



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 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 (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 and 346th Sessions (March and October–November 2022).⁴ In November 2022, the Governing Body requested the Government to report on further progress at its 347th Session (March 2023) and deferred the decision on further action in respect of the complaint to that session.⁵
6. On 8 February 2023, the Government again reported on progress made in the implementation of the road map, in line with the decision of the Governing Body at its 346th Session (October–November 2022), providing updates on the four priority areas of the road map (see the appendix). The report highlighted continued tripartite discussions concerning the amendment of the Bangladesh Labour Act, 2006 (as amended in 2018), the publication of the Bangladesh Export Processing Zones (EPZ) Labour Rules, continued filling of vacant posts of labour inspectors, continued work on setting up the legal unit of the Department of Inspection for Factories and Establishments (DIFE), formation of more safety committees in factories, finalization and approval of the framework for the ready-made garment (RMG) Sustainability Council (RSC), establishment of new labour courts in Narayanganj, Gazipur and Cumilla and their offices, the finalization of the Standard Operating Procedure (SOP) for Conciliation and its approval by the National Tripartite Consultative Council, progress in the development of the SOP for Arbitration, training of industrial police officials by the Department of Labour and the Industrial Police on labour and human rights, formation of a committee to draft a national wage policy and the start of its work, and the adoption of a guideline to implement a social

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).

⁵ GB.346/INS/PV, para. 419.

protection programme for unemployed and destitute workers of all export-oriented sectors. The Government indicated that the progress report had been shared with tripartite constituents for discussion at the Tripartite Implementation and Monitoring Committee (TIMC) meeting in February 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 submitted by the Government of Bangladesh on progress made with the implementation of the road map of actions, the Governing Body, on the recommendation of its Officers:**
 - (a) requested the Government 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 349th Session (October–November 2023);
 - (b) decided to defer 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 progress made (as of 7 February 2023) with the timely implementation of the road map developed in response to the decision made by the Governing Body at its 344th Session (March 2022)

Background

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 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.
5. The report presented below highlights the progress made since the submission of the road map to the ILO. The report has been shared with tripartite constituents for discussions at the Tripartite Implementation and Monitoring Committee (TIMC) at its meeting held on 6 February 2023 under the chair of the Secretary, Ministry of Labour and Employment (MOLE).

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

Action point 1. Labour law reform

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

- The amended Bangladesh Labour Rules, 2015 have been 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 point 1.2 below).

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

- The Tripartite Working Group (TWG), formed to amend the Bangladesh Labour Act, 2006, (BLA) received a total of 17 amendment proposals from government, employers' and workers' organizations by the deadline of 7 July 2022.
- The TWG has compiled the proposals and is currently discussing them in detail. The TWG has already had six meetings, with the last one having been held on 2 February 2023.
- Considering the complexity of the issues, the discussions are likely to proceed in an incremental manner so that individual issues can be settled one after another.
- Upon the conclusion of the TWG's work, the proposed amendments will be looked into by the Tripartite Labour Law Review Committee (TLRC) towards further vetting by the National Tripartite Consultative Council (NTCC).
- Meanwhile, the TWG has shared the compiled proposals with members of the TLRC for further review. Moreover, it is noted that the ILO shared a "Technical note and global good practices to align Bangladesh's labour laws with selected international labour standards" on 26 September 2022.
- The MOLE will organize national level workshop/s for gathering further views and suggestions from the concerned stakeholders. In that workshop the technical note received from the ILO will be shared. Those views and suggestions will be shared with the TLRC for factoring into its work.
- In the meantime, six meetings of the TWG have been held. The last (sixth) meeting was held on 2 February 2023.
- The MOLE is engaged with the ILO to align the BLA with relevant international labour standards.
- The MOLE remains committed to ensuring that the amendment process be concluded as early as possible despite the setbacks created by the global pandemic and geopolitical tensions.

Action point 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 point 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 amended through extensive consultations with concerned stakeholders, including investors, workers' associations and relevant government authorities.

