



Governing Body

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Institutional Section

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Report by the Government of Bangladesh on progress made on the implementation of the road map taken to address all outstanding issues mentioned in the article 26 complaint concerning alleged non-observance of Conventions Nos 81, 87 and 98

1. At its 337th Session (October–November 2019) the Governing Body examined a report of the Officers on 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.¹
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 to communicate its observations on the complaint by 30 January 2020, and to include this item

¹ GB.337/INS/13/1.

on the agenda of the 338th Session (March 2020) of the Governing Body, a meeting which was further postponed due to the COVID-19 pandemic.²

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 (2019) of the International Labour Conference.
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 (November 2021) and deferred the decision on further action in respect of the complaint to that session.
5. At its 343rd Session (November 2021), the Governing Body took note of the road map of actions submitted by the Government in May 2021,³ which 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, as well as of the report on progress made in its implementation, submitted in September 2021. It then requested the Government to inform it of the progress made in the implementation of the road map at its 344th, 346th and 347th Sessions (March and October–November 2022 and March 2023).⁴ In March 2023, the Governing Body requested the Government to report on further progress at its 349th Session (October–November 2023) and deferred the decision on further action in respect of the complaint to that session or any subsequent session.⁵
6. On 19 September 2023, the Government recalled certain steps previously taken and reported on further progress made in the implementation of the road map, in line with the decision of the Governing Body at its 347th Session (March 2023), providing updates on the four priority areas of the road map (see the appendix). Particular developments included references to continued tripartite discussions concerning additional amendments to the Bangladesh Labour Act, 2006 (as amended in 2018) and indications that the amendment proposals would be submitted to the Cabinet for approval and to the Parliament for enactment by October 2023. The amendment process of the Export Processing Zones (EPZ) Labour Act, 2019 and consultations on the impact of the law and its rules were reported to have begun in July 2023 with completion projected for 2025. The report also referred to continued training of officials, workers and employers on the registration process, including online registration, filling of vacant posts of labour inspectors and their regular training, implementation of the modalities for inspection of EPZs by the Department of Inspection for Factories and Establishments (DIFE), formation of more safety committees in factories, formation of a Government Coordination

² GB.337/PV, para. 525.

³ GB.342/INS/INF/2(Rev.1).

⁴ GB.343/INS/10(Rev.2); GB.343/PV, para. 343; GB.344/INS/13(Rev.1) and GB.346/INS/PV, para. 419.

⁵ GB.347/PV, para. 694.

Council to coordinate the activities of the ready-made garment (RMG) Sustainability Council (RSC), developments in the classification of labour court cases to address case backlog, ongoing preparatory work for the establishment of an arbitrators' panel, development of a compendium in the Bangla language of laws, rules and regulations on the use of minimum force, continued training of Industrial Police officials on labour and human rights, continued work of the committee drafting a national wage policy and the implementation on a pilot-basis of a social protection programme for unemployed and destitute workers of all export-oriented sectors. The report emphasized the importance of ILO support in facilitating training courses for judges and lawyers at the International Training Centre of the ILO. The Government indicated that the progress report had been shared with the tripartite constituents for discussion at the Tripartite Implementation and Monitoring Committee (TIMC) meeting in September 2023.

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.

► Draft decision

8. **Taking note of the report on progress made with the implementation of the road map of actions to address all outstanding issues mentioned in the article 26 complaint concerning alleged non-observance of Conventions Nos 81, 87 and 98, the Governing Body, on the recommendation of its Officers:**
 - (a) requested the Government of Bangladesh to report on further progress made in the implementation of the road map of actions to address all the outstanding issues mentioned in the article 26 complaint at its 350th Session (March 2024); and
 - (b) deferred the decision on further action in respect of the complaint to that session or any subsequent session.

