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Bangladesh EPZ Labor Act, 2019

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The following legislation passed by Parliament according to 16 Phalgun, 1425 /28 February 2019 the President has agreed on the date and hereby publish this law for public references: -

Law No. 02 of the year 2019

The law made to repeat the existing laws and to redefine it relating to the establishment of workers in the EPZ or non-industrial establishment, the relationship between the owner and the worker, the minimum wage rate, the payment of wages, compensation for injury to the workers due to casualties, worker health and workers welfare associations and EPZ labor welfare associations and industrial relations.

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It is hereby enacted as follows: -

CHAPTER 1

PRELIMINARY

1. Short title, commencement and application: (1) This Act shall be called the EPZ labour Act, 2019

(2) This act is applicable for all the employees and owners of all the enterprises under EPZ or Zone which is governed by the BEPZA.

(3) It shall come into force at once.

2. Definitions: In this Act, unless there is anything repugnant in the subject or context,-

(1) 'Retirement' Means retirement from the service under section 24.

(2) 'Partial disablement' means, where the disablement is of temporary nature, such disablement as reduces the earning capacity of a worker in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time: Provided that every injury specified in the First Schedule shall be deemed to result in permanent partial disablement;

(3) 'EPZ or AREA or Export Processing Zone or ZONE'- means the area or Zone or economic zone or any other specialized zone which is governed and ruled by BEPZA.

(4) 'EPZ Labor court' means the EPZ labor court established under clause 133 of this Act;

(5) 'EPZ labor Appellate Tribunal' means the EPZ labor appellate tribunal established under section 136 of this Act;

(6) 'Production Process' means manufacturing any goods or material or producing or providing service by any enterprises.

(7) 'Authority' means Bangladesh Export Processing Zones Authority under Bangladesh Export Processing Zones Authority Act 1980 (Act No. XXXVI of 1980)

(8) 'Hours of work' means the time during which the workers employed are at the disposal of the employer excluding any interval allowed for rest and meals;

(9) Counsellor means the appointed counsellor under section 125 (2)

(10) Factory means any enterprises or any work shop, building or premises under the enterprises where at least 10 or more workers are appointed.

(11) Company means the company which is formulated under the company act 1994 (Act

number 18 of 1994)

(12) Termination of employment means the termination of employment by the workers or dismissal, retrenchment or discharge by the owner.

(13) 'retrenchment' means the termination by the employer of services of workers.

(14) 'discharge' means the termination of services of a worker by the employer for reasons of physical or mental incapacity or continued ill-health of a worker;

(15) 'Schedule' means any Schedules under this law.

(16) 'day' means a period of twenty-four hours beginning at 6.00 am

(17) 'code of civil procedure' means code of civil procedure, 1908 (v of 1908).

(18) 'strike' means cessation of work by a body of persons employed in any establishment acting in combination or a concerted refusal, or refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment;

(19) 'Executive chairman' means the chairman of the authority

(20) 'Executive council' means "Executive Council" means the Council to which the management of the affairs of an association is entrusted by its constitution;

(21) 'Executive Director' means

(22) 'Determined' means determined by the authority

(23) 'Calendar month or year' means the Gregorian calendar month or year

(24) 'shift' means, where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such periods;

(25) 'dependant' in relation to a deceased worker, means any of the following relatives, namely;

(a) a wife/husband, widow, minor child, unmarried daughter, or a widowed mother; and

(b) if wholly or partly dependant on the earnings of the worker at the time of his death, a widower, father or widowed mother, a daughter if unmarried or minor or widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, a minor child of a deceased daughter where no father of the child is alive or, where no parent of the worker is alive, a paternal grandparent.

(26) 'regulation' means regulation made under this Act

(27) 'maternity benefit' means the sum of money payable under the provisions of chapter IV to a woman worker with leave;

- (28) 'adult' means a person who has completed eighteenth year of age
- (29) 'code of criminal procedure' means code of criminal procedure, 1898 (v of 1898)
- (30) 'dismissal' means the termination of services of a worker by the employer for misconduct;
- (31) 'rule' means rule made under this Act;
- (32) 'illegal strike' or 'illegal lock-out' means a strike or lockout otherwise than in accordance with the section 145 of this act;
- (33) 'provident fund' means the fund which is created for the workers of the enterprises under the section 164
- (34) 'wages' means all remuneration, expressed in terms of money or capable of being so expressed, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a worker in respect of his employment or of work done in such employment, and includes any other additional remuneration of the nature aforesaid which would be so payable, but does not include-
- (a) the value of any house accommodation, supply of light, water medical attendance or other amenity or of any service excluded by general or special order of the government,
 - (b) any contribution paid by the employer to any pension fund,
 - (c) any traveling allowance on the value of any traveling concession,
 - (d) any sum paid to the worker to defray special expenses entitled on him by the nature of his employment;
- (35) 'chief inspector'
- (36) 'employer' means any person who employs workers therein and also includes the below –
- (a) a heir, successor, assign, guardian or legal representative, as the case may be, or such person;
 - (b) any manager or person responsible for the management and control of the establishment.
- (37) "settlement" means a settlement arrived at in the course of conciliation proceeding, and includes an agreement between an employer and his workers arrived at otherwise than in the course of any conciliation proceeding, where such agreement is in writing and has been signed by the parties thereto
- (38) 'Conciliator' means a person appointed as such under section 125;
- (39) 'machinery' includes prime movers, transmission machinery and other appliance

whereby power is generated, transformed, transmitted or applied

(40) 'vehicle' means any mechanically propelled vehicle, used or capable of being used for the purpose of road transport and includes a trolley vehicle and a trailer;

(41) 'collective bargaining agent', in relation to an establishment or group of establishments, means the trade union of workers or federation of trade group of establishments in the matter of collective bargaining;

(42) 'registered medical practitioner' means any person registered as such under the medical and dental council Act, 2010 (61 of 2010)

(43) 'award' means the determination by an arbitrator, or a EPZ Labour court, or the Tribunal of any industrial dispute or any matter relating there to and includes an interim award; an interim award;

(44) 'lock-out' means the closing of a place of employment or part of such place, or the suspension, wholly or partly, of work by an employer, or refusal, absolute or conditional, by an employer to continue to employ any number of workers employed by him, where such closing, suspension or refusal occurs in connection with the industrial dispute or is intended for the purpose of compelling workers employed the industrial dispute or is intended for the purpose of compelling workers employed to accept certain terms and conditions of or affecting employment;

(45) 'lay-off' means the failure, refusal or inability of an employer on account of shortage of coal, power or raw material or the accumulation of stock or the break-down of machinery to give employment to a worker;

(46) 'industrial establishment' means any factory or other enterprises established in the zone approved by the authority in which articles or goods are produced or manufactured or subject to provide the services.

(47) 'industrial dispute' means any dispute or difference between employers and employers or between employers and workers or between workers and workers which is connected with the employment or non-employment or the terms of employment or the conditions of work of any person;

(48) 'worker' means any adult person who is not under the definition of employer including an apprentice employed in any establishment or industry, either directly or through a contractor, to do any skilled, unskilled, manual, technical, trade promotional or clerical work for hire or reward, whether the terms of employment be expressed or implied, but does not include a person employed mainly in a managerial or administrative capacity;

(49) 'workers welfare association' means the association adopted by the workers to control the relation of the employer and workers under chapter nine of this act.

(50) 'the federation of workers welfare association' means the federation of the WWAs under EPZ which is registered under the section nine of this act.

(51) 'Representative' means the elected representative of the executive council of the WWA.

(52) 'week' means a period of seven days beginning at 6.00 am on Friday or such other day as may be fixed by the government in relation to an establishment in any area.

(53) 'total disablement' means such disablement, whether of a temporary or permanent nature, as incapacitates a worker for all work which he was capable of performing at the time of the accident resulting in such disablement; Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in the First Schedule where the aggregate percentage of the loss of earning capacity as specified in that schedule against those injuries, amounts to one hundred percent;

(54) 'Conciliation' means any conciliation under section ten.

(55) 'arbitrator' means a person appointed as such under section 130;;

3. The Act to override all other laws.— Notwithstanding anything contained to the contrary in any other law for the time being in force, the provisions of this Act shall prevail..

CHAPTER 2 CONDITIONS OF SERVICE AND EMPLOYMENT

4. Conditions of employment: (1) In every establishment employment of workers and other matters incidental thereto shall be regulated in accordance with the provisions of this chapter: Provided that any establishment may have its own rules regulating employment of workers, but no such rules shall be less favorable to any worker than the provisions of this chapter.

(2) The service rules in any establishment as mentioned in the proviso to sub-section (1) shall be submitted for approval by the employer of such establishment to the chief inspector who shall,

within six months of the receipt thereof make such approval or not therein as he deems fit.

(3) No service rules as mentioned in sub-section (2) shall be put into effect except with the approval of the chief Inspector.

(4) Any person aggrieved by the order of the chief Inspector may, within thirty (30) days of the receipt of the order, may prefer appeal to the Executive Chairman and within forty-five (45) days from the receipt of the appeal Executive Chairman will settle down and the order of the Executive Chairman on such appeal shall be final.

5. Classification of workers and period probation:

(1) workers employed in any establishment

shall be classified in any of the following classes according to the nature and condition of work;

namely

- (a) apprentice,
- (b) casual,
- (c) temporary,
- (d) probationer, and
- (e) permanent.

(2) A worker shall be called an apprentice if he/she is employed in an establishment as a learner and is paid an allowance during the period of his training.

(3) A worker shall be called a casual worker if his/her employment in an establishment is of casual nature for casual time.

(4) A worker shall be called a temporary worker if he is employed in an establishment for work

which is essentially of temporary nature and is likely to be finished within a limited period.

(5) A worker shall be called a probationer if he is provisionally employed in an establishment to fill a permanent vacancy in a post and has not completed the period of his probation in the establishment.

(6) A worker shall be called a permanent worker if he is employed in an establishment on a permanent basis or appointed under sub-section (5) as a probationer, if he has satisfactorily completed the period of his probation in the establishment.

(7) The period of probation for a worker whose function is of clerical nature shall be six (6) months and for other workers such period shall be three (3) months:

Provided that in the case of a skilled worker, the period of probation may be extended by an additional period of three months if, for any circumstances he did not complete his probation period satisfactory.

6. Letter of Appointment and Identity Card: No employer shall employ any worker without giving such worker a letter of appointment and every such employed worker shall be provided with an identity card with photograph.

7. Service book: Every employer shall, at his own cost, provide a service book for every worker employed by him. The service book shall be of such size and procedure in such form as may be prescribed by authority.

8. Register of workers and supply of tickets, cards etc: (1) The employer of every establishment shall maintain a register of workers, to be available to the Councilor - Inspector at all times during working hours.

(2) The authority may make rules prescribing the form of the register of workers, the manner in which it shall be maintained and the period for which it shall be preserved.

(3) The employer shall supply Tickets or cards to every worker.

9. Procedure for leave: (1) A worker can entitle his/her leave and can determine the leave as per English calendar year.

(2) A worker may entitle leave if any government declared general or special circumstances:

(3) Authority will decide the leave procedure and other subject matter.

(4) Provided that, in any circumstances authority may declare leave at any factory or entire EPZ or zone.

Provided that, that leave will declare/consider as a general leave for all and shall pay the wages to the workers.

10. Payment of wages for unveiled leave: If the services of a worker, to whom any annual leave is due, is dispensed with whether as a result of retrenchment, discharge, removal, dismissal, termination, retirement or by reason of his resignation

before he has availed of any such leave, the employer shall pay his wages in lieu of the unveiled leave at the rate he is entitled to the payment of wages during the period of leave in accordance with the provisions of this Act.

11. Stoppage of work: (1) The employer may, at any time, in the event of fire, fatal accidental accident, epidemics, civil commotion or any other cause beyond his control, stop any section or sections of the establishment, wholly or partly for such period as the cause for such stoppage continues to exist.

Provided that, immediately after giving order for such closure, the factory will be informed immediately, and decision of the authority shall be counted as final.