Action point 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 envisaged that the whole exercise will be completed by June 2025.**

- Meanwhile, the ILO prepared a “Technical note and global good practices to align Bangladesh’s labour laws with selected international labour standards”. A stakeholders’ meeting on the Technical note and consultation workshops on gap analyses of the Minimum Age Convention, 1973 (No. 138), and the Forced Labour Convention, 1930 (No. 29), were held on 25–29 September 2022.
- The ILO also prepared a technical note on the EPZ Labour Act, 2019, on which a stakeholder consultation workshop was held on 26 September 2022. The Bangladesh Export Processing Zone Authority (BEPZA) attended the workshop convened by the MOLE in collaboration with the ILO.
- Following the workshop, a further meeting was held on 27 September 2022 with the Technical Committee of the ILO at the BEPZA Complex, Dhaka, regarding the technical note and its follow-up.

Action point 2. Trade union registration

Action point 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 under the Department of Labour (DOL) was completed on 27 October 2021 in order to bring trade union registration facilities to the doorstep of the workers. 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 online trade union registration process has been fully activated since October 2022 (<https://www.mygov.bd/>). 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.
- The Online trade union registration process has been fully activated since October 2022 (<https://www.mygov.bd/>). Now all trade union registration applications have been processed through an online system of trade union registration at the DOL.
- In general, the issue of further streamlining the registration process (especially with regard to submission of documents) is expected to be looked into as part of the BLA, 2006, amendment process.

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

- The number of trade unions registered from 2020 to 2022, along with the corresponding success rates, is furnished below:

Year	Registration accorded	Success rate (Average)
2020	290	88.69%
2021	380	89%
2022 to January 2023	313	85.16%

2.1.3. Continuing with the provision for offline registration system

- The offline trade union registration system is active and in full swing but these submitted applications have been processed through the online system of trade union registration.
- Up to 31 December 2022, 9,180 trade unions have been registered covering about 3.023 million trade union members.
- In the ready-made garment (RMG) sector, the number of trade unions has increased from 132 in January 2013 to 1,206 on 31 January 2023.
- Based on regular feedback from the social partners, discussions are ongoing to explore the possibility of further simplifying both online and offline registration systems.

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

- Between July 2020 and 31 January 2023, the DOL trained 26,186 workers, management staff, and government officials through its four Industrial Relations Institutes (IRIs) and 32 Labour Welfare Centres (LWCs), with nearly 42 per cent of participants being women. The Workers' Education and Industrial Relations courses cover training on the trade union registration process, among other issues.
- Recently, the DOL conducted a day-long workshop on the online trade union registration process through the myGov platform for workers representatives from IndustriALL Bangladesh Council (IBC), the National Coordination Committee for Workers' Education (NCCWE) and the National Sramik League on 23 January 2023.

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 (include number of applications submitted, granted, filed and rejected)

- The publicly accessible online database was activated on 30 September 2021 on the DOL website (<http://www.dol.gov.bd>).
- This database has consolidated 11 areas, namely status of trade union application, registration, rejection and filing; the number of national and sector-wise trade union federations, participation committees and collective bargaining agents (CBAs); and information on unfair labour practices/anti-union discrimination as well as conciliation of labour disputes. This should enhance transparency with the trade union registration process and will continue to be updated with relevant information.
- The day-long workshop organized by the DOL (see action point 2.2) for workers' representatives also discussed the use and possible modifications of the publicly accessible online database.
- The DOL will continue to organize, in collaboration with the ILO, workshops and other orientation sessions for the tripartite constituents regarding the publicly accessible database and its further possible modifications.

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 81 labour inspectors have joined the DIFE through recruitment by the Bangladesh Public Service Commission (BPSC). This additional human resource has increased the number of inspectors to 394 from 313 against the previously sanctioned 575 posts for inspectors.
- A requisition for 156 labour inspectors was also sent to the BPSC and, out of this, 78 inspectors are expected to join the DIFE soon (the number of inspectors would then reach 472). Moreover, the promotion of 53 inspectors (5 Joint Inspectors General (JIGs), 40 Deputy Inspectors General (DIGs) and 8 Labour Inspectors General) to higher positions remains under way.