► Appendix

Report of the Government of Bangladesh on the progress made in the implementation of the road map of actions to address all the outstanding issues mentioned in the article 26 complaint at its 349th Session (October–November 2023)

A. Background

1. The road map on the Labour Sector in Bangladesh (2021–2026) is a sincere commitment of the Government of Bangladesh to ensure labour rights and workplace safety in the country. Bangladesh is happy to inform the Governing Body of the remarkable progress made in recent years in the labour and employment sectors in the country in terms of administrative, legal and policy reforms, particularly in improving trade union activities, workplace safety, wages, skills development and labour welfare. This has been well-acclaimed during the last few sessions of the Governing Body as recognition of the efforts made by the Government of Bangladesh to implement the time-bound road map in line with its pledge to develop the labour sector as per international norms.
2. The road map contains, among other things, specific actions on legal and administrative reforms, enforcement of laws, and enhancement of training and promotional activities for the entities/personnel in charge of delivering legal measures and receiving services. Accordingly, the road map had been developed under four priority areas with a series of specific actions set against timelines. 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.
3. Pursuant to the decisions of the ILO Governing Body at its 341st Session (March 2021), the final road map was submitted by Bangladesh on 23 May 2021. The ILO Secretariat published the road map for the information of the Governing Body at its 342nd Session (June 2021).
4. The first progress report on the road map was submitted to the ILO on 30 September 2021 and was discussed at the 343rd Session of the ILO Governing Body on 6 November 2021. The second progress report on the road map was subsequently submitted to the ILO on 4 February 2022 and was discussed at the 344th Session of the ILO Governing Body on 21 March 2022. The third progress report was shared with the ILO on 8 September 2022. It was discussed at the 346th Session of the ILO Governing Body in November 2022. The fourth progress report on the road map was subsequently submitted to the ILO on 7 February 2023 and was discussed at the 347th Session of the ILO Governing Body on 21 March 2023.
5. The report was shared with the tripartite constituents for discussion at the Tripartite Implementation and Monitoring Committee (TIMC) at its seventh meeting held on 11 September 2023 under the chair of the Secretary, Ministry of Labour and Employment (MoLE).

B. Progress made on the actions under each priority area of the road map

Action point 1. Labour law reform

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

- The amended Bangladesh Labour Rules, 2015 was published through a gazette notification on 1 September 2022 (Statutory Regulatory Order (SRO) No. 284-Law/2022).
- The amendment process took into consideration the recommendations made by ILO supervisory bodies. Some of the pending recommendations will be considered following further amendment to the Bangladesh Labour Act, 2006 (as amended in 2018) (BLA) (see action 1.2 below).

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

- The Tripartite Working Group (TWG) formed to amend the Bangladesh Labour Act, 2006, discussed the amendment proposals received by July 2022 from 17 government, employers' and workers' organizations in 15-day meetings and submitted its recommendations to the Tripartite Labour Law Review Committee (TLRC) on 8 August 2023. During the work of the TWG, several workshops were organized where the ILO Country Office for Bangladesh shared some good practices to align the BLA with international labour standards.
- After reviewing the recommendations of the TWG in three meetings, the TLRC submitted the draft amendment proposals to the National Tripartite Consultative Council (NTCC) on 11 September 2023.
- In a meeting on 13 September 2023, the NTCC reviewed and finalized the draft BLA amendment proposal.
- The amendment proposals will be submitted to the Cabinet for approval and the Parliament by October 2023 for enactment.

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

- Following the amendment of the BLA, 2006, further new amendments to the Bangladesh Labour Rules will be considered through the designated tripartite mechanism.

Action 1.4. Adoption of Export Processing Zone (EPZ) Labour Rules

- The Bangladesh EPZ Labour Rules, 2022 was published through a gazette notification on 4 October 2022 (SRO No. 295-Law/2022 dated 4 October 2022).
- The Rules were formulated and finalized through a series of consultations with the concerned stakeholders, including investors, workers' associations and relevant government authorities.
- Between 22 February and 21 March 2023, the Bangladesh Export Processing Zone Authority (BEPZA) conducted workshops-cum-training in all EPZs on "Proper implementation of the Bangladesh EPZ Labour Rules, 2022".
- During August to October 2023, the BEPZA will consult with representatives of Workers' Welfare Associations (WWAs)/Workers and Employers of EPZs on the "Labour rights in the EPZs and international best practices, the EPZ Labour Act, 2019 and the EPZ Labour Rules,

2022” in order to analyse the impact of the laws and their provisions in light of international best practices.

Action 1.5. Amendment of Bangladesh EPZ Labour Act, 2019

- In order to amend the Bangladesh EPZ Labour Act, 2019, a Tripartite Standing Committee was formed to work on the amendment proposals. The Committee started working in July 2023. It is envisaged that the whole exercise will be completed by June 2025.