More provided that, the employer may, at any time, catastrophe, breakdown of machinery, or stoppage of power supply, or any other cause beyond his control, stop any section or sections of the establishment, wholly or partly for such period as the cause for such stoppage continues to exist.

(2) In the event of such stoppage occurring at any time beyond working hours, the employer shall notify the workers affected, by notice posted on the notice board in the section or department concerned or at a conspicuous place in such establishment before the work is due to begin next.

(3) In the notice mentioned in sub-section (2) direction shall be given indication as to when the work will be resumed and whether such workers are to remain at their place of work at any time before the actual resumption.

(4) In the event of such stoppage occurring at any time during working hours, the workers affected shall be notified, as soon as practicable, in the manner specified in sub-section (2) indicating as to when the work will be resumed and whether such workers are to leave or remain at their place of work.

(5) In the case where workers have been directed to stay at their place of work following such stoppage, the workers so detained may not be paid for the period of such detention if it does not exceed one hour, and the workers so detained shall be paid wages for the whole period of such detention if it exceeds one hour.

(6) If the period of stoppage of work does not exceed one working day, a worker, unless entitled to wages under sub-section (5), may not be paid any wages.

- (7) If the period of stoppage of work continues for more than a working day, a worker affected, other than a casual or Badli worker, shall be paid wages for day or day by which it will exceed one working day.
- (8) If the period of stoppage of work extends beyond three working days, the workers may be laid off in accordance with the provisions of section 15.
- (9) A lay-off mentioned in sub-section (8) shall be effective from the day of stoppage of work and any wage paid to a worker for the first three days may be adjusted against the compensation payable for such subsequent layoff.

12. Closure of establishment: (1) The employer may, in the event of an illegal strike, with prior approval, by any section or department of any establishment, close down either wholly or partly such section or department and the workers participated in the illegal strike shall not be paid any wages for such closure.

(2) Where by reason of closing down of any section or department of any establishment under subsection (1) any other section or department is so affected that it is not possible to keep that section or department open, that section or department may also be closed down and the workers affected thereby shall be paid wages as in the case of lay-off for a period of three days and thereafter they may not be paid any wages for such closure.

(3) The fact of such closure shall be notified by the employer, as soon as practicable, by notice posted on the notice board in the section or department concerned or at a conspicuous place in the establishment and the fact of resumption of work, following such closure, shall likewise be notified.

13. Calculation of 'One year', 'six months' and 'wages' in certain cases: (1) For the purpose of this chapter, a worker who, during the preceding twelve calendar months, has actually worked in an establishment for not less than two hundred and forty days and one under and twenty days as the case may be shall be deemed to have completed 'one year' or 'six months' respectively of continuous service in the establishment.

(2) For the purpose of calculation of the number of days on which a worker actually worked in an establishment as mentioned in sub-section (1) the days on which-

- (a) the day during which he has been laid-off;
- (b) he has been on leave with or without wages due to sickness or accident;
- (c) he has been on legal strike or out of work due to illegal lock-out;
- (d) in the case of female worker, she has been on maternity leave not exceeding sixteen weeks; shall be counted.

(3) For the purposes of calculation of compensation under section 18, 19, or 21 or wages under section 20, 21, 22, or 23 'wages' shall mean the average of the basic wages and dearness allowance and adhoc or interim pay, if any, paid to the worker during the period of twelve months immediately preceding the date of his retrenchment, dismissal, removal, discharge, retirement or termination of employment, as the case may be.

14. Restrictions of application of sections 11, 15, 16, and 17: Notwithstanding anything

contained elsewhere in this chapter, the provisions of sections 11, 15, 16, and 17 shall not apply to any establishment in which five or more workers are not employed or were not employed on any day of the preceding twelve months.

15. Right of laid-off workers for compensation: (1) Whenever a worker, other than a casual worker, whose name is borne on the muster-rolls of an establishment and who has completed not less than one year of continuous service under the employer is laid-off, he shall be paid compensation by the employer for all days during which he is so laid-off, except for such weekly holidays as may intervene.

(2) The amount of compensation as mentioned in sub-section (1) shall be equal to half of the total of the basic wages and dearness allowance, and ad-hoc or interim pay, if any, and the full amount of housing allowance, if any, that would have been payable to him had he not been so laid-off.

(3) A worker whose name is borne on the muster-rolls of an establishment shall cease to be regarded as 'casual' or other worker for the purpose of this section, if he has completed one year of continuous service in the establishment.

(4) No worker shall, unless there is an agreement to the contrary between the worker and the employer be entitled to the payment of compensation under this section for more than forty-five (45) days during any calendar year.

(5) Notwithstanding anything contained in sub-section (4), if during a calendar year a worker is laid-off for more than forty-five (45) days, whether continuously or intermittently, and the lay off after the expiry of the first forty-five (45) days comprises period or periods of fifteen days (15) or more, the worker shall, unless there is an agreement to the contrary between the worker and the employer, be paid compensation for all the days comprised in every subsequent period of lay-off for fifteen days or more.

(6) The amount of compensation as mentioned in sub-section (5) shall be equal to one-fourth of the total of the basic wages and dearness allowance, and ad-hoc or interim pay, if any, and the full amount of housing allowance, if any.

(7) In any case where, during a calendar year, a worker is to be laid off after the first forty-five (45) days as aforesaid, for any continuous period of fifteen days or more, the employer may, instead of laying-off such a worker, retrench him under section 19.

16. Muster-roll for laid-off workers: Notwithstanding that the workers employed in an establishment have been laid-off, the employer shall maintain a muster-roll, and provide for the making of entries therein by or for the laid-off workers whom may present themselves for work at the establishment at the appointed time during normal working hours.

18. Laid-off workers not entitled to compensation uncertain cases:

(1) Notwithstanding anything contained elsewhere in this chapter, no compensation shall be payable to a worker who has been laid-off-

(a) if he refuses to accept on the same wages, any alternative employment not requiring any special skill or previous experience, in the same establishment for which he has been laid-off, or in any other establishment belonging to the same employer and situated in the same town or village or situated within a radius of eight kilometers from the establishment;

(b) If he does not present himself for work at the establishment at the appointed time during normal working hours at least once a day if so, required by the employer.

(2) For the purpose of sub-section (1) (b), every laid-off worker who presents himself for work at the establishment at the time appointed for the purpose during normal working hours on any day and is not given employment by the employer within two hours of his so presenting himself, shall be deemed to have been laid-off for that day within the meaning of this section.

(3) If a laid-off worker who presents himself for work as mentioned in sub-section (2), instead of being given employment at the commencement of any shift for any day, is asked to present himself for the purpose during the second half of the shift for the day, and if he so presents himself, he shall be deemed to have been laid-off only for one-half of that day, the other half being treated as on duty, irrespective of the fact whether he is given work or not.

18. Death benefit : If a worker dies while in service after a continuous service of not less than one year, his/her nominee or in the absence of an nominee, his dependent shall be paid by the employer a compensation at the rate of thirty days (30) wages for

every completed year of service, or for any part thereof in excess of six months, and for his death in the establishment forty five (45) days wages will be paid deceased worker would have been entitled had he retired from service:

19. Retrenchment & Re-employment of retrenched workers: (1) A worker employed in an establishment may be retrenched from service on the ground of redundancy and this shall be informed to the authority.

(2) No worker who has been in continuous service for not less than one year under an employer shall be retrenched by the employer unless-

(a) The worker has been given one month's notice in writing, indicating the reasons for retrenchment, or the worker has been paid in lieu of such notice, wages for the period of notice;

(b) he has been paid, compensation which shall be equivalent to thirty days wages for every completed year of service.

(3) where any number of workers are retrenched, and the employer proposes to take into his employ any worker within a period of one year from the date of such retrenchment, he shall give an opportunity to the retrenched workers belonging to the particular category concerned by sending a notice to their last known addresses, to offer themselves for employment, and the retrenched workers who so offer themselves for re-employment shall have preference over other retrenched workers, each having priority according to the length of his service under the employer.

20. Discharge from service:

(i) A worker may be discharged from service for reasons of physical or mental incapacity or continued ill-health certified by a Zone medical center practitioner or registered practitioner.

(2) If a worker who has completed not less than one year of continuous service is so discharged, he shall be paid by the employer compensation at the rate of thirty days wages for every completed year of service.

21. Punishment for conviction and misconduct: (1) Notwithstanding anything regarding lay-off, retrenchment, discharge and termination of service as provided elsewhere in this Act, a worker may be dismissed without prior notice or pay in lieu thereof if he is-

(a) convicted for any criminal offence; or

(b) he is found guilty of misconduct under regulation.

(2) A worker charged for misconduct may be suspended pending enquiry into the charges against him and unless the matter is pending before any EPZ labor court, the period of such suspension shall not exceed sixty days (60);

Provided that during the period of such suspension, a worker shall be paid by his employer a subsistence allowance equivalent to half of his average wages, and dearness allowance and ad-hoc or interim pay, if any.

(3) Notwithstanding anything regarding this section misconduct and relevant punishment, procedure shall decide by the regulation.

22. Termination of employment by employers otherwise than by dismissal, etc.: (1) The employment of a permanent worker may be terminated by the employer, otherwise, than in the manner provided else-where in this chapter, by giving to him in writing-

- (a) one hundred- and twenty-days' notice, if he is a permanent worker,
- (b) sixty days' notice, in case of other worker.

(2) Where an employer intends to terminate the employment of a worker without any notice, he may do so by paying to the worker, wages in lieu of the notice, which is enquired to be given under subsection (1), as the case may be.

(3) Where the employment of a permanent worker is terminated under this section, he shall be paid by the employer compensation at the rate of thirty day's wages for every completed year of service, in addition to any other benefit to which he may be entitled under this Act.

23. Termination of employment by workers: (1) A permanent worker may resign from his service by giving to the employer in writing thirty day's (30) notice.

(2) A temporary or other worker may resign from his service by giving fifteen days' (15) notice to the employer in writing-

(3) Where a worker intends to resign from his service without any notice, he may do so by paying to the employer wages in lieu of the notice which is required to be given under sub-section (1) or (2), as the case may be.

(4) Where a permanent worker resigns from his service under this section, he shall be paid by the employer compensation-

- (a) at the rate of fifteen days (15) wages for every completed year of service, if he has completed five years of continuous service or more but less than ten years;

(b) at the rate of thirty days (30) wages for every completed year of service if he has completed ten years of continuous service or more but less than twenty five (25) years;

(5) if any, whichever is higher, in addition to any other benefit to which he may be entitled under this Act sub-section (4)

24. Retirement of worker: (1) A worker employed in any establishment shall, notwithstanding anything contained elsewhere in this chapter, retire from employment ipso facto on the completion of the sixty (60) year of his age.

Provided that, after completion of twenty-five (25) years of service, any workers may resign any time in written from his service thirty days (30) before.

(2) For the purpose of counting age of the worker under this section the date of birth recoded in the service book of the concerned worker shall be the conclusive proof.

(3) Every retiring worker under the provisions of the establishment, shall be paid his benefits due to him.

25. Payment of provident Fund: No worker, who is a member of any provident Fund, shall be deprived due to retrenchment, dismissal, removal, discharge, termination or death of service of the benefit which decide by the REGULATIONS Fund including the employer's contribution thereto, if he is entitled to it under the rules of that Fund.

26. Time limit of final payment of worker: (1) for workers all amounts due to him shall be paid not more than thirty working days by the employer.

(2) The wages of a worker whose wages are payable, shall be paid in seven working days after the expiry of the period.

27. Certificate of service: Every worker other than a casual worker shall be entitled to a certificate of service from his employer at the time of his retrenchment, discharge dismissal, removal, retirement or termination of service.

28. Grievance procedure: (1) Any worker, including a worker who has been laid-off, retrenched, discharged, dismissed, removed, or otherwise removed from employment, who has grievance in respect of any matter covered under this chapter, and intends to seek redress thereof under this section, shall submit his grievance to his employer, in writing, by registered post within thirty days (30) of being informed of the cause of such grievance.

Provided that if the employer acknowledges receipt of the grievance, in that case the service by registered post shall not be essential.

(2) Under sub-section (1) Grievance enquiry, disposal and related matters will decide by regulations.