3.1.2. Creation of new posts and recruitment of labour inspectors

- The DIFE's sanctioned manpower has now increased to 1,156, out of which there are 711 posts for inspectors. The office order for the new 136 positions of inspector has been already issued by the MOLE.
- Eight new field-level offices of the DIFE in eight districts have been established which are now functional. The MOLE, on 22 September 2022, deployed eight DIGs for eight new field offices, and five DIGs and one JIG for its head office. They have already joined their respective offices.
- In addition, the DIFE forwarded a proposal for the creation of 145 posts for the Occupational Health and Safety Training Institute, Bangladesh including 39 inspectors, to the Ministry of Public Administration (MOPA) via the MOLE on 13 November 2022. Of those posts, the MOPA initially approved 13 posts on 15 December 2022 and the matter was referred to the Finance Division on 20 December 2022.
- Meanwhile, the MOLE remains in communication with the MOPA regarding the possibility of increasing the number of sanctioned posts. The current fiscal constraints, aggravated since the outbreak of the Ukraine war, poses practical challenges for such reconsideration.
- Based on the outcome of these engagements, the matter will be referred to the BPSC for initiating the recruitment process.

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) has been made fully operational with the support of the ILO and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).
- All the 31 district offices of the DIFE have been gradually using the LIMA system for inspection, licensing and other issues. In the fiscal year 2021–22, a total of 8,149 inspections were conducted through LIMA, while 1,199 new licences (with 58 renewals) were issued through the system.

- Other notable upgradations to the system include the following:
 - integration of eNothi (e-filing) system;
 - uploading of OSH module;
 - complaint information storage by DIFE district offices.

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

- Regular training activities are ongoing. In the fiscal year 2021–22, 27 training programmes involving 761 inspectors and staff and 7 workshops comprising 197 inspectors and staff (one inspector attended two or more trainings counted separately) were conducted through government funding.
- In addition, 25 training programmes involving 555 inspectors were conducted with support from the GIZ. Moreover, the ILO organized a special master training for 23 DIFE engineers about fire, electrical and structural safety.
- In addition, two foundation training courses with 60 inspectors were completed in the fiscal year 2021–22. The third Special Foundation Training Course (SFTC) with 30 inspectors was held from 19 September to 17 November 2022.

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

- The prioritization of sectors for the labour inspectors, in consideration of safety issues and targeting establishments, was completed in December 2021.
- About five to eight sectors were prioritized depending on different safety issues, accident rates, and other factors relevant for each district-level office of the DIFE.
- In addition, a yearly Strategic Inspection Plan targeting the priority sectors was also developed. This will help identify the non-compliance issues in these sectors and monitor the progress of remedial measures on a regular basis.

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

- The database has been maintained in Excel format since December 2021. It is an internal tracking mechanism connecting all DIFE offices for the purpose of obtaining and collating information.
- For the year 2022, a total of 31,459 inspections have been targeted as per the yearly sector-specific Labour Inspection Plan. From January 2022 to December 2022, a total 39,197 inspections have been done with more than 17,000 safety-related violations identified. In addition, 48 child labour cases have been filed during this period.

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

- The DIFE is working on setting up its legal unit, including through the additional sanctioned posts it has sought from the MOPA. So far, one post of Legal Officer has been approved by the Finance Division.

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

- The issue of DIFE inspections of EPZ factories has been incorporated in the newly formulated EPZ Labour Rules, 2022, and an Inspection Checklist has already been prepared through consultations between the DIFE and the BEPZA.
- As of December 2022, the DIFE has already inspected 36 factories within EPZs. The Inspector General (IG), DIFE, has inspected EPZ factories in six instances. 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 on labour complaints and investigation in the BLA

- The matter is being looked into as part of the 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 quite effectively. To date, 12 meetings of the Council have been held. The last meeting was held on 22 January 2023 under the chair of the Honourable State Minister for Labour and Employment.
- In parallel, the number of Safety Committees formed in factories across the country has increased to 6,406 as of 31 December 2022.