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 digitization of the trade union registration process (<https://www.mygov.bd/>) under the Department of Labour (DoL) was completed on 27 October 2021 in order to bring trade union registration facilities to the doorstep of workers. Of late, this simplification process has been undertaken under the myGov platform which is an integrated system encompassing a wide range of government or public services. The required registration forms have been linked in the myGov.com portal to make them easily accessible to applicants.
- The online trade union registration process has been fully activated since October 2022. Meanwhile, the DoL has been conducting training on the digitized systems for relevant officials from its headquarters and regional offices, following the training guidelines from the Aspire to Innovate (a2i) programme under the ICT Division, Government of Bangladesh.
- Recently, the contents of the online trade union registration platform have been revisited and the user-friendly version of relevant forms and necessary instructions have been uploaded to the platform. To further simplify and ensure all required forms are linked with the registration page, formation of a technical working group with ILO support is under way.

2.1.2. Establish a pre-application service at the Department of Labour

- A pre-application service desk was established in every office of the Registrar of Trade Unions (RTU) under the DoL in January 2021 to ensure smooth registration through quality applications. The service is now functional and has been strengthened to provide technical support to the applicants to facilitate the submission of their applications through the online registration portal.

2.1.3. Continue with the provision for offline registration system

- Considering the constraints on workers in using the online trade union registration facilities, the offline system remains active in parallel to the online system. The provision of the offline registration system remains functional at all offices of the RTU under the DoL as instructed by the BLA. Moreover, the DoL is running awareness-raising activities and providing support to applicants to promote submission of online registration.

Action point 2.2. Training workers and employers in all sectors on the trade union registration process (including online registration system) and providing regular training to relevant officials (DoL, Registrar, divisional and regional officers) on the handling of registration applications to ensure rapid and efficient handling and to avoid arbitrary denial of applications

- Training workers and employers in all sectors on the trade union registration process is one of the regular activities of all training institutions that belong to the DoL. Through industrial relations courses and workers education courses, 4 Industrial Relations Institutes (IRIs) and 32 Labour Welfare Centres (LWCs) impart training to both workers and employers on a regular basis to build their capacity. It may be mentioned here that the DoL has trained more than 29,000 people which includes workers, employers and government officials who deal with labour administration. It is to be noted that on the online registration system, the DoL arranged a one-day workshop on 23 January 2023 in which workers' associations such as the IndustriALL Bangladesh Council (IBC), the National Coordination Committee for Workers' Education (NCCWE) and the National Sramik League participated.
- The DoL Registrars and the officers of the divisional and regional offices regularly provide training through their in-house training programmes with an annual target given by the MoLE. The programmes cover, inter alia, lessons on how to efficiently handle the registration application process on both offline and online platforms.

Action point 2.3. Publicly accessible online database on registration to be made fully operational and regularly updated by providing sufficient human and financial resources (including number of applications submitted, granted, filed and rejected)

- The publicly accessible online database on registration has been operational since September 2021. Since then, to regularly update the database, designated officials are assigned from all Registrars of the trade union offices under the DoL. They are trained to efficiently manage the database.
- The statistics, along with the relevant statements on the trade union applications granted, filed and rejected are updated on a regular basis in the publicly accessible online database at its 1st, 2nd and 11th dedicated fields.

Action point 3. Labour inspection and enforcement

Action point 3.1. Provide for new labour inspectors and ensure full functionality of labour inspectorates

3.1.1. Filling vacant posts of labour inspectors in consultation with Bangladesh Public Service Commission and through promotion by MoLE

- Since the submission of the road map, an additional 95 labour inspectors who were recruited by the government have joined the Department of Inspection for Factories and Establishments (DIFE) and 21 staff have been promoted to the post of labour inspector. With this, the number of labour inspectors has increased to 398 from 314 against the previously sanctioned 575 posts.
- On 24 August 2023, 37 Assistant Inspectors General (AIGs) and 5 Deputy Inspectors General (DIGs) have been promoted respectively as Deputy Inspectors General and Joint Inspectors General (JIGs).

- The process of recruitment of 197 labour inspectors has been initiated. A circular has been published for the recruitment of 134 labour inspectors.