CHAPTER 3 **MATERNITY BENEFIT**

29. Employment of women worker prohibited during certain period: (1) No employer shall knowingly employ a woman in his establishment during the eight weeks immediately following the day of her delivery.

(2) No woman shall work in any establishment during the eight weeks immediately following the day of her delivery.

(3) No employer shall employ any woman for doing any work which is of an arduous nature or which involves long hours of standing or which is likely to adversely affect her health; if-

he has reason to believe or if she has informed him that she is likely to be delivered of a child within ten weeks; she has to the knowledge of the employer been delivered of a child within the preceding ten weeks:

30. Right to, and liability for, payment of maternity benefit : (1) every woman employed in an establishment shall be entitled to and her employer shall be liable for, the payment of maternity benefit in respect of the period of eight weeks preceding the expected day of her delivery and eight weeks immediately following the day of her delivery : Provided that a woman shall not be entitled to such maternity benefit unless she has worked under the employer, for a period of not less than six month immediately preceding the day of her delivery.

(2) No maternity benefit shall be payable to any woman if at the time of her confinement she has two or more surviving children, but in that case she shall be entitled to the leave to which she would otherwise be entitled.

31. Procedure regarding payment of maternity benefit: (1) Any pregnant woman entitled to maternity benefit under this act will give notice by the regulation to her employer and employer shell provide the maternity benefit including the leave.

32. Amount of maternity benefit : (1) The maternity benefit which is payable under

this act shall be payable at the rate of daily, weekly or monthly average wages, as the case may be, calculated in the manner laid down in sub-section (2), and such payment shall be made wholly in cash.

(2) For the purpose of sub-section (1) the daily, weekly or monthly average wages, as the case may be, shall be calculated by dividing the total wages earned by the woman during the three months immediately preceding the date on which she gives notice under this act by the number of day she actually worked during the period.

33. Payment of maternity benefit in case of a woman's death : (1) If a woman entitled to maternity benefit under this act dies at the time of her delivery or during the next period of 8 months, the employer shall pay the amount of maternity benefit mentioned by the regulation

(2) If a woman dies during the period for which she is entitled to maternity benefit but before giving birth to a child, the employer shall be liable only for the period up to and including the day of her death, provided that any sum already paid to her in excess of such liability shall not be recoverable from her legal representative, and any amount due at the woman's death shall be paid to the person nominated by her under this chapter, or if she has made no such nomination, to her legal representative.

34. Restriction on termination of employment of a woman in certain cases : If any notice or order of discharge, dismissal, removal or termination of employment is given by an employer to a woman within a period of six month before and eight weeks after her delivery and such notice or order is given without sufficient cause, she will not be deprived of any maternity benefit to which she would have become entitled under this chapter.

CHAPTER 4

Occupational health protection Cleanliness Safety work environment Safety and welfare measures

35. General provisions related to health and safety: 1) The responsibility and duties to provide and maintain a safe and secure working environment for the health workers of every industrial firm or its workers in the factory or factory.

2) Every owner shall take the following measures in the manner prescribed by the regulation in his administration:

- a. Providing and maintaining safe plant buildings and buildings for man's life or safety stairs and transport and equipment or plant or work system.
 - b. To ensure the absence of risk for safety and health in the preservation and use of any substance and so on
 - c. To ensure the workers' professional health and safety in the workplace, make every worker aware of the risks in the work by making necessary instructions and training as the case may be.
 - d. Free safety equipment dangerous machinery to provide the workers with appropriate safety clothing and personal safety equipment to avoid the toxic chemical or special work accident
 - e. Supply and maintenance of required number of suitable fire extinguishing equipment's on every floor of the primary medical equipment factory building and necessary instructions or notice for workers to use all these safety materials and equipment
 - f. Provision of safety during the use of equipment or in a different state
 - g. Due to the production process, due to the amount of gas, smoke, steam or dust that is likely to explode or dissolve in the process, the best way to stop such explosions
 - h. Provision of separate and adequate toilets and lining room for men and women workers in every organization and to keep them clean and healthy.
 - i. Provision of adequate pure water for the convenience of all the workers working in every institute to provide adequate clean water to any convenient location
 - j. Safety Record Book Saving, Safety Committee Structure, Welfare Officer Appointment, Washing Facility, Canteen, Child Care Room, etc. as the welfare facility
- K. Effective preventive measures should be taken if any person engaged in action is likely to get physical injury, toxic or disorder.

3) The authorities will determine the following topics related to health and safety of the regulation regime

- a. Proper measures to remove any waste material caused by the production process
- b. Cleanliness, air circulation and temperature, dust and dust, artificial moisture, extra crowd lighting system, garbage box and pickle etc.
- c. Surrounding machinery, working on or near the running machinery, striking gear and all the power supply disassembly, crane and other hoisting machinery, warning of hoist and lift, rotating equipment pressure plants, excess weight, dangerous explosives or combustible gas, dust, smoke etc. arrangement and eye protection.

- d. Provision of notice about dangerous operations, dangerous incidents, accident, etc.
- e. The ability to determine faulty parts or to check its durability, the ability to provide an investigation order about accidents or disasters, the ability to collect samples, additional inspector strength in certain areas of danger, information about dangerous buildings and equipment, prohibition of employment of women workers in certain jobs
- f. Security related to factory buildings and firefighters

36. Compulsory group insurance: 1) Owners of at least 25 permanent workers who are working in the company will start the group insurance as per the existing insurance law.

2) The money to claim insurance will be in addition to other proposals of workers under this Act.

Provided that in the event of death of the worker, the owner shall be the responsibility of the reimbursement of insurance claim and the owner shall arrange for payment directly to the recipients of the sum assured.

Provided further that if any insurance claim is made in accordance with this section, then the insurance companies and the employer will settle in a joint venture within a maximum of 120 days, unless there is anything different from any other law.

37. Medical center: 1) There will be a medical center in every zone.

2) Every industrial establishment shall be a member of the medical center of the concerned zone and the subscription and other matters payable by the member shall be determined by the Authority.

CHAPTER 5

WORKING HOUR AND LEAVE

38. Daily hours: No adult worker shall ordinarily be required or allowed to work in an establishment for more than eight hours in any day:

Provided that, subject to the provisions of section 40, any such worker may work in an establishment not exceeding ten hours in any day.

39. Interval for rest or meal: Any worker in any establishment shall not be liable to work either-

(a) for more than six hours in any day unless he has been allowed an interval of at least one hour during that day for rest or meal;

- (b) for more than five hours in any one day unless he has been allowed an interval of at least half an hour during that day for rest or meal; or
- (c) for more than eight hours unless he has had an interval under clause (a) or two such intervals under clause (b) during that day for rest or meal.

40. Weekly hours: (1) No adult worker shall ordinarily be required or allowed to work in an establishment for more than forty-eight hours in any week.

(2) Subject to the provisions of section 45, an adult worker may work for more than forty-eight hours in a week:

Provided that the total hours of work of an adult worker shall not exceed sixty hours in any week and on the average fifty-six hours per week in any year:

Provided further that the government, if satisfied that in public interest or in the interest of economic development such exemption or relaxation is necessary, in certain industries, by order in writing under specific terms and conditions, may relax the provision of this section or exempt, for a maximum period of six months, from the provision of this section at a time.

41. Weekly holiday: An adult worker employed in an establishment shall be allowed one holiday in each week and no deduction on account of such holiday shall be made from the wages.

42. Compensatory weekly holiday: Where, as a result of the passing of an order or the making of a rule under the provisions of this act exempting an establishment or the workers therein from the provisions of section 41, a worker is deprived of any of the weekly holidays provided for in that section, he shall be allowed within 6 days as circumstances permit, compensatory holidays, of equal number to the holidays so deprived of.

43. Night shift: Where, an adult worker in an establishment works on a shift which extends beyond midnight:

- (a) for the purposes of section 41 a holiday for a whole day shall mean in his case a period of twenty-four consecutive hours beginning from the end of his shift; and
- (b) the following day for him shall be deemed to be the period of twenty-four consecutive hours beginning from the end of this shift and the hours he has worked after midnight shall be counted towards the previous day.

44. Restriction on cumulative hours of work on a vehicle: No worker shall work or be allowed to work on a vehicle or two or more vehicles in excess of the period during which he may be lawfully employed under this Act.

45. Extra-allowance for overtime: Where a worker works in an establishment on any day or week for more than the hours fixed under this Act, he shall, in respect of overtime work, be entitled to allowance at the rate of twice his ordinary rate of basic wage and dearness allowance and ad-hoc or interim pay, if any.

46. Limitation of hours of work for women: No women shall, without her and Additional zone Inspector consent, be allowed to work in an establishment between the hours of 8.00 pm and 6.00 am.

47. Restriction on double employment: No adult worker shall be employed or allowed to be employed for work in more than one establishment on any day, except on permission in writing from the Additional Inspector on such terms and conditions as he may impose.

48. Notice of periods of work for adults: (1) There shall be displayed and correctly maintained in every establishment a notice of periods of work for adult workers showing clearly the periods which adult workers may be required to work.

(2) The schedule of work and related subjects in any industrial establishment will be fixed by regulations.

49. Hours of work to correspond with notice and register : No adult worker shall be required or allowed to work otherwise than in accordance with the notice under section 48 (1) and the entries made beforehand against his name in the register maintained under section 8.

50. Casual leave: (1) Every worker shall be entitled to casual leave the full wages for ten days in a calendar year.

(2) Such leave shall not be accumulated and carried forward to the succeeding year.

51. Sick leave: (1) Every worker shall be entitled to sick leave with full wages for fourteen days in a calendar year.

(2) No such leave shall be allowed unless a registered medical practitioner appointed by the employer or, if no such medical practitioner is appointed by the employer, any other registered medical practitioner, after examination, certifies that the worker is ill and requires sick leave for cure or treatment for such period as may be specified by him.

(3) Such leave shall not be accumulated and carried forward to the succeeding year.

52. Earned leave: (1) Every adult worker, who has completed one year of continuous service in an establishment, shall be allowed for earned leave during the subsequent period of twelve months leave with wages one day for every eighteen days of work.

(2) Every worker can cash their submittal leave in a calendar year and authority will decide the procedures of cashing earned leave.

53. Festival holidays: (1) Every worker shall be allowed in a calendar year eleven days of paid festival holiday.

(2) The days and dates for such festivals shall be fixed by the employer or any commissioned person.

(3) A worker may be required to work on any festival holiday, but two day's additional compensatory holidays with full pay and a substitute holiday shall be provided for him.

(4) All permanent workers shall be paid two festival bonus as same amount of two basic in their respective religious festival in a calendar year by employer or any commissioned person.

CHAPTER 6 **WAGES, WAGES PAYMENT, ETC.**

54. Special definition of 'wages': In this Chapter, unless there is anything repugnant in the subject or context, 'wages' means wages as defined in section 2 (34), and includes-

- (a) any bonus or other additional remuneration payable under the terms of employment;
- (b) any remuneration payable in respect of overtime work, holiday or leave;

- (c) any remuneration payable under any award or settlement between the parties or under order of any Court;
- (d) any sum payable under this Act or any agreement by reason of termination of employment whether by way of retrenchment, discharge, removal, resignation, retirement, dismissal or otherwise; and
- (e) any sum payable due to lay-off or suspension.

55. Responsibility for payment of wages: Every employer shall be responsible for the payment to workers employed by him of all required wages.

Provided that, the chief executive officer or any commissioned person or the manager or any other person responsible to the employer for the supervision and control of an establishment shall also be responsible for such payment.

54. Time of payment of wages: (1) The employer shall pay the wages to workers as per the regulations.

(2) While defining the worker wages, the employer shall follow the time to time published circular on this regard.

55. Deductions which may be made from wages: (1) No deduction shall be made from the basic wages of a worker except those authorized by or under this Act.

(2) Deductions from the wages of a worker shall be made only in accordance with the provisions of this Act, and may be of the following kinds only, namely-

- (a) Deductions for subscriptions to, and for repayment of advances from any provident fund
- (b) Deduction of subscription for worker welfare committee through check-off system.
- (c) Deductions for absence from duty

(3) As per the regulations with proper procedure and condition deduction shall be made on sub-section (2).