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

- As per the conditions stipulated in the licence issued in favour of the RSC as well as in article 41 of the RSC's Articles of Association, a Government Coordination Council (GCC) has been formed under the Ministry of Commerce.
- A review panel headed by the IG, DIFE, and consisting of technical experts along with RSC representatives has also been formed. The GCC is headed by Additional Secretary (Export), Ministry of Commerce, and comprises representatives from the MOLE, the Ministry of Foreign Affairs, the Ministry of Textiles and Jute, the Ministry of Industries, the BEPZA and the Bangladesh Economic Zones Authority (BEZA).
- A framework has been finalized by the DIFE for RSC coordination/monitoring based on the terms and conditions of the licence given to the RSC. This framework has been approved and was endorsed by the Ministry of Commerce on 20 October 2022.
- On 21 December 2022, a coordination meeting was held at the DIFE where RSC members exchanged views with DIFE officials about operationalizing the framework and other relevant issues.

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 that are now managed through a database (see action point 3.3.3 below). A pool of three labour inspectors are assigned to attend to the helpline.
- Between July and December 2022, a total of 2,374 complaints were received. Of these, 433 complaints were received through the online website, helpline and emails, while the remaining 1,941 complaints were received through the conventional process.

- Of the complaints, 2,258 were resolved by 31 December 2022. The remaining complaints are being processed.

3.2.2. Establishment of a Complaint Management Cell for follow up of cases directly by the labour inspectors

- A Complaint Management Cell was established at the DIFE on 21 December 2020, with an update on 23 January 2022, consisting of eight labour inspectors to monitor the complaints received and addressed, and to arrange training for labour inspectors.
- The Cell is authorized to co-opt additional members based on requirements and continues to carry out responsibilities as directed by the competent authorities. The Cell has also held tripartite meetings at its initiative to dispose of certain cases.

3.2.3. Develop a database covering information on the complaints, 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 system covers all complaint information including the number and nature as well as resolved/follow-up cases. The database includes information on complaints received both online and offline.
- In the fiscal year 2021–22, a total of 3,593 complaints were received, out of which 601 complaints were received via the helpline. For the number of complaints received between July and December 2022, see action point 3.2.1. Of the complaints, 2,258 were resolved by 31 December 2022. The remaining 67 complaints are under process.

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

- Regular trainings are being organized by the DIFE as per the training needs assessment, including for the inspectors assigned to receive complaints.
- Five labour inspectors of the DIFE went to Denmark in August 2022 for a seven-day special training session on complaint management.
- Two officials from the DIFE participated in a Training of Trainers (ToT) course on “Building Modern and Effective Labour Inspection Systems” from 10 to 21 October 2022.
- Two high-level officials from the MOLE and DIFE participated in a forum related to general principles on labour inspection from 7 to 18 November 2022.

3.2.5. Establishment of the helpline for all workers in EPZs

- On 28 March 2021, the Honourable Minister, Ministry of Law, Justice and Parliamentary Affairs, inaugurated the BEPZA helpline 16128.
- The helpline provides 24/7 services to the workers/employees in EPZs. The calls so far received through the helpline are regarding various issues such as arrears of wages/salary, provident fund, earned leave encashment, leave and holiday, and information regarding plots, investments, etc.
- As of December 2022, a total of 5,678 calls have been received, of which 5,654 have been resolved and the remaining 24 are under process.

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

- There were ten labour courts in the country. To expedite labour-related cases and clear backlogs, three new labour courts were established in 2019 in Sylhet, Barishal and Rangpur.
- Following the setting up of offices, recruitment of judges, and getting nominations of representatives from employers and workers, the new courts are now functional. The issue of recruiting support staff remains under process.