3.1.2. Creation of new posts and recruitment of labour inspectors

- The DIFE's sanctioned manpower has now increased to 1,156 of which 711 posts are for that of inspector.
- In addition to the above, 13 posts have been approved for the National Occupational Health and Safety Training Research Institute (NOHSTRI). The proposal in this regard was sent to the Cabinet Division on 2 August 2023 for approval of the Secretaries' Committee.
- Meanwhile, the MoLE is sincerely working with the Ministry of Public Administration with a view to increasing the number of sanctioned posts. After the proposal is approved, the matter will be referred to the relevant government authorities to initiate the recruitment process. It may be mentioned here that the current fiscal constraints, which were aggravated owing to the outbreak of the Ukraine war, are now posing practical challenges to such considerations.
- Newly established field level offices of the DIFE in eight districts are now functional.

3.1.3. Full application of Labour Inspection Management Application digitalized labour inspection system (all offices)

- As reported earlier, the Labour Inspection Management Application (LIMA) system has been made fully functional with the support from the ILO and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). All 31 district offices of the DIFE have gradually started using the LIMA system for inspection, licensing and other pertinent issues. It may be mentioned here that during July 2022 to July 2023, a total of 28,623 inspections were carried out, 5,440 new licences were issued and 10,968 licences were renewed through the LIMA system.

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

- To develop competencies of labour inspectors, regular training programmes are being conducted. From July 2021 to June 2023, the government provided funds for 67 training programmes, 14 workshops and 4 foundation training courses which were organized for the labour inspectors. In total, 2,665 participants took part in those trainings. It is worth noticing, in some cases, the inspectors availed themselves of more than 2 trainings.

3.1.5. Implement and promote effective labour inspection processes

3.1.5.1. Prioritization of safety issues, targeting establishments to be inspected and monitoring progress on remediation of non-conformity on priority issues identified by labour inspection

- In December 2021, the nine priority sectors including ready-made garment (RMG), tannery, chemical, plastic and rubber, jute and textiles, engineering workshop and automobile, rice mills, brickfields, and cement industries were identified. It may be noted here that depending on different safety issues, accident rates and other relevant factors, each district office of the DIFE develop a yearly Strategic Inspection Plan (SIP) targeting five to eight of the priority sectors.

3.1.5.2. Creating a database for monitoring of efficiency of labour inspections through a yearly strategic labour inspection plan (upgradation of existing inspection plan, if needed)

- The database is an internal tracking mechanism that connects all DIFE offices for the purpose of obtaining and collating information. It has been maintained in the Excel format since December 2021. During July 2021 to June 2023, a total of 63,363 inspections were carried out following the yearly sector-specific Labour Inspection Plan.

3.1.5.3. Taking effective measures to ensure sufficiently dissuasive penalties and ensuring that the DIFE legal unit responsible for the follow-up of labour law violations creates nine new posts of law officers

- In May 2022, one post of Legal Officer was approved by the Finance Division. As an administrative process, a circular for recruitment was published by the Bangladesh Public Service Commission on 19 June 2023. Hopefully, the process of recruitment will be completed by December 2023.

3.1.6. Formulating DIFE inspection modalities for EPZs in collaboration with BEPZA

- The modality of DIFE inspection in EPZs has been incorporated in the newly formulated EPZ Labour Rules, 2022. The Inspection Checklist in this regard has been finalized in collaboration with the DIFE. It may be highlighted here that the DIFE is carrying out inspections within EPZs. As of July 2023, the DIFE has already inspected 49 factories within EPZs. During such inspections, the overall compliance of the factories concerned has been found to be satisfactory in general.

3.1.7. Incorporate the Standard Operating Procedure (SOP) on labour complaints and investigation in the BLA

- The issue has been taken into consideration in the ongoing BLA, 2006 amendment process.

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

- The National Occupational Safety and Health Council has been functioning effectively under the chair of the Honourable State Minister for Labour and Employment. As of 22 January 2023, the Council has convened 12 meetings. In parallel, the number of Safety Committees formed in factories across the country has increased to 6,839, as of 31 July 2023.

3.1.9. Development of a framework for RMG Sustainability Council (RSC) coordination/monitoring in consultation with the Ministry of Commerce

- A framework for coordination between the DIFE and the RMG Sustainability Council (RSC) based on the terms and conditions of the licence given to the RSC, was approved and endorsed by the Ministry of Commerce on 20 October 2022. As of 14 May 2023, the Government Coordination Council (GCC) formed to coordinate/monitor the activities of the RSC and the DIFE has convened five meetings.

