the Government on 21 September 2021 for comments. The pilot is expected to start from January 2022.