3.3.1.1. Set up offices in three different locations

- This action point has been accomplished (see action point 3.3.1).

3.3.1.2. Deployment of judges by Ministry of Law, Justice and Parliamentary Affairs

- This action point has been accomplished (see action point 3.3.1).

3.3.1.3. Recruit registrar by BPSC

- This action point has been accomplished (see action point 3.3.1).

3.3.1.4. Recruit other official support staff

- Deployment of support staff to newly established labour courts has been completed.

3.3.1.5. Select representatives from employers and workers

- This action point has been accomplished (see action point 3.3.1).

3.3.1.6. Training of labour court officials

- Previously, 30 judges and 30 lawyers were trained in international labour standards at the International Training Centre of the ILO in Turin (Turin Centre), Italy.
- For the training of the newly recruited court officials, the MOLE is currently working on the administrative procedures for allocating the budget. Training for court officials may be organized abroad as well, with the support of the ILO and development partners.

3.3.2. Establish new Labour Courts in Narayanganj, Gazipur, Cumilla and Faridpur districts

3.3.2.1. Post creation by the Ministry of Public Administration, Ministry of Finance and the MOLE

- The Labour Courts in **Narayanganj, Gazipur and Cumilla** have been established. Staff have been deployed.
- The proposal for setting up a full-fledged labour court in Faridpur has not been approved at this stage. The matter may be pursued at a later stage.

3.3.2.2. Set up offices for the newly establishment labour courts

- This action plan has been accomplished. (see action point 3.3.2.1).

3.3.2.3. Deployment of judges by Ministry of Law for new labour courts

- The Law and Justice Division, Ministry of Law, Justice and Parliamentary Affairs has appointed the Chairpersons (on deputation) for the Labour Courts in Narayanganj, Cumilla and Gazipur on 26 July 2022. The Chairpersons for the concerned labour courts joined on 2 August 2022, 1 August 2022 and 26 July 2022, respectively.

3.3.2.4. Recruit registrar by BPSC and other manpower for official support

- The process has been initiated. The MOLE has sent a letter to the BPSC to recommend an officer for the post of registrar.

3.3.2.5. Select representatives from employers and workers

- The process for selection has been started.

3.3.2.6. Training of labour court officials

- This will remain an ongoing process as part of the overall training programmes being pursued both at home and abroad for the labour court officials.

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 supporting staff

- On 31 August 2022, the MOPA sanctioned the post of an Additional Judge (Member) for the Labour Appellate Tribunal, along with other support staff. Appointment against the posts will be made upon receipt of the Finance Division's approval.

3.3.3.2. Set up offices for the newly created post of Additional Judge (Member)

- These will be established when required.

3.3.3.3. Deployment of Additional Judge (Member)

- The judge will be deployed after completion of the administrative processes (see action point 3.3.3.1).

3.3.3.4. Recruit other manpower for official support

- Support staff will be deployed after completion of the administrative processes (see action point 3.3.3.1).

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 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. Feedback from this exercise would feed into further concretizing the work of classification.

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

- All the labour courts are now located in hired premises/structures, thus limiting the scope for major renovation work. The MOLE is therefore exploring options to improve the court facilities and to provide space for the courts in Dhaka and Chattogram in the existing office spaces of the DOL and the DIFE. The issue has also been discussed in the aforementioned workshop held on 13 August 2022 (see action point 3.3.5).

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 DOL to provide secretariat services and monitor individual cases

- A three-member Conciliation and Arbitration Cell was established by the DOL on 29 September 2021. The Cell stands ready to extend secretariat services to the conciliators and the panel of arbitrators.
- Between 2013 and 31 December 2022, a total of 114 conciliation applications were submitted to the DOL. Of these, 106 industrial disputes were settled through the DOL's conciliation mechanism, 5 industrial disputes have ceased according to the BLA, 2006, and only 3 conciliation applications remain pending.