Action point 3.2. Set up an efficient system to follow up on workers' complaints received through helpline

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

- The helpline established in June 2020 continues to operate and receive complaints. A pool of six labour inspectors are assigned to attend the helpline. Between July 2022 and June 2023, a total of 1,307 complaints were received through the helpline of which 1,210

were settled. The remaining 97 are awaiting necessary actions within a reasonable course of time.

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

- A Complaint Management Cell was established at the DIFE on 21 December 2020. Eight labour inspectors are assigned to the Cell to monitor the progress of resolution of the complaints received. The Cell is in charge of arranging training for the assigned labour inspectors. In the meantime, two trainings have been organized by the Cell.

3.2.3. Develop a database of the complaints covering information including information on the number and nature of the allegations and nature of the follow-up to calls

- A database of the complaints received via the helpline was developed in December 2021. The present database covers information related to the complaints/cases such as their number and nature as well as resolution/follow-up. The database includes information on complaints received both online and offline. The information on all complaints (mentioned in action point 3.2.1) are maintained in this database.

3.2.4. Organize regular training programme for all service personnel/officials receiving complaints

- The requisite trainings including foreign trainings are being organized on a regular basis for the inspectors assigned to receive the complaints. It is pertinent to point out there that five labour inspectors of the DIFE were sent to Denmark in August 2022 for a seven-day special training on complaint management. Two officials from the DIFE participated in a Training of Trainers (ToT) training on “Building Modern and Effective Labour Inspection Systems” on 10–21 October 2022.

3.2.5. Establishment of the helpline for all workers in EPZs

- On 28 March 2021, the Honourable Minister of Law, Justice and Parliamentary Affairs inaugurated the BEPZA helpline 16128 to strengthen the existing grievance redressal system as well as to ensure prompt service for the workers of enterprises in the eight EPZs under the BEPZA. The helpline provides 24/7 services to workers/employees in the EPZs. As of July 2023, a total of 7,192 calls were received since the launching of the helpline. Of those, 7,174 complaints have been resolved. The remaining 18 are progressing well for a speedy/timely resolution.

Action point 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

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

- It may be flagged here that the ILO's support in facilitating training courses for the judges and the lawyers at the International Training Centre of the ILO in Turin, Italy, would help build capacity of the institutions which in turn would be useful in efficiently handling the cases.

3.3.2. Establish 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 are functional.
- The proposal on setting up of a full-fledged labour court in Faridpur is awaiting approval. The concerned authorities are sincerely working to expedite the process.
- For the employees of the labour courts, a two-day training course was organized during 30–31 May 2023 which 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.
- It may be flagged here that the ILO's support in facilitating training courses for the judges and lawyers at the International Training Centre of the ILO in Turin, Italy, would help build capacity of the institutions which in turn would be useful in efficiently handling the cases.

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

3.3.3.1. Creation of one post of Additional Judge (Member) to the Labour Appellate Tribunal and official support staff

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

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

- A workshop was organized on 13 August 2022 to discuss the issue of piloting the classification of cases in the labour courts. The judge of the Labour Appellate Tribunal and 13 Judges of the labour courts attended the workshop. The workshop generated a number of recommendations which are being put into practice gradually by all the labour courts. Classification of cases is at the final stage. Such classification will help increase the speedy trial of cases.
- A software package for "Management and Monitoring of Court Cases (MMCC)" has been developed in which details of all cases with the labour courts as well as with other courts will be maintained. A workshop on using the MMCC software by the DoL officials was organized on 17 July 2023. Similar types of workshops will also be organized for the DIFE officials.
- In collaboration with the 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.

3.3.5. Continue to work on improving the court facilities and premises

- All the labour courts are now located in hired premises/structures that limit the scope for major renovation work. Hence, the MoLE is exploring options to improve 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 issue was discussed in the workshop held on 13 August 2022 (see action point 3.3.4). The facilities of these courts have been enhanced.

Action point 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 services and monitor individual cases

- A three-member Conciliation and Arbitration Cell was established by the DoL on 29 September 2021. The Cell is ready to extend secretariat services to the conciliators and the panel of arbitrators.

3.4.2. Develop an SOP for conciliation system through tripartite consultations

- The SOP for Conciliation, developed through tripartite consultation, was approved by the NTCC on 2 February 2023.