56. Payment of undisturbed wages in cases of death of workers: (1) subject to other provisions of this chapter, all amounts payable to a worker as wages shall, if such amounts could not or cannot be paid on account of his death or on account of his whereabouts not being known before payment, -

(a) be paid to the person nominated by him in this behalf in accordance with the rules;

(b) where no such nomination has been made or where for any reasons such amounts cannot be paid to the person so nominated, be deposited with the EPZ Labour Court who shall deal with the amounts so deposited in such manner as may be prescribed.

(2) Where, in accordance with the provisions of sub-section (1), all amounts payable to a worker as wages are paid by the employer to the person nominated by the worker; or are deposited by the employer with the EPZ Labour Court, the employer shall be discharged of his liability in suspect of payment of those wages.

57. Claims arising out of deductions from wages or delay in payment of wages : (1) Where contrary to the provisions of this Act any deduction has been made from the wages of a worker, or any payment of wages has been delayed, or payment of wages or his dues in the provident fund delayed, such person himself, or in case of his death any of his legal heirs or many legal representative, may apply to the EPZ Labour Court for recovery of such unpaid wages or delayed wages or any other dues.

(2) Under sub-section (1) the time and place of application and the provisions of deduction by EPZ Labour Court and any other related subjects will be fixed by rules.

58. Application for payment claim: (1) A single application may be presented under section 60 on behalf in respect of any number of workers belonging to the same unpaid group whose ages have been delayed or deducted, and in such case compensation that may be awarded under section-60

(2) The labour Court may deal with any number of separate pending applications, presented under section 60 in respect of workers belonging to the same unpaid group, as a single application presented under sub-section (1), and the provisions of that sub-section shall apply accordingly.

(3) For the purpose of this section, 'unpaid workers include in the same group' shall mean the workers who are borne on the same establishment and if their wages for the same wage-period or period have remained unpaid.

59. Appeal: (1) An appeal against an order passed by the EPZ Labour court under section 60, may be preferred, within thirty days of the date on which the order was passed, before the Tribunal.

(2) Other procedures of Tribunal shall be fixed as per rules.

60. Conditional attachment of property of employer or other person responsible for payment of wages: (1) Where at any time-

(a) after an application has been made under section 60, the EPZ Labour court, or
(b) after an appeal has been filed under section 62, the EPZ Labour Appeal Tribunal; is satisfied that the employer or other person responsible for the payment of wages under section 55 is likely to evade payment of any amount that may be directed to be paid under section 60 or 62, the EPZ Labour court or the EPZ Labour Appeal Tribunal, as the case may be, after giving the employer or other person an opportunity of being heard, may direct the attachment of so much of the property of the employer or other person responsible for the payment of wages.

Provided that, if there is possibility of defeating the purpose for the cause of delay, the said EPZ Labour Court or EPZ Labour Appeal Tribunal, before giving the opportunity of being heard, may pass such order of attachment.

Provided further that such amount of property may be attached, which, in the opinion of the EPZ Labour Court or the EPZ Labour Appeal Tribunal, sufficient to satisfy the amount which may be payable under the direction.

(2) All provisions of the Code of Civil Procedure, 1908 (V of 1908), relating to attachment before judgment, apply to any order for attachment.

61. Power to recover from employer in certain cases: When the EPZ Labour Court is unable to recover from any person, other than an employer, responsible under section 55 for the payment of wages any amount directed by such court or tribunal, as the case may be, to be paid by such person, it shall recover the amount from the employer

CHAPTER 7 **EPZ WAGES BOARDS**

65. Establishment of Minimum wages Board: (1) The Government shall establish a board to be called the minimum wages board after that the minimum wages board, hereinafter referred to in this chapter as the wages board, shall consist of-

- a) Executive Chairman or a person assigned by government who will be a chairman as well.
- b) 1 (One) member from authority.
- c) 1 (one) representative from Prime Minister office.

- d) 1 (One) representative from finance department of finance ministry.
- e) 1 (One) representative from Labor & employment ministry.
- f) 2 (Two) representative from authority.
- g) 2 (Two) representative from owner.
- h) 2 (Two) representative from worker

(2) under subsection (1) clues g & h authority can nominate members from owners & workers representatives.

Provided that, if no nomination is received for the representatives of the employers or workers In-spite of more than one effort, the authority appoints such persons whom the authority considers to be fit in its opinion to be representative of such employers and workers respectively.

(3) Under subsection (1) established minimum wage board can co opt required number of members based on requirements.

(4) Whatever mentioned in other subsections under this section government can re-structure the wage board.

66. Recommendation of minimum rates of wages for certain workers: Government can instruct to wages board to recommend workers minimum wage rate, within logical time period.

67. Power to declare workers minimum rates of wages: (1) Upon receipt of a recommendation of the wages board under section 139, the Government may, by notification in the official Gazette, declare that the minimum rates of wages recommended by the wages board for the various workers shall, subject to such exception as may be specified in the notification, be the minimum rates of wages for such workers.

(2) Unless any date is specified for the purpose in the notification under sub-section (1), the declaration there under shall take effect on the date of publication of such notification.

(3) The minimum rates of wages declared under this section shall be final and shall not, in any manner be questioned by any persons in any Court or before any authority.

68. Factors to be considered in making its recommendation: In making its recommendation the wages board shall take into consideration cost of living, standard of living, cost of production, productivity, price of products, business capability,

economic and social conditions of the country and of the locality concerned and other relevant factors.

69. Periodical review of minimum rates of wages: The wages board shall review its recommendations if any change in the factors specified in section 68 and other relevant factors so demand, and recommend to the Government any amendment, modification or revision of the minimum rates of wages declared under section 67.

70. Minimum wages to be binding on all employers: The minimum rates of wages declared under section 67 shall be binding on all employers concerned and every worker shall be entitled to be paid wages at a rate which shall, in no case, be less than the rate of wages so declared or published.

71. Prohibition to pay wages at a rate below the minimum rate of wages: (1) No employer shall pay any worker wages at a rate lower than the rate declared or published under this Chapter to be the minimum rate of wages for such worker.

(2) Nothing in sub-section (1) shall be deemed to affect, in any way, the right of a worker to continue to receive wages at a rate higher than the minimum rate declared under this chapter, if, under any agreement or award or otherwise, he is entitled to receive wages at such higher rate, or to continue to enjoy such amenities and other advantages as are customary for such worker to enjoy.

(3) Review and recommendation under this section shall be deemed to be an enquiry and recommendation under section 139 and the provisions of this chapter shall, as far as may be, apply accordingly.

72. Fixation of wages and other benefits: Authority can determine the wage fixation method and others benefits to fulfilment the objective of this law.

CHAPTER 8

WORKMEN'S COMPENSATION FOR INJURY BY ACCIDENT

73. Employer's Liability for compensation: (1) If personal injury is caused to a worker by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this chapter.

(2) The employer shall not be liable to pay compensation-

- (a) in respect of any injury which does not result in the total or partial disablement of the worker for a period exceeding three days;
- (b) in respect of any injury, not resulting in death, caused by an accident which indirectly attributable to-
 - (i) the worker having been at the time thereof under the influence of drink or drugs, or
 - (ii) the willful disobedience of the worker to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of worker, or
 - (iii) the willful removal or disregard by the worker of any safety guard or other device which he knew to have been provided for the purpose of securing the safety or worker.

(3) If-

(a) worker employed in any employment specified in part-A of the third Schedule, attacked with any disease specified therein as an occupational disease peculiar to that of employment, or

(b) a worker, whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any employment specified in part- B of the Third schedule, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section, and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of and in the course of the employment.

Explanation: For the purposes of this sub-section, a period of service shall be deemed to be continuous which has not included a period of service under any other employer in the same kind of employment

(4) The Government may, by notification in the official Gazette, add any description of employment to the employment's specified in the Third Schedule and shall specify in the case of the employments so added the diseases which shall be deemed for the purposes of this section to be occupational diseases peculiar to these employment's respectively, and the provision of sub-section (3) shall there upon apply as if such diseases had been declared by this chapter to be occupational diseases peculiar to those employments.

(5) Save as provided by sub-section (3) and (4), no compensation shall be payable to a worker in respect of any disease unless the disease is directly attributable to a specific injury by accident arising out of and in the course of his employment. 70

(6) Nothing herein contained shall be deemed to confer any right to compensation on a worker in respect of any injury if he has instituted in a Civil court a suit for damages in respect of the injury against the employer or any other person.

(7) No suit for damages shall be maintainable by a worker in any court of law in respect of any injury-

(a) if he has instituted a claim to compensation in respect of the injury before a labour court; or (b) if an agreement has been come to between the worker and his employer providing for the payment of compensation in respect of the injury in accordance with the provisions of this Chapter.

(8) For the purposes of this chapter, 'worker' means any person employed by the employer directly or through contractors who is-

(a) the railway servant as defined in section 3 of the railways Act, 1890 (IX of 1890), who is not employed in any administrative, district or sub-divisional office of the railway and not employed in any such capacity as is specified in the Fourth Schedule, or

(b) employed in any such capacity as is specified in the Fourth Schedule, whether the contract of employment is expressed or implied, oral or in writing; and any reference to a worker who has been injured shall, where the worker is dead, include a reference to his dependents or any of them. Explanation- The exercise and performance of the powers and duties of a local authority or of any department acting on behalf of the government shall, for the purposes of this chapter, unless a contrary intention appears, be deemed to be the trade or business or such authority or department.

74. Amount of compensation: (1) Subject to the provisions of this chapter the amount of compensation shall be as follows, namely:

(a) where death results from the injury, a worker in receipt of monthly wages falling within limits shown in the third column of the Fifth Schedule the amount shown against such limit thereof;

(b) where permanent total disablement results from the injury-

(i) in the case of an adult limits shown in Fifth Schedule the amount shown against such limits in the third column thereof; and
(ii) in the case of a minor- taka ten thousand;

- (c) where permanent partial disablement results from the injury-
- (i) in the case of an injury specified in the first schedule, such percentage of the compensation which would have been payable in the case of permanent total disablement's as is specified therein as being the percentage of the loss of earning capacity caused by that injury;
 - (ii) in the case of an injury not specified in the first schedule, such percentage of the 71-compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury; and
- (d) where temporary disablement, whether total or partial, results from the injury, a monthly payment payable on the first day of the month following the month in which it is due after the expiry of a waiting period of four days disablement or during a period as specified in the last column of the fifth schedule; whichever period is shorter.
- (2) Where more injuries than one is caused by the same accident, the amount of compensation payable under sub-section (1), (c) shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries.
- (3) On the ceasing of the disablement before the date on which any monthly payment falls due, there shall be payable in respect of that month a sum proportionate to the duration of the disablement in that month.

75. Method of calculating wages: 1) In this chapter and for the purpose thereof the expression 'monthly wages' means the amount of wages deemed to be payable for a month's service, whether the wages are payable by the month or by whatever other period or at piece rates,

- (2) Such wages shall be calculated as follows, namely:
- (a) where the worker has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the worker shall be one-twelfth of the total wages to be paid to him by the employer in the last twelve months of that period;
 - (b) where the whole of the continuous period of service immediately preceding the accident during which the worker was in the service of the employer who is liable to pay the compensation was less than one month, the monthly wages of the worker shall be the average monthly amount which, during the twelve months immediately

preceding the accident, was being earned by a worker employed on the same work by the same employer, or, if there was no worker so employed on similar work in the locality;

(c) in the cases, the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period.

Explanation: a period of service shall, for the purposes of this section, be deemed to be continuous which has not been interrupted by a period of absence from work exceeding (14) fourteen days.

76. Review: (1) Any monthly payment payable under this chapter, either under an agreement between the parties or under the order of a Labour court, may be reviewed by the Labour court, if-

(a) on the application either of the employer or of the worker accompanied by the certificate of a registered medical practitioner that there has been a change in the condition of the worker, or

(b) on such application without medical certificate on the ground that the determination of compensation was obtained by fraud or under influence or other improper mean or that in such determination there is a mistake or error apparent on the face of the record.