3.4.2. Develop an SOP for conciliation system through tripartite consultations

- The SOP for Conciliation has been finalized and approved by the NTCC at its latest meeting on 2 February 2023.
- Prior to that, a series of tripartite consultation meetings and workshops were held through 2021 and 2022 with the support from the ILO.

3.4.3. Appointment of conciliators through gazette notification

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

3.4.4. Develop an SOP for arbitration system through tripartite consultations

- The DOL has conducted a day-long workshop on 25 January 2023 on industrial dispute settlement, focusing on developing an SOP for arbitration with workers, employers and government representatives.
- Meanwhile, the DOL has drafted an SOP which remains under review at the MOLE.
- At its meeting on 2 February 2023, the NTCC has suggested expediting the work on the draft SOP towards its early submission and validation in the next NTCC meeting.

3.4.5. Establish an arbitrators' panel

- A letter regarding the formation of an arbitrators' panel was sent to the DOL
- The DOL has been working on preparing guidelines for the appointment of independent arbitrators through tripartite focused group discussions.
- At its meeting on 2 February 2023, the NTCC asked the Director General, DOL, to submit a tentative list of arbitrators, along with guidelines for the appointment of arbitrators, at its next meeting.

3.4.6. Promote conciliation and arbitration system as alternative dispute resolution

- In collaboration with the ILO, the DOL conducted a day-long training session for 15 designated conciliators (see action point 3.4.3 above) on "Dispute Resolution and Conciliation" on 31 August 2022.
- MOLE and DOL officials met with the Labour Law and Reform Unit (LABOURLAW) at ILO headquarters in Geneva, in May and June 2022 to discuss policy issues concerning dispute resolution with a focus on conciliation and arbitration.

- Subsequently, on 25 October 2022, the ILO facilitated a self-assessment mission based on the LABOURLAW's diagnostic tool, which accomplished the following activities:
 - assessed the effectiveness of the dispute resolution mechanism/services;
 - identified gaps requiring attention;
 - developed the outline of an action plan aiming to improve the effective, functioning and impact of the dispute resolution mechanism/services;
- Subsequently, participants from tripartite constituents joined a workshop regarding industrial dispute settlement on 26 October with a view to concretizing the findings of the self-assessment mission.

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

- The DOL has been conducting a number of workshops and consultation sessions for tripartite constituents in this regard (see action point 3.4.2/4/5).

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 January 2023, the DOL trained 26,186 workers, management staff, and government officials through its four IRIs and 32 LWCs, with nearly 42 per cent of participants being women.
- A pool of 30 DOL officials attended a three-day 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 are providing training on gender-based violence (GBV) to the rest of the DOL's staff in collaboration with the ILO.
- A total of ten batches of training sessions on "Gender Equality and Elimination of Violence and Harassment in the Workplace" were conducted for 315 DOL employees around the country in November 2022.
- The DOL conducted a day-long workshop on remediation of unfair labour practices/anti-trade union discrimination for worker representatives from the IBC, NCCWE and National Sramik League; employer representatives from the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA) and Bangladesh Employers Federation (BEF); government representatives from the DOL, DIFE, BEPZA and Industrial Police, and judges from the labour courts and Labour Appellate Tribunals, on 24 January 2023.

BEPZA:

- Between June 2021 and July 2022, the BEPZA trained 3,752 participants including workers, management, staff and security personnel on the EPZ Labour Act, 2019, prevention of discrimination against anti-Workers' Welfare Association (WWA) activities, human rights, effective workplace cooperation, and awareness of safe pregnancy.