3.4.3. Appointment of conciliators through gazette notification

- On 10 March 2022, the MoLE, through a gazette notification, assigned 15 conciliators to 15 specific areas/jurisdictions with a view to settling industrial disputes.

3.4.4. Develop a SOP for arbitration system through tripartite consultations

- The DoL conducted a one-day workshop on 25 January 2023 on industrial dispute settlement, focusing on developing a SOP for arbitration. The workshop was attended by workers, employers and government representatives.
- The SOP on arbitration will be developed in consultation with the arbitrators. The recruitment of the arbitrators is under process (see action point 3.4.5).

3.4.5. Establish an arbitrators' panel

- An initial draft of the "Guidelines for appointment of Arbitrator for Industrial Dispute Settlement" developed by the DoL in discussion with its field offices was further discussed in the tripartite meeting which was organized by the MoLE on 19 September 2023. The draft guidelines will soon be placed for approval by the NTCC. After the approval of the guidelines, necessary steps will be adopted for appointing the arbitrators' panel.

3.4.6. Promote conciliation and arbitration system as alternative dispute resolution

- In collaboration with the ILO, the DoL conducted a one-day training session for 15 designated conciliators (see action point 3.4.3 above) on Dispute Resolution and Conciliation on 31 August 2022.
- On 25 October 2022, a self-assessment of existing dispute resolution mechanisms/services was conducted by the ILO through which an action plan was outlined aiming to improve the effectiveness of the mechanisms/services. The findings of the self-assessment mission were finalized in a tripartite workshop which was held on 26 October 2022.

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

- A number of workshops and consultation sessions for the tripartite constituents has been conducted in this regard (see action points 3.4.2, 3.4.4, 3.4.5 and 3.4.6).

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

Action point 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

DoL

- From July 2020 to 31 July 2023, the DoL trained 29,329 workers, management staff and government officials through its 4 IRIs and 32 LWCs. It is worth noticing that nearly 40 per cent of the participants were female.
- A pool of 30 DoL officials attended a three-day Training of Trainers (TOT) on “Gender Equality and Elimination of Violence and Harassment in the Workplace” organized by the ILO from 25 to 27 June 2022. The master trainers provided training on gender-based violence to the rest of the DoL’s staff in collaboration with the ILO. On “Gender Equality and Elimination of Violence and Harassment in the Workplace”, trainings were conducted in ten batches for 315 DoL employees around the country in November 2022.
- On 24 January 2023, a one-day workshop was organized on remediation of unfair labour practices/anti-trade union discrimination for the representatives of workers, employers and various government departments including Industrial Police, labour courts and Labour Appellate Tribunals.

BEPZA

- The BEPZA is conducting regular trainings and awareness-raising programmes for workers, employers/personnel in charge of management, security staff and the Industrial Police on the Bangladesh EPZ Labour Act, 2019, Bangladesh EPZ Labour Rules, 2022, Unfair Labour Practices, Decent Work, Prevention of discrimination against anti-WWA activities, Prevention of Violence and Harassment, Social Dialogue, Effective Workplace Co-operation, Fire Safety etc.
- Between June 2021 and July 2023, the BEPZA organized three training programmes for 5,017 participants. In collaboration with the ILO Better Work Bangladesh, a training programme was also organized for 25 EPZ labour inspectors. In addition, during September 2022 to February 2023, four discussion meetings were held between the ILO, Dhaka and the BEPZA to organize training courses for promoting decent work and ensuring labour rights in the EPZs.

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

- The database on training is being maintained/managed by the DoL, BEPZA and the Ministry of Home Affairs (MOHA). Particulars in this regard are given below.

- A database for training-related information has been developed and linked to the DoL's website. All IRIs and LWCs regularly update the database with participants' information segregated by name, designation, factory/trade union, age, sex and so on.
- In March 2023, the BEPZA established an online database to record the information of the trainees segregated by name, designation, factory/WWA, age, sex etc. The record of trainings is maintained manually.
- The MOHA is maintaining a separate database on the training being imparted to police personnel including the Industrial Police which may be accessed at the following weblink: <https://iphq.police.gov.bd/training>.