77. Recovering reimbursable under this Act: (1) Subject to this law, any money directed by the EPZ Labor Court or the EPZ Labor Appeal Tribunal, to pay under any section of this Act or any money paid by any person under the provisions of this Act or based on the application of any person or person who has the right to get any money or any money paid by the employer or owner under an award or agreement or a decree or arbitrator or an order of the EPZ Labor Appeal Tribunal or the EPZ Labor Appeal tribunal and according to his wishes, The labor court may, or it may be collected in any direction, according to its directions-

a. As a government claim

b. In the arbitration prescribed by the rule, the movable property of a person who is authorized to make the said council, as the case may be, and sell it;

c. In such manner, if the whole money is not being paid, by the rules in the manner prescribed by the contract, by stopping and selling the immoveable property of that person or

d. As a decree for any civil court money.

(2) In the case of any settlement or agreement or under any decree or arbitrator or EPZ Labor Court or an EPZ Appellate Tribunal, a worker or a worker under any decision or reward, is entitled to any such benefit, in the case of which the amount can be calculated in cash, subject to the rule According to the provisions of sub-section (1), it can be calculated and calculated in the amount of such facility.

(3) No application shall be entertained for the payment of money under this section unless it is paid within 1 (one) year from the date the amount will be payable.

Provided that no application shall be entertained even after that period, if the EPZ Labor Court is satisfied that the applicant had adequate reasons for not applying for the application during that time:

However, there are other conditions that the earning of workers will be the highest priority.

78. Prohibition to assign, attach or charge compensation: Save as provided in this Chapter, any lump sum or monthly compensation payable under this Chapter shall not be assigned, attached or charged, or shall not be transferred to any person other than the worker by operation of any law, or shall not be set off any claim against the same.

79. Notice and claim: No claim for compensation shall be considered by the Labour Court, unless a notice of the accident is given in the manner hereinafter provided as soon as practicable after the occurrence thereof and unless the claim is preferred within 2 (two) years of the occurrence of the accident or in case of death within 2 (two) years of the date of death.

80. Power to require from employer statement regarding fatal accident: (1) Where a Labour Court receives information from any source that a worker has died as a result of an accident arising out of, and in the course of, his employment, it shall send, by registered post, a notice to the worker's employer requiring him to submit, within 30 (thirty) days of the service of the notice, a statement, in the form prescribed by rules, giving the reasons and circumstances attending the death of the worker, and

indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death.

(2) If the employer is of the opinion that he is liable to deposit compensation, he shall make the deposit within 30 (thirty) days of the service of the notice.

(3) If the employer is of the opinion that he is not liable to deposit compensation, he shall, in his statement, state the grounds of it. (4) Where the employer disclaims his liability as mentioned above, the Labour Court may, after such enquiry as it may think fit, inform any of the dependents of the deceased worker that it is open to the dependents to prefer a claim for compensation, and may provide them such other information, as the Court thinks fit.

81. Report of fatal accident: Where, by any law for the time being in force, any notice is required to be given to any authority, as to the death resulting from an accident occurring in the house or premises of an employer, the employer or any other person on behalf of him shall, within 7 (seven) days of such death, send a report to the Labour Court giving the cause and surrounding circumstances of the death.

82. Medical examination: (1) Where a worker gives notice of an accident, the employer shall, within 3 (three) days of service of such notice, cause the worker to be examined 1 at the expense of the employer] by a registered medical practitioner and the worker shall submit himself for such examination.

Provided that if the accident or illness of the worker is of grave nature, the employer shall cause him to be examined at the place where the worker is staying.

(2) If any worker continues to receive monthly compensation under this Chapter, he shall, if so required, submit himself for such examination from time to time.

(3) No worker shall be ordered to present himself for medical examination under sub-section 1) otherwise than in accordance with rules.

83 Insolvency of the employer: (1) Where any employer is entered into a contract with any insurer in respect of any liability of the workers under this Chapter, in the event of

- a. the employer becoming insolvent or

- b. making a scheme of arrangement with his creditors, or
- c. if the employer is a company and it commences to be wound up,

the right of the employer against the insurer in respect of such liability shall, notwithstanding anything contained in any other law for the time being in force relating to insolvency or the winding up of a company, be transferred to and vest in the worker, and upon any such transfer the insurer shall have the same rights and remedies and be subject to the same liabilities, as if he were the employer,

Provided that the insurer shall not be under any greater liability to the workers than the employer would have been to the workers.

(2) The provisions of this section shall not apply where a company is wound up voluntarily for the purposes of reconstitution or of amalgamation with another company.

84. Return as to compensation: The Government may, by notification in the official Gazette, direct that every person employing workers or any class of such persons, shall send, at such time and in such form and to such authority, as may be specified in the notification, a correct return specifying the number of injuries in respect of which compensation was paid by the employer during the previous year and the amount of such compensation, together with such other particulars as to the compensation as the Government may direct.

85. Agreement as to indemnity or reduction of liability be void: Any agreement, made before or after the commencement of this Act, whereby a worker relinquishes any right of compensation from the employer for personal injury arising out of or during the course of the employment, shall, to such extent as to remove or reduce the liability of any person to pay compensation under this Chapter, be void.

86. Certain questions shall be sent to Labour Court for settlement: (1) If any question arises in any proceedings under this Chapter as to the liability of any person to pay compensation or whether the injured person is or is not a worker, or the amount or duration of compensation, or any question as to the nature or extent of disablement, the question shall, in the absence of an agreement, be settled by the Labour Court.

(2) No civil Court shall have jurisdiction to settle any question which is by or under this Chapter required to be settled by the Labour Court or to enforce any liability incurred under this Chapter.

87. Venue of proceedings: Where any matter under this Chapter is to be done by or before a Labour Court, the same shall, subject to the provisions of this Chapter and any rule, be done by or before that Labour Court having jurisdiction in the area in which the accident took place resulting the injury.

88. Condition of application: No application, other than the application by 1[the worker who himself suffers losses or by a dependent] for compensation, for the settlement of any matter by a Labour Court under this Chapter, shall be made, unless the both parties have failed to settle the question raised as to such matter by agreement.

89. Power of the Labour Court to require more deposit in cases of fatal Accident: 1) Where any sum is deposited by the employer as compensation payable in respect of a worker whose injury has resulted in death, and in the opinion of the Labour Court such sum is insufficient, the Court may, by notice in writing stating its reasons, call upon the employer to show cause as to why he should not make a further deposit within such time as may be specified in the notice.

(2) If the employer fails to show cause to the satisfaction of the Labour Court, the Court may make an award determining the total amount payable as compensation and require the employer to deposit the deficiency.

90. Appeals: (1) An appeal shall lie to the Tribunal against the following orders of a Labour Court under this Chapter, namely:

(a) an order awarding as compensation a lump sum whether by way of redemption of a monthly payment or otherwise, or disallowing a claim in full or in part for a lump sum.

b) an order refusing an application to allow redemption of a monthly payment by payment of money.

(c) an order providing for the distribution of compensation among the dependents of a deceased worker, or an order disallowing any claim of a person alleging himself to be such dependent;

(d) an order allowing or disallowing any claim for any amount of compensation under the provisions of section 161 (2);

(e) an order refusing to register a memorandum of agreement or registering the same or providing for registration thereof, subject to conditions; or

(f) an order under section 155 (7). (2) No appeal shall lie in any case in which the parties have agreed to abide by the decision of the Labour Court or in which the order of the Labour Court gives effect to an agreement entered by the parties.

(3) No appeal by an employer under sub-section (1) (a) shall lie, unless the memorandum of appeal is accompanied by a certificate by the Labour Court to the effect that the appellant has deposited with it the amount payable under the order concerned.

(4) No appeal shall lie against any order unless a substantial question of law is involved in the appeal, and no appeal shall lie against an order, other than the order as is referred to in sub-section (1) (b), unless the amount in dispute in the appeal is not less than 1,000 (one thousand) taka.

(5) The period of limitation for an appeal under this section shall be 60 (sixty) days.

91. Withholding of certain payments subject to decision of appeal: Where the employer prefers an appeal under section 90 (1) (a), the Labour Court may, subject to the decision of the appeal, withhold payment of any sum deposited with it, and if the Tribunal so directs, it shall surely be withheld.

92. Rules made under this chapter: For the purpose of this Chapter, the Government may, by notification in the official Gazette, make rules for the prescribed matters such-

- a. Issue of notice on which a worker will be affected by the disorder mentioned in the second schedule, causes of disorder and related issues
- b. Occupational disorders related to employment
- c. Compensation allocation.
- d. Compensation payment system.
- e. Agreement, contract registration, failure to register agreement, results of failure
- f. As a result of compensation, any compensation payable by a deceased worker and compensation for any person under legal detention and related matters.
- g. Recovering reimbursable under this Act.
- h. Monthly Compensation Review by EPZ Labor Court and

- i. Effective arrangement with other countries to transfer any money paid as compensation.

CHAPTER 9

WORKERS WELFARE ASSOCIATION AND INDUSTRIAL RELATIONS

93. Special definition of 'worker': In this Chapter, unless there is anything repugnant in the subject or context, 'worker' means a worker as defined in section 2 (48), and includes, for the purpose of any proceedings under this Chapter in relation to an industrial dispute, a person who has been dismissed, discharged, retrenched, laid off or otherwise removed from employment in connection with or as a consequence of that dispute or whose dismissal, discharge, retrenchment, lay off or removal has led to that dispute, but does not include below person

- a. employed as a member of the watch and ward or Driver, confidential staff, irregular worker and contractor worker of kitchen & food of establishment.
- b. Office assistant

94. Formation of labor welfare associations: 1. According to the rules of this chapter, the workers engaged in any state-of-the-art industry will have the right to form a labor welfare society for the performance of labor relations and to join the labor welfare society subject to constitution.

2. If any worker working in any zone is interested in forming a labor welfare association, then for the establishment of a labor welfare association for all workers of the establishment, 20% of the permanent workers working in the industrial sector are engaged in the executive director (labor and industrial relations) Apply it to the designated form with the impression of signature or old age Ena.

3. Permanent workers under the sub-section (2) will submit the National ID card, ID card and one copy passport size photograph with the application form in the form of a worker welfare association.

4. An employer shall not treat any worker in any manner for any discrimination to be a part of the application under sub-section 2, and if such discriminatory behavior, it shall be treated as an unfair treatment by the owner under section 115

5. The worker welfare association shall consist of minimum 30% female members from among the standing women workers who are working in the labor welfare association for the establishment:

Provided that no such provision shall apply if there is no female worker in any industrial establishment

6. If any employer is registered in a zone registered as a company with a separate corporate certificate, then there will be a workers welfare association under that zone:

Provided that if there are 2 (two) or more industrial units in any zone under the same owner registered as a company, they shall be considered as an industry for the purpose of this section.

Explanation: In order to fulfill the objectives of this Act, the 'Industrial Unit' means any industry unit approved by the concerned authority for the management of the same owned and operated establishments established in any zone.

The constitution of the Workers' Welfare Association

95. Application for registration of labor welfare association: (1) According to section 94, if workers express their support for the formation of a labor welfare committee, an convener will sign the executive chairman for the registration of it and mention the following items.

- a. the name and address of the workers welfare association
- b. date of formation of the worker association
- c. the names, ages, addresses, occupations and the posts in the worker welfare associations members
- d. statement of total paid membership;
- e. the name of the establishment to which the worker welfare association relates and the total number of member- association

(2) Three copies of the constitution of the Workers' Welfare Association shall be provided with application under sub-section 1

96. The constitution of the Workers' Welfare Association: (1) A workers welfare association shall not be entitled to registration under

(2) This chapter unless the constitution thereof provides for the following matters, namely:

- (a) the name and address of the workers welfare association;
- (b) the objects for which the workers welfare association has been formed;
- (c) the manner in which a worker may become a member of the workers welfare association
- (d) All permanent workers registered as a member of the concerned workers welfare association shall be a general council member
- e) the number of members of the executive which shall not be less than five and more than fifteen as may be prescribed by rules;
- (f) the sources of the fund of the workers welfare association and statement of the purposes for which such fund shall be applicable;
- (g) the conditions under which a member shall be entitled to any benefit assured by the constitution of the workers welfare association and under which any fine or forfeiture may be imposed on him;
- (h) the maintenance of a list of the member of the workers welfare association and of adequate facilities for the inspection thereof by the officers and members of the workers welfare association;
- i) the manner in which the constitution shall be amended, varied or rescinded;
- j) the safe custody of the funds of workers welfare association, its annual, audit, the manner of audit and adequate facilities for inspection of the books of account by the officers and members of workers welfare association;
- k) Procedure for cancellation of labor welfare associations
- l) The method of selection of the executive council
- m) The procedure for resignation from the General Council of the Workers' Welfare Association and the resignation of member posts
- (n) The method of non-trust against any representative of the Workers' Welfare Association and
- o) Meeting of the Executive Council and General Members 'Meeting of the Workers' Welfare Association will be convened at least once in every three months for the executive council and for general membership, at least once every year.