- On 4 August 2022, a meeting was held between the BEPZA and the ILO, Dhaka, where training on the following issues, among others, was discussed:
 - workplace cooperation and communication;
 - grievance handling procedures at factory-level;
 - **collective bargaining and best IR practices;**
 - awareness of international labour standards;
 - promotion of occupational safety and health (OSH) management systems;
 - prevention of GBV at the workplace, etc.
- In February 2023, the BEPZA will provide training in eight EPZs for 1,000 participants including security personnel, Industrial Police, employers/management and workers on the Bangladesh EPZ Labour Act, 2019, and EPZ Labour Rules, 2022, prevention of discrimination against anti-WWA activities, social dialogue, human rights, grievance-handling procedures at factory level, prevention of unfair labour practices, prevention of violence and harassment and conduct towards women.

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

DOL:

- The database for training-related information has been developed and linked to the DOL's website. Instructions have been given to the IRIs and LWCs to furnish participants' information segregated by name, designation, factory/trade union, age, sex and so on.
- The DOL has been working on upgradation of the database regarding training information in consultation with associated stakeholders and experts.

BEPZA:

- The BEPZA is working to establish an online database with the relevant information of the trainees (segregated by name, designation, factory/WWA, age, sex etc.) and the same will be completed within the stipulated timeline of 2023. At present, information on training is being maintained manually.
- A separate database is being maintained by the Home Affairs and Ministry of Law, Justice and Parliamentary Affairs.

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)

- The Ministry of Home Affairs (MOHA) has entrusted the Industrial Police to carry out this task. At this time the MOHA has completed the drafting of the compendium. It is at the final stage of being published.

4.1.4. Continue to train and provide clear instructions to the Industrial Police and relevant LEAs on the use of minimum force and respect for human and labour rights, including trade union rights and civil liberties during labour protests

- The DOL has conducted four weeks of industrial relations training in its four IRIs (Gazipur, Chattogram, Rajshahi and Khulna) for representatives of workers, management, staff and government agencies, including those from the Industrial Police and other relevant law enforcement agencies.
- The DOL's Industrial Relations Institute in Gazipur, Khulna and Chattogram conducted three batches of training exclusively for Industrial Police officials (105 Industrial Police personnel) on workers' rights at the workplace in November 2022.
- In collaboration with the ILO, the DOL will organize training for 90 Industrial Police personnel ranked from Superintendents of Police (SP) to Sub-Inspector of Police (SI). The DOL will also provide a ToT on addressing unfair labour practices and anti-union discrimination for police personnel soon.
- In 2022, the Industrial Police trained 1,370 police personnel on the BLA, 2006, labour rights, human rights, and other relevant laws to learn how to deal with workers and industry staff.

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

DOL:

- Following the first round in October 2021, the three-day second round training on the SOP for unfair labour practices and anti-union discrimination for 30 DOL officials was organized from 20 to 22 August 2022 in collaboration with the ILO.
- A similar training programme for additional DOL officials will be held at a convenient time this year.

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

- DOL officials are responsible for providing regular information to workers on labour rights by attending the trade unions' general meetings. Such information includes the ways and means to lodge complaints and legal redress in case of alleged violation/abuse.
- The DOL has already initiated the system of submitting complaints and suggestions through a web portal.
- If the employer does not comply in a timely manner with the remedial actions recommended by the DOL regarding unfair labour practices and anti-union discrimination, the DOL will lodge a case before the Labour Court on behalf of workers.
- In addition, the DOL will continue to train workers on complaints and remediation-related issues, including under 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, 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 furnished earlier.
- In every complaint of unfair labour practices/anti-union discriminations, the DOL notifies both the employer and the complainant in writing seeking their cooperation in the investigation process.
- The Industrial Police also continues to engage with employers and factory management to sensitize their respective security personnel about prevention of violence and supporting investigations in case of alleged violence and harassment.

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, i.e. 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 law enforcement agencies receive regular training on these issues as part of their mandate. Further customized training may be provided based on specific needs and with the ILO's technical support.

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

- A letter has been sent to the MOHA by the MOLE on 6 February 2023 to form a dedicated committee to ensure and monitor proper investigation of such alleged cases.