4.1.3. 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 12 September 2023, the MOHA officially made available a compendium in Bangla (language) of all existing and relevant laws, rules and regulations on the use of minimum force and applicable sanctions or penalties for any proven violation. This will naturally make the laws, rules and regulations easily understandable to the personnel of the Industrial Police and LEAs who are in charge of their applications on the ground.

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

- As a regular activity, the DoL and the MOHA regularly conduct training for 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.
- During November 2022, the DoL conducted three batches of training exclusively for the Industrial Police officials (105 Industrial Police personnel) on workers' rights at workplaces. A sensitization workshop for 30 Industrial Police members was organized on 9 August 2023 in Dhaka.
- During January 2021 to June 2023, the Industrial Police organized 7,496 hours of training courses which were attended by 5,972 male and 638 female members of the Industrial Police. Curricula and other details of such training programmes are available at <https://iphq.police.gov.bd/training>.

Action point 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

- Two rounds of three-day trainings 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 the ILO. Similar type of training programmes will be organized in the future on a regular basis.

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

- DoL officials are responsible for providing regular information to the workers on labour rights during trade unions' general meetings. Such information include ways and means to lodge complaints and legal redress in case of alleged violation/abuse.
- If an employer does not comply in a timely manner with the remedial actions recommended by the DoL regarding unfair labour practices and anti-union discriminations, the DoL will lodge a case with the labour court on behalf of the workers concerned.
- In addition to the above, the DoL will continue to train workers on the lodgement of complaints and remedial issues under the aegis of the SOP on Unfair Labour Practices and Anti-Union Discrimination.

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

- The DoL has been providing training to the security staff and managers/employers of factories through IRIs and LWCs. Such training includes basic information concerning complaint management and investigations. The number of training programmes conducted by IRIs and LWCs have been outlined in action 2.2 and 4.1.1 above. In every complaint on unfair labour practices/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 employers and factory management to sensitize their respective security personnel about prevention of violence and supporting investigations in cases of alleged violence and harassment. The data in this regard are provided in action 4.1.4.

4.2.4. 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 the MoLE, MOHA and Ministry of Law, Justice and Parliamentary Affairs continue to provide instructions to their subsidiary agencies regarding the handling of cases, including those involving alleged acts of violence and harassment against workers.
- The judiciary, prosecutorial services and LEAs receive regular training on the above matters that helps them to efficiently handle the relevant cases/complaints. ILO technical support for further customized training in this regard will help enhance the efficiency of the personnel in charge of addressing such complaints.

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

- A letter was sent to the MOHA by the MoLE on 6 February 2023 requesting that the MoLE form a dedicated committee for ensuring and monitoring 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 was also formed on 23 January 2023. The Committee will identify the long-pending cases to be expedited which will be placed before the Secretary,

MoLE, and the Minister for Law, Justice and Parliamentary Affairs for necessary direction and guidance or expiatory follow-up. This will be a continuous process from now on. Till now, the Committee has held three meetings.

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

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

- The issue was considered during the ongoing legal amendment process.

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 full record of proceedings of the cases/complaints on unfair labour practices and anti-union discrimination is maintained in the publicly accessible database being managed by the DoL at <http://103.48.18.197/en/antiunion>.
- All complaints of anti-union discrimination and unfair labour practices are duly addressed. From 2020 to 31 July 2023, a total of 67 complaints of anti-union discrimination and unfair labour practices were submitted to the DoL. Of all the complaints, 46 have been settled (44 complaints have been amicably settled, and 2 cases were filed in the labour courts). Investigations are ongoing on the remaining 21 complaints.

Action point 4.4. Promoting social dialogue

4.4.1. Work on developing an evidence-based National Wage Policy through tripartite consultations and exchange of views with other relevant stakeholders

- A tripartite consultation meeting for developing an evidence-based National Wage Policy (NWP) was organized on 1 September 2022 under the chair of the Secretary, MoLE.
- On 19 October 2022, a ten-member Committee headed by the Additional Secretary (Labour) was formed to craft the draft NWP. As of 20 August 2023, the Committee convened three meetings to develop the draft. After reviewing the related documents, on 20 August 2023, the Committee held a discussion on the preliminary draft prepared by the DIFE. The draft NWP is being further reviewed.

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

- Self-assessments for the NTCC and the RMG-TCC were organized respectively from 5 to 8 February 2023 and on 9 February 2023. In the workshop, a report on "The Assessment on the Effectiveness and Inclusiveness of the National Tripartite Consultative Council (NTCC)" along with some 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 the Government of Bangladesh to implement the Action Plan.