(3) Except for the executive chairman's prior approval, no worker welfare association will collect or accept any money from any source outside the zone

97. Registration of the Workers' Welfare Association:

- 1) If the Executive Chairman is satisfied that the Workers' Welfare Association has fulfilled all the conditions under this Act and the constitution has been made, then he shall register the work of the workers welfare association in the prescribed manner within 60 days of receiving the application on the day under section 95.
- 2) If it appears to the Executive Chairman that there is a defect in the subject matter or subject matter required in the application, then he will inform his worker in the written form within 15 days of receiving the application of the worker welfare association and within 15 days of being informed will answer the objection of the Workers' Welfare Association.
- 3) If the reply of the objections raised under sub-section 2 appears to the executive chairman, he shall register that worker welfare association in the period mentioned in sub-section 1 and reject the application if the answer is not satisfactory.
- 4) If the Executive Chairman does not register during the period mentioned in sub-section (1) or the application is rejected, the Labor Welfare Association may submit an application to the EPZ Labor Court and the EPZ Labor Court may order the Executive Chairman to register the registration and registration certificate or dismiss the application.
- 5) No worker welfare association of the workers shall be entitled to registration under this chapter, if 20% permanent workers employed by the institution that has been formed are not members of it, the condition is that in the same zone many organizations under the same owner are engaged in the same industry and related to each other Where the relation is associated, wherever they are, for the purpose of this sub-section Shall be deemed to be an institution.

98. Certificate of Registration of Workers' Welfare Association: When a worker welfare association is registered under section 97, the executive chairman shall issue a registration certificate in the prescribed form.

99 Notice to the constitution and some changes in the executive council:
1.Every representative of the Workers Welfare Association should change every

change and change its name and address, and within 15 days of such amendment or change, by giving a notice to the registry or by hand giving notice to the authority or the person responsible for it Be informed and authority Sa by the person in charge of the receipt of such notice to the owner with a copy of his information will be sent to.

2. The person responsible for the authority or authority may refuse to register any such correction or change, if it is framed by any provision of this law or any provision of the constitution of the concerned labor welfare association.

3. Within thirty days from the date of attachment / disconnection of any member of the executive council of the executive welfare association, the officer or the person responsible for it by the notice sent by the registry will be informed.

4. If there is any dispute regarding the change of representative of the workers welfare association or if any worker welfare association is registered by the refusal order by the person in charge under authority under sub-section 2, then any member or representative of that worker welfare association can appeal to the EPZ Labor Court.

5. If the EPZ Labor Court considers appropriate after its hearing within seven days of the appeal of the EPZ, under the direction of the person to be appointed by the authority for registration to modify or change the correspondence of the concerned worker welfare association, or to the new person Election Selection Ner may direct.

100. Limitation related to the number of labor welfare associations: More than one worker welfare association cannot be formed in any zone in any industrial establishment

101. The ownership of the industrial unit: The decision made by the Executive Chairman shall be final in relation to whether there is any doubt or dispute about whether two or more industrial units are under the same owners or if they are related and related to each other for the purpose of operating the same industry.

102. Member positions and activities of the Workers' Welfare Association:

1. A worker who is not employed in the industry shall be entitled to be a member of the Workers' Welfare Association only in that industry.

2. The activities of the Workers' Welfare Association will be limited to the relevant areas.

3. Work of each member of the Workers' Welfare Association shall be undertaken by the employees, workers and employers of the organization, promoting and promoting the integrity of the organization, awakening the commitment and

responsibility of the workers to the organization, the mutual trust and confidence between the worker and the owner, the compromise and efforts to increase cooperation Run, encourage discipline, and produce targets John, increase productivity and prevent waste.

4. Without the right to form a Federation of the Workers' Welfare Association under section 113, no worker or associate with any other worker welfare association outside the area or any other type of association cannot be protected.

103. Election of the Executive Council: 1. If a worker welfare association is registered under Section 97, then the workers will file a notice before 60 days of non-issue and request the authorities to hold elections for the executive council.

2. After obtaining the application of the workers, a member of the Executive Council of the Workers' Welfare Association shall be elected by the permanent workers of the relevant industries by secret ballot in any of the scheduled elections:

Provided that if the majority of permanent workers of the respective industries are not voting, the election of the executive council will be ineffective.

3. If any election of the executive council is ineffective for the reasons stated in sub-section 2, then the workers may elect again after six months after the election in power.

4. Only permanent workers will be entitled to elect the Executive Council of the Workers' Welfare Association of the concerned industrial establishments under this chapter and make the chief of the vote.

104. Approval of executive council: If the Executive Council is elected under this Act, the Executive Chairman shall approve it within 15 days of the election results declared.

105. Term of the executive council: If the registration has not been canceled before or it has not been terminated, the term of the executive council of any worker welfare association shall be three years from the date of its approval under section 104.

106. Later election schedule: 1. The election of the Executive Council of a Workers' Welfare Association will be held within the preceding 90 days of its expiration.

2. If the Executive Council of a Workers' Welfare Association breaks down before the scheduled expiry, then the election of the Executive Council will be held within the next 90 days after the demolition.

107. Qualifications to be a member of the Workers' Welfare Association:

No worker shall be entitled to be a member of the Workers' Welfare Association unless there is anything in the constitution of the Workers' Welfare Association, if he is found guilty of moral turpitude or any offense under any other law, or punished for any term, or sentenced, after being released. Two years have passed since then

108. Registration by Registered Workers Welfare Association etc.: Each registered labor welfare association will preserve the following types of form and manner in the manner prescribed:

1. A register that contains details of the service provided by each member.
2. An accounting that includes information related to income and expenditure and
3. A proceeding statement so that the proceedings of the meeting are recorded

109. Registration of the Workers' Welfare Association canceled: 1. The Executive Chairman can cancel the registration of a labor welfare association for any of the following reasons, namely:

- a. If for some reason it has been abolished or abolished.
- b. If fraud or untrue information is registered with submission.
- c. In violation of any basic provisions of the constitution.
- d. If you do wrong.
- e. If you insert any provision of this law incompatible with this rule of rules or regulations.
- f. Failure to present the annual report to the Executive Chairman as required under this Act.
- g. If any person is not eligible to be elected, it is elected as a representative or
- h. This law violates the rules or regulations of the regulation

110. Appeal against registration cancellation: 1. If a worker welfare association is amputated due to the cancellation of registration of a worker welfare association under section 109, then the labor welfare association can apply within 30 days of cancellation of registration and appeal against cancellation of registration and the EPZ labor court may keep order, cancel or amend the order passed.

2. If any worker welfare association is registered by an order given by EPZ Labor Court under sub-section 1, within 7 days of the date of such order, the labor welfare association may appeal to the EPZ Labor and Appeal Tribunal and in this case the decision of the EPZ Labor Appeal Tribunal will be final.

111. Execution of works by the Workers' Welfare Association without registration is prohibited: 1. No worker welfare association, which is unregistered or canceled, cannot act as a joint bargaining agent or a labor welfare association.

2. No fund can be collected for any worker welfare association mentioned in sub-section (1).

112. Registered Labor Welfare Association is a statutory body: 1. Every registered labor welfare association shall be a statutory body which has a common seal with permanent continuity and has the power to make a contract for the registered name and to acquire, hold, and transfer the property, and may file a suit or file a case against it.

2. To manage the activities of the Workers' Welfare Association, the owner will arrange the place inside the industrial area.

113. Federation of the Workers' Welfare Association: 1. If more than 50% of the workers' welfare associations are agreed in any area, they may establish a federation of labor welfare associations in the area.

2. If not already canceled or terminated, the Federation of the Workers' Welfare Association formed under sub-section 1 shall continue for the next four years from the date of approval by the Executive Chairman.

3. Federation of any worker welfare association formed in any area shall not be affiliated with any federation of any other federation or any other organization except in the Federation or any other type of connection.

4. The authorities will determine the constitution of the labor welfare federation, the method of selection and other matters

114. Owner Association: If the majority owners of industrial establishments located in any zone agrees to act as the owner representative in relation to labor-relations, they may form the owner association in that zone and join the committee:

Provided that every industry shall hold a vote and all voters shall be a member of the society.

2. An owner cannot associate with any other association outside the association or any other type of concern.

3. The authority will decide the timing of the executive council and other matters of registration for the selection of the structure of the owners' association by regulation.

115. Wrongful behavior by the owner: 1. If any person, who has been empowered or employed by an owner or owner, does any of the following actions, it shall be treated as an unfair act.

- a. Under the contract of employment, a person who imposes a condition by joining a worker welfare association or continuing to remain a member of a labor welfare association on behalf of the contract
- b. To refuse to keep the person in the service on the basis of whether a worker or representative is a member of the labor welfare association or not.
- c. Disqualification or removal of a worker from a job not promoted or show the threat of dismissal or removal of a job or threatened to hurt the job because of the fact that the worker-
 1. Disqualification or removal of a worker from a job not promoted or show the threat of dismissal or removal of a job or threatened to hurt the job because of the fact that the worker
 2. We are participating in the activities of the Workers 'Welfare Association for the development of a Workers' Welfare Association.
 3. Has applied any right under this Act
- d. To prevent any person from becoming a member or representative of a worker welfare association or for being a member or a representative, to lure him out of the way and to give or give an extra opportunity to a person for that purpose.
- e. To force any representative or representative of the labor welfare association to sign any agreement or memorandum of understanding, use the scare, force enforcement, pressure display, detention in any place, physical damage, water, electricity or telephone connection, or to adopt similar strategies.
- f. Interfere in the voting process in any election held under this Act or to influence it in any other way or
- g. During the strike that took place under section 131 or to appoint a new worker during a non-violent strike:

Provided that if the Executive Chairman is satisfied that in the case of an institution, the work of the unit shall be severely damaged, then he may permit the limited number of workers to be appointed on temporary basis in the concerned branch.

2. Due to the employment and promotion of the post of industrial establishment, the member or representative of the worker welfare association will not be deprived of the right to own a member or a member of the Workers' Welfare Association.

116. Unlawful behavior on the workers or workers' welfare associations: 1)If a member or a representative of any worker or worker welfare association is employed without the permission of the employer, he or she will not be engaged in any activities of the Workers' Welfare Association, if he or she is employed, the member or representative of the labor welfare association will be treated unjustly:

Provided that no company shall be applicable to any joint venture agent's president and general secretary of any committee of the Workers' Welfare Association under this Act, in relation to the appointment of arbitrator or any other act, nothing in this sub-section shall apply if the owner is called in due time Is done

2) If any person acting in the behalf of a worker, a bus worker welfare society, and a member of the Worker's Welfare Association, shall do any of the following works, it shall be considered as an unjust cause, namely:

- a. Encourage any worker to join the labor welfare association or to refrain from joining the work-time in the industrial establishment.
- b. To warn the person to be a member or representative of the Workers' Welfare Association or to refrain from it or to remain in the position of a member or a representative.
- c. To entice a person to join the office of a worker welfare association or to withdraw from the post by showing the temptation to provide any opportunity for a person or by offering a chance to gain or acceptance of the benefits
- d. Try to compel the owner to force or force the owner to sign a settlement memorandum, using scary, enforceable, threatening, detaining at a place, causing physical damage, disconnecting electricity from telephone water or any other similar technique or
- e. Intimidation, force enforcement, pressure, threatening display in any place, physical damage to the telephone will be disconnected by electricity, or any other similar technique will be adopted to stop any worker from donating money to the workers' welfare fund Try to make or compel

- f. Initiating any illegal strike or slowing down or continuing or continuing to carry or induce another person to participate in it
 - g. To create any claim of any worker welfare association or to achieve its goal, to obstruct the transport or communication system or to destroy any property.
- 3) If any worker or worker welfare association interferes with the promotion of fraud or scandal by the Executive Council or on behalf of someone else on behalf of any election under this Act, it will be treated unfairly for labor welfare associations.