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 is being actively considered as part of 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 unfair labour practices and anti-union discrimination is maintained in the publicly accessible database managed by the DOL.
- From 2013 to 31 December 2022, a total of 199 complaints on anti-union discrimination and unfair labour practices were submitted to the DOL. Of all the complaints, 186 have been settled (173 complaints have been amicably disposed of, and 13 cases were filed in the labour courts). Investigations are ongoing on the remaining 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

- An initial tripartite consultation meeting for the purpose was organized on 2 September 2022, under the chair of the Secretary, MOLE.
- On 19 October 2022, a ten-member committee was formed, headed by the Additional Secretary (Labour) to draft a national wage policy.
- The committee convened two meetings to develop a national wage policy. The last meeting was held on 5 January 2023. The committee is reviewing the related documents to prepare a standard National Wage Policy.

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

- The Government formed a 60-member NTCC with equal representation from workers, employers and government to deal with national-level labour issues through meetings at regular intervals. The last meeting of the NTCC was held on 2 February 2023.
- Moreover, an RMG Tripartite Consultative Council (TCC) has been formed with equal representation from workers, employers and government in order to address various issues related to the country's RMG sector with a special focus on industrial relations. From May 2021 to January 2023, a total 13 meetings of the RMG TCC were organized.
- In June 2022, an initial discussion was held with ILO headquarters for self-assessment of social dialogue institutions. Subsequently, the MOLE and the ILO jointly organized the self-assessment for the NTCC (from 5 to 8 February 2023) and for the RMG TCC on 9 February 2023.

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. under a comprehensive project with the ILO
- The 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 the Employment Injury Insurance Scheme (EIIS) in the RMG sector was launched at an official event on 21 June 2022 with support from the ILO. For the purpose of separate accounts and governance structure, necessary amendments have been incorporated in the amended Bangladesh Labour Rules and published through a gazette notification on 1 September 2022.
- On 12 October 2022, a Governing Board was formed to implement the EIIS programme. Subsequently, on 20 November 2022, the notification of a newly formed 17-member Governing Board of the EIIS project was issued. The Board is chaired by the Secretary

(MOLE), and the Director General, Central Fund, is working as member Secretary. The Board has convened two meetings so far. The last meeting was held on 4 December 2022. The Governing Board will meet for a third meeting very shortly and in that meeting guidelines and fund operation mechanisms for the EIIS pilot project will be finalized.

- On 7 February 2023, the ILO submitted a technical assistance project proposal (TAPP) for the EIIS pilot project. The MOLE will convene a project scrutiny committee meeting very shortly. After getting approval from the committee, the TAPP will be sent to the Planning Commission (industry and energy division) to get final approval.

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)”

- The Government of Bangladesh has adopted a guideline to implement a social protection programme under the MOLE, “Policy to implement social protection programme for unemployed and destitute workers of all export-oriented sectors”. This programme will provide cash benefits to the unemployed and destitute workers belonging to the export-oriented sector. Under this policy, the social protection programme will be implemented on a pilot basis till June 2024, which may thereafter be extended. Based on the outcome of the pilot, initiatives may be taken to implement the programme on a permanent basis.
- The Government is going to prepare a digital database of 1,000 operational industries (under the BGMEA, BKMEA, Leathergoods And Footwear Manufacturers & Exporters Association of Bangladesh (LFMEAB), and the Bangladesh Finished Leather, Leathergoods and Footwear Exporters’ Association (BFLLEA)) receiving the financial support of the European Union.
- Sickness and maternity benefits are provided as per the provisions of the Bangladesh Labour Welfare Foundation.

Supplementary information

- As mentioned in the first progress report, the MOLE has set up six subcommittees 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 the RICU, while an Additional Secretary will remain in charge of overall coordination.
- On 6 February 2023 the fifth meeting of the TIMC was held. The TIMC is reviewing the progress on the ILO road map. Meanwhile, the six subcommittees are also working to expedite the progress.
- On 7 February 2022 the MOLE submitted a budget proposal and work plan for the implementation of the RICU. The MOLE is in touch with the ILO for the effective functioning of the RICU.