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 the 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. for which a comprehensive project has been designed by the ILO. In line with that road map, awareness-raising and capacity-building events will be held in tripartite settings with the support of the ILO.

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 ILO towards possible scaling up at the national level

The piloting of Employment Injury Insurance Scheme (EIIS) in the RMG sector was launched at an official event on 21 June 2022 with the support from ILO. The progress made thereafter is as follows:

- To run the scheme, a Governing Board for providing overall guidance and a subcommittee for selecting/endorsing the beneficiary have been formed.
- The EIS-Pilot Governing Board Rules for the Management and Operation of the Employment Injury Insurance Scheme in Bangladesh (RMG) and the modalities for calculation of the Employment Injury Scheme (EIS) Pilot top-up benefits have been developed and approved.
- In the meantime, the workers have started receiving long-term top-up compensation benefits under the pilot EIS scheme.
- To support the EIS piloting, the ILO has come up with a project titled “Implementation of a Pilot of an Employment Injury Scheme in Bangladesh” for the period from March 2023 to June 2024.

4.4.5. Continue to work under the framework of the Cabinet Division’s National Social Security Action Plan (2021–26) towards “Introducing Unemployment, Accident, Sickness and Maternity Insurance under NSIS (National Social Insurance Scheme)”

Unemployment benefits

To provide cash support to the workers of export-oriented industries who became unemployed due to the COVID-19 pandemic, on 7 October 2020, the Government of Bangladesh adopted the “Policy to Implement Social Protection Programme for the unemployed and destitute workers of the export-oriented RMG, leather goods and footwear industries, 2020”. Under the aegis of the policy, the following measures are being undertaken:

- The social protection programme which is under implementation on a pilot basis will continue until June 2024 which may be extended as well. Based on the outcome of the piloting, further initiatives may be undertaken to implement the programme on a permanent basis. The EU is providing budgetary support to the Government of Bangladesh to implement the programme.
- Initially, the unemployed and destitute workers from the export-oriented RMG, leather goods and footwear industries were receiving cash benefits. It may be highlighted here that on 19 June 2023, the policy was revised to cover all export-oriented sectors for unemployment benefit.
- Under the programme, unemployment benefit is provided in cash for three months. As of 5 September 2023, 90,315,000 taka has been paid to 10,035 workers from three export-oriented sectors.

- As of August 2023, a digital database of 408,787 workers from 1,000 operational RMG, leather goods and footwear factories has been developed which will be used for providing unemployment benefits to workers.

Unemployment insurance

- The unemployment insurance scheme which was conceived under the coverage of the second Action Plan (2022–26) of the National Social Security Strategy (NSSS), is currently, passing through a feasibility study/analysis. Meanwhile, with the assistance of the ILO, the Government has arranged several consultation workshops to explore options for the unemployment insurance scheme.
- A consultation workshop on the study titled “Towards an Unemployment Insurance Scheme in Bangladesh: A Preliminary Feasibility Assessment” was organized on 31 March 2022 which was attended by tripartite plus stakeholders. With the assistance of the ILO, the MoLE is working on building awareness among the tripartite stakeholders in Bangladesh about the key concepts of the unemployment insurance scheme.

Accident

- The piloting of the EIIS in the RMG sector was launched on 21 June 2022 as mentioned in action point 4.4.4 above.

Sickness and maternity benefits

- Sickness and maternity benefits are provided as per the provisions of the Bangladesh Labour Welfare Foundation.

C. Supplementary Information

- As mentioned in the first progress report, the MoLE set up six subcommittees on 28 September 2021 on six thematic areas to monitor implementation of the present road map and corresponding commitments.
- On 1 February 2022, the MoLE issued a notification concerning the formation of a 12-member Reform Implementation Coordination Unit (RICU) to support the work of the TIMC and the six subcommittees mentioned above. The Secretary, MoLE, will act as the adviser to RICU, while an Additional Secretary will remain in charge of overall coordination. The MoLE is working towards making the RICU fully functional as soon as possible with the technical support from the ILO.
- The TIMC regularly reviews the progress on the ILO road map. On 11 September 2023, the seventh meeting of the TIMC was held. Six subcommittees are also working to expedite implementation of the road map.