117. Eligibility to enforce the contract: 1. Any agreement made between the labor welfare association and the owner shall be compelled on behalf of the parties or it is enforceable by the EPZ Labor Court

2. No case shall be admissible in any civil court for the loss of the contract due to breach of contract or breach of contract under this section.

118. Returning accounts and information: Every worker welfare association will audit the income-expenditure of the last year from the date specified by the Authority till 31st December, and will submit the general statement of its assets and liabilities to the Executive Chairman with the audit report.

119. Collective bargaining agent: 1) The elected representative of the executive council of the registered workers welfare association in an industrial establishment will be the collective bargaining agent of the industrial establishment.

2) The collective bargaining agent will have the right to discuss wage hiring hours and other conditions of appointment with the employer and the owner will not refuse any reasonable request submitted by the Workers' Welfare Association for obtaining information for the discussion.

3) Joint Bargaining Agent related to any industrial establishment shall have the additional rights and rights as mentioned in sub-section 2

- a. Collective bargaining with the employer regarding the conditions of employment and recruitment of workers
- b. Representing all workers or any one worker in any event and
- c. Provide notice of strike and declare strike according to the provisions of this Act

4) In cases where the registered industries are registered workers welfare associations, only the initial wages will be applicable to the workers working in which they have been set up by the law or by any legal order applicable to them and other wages related

matters such as wage increase promotions or other benefits, among the owners and workers' welfare associations. Through negotiation Shall dharita

120. Fundraiser: 1) If the Executive Council of the Workers Welfare Association requests the owner, the owner and the workers will get their wages from their wages in writing with the written consent of workers in their organization, according to the demand statement submitted by the scheduled labor welfare society, according to the demand of the workers welfare society.

2) Without a written consent of a worker, no subscription under section 1 shall be deducted from his wages.

3) If any owner deducts the money from the wages under sub-section 1, then the total amount of such deduction shall be deposited as a worker welfare association in the next 15 days for which the workers welfare has been removed.

4) The owner will be given full opportunity to the Executive Council to do the same to avoid reducing the wages of the workers under sub-section 1.

5) The Executive Council will submit to the Executive Chairman or his authorized officer for the approval of the fiscal budget, with the previous year's financial statements along with the previous year's financial expense, at the beginning of every calendar year. At the same time, the financial statements will inform all the general members of the Workers' Welfare Association

121. Special provisions related to job security for the representatives of the workers' welfare associations: 1) No employer or any industrialist will be discriminated against any worker due to his being a representative of the Workers' Welfare Association.

2) No owner or any industry may undertake any activities as follows:

- a. Transfer of any representative of the Workers' Welfare Association from one zone to another zone or from an industrial establishment or unit to other industrial establishment or unit without the consent of the representative,
- b. The Executive Committee of the Executive Council of the Workers' Welfare Association, the General Secretary or any other representative, is removed from the job or the other person is terminated.

Provided that no representative of any worker welfare association shall be deemed to be the owner of a law to abstain from work or to disciplinary action against him on the basis of the complaint of unfair or unfair treatment.

3) Under the clause (a) of sub-section 2, an executive chairman shall take prior permission of the Executive Chairman in relation to his transfer and any proceeding against the representative referred to in section B, and the Executive Chairman may, if necessary, determine the authenticity of the investigation.

4) The decision on the validity of any work done by the owner under subsection 2 and 3 shall be the authority of the Chief Executive Chairman and he may direct the decision of the owner or to cancel and reinstate any representative to the post and refund his unpaid wages and benefits.

122. Participation Committee: 1) If the executive council of a organization is not formed or dissolved, a participating society organization can be constituted.

Provided that with the formation of the executive council of the concerned organization workers welfare association, the participating committee shall automatically be dissolved

2) The participating committee will consist of the representatives of the owners and workers, and the number of owners and workers representatives in the hand will be equal

3) The total number of members in the participating committee shall be less than 6 and not more than 16, and the period of the participating committee shall not be more than two years.

4) The workers' representatives of that committee shall be elected or nominated from the working people of the concerned organization

5) In the participating committee, the employer will not replace the term of the elected or nominated representative committee without his consent.

123. The work of the participating committee: The work of the participating committee will be mainly engaged and promoted by the workers and the owners of the organization, and the commitment and responsibility of the workers to the organization, and especially –

- a. Attempts to increase understanding and mutual trust between the workers and the owner
- b. Help in the pursuit of this law
- c. Encourage discipline, safety, security, occupational health and improve the conditions of work and provision
- d. Promotion of vocational training workers in education and family welfare training

- e. To take measures to improve the necessary welfare measures of workers and their families
- f. Grow productivity targets to increase productivity, reduce production costs and prevent waste, and improve the quality of manufactured products

CHAPTER 10

SETTLEMENTS AND CONCILIATION

124. Discussion on industrial disputes: (1) If, at any time an employer or a collective bargaining agent finds that an industrial dispute is likely to arise between the employer and workers or any of the workers, the employer, or, as the case may be, the collective bargaining agent shall communicate his or its views in writing to the other party.

(2) Within fifteen days (15) of the receipt of a communication under sub-section (1), the party receiving it shall, in consultation with the representatives of the other party, arrange a meeting for collective bargaining on the issue raised in the communication with a view to reaching an agreement thereon, and such meeting may be held with the representatives of the parties authorized in this behalf.

(3) If the parties reach a settlement on the issues discussed, a memorandum of settlement shall be recorded in writing and signed by both the parties and a copy thereof shall be forwarded by the employer to the Government, the Director of Labor and the Conciliator.

125. Appointment of arbitrators, arbitrators, and councilors: For the purpose of this Act, the authorities shall appoint the necessary settlement and arbitrator for any zone or zone in the prescribed manner.

(2) The Authority shall appoint necessary number of councilors to carry out this Act.

(3) The executive chairman shall determine the functions of the councilor and for those zones or zones.

126. Settlement notice prior to strike: If any party fails to reach a settlement on the basis of negotiation under negotiation by the parties, any party may inform the Executive Chairman and the Contestant that the negotiation has failed and may request the adjudicator to resolve the dispute in writing and after receiving the same request for deciding the proceedings for convergence Will do it.

127: Notice of strike or lock-out: (1) If the arbitrator failure to resolve the dispute within 15 days from the date of receipt of the request under section 126, Subject to the provisions of sub-section (2) of the joint bargaining agent or the owner, and subject to the provisions of this Act, strike or strike, or, as the case may be, lock-out may issue 30 days' notice on the dispute.

(2) In the manner prescribed by the rules, but if the two-thirds of the members of the Executive Councils of the Workers' Welfare Association do not agree with the secret ballot in the special meeting held in the manner approved by the Authority, in the manner approved by the rules, no joint bargaining agent will issue a strike notice.

128. Resolve after issuing a strike or look-out notice: (1) If any party of Art Bearer issues a notice of the strike out of the strike under section 127, then a copy of

the said notice will be given to the adjudicator and the decision will be taken after the strike or the person's notice, while deciding whether to continue the settlement process.

(2) Not before the dispute is resolved before the dispute resolution, the notice of the strike shall not be deemed to have been provided in accordance with the provisions of this Act, if the notice is not conformed to the validity of the notice of the striking strike and the notice is not in accordance with the constitution or rules or rules made under this Act or the Workers' Welfare Association. And in such case, the decision maker may decide to take no decision in the matter of his own decision

129. How to solve the problem by Decisive: (1) The dispute will call the parties of the dispute to settle disputes through settlement as soon as possible.

(2) The parties of the dispute, personally or through their designated representatives, will be present to the arbitrator and the parties will be bound by a binding agreement and they may delegate powers to discuss the matter for them.

(3) He shall perform such functions as may be determined about any dispute sent by him, and he shall advise any party for any such rebate or refund, for the purpose of settlement of the dispute, in relation to the concurrence of the concession or refining of the demand, you can do it.

(4) If dispute arises as a result of the settlement, then the decision-maker will send a report to the Executive Chairman. And will send a copy of the Memorandum of Memorandum signed by both parties to the Executive Chairman.

(5) If it is not possible to reach the meeting within a period of strike or person's notice, the settlement process, the parties of the dispute can be continued for a further time as agreed.

130. Arbitrator: (1) If the settlement process fails, then the two parties will try to convince them to send it to an arbitrator for settlement of the dispute. And if the parties agree to send an arbitrator to settle the dispute, If the decision arises, the settlement will send joint requests for settlement of the dispute to any of its recognized arbitrators.

(2) For the purpose of subsection 1, the Executive Chairman shall prepare a list of the arbitrators and may modify such list from time to time.

(3) In accordance with the arbitrator sub-section (1), within 30 (thirty) days of receipt of the request, or the parties recognized in writing, shall give its award within extended time.

(4) After the arbitrator has given his award, he shall send its parties and a copy to the Executive Chairman.

(5) An award given by the arbitrator shall be final and prohibitive on behalf of the parties. And no appeal can be made against it.

(6) An arbitrator shall be valid for a period determined by the arbitrator or not more than two years.

(7) If the parties do not agree to send an arbitrator to settle the dispute, then the dispute, the settlement process will not succeed, within three (three) days, it will fail to give a favor to the parties.

131. Strike and lock-out: (1) If a dispute is not reached within the settlement process, and if the parties involved in the dispute do not agree to send the dispute under section 130 to an arbitrator, after the expiry of the notice period under section 127, or the parties involved in the dispute, the settlement proceedings The procedure has failed, after issuing a hard certificate, after which the workers can go on strike Or in the case, the owner may declare guy out.

(2) The parties involved in dispute may, at any time, strike or lose out, before or after or after the trial of the dispute, may file joint application in the EPZ Labor Court.

(3) If the strike or lock-out is more than 30 (thirty) days, the Executive Chairman may prohibit strikes or people out by written order.

(4) If the strike or lock-out is more than 30 (thirty) days, the Executive Chairman may prohibit strikes or people out by written order.

(5) If the Executive Chairman bans out any strike or person, he will immediately send the dispute to the EPZ Labor Court.

(6) The EPZ Labor Court will award the award as soon as possible, giving the opportunity of hearing to both parties of the dispute, but the award deadline, the dispute shall not exceed 40 days from the date it is sent to it.

(7) The EPZ Labor Court may make an interim decision on any matter of dispute. And due to the delay by the EPZ Labor Court to award the award, the validity of any award given by them will not be disturbed.

(8) The award given by the EPZ Labor Court shall be valid for the time specified, but it shall not be valid for a period of more than two years.

(9) Production shall be started in the newly established industrial establishment, for the next three or three years, the strike or the person shall be prohibited.

Provided that arbitration shall be compulsory in the case of settlement of any dispute referred to in this establishment

CHAPTER 11 EPZ LABOUR COURT, EPZ APPELLATE TRIBUNAL, ETC.

132. Application to EPZ Labour Tribunal. – Any Collective Bargaining Agent or worker may apply to the EPZ Labour Tribunal for the enforcement of any right under any law or any award or settlement.

133. EPZ Labour Tribunal. – (1) For the purposes of this Act, the Government shall, by notification in the official Gazette, establish as required number labour courts as it considers necessary.

Where more than one labour court is established the Government shall specify in the notification the territorial limits within Zone which each one of them shall exercise jurisdiction under this act.

(2) An EPZ labour court shall consist of a chairman and to advise him as guided by the regulations one owner and a labour shall form the EPZ labour court.

(3) Whatever the case may be in the sub section, the verdict of an offence, or the verdict of the EPZ labour court, will be constituted only in the case of case pending in the sixth and eight chapter.

(4) Chairman of the EPZ labour court, shall be appointed by the Government, between the district Judge or additional district judge.

(5) The power and functions of the EPZ labour court are as follows:

- (a) adjudicate and determine any industrial dispute or any other dispute or any question which may be or has been referred to or brought before it under this Act.
- (b) enquire into and adjudicate any matter relating to the implementation or violation of a settlement which is referred to it by the Executive Chairman;
- (c) The offence committed under this act, and the prosecution of the crimes committed under any other law specified in the official gazette by the government: and
- (d) exercise and perform such other powers and functions as are or may be conferred upon or assigned to it by or under this act or any other law.

(6) Notwithstanding anything contained in the Labour Act, 2006 (Act No. 42 of 2006), the Government may, by notification in the official Gazette, appoint a Tribunal to be, or confer upon it any power or function of, any Authority under any of the said Act, and upon such notification, the Tribunal shall be deemed to be such Authority and shall exercise the powers and perform the functions of such Authority under the relevant Act.

(7) If any Member of the Tribunal is absent from, or is otherwise unable to attend any sitting of the Tribunal, the proceedings of the Tribunal may continue, and the decision or award may be given in absence of such member; and no acts, proceedings, decision or award of the Tribunal shall be in valid or be called in question merely on the ground of such absence of that Member.

134. Procedure and powers of Tribunal. – (1) Subject to the Provisions of this Act, the Tribunal shall, in matters of criminal proceedings, follow, in so far as possible.

(2) A Tribunal shall, for the purpose of trying an offence under the Act, have the same powers as are vested in the Court of a Magistrate of the first class and shall, for the

purpose of appeal from a sentence passed by it, be deemed to be a Court of Sessions under that Code.

(3) A Tribunal shall, for the purpose of adjudicating and determining any industrial dispute, be deemed to be a Civil Court and shall have the same powers as are vested in such Court.

(4) No court fee shall be payable for filing, exhibiting or recording any document, or obtaining any document from the Tribunal.

135. Awards and decisions of the Tribunal. – (1) An award or decision of the tribunal shall be given in writing and delivered in open Tribunal and a copy thereof shall be forwarded forthwith to the Executive Chairman.

(2) An award or decision of a Tribunal shall, in every case, be delivered within 25 (twenty-five) days following the date of filing of the case, unless the parties to the dispute give their consent in writing to extend the time limit.

(4) Any party aggrieved by an award given under sub-section (1), may prefer an appeal to the appellate Tribunal within 30(thirty) days of the delivery thereof and the decision of the Appellate Tribunal in such appeal shall be final.

(5) All decisions of the Tribunal, other than award referred to in sub-section (2) of this section, and sentences referred to in sub-section (2) of section 134, shall be final and shall not be called in question in any manner before any Court or authority.

136. EPZ Labour Appellate Tribunal. –

(1) The Government shall, by notification in the official Gazette, establish an EPZ Labour Appellate Tribunal for the Purposes of this Act, and such Appellate Tribunal shall consist of one member to be appointed by the Government by notification in the official Gazette.

(2) The member of the Appellate Tribunal shall be a person who is or has been a Judge of the High Court Division of the Supreme Court, and he shall be appointed on such terms and conditions as the Government may determine.

(3) The Appellate Tribunal may, on appeal, confirm, set aside, vary or modify any decision, order, sentence or award of the Tribunal, and shall exercise all the powers conferred by this Act on the Tribunal and the Appellate Tribunal shall dispose of an appeal within a period of 40(forty), days of filing of the appeal.

(4) A decision of the Appellate Tribunal shall not be rendered invalid by reason of any delay in its delivery.

(5) The Appellate Tribunal shall follow such procedure as may be prescribed.

(6) The Appellate Tribunal shall have authority to punish for contempt of its authority, or that of any Tribunal, subject to its appellate Jurisdiction, as if it were the High Court Division.

(7) Any person convicted and sentenced by the Appellate Tribunal under sub-section (6) to imprisonment for any period, or to pay a fine exceeding 10 (10) thousand taka, may prefer an appeal to the Appellate Division, subject to leave granted by that Division.

137. Special Provision for establishment of EPZ Labour Tribunal and Labour Appellate Tribunal. –

(1) As long as the EPZ Labour Tribunal and EPZ Labour Appellate Tribunal are established, the Labour Court established under section 214 and the Labour Appellate Tribunal established under section 218 of the Labour Act, 2006 (Act No. 42 of 2006), hereinafter referred to as Labour Act, for the purposes of this Act, shall be deemed to be the EPZ Labour Tribunal and EPZ Labour Appellate Tribunal respectively.

(2) If there are more than one Labour Court under the Labour Act, the Government, by notification in the official Gazette, shall specify the local limits of jurisdiction of each such courts.

(3) The Labour Court and the Labour Appellate Tribunal, for trial of any offence or adjudication or settlement of any other matters of disputes, shall exercise its powers and follow the procedures under this Act.

138. Settlements and awards on whom binding. –

(1) A settlement arrived at in the course of a conciliation proceeding, or an award of an Arbitrator, or an award or decision of the Tribunal delivered under section 135 or the decision of the Appellate Tribunal under section 136 shall be binding—

(a) on all parties to the industrial dispute;

(b) on all other parties summoned to appear in any proceedings before a Tribunal as parties to the industrial dispute, unless the Tribunal specifically otherwise directs in respect of any such party;

(c) on the heirs, successors or assignees of the employer as one of the parties to the dispute; and

(d) where a Collective Bargaining Agent is one of the parties to the dispute, on all worker who were employed in the industrial unit to which the industrial dispute relates

on the date on which the dispute first arose or who are employed thereafter that date.

(2) A settlement arrived at by agreement between the employer and an association otherwise than in the course of conciliation proceeding, shall be binding on the parties to the agreement.

139. Effective date of settlement, award, etc.— (1) A settlement shall become effective—

(a) if a date is agreed upon by the parties to the dispute to which it relates, on such date; and

(b) if a date is not so agreed upon, on the date on which the memorandum of the settlement is signed by the parties.

(2) A settlement shall be binding for such period as is agreed upon by the parties, and if no such period is agreed upon, for a period of one year from the date on which the memorandum of settlement is signed by the parties to the dispute.

(3) An award given under sub-section (1) of section 135 shall, unless an appeal against it is preferred to the Appellate Tribunal, become effective on such date and remain effective for such period, not exceeding two years, as may be specified therein.

(4) The Arbitrator, the Tribunal, or the Appellate Tribunal, shall specify dates from which the award on various demands shall be effective and the limits by which it shall be implemented in each case.

(5) A decision of the Appellate Tribunal in appeal under section 136 shall be effective from the date of the award.

(6) Notwithstanding the expiry of the period for which an award is to be effective under sub-section (3), the award shall continue to be binding on the parties until the expiry of two months from the date on which either party informs the other party in writing of its intention to be no longer bound by the award.

140. Commencement and conclusion of proceedings. —(1) A conciliation proceeding shall be deemed to have commenced on the date on which a notice of strike or lock-out is received by the conciliator under section 127.

(2) A conciliation proceeding shall be deemed to have concluded—

(a) where settlement is arrived at, on the date on which a memorandum of settlement is signed by the parties to the dispute; and

(b) where no settlement is arrived at– (i) if the dispute is referred to an arbitrator under section 130, on the date on which the Arbitrator has given his award or otherwise; (ii) on the date on which the period of the notice of strike or lockout expires.

(3) Proceedings before a Tribunal shall be deemed to have commenced–

(a) in relation to an industrial dispute on the date on which an application has been made under section 131 or section 132; and
(b) in relation to any other matter, on the date on which it is referred to the Tribunal.

(4) Proceedings before a Tribunal shall be deemed to have concluded on the date on which the award or decision is delivered under sub-section (1) of section 135.

142. Raising of industrial disputes. – No industrial dispute shall be deemed to exist unless it has been raised in the prescribed manner by a Collective Bargaining Agent.

143. Prohibition on serving notice of Strike or lock-out while proceedings pending.– No notice of strike or lock-out shall be served by any party to an industrial dispute while any conciliation proceedings or proceedings before any conciliator, Arbitrator or Tribunal or an appeal to the Appellate Tribunal are or is pending in respect of any matter constituting such industrial dispute.

144. Powers of Tribunal and Appellate Tribunal to prohibit strike etc.–(1) When a strike or lock-out in pursuance of an industrial dispute has already commenced and is in existence at the time when, in respect of such industrial dispute, there is made to or is pending before, a Tribunal, an application under section 132, the tribunal may, by an order in writing, prohibit continuance of the strike or lock-out.

145. Illegal strikes and lock-out. – (1) A strike or lock-out shall be illegal if–
(a) it is declared commenced or continued without giving to the other party to the dispute in the prescribed manner, a notice of strike or lock-out on or before the date of strike or lock-out specified in such notice, or in contravention of section 143; or
(b) it is declared, commenced or continued in consequence of an industrial dispute raised in a manner other than that provided in section 142; or
(c) it is continued in contravention of the order made under section 144; or
(d) it is declared, commenced or continued during the period in which a settlement or award is in operation in respect of any of the matters covered by a settlement or award.

(2) A lock-out declared in consequence of an illegal strike and a strike declared in consequence of an illegal lock-out shall not be deemed to be illegal.

146. Conditions of service to remain unchanged while proceedings are pending. –

(1) No employer shall, while any conciliation proceeding or any officer proceeding before any Conciliator, Arbitrator, Tribunal or Appellate Tribunal in respect of an industrial dispute is pending, alter to the disadvantage of any worker concerned in such dispute, the conditions of service applicable to him before the commencement of the conciliation proceeding or of the proceeding before the Arbitrator, Tribunal or Appellate Tribunal, nor shall save with the permission of the conciliator, while any conciliation proceeding is pending; or save with the permission of the Arbitrator, the Tribunal or Appellate Tribunal, while any proceeding before the Arbitrator, Tribunal or Appellate Tribunal is pending, discharge, dismiss or otherwise punish any worker or terminate his service except for misconduct not connected with such dispute.

(2) Notwithstanding anything contained in sub-section (1), an officer of a Workers' Welfare Association shall not, during the pendency of any proceeding referred to in sub-section (1) be discharged, dismissed or otherwise punished for misconduct, except with the previous permission of the Tribunal.

147. Protection of certain persons : No person refusing to take part or to continue to take part in any illegal strike or illegal lock-out shall, by reason of such refusal, be subject to expulsion from any workers welfare association or to any fine or penalty or to the deprivation of any right or benefit which he or his legal representatives would otherwise have been entitled, or, be liable to be placed in any respect, either directly or indirectly, under any disability or disadvantage as compared with other numbers of the welfare association.

148. Representation of parties: (1) A worker who is a part to an industrial dispute shall be entitled to be represented in any proceedings under this chapter by a representative of the workers welfare association and, subject to the provisions of sub-section (2) and (3), any employer who is a party to an industrial dispute shall be entitled to be represented in any such proceeding by a person duly authorized by him.

(2) No party to an industrial dispute may be represented by a legal practitioner in any conciliation proceedings under this chapter.

(3) A party to an industrial dispute may be represented by a legal practitioner in any proceeding before the labor court or before an arbitrator, with the permission of the court or the arbitrator.

149. Interpretation of settlements and awards: (1) If any difficulty or doubt arises as to the interpretation of any provisions of an award or settlement, it shall be referred to the EPZ labor tribunal which is formulated under this law.

(2) any matter referred to the Tribunal under sub section 1 shall, after giving the parties an opportunity of being heard, decide the matter, and its decision shall be final and binding on the parties

150. Recovery of money due from an employer settlement or award–

(1) Any money due from an employer under a settlement, or under an award or decision of the Arbitrator, EPZ Labour Tribunal or Appellate Tribunal may be recovered as arrears of land revenue or as a public demand upon application by the Executive Chairman if it is moved in that behalf by the person entitled to the money under that settlement, award or decision.

(2) Where any worker is entitled to receive from the employer any benefit under settlement or under an award or decision of the Arbitrator, Tribunal or Appellate Tribunal, which is capable of being computed in terms of money, the amount at which such benefit shall be computed may subject to the rules or regulations made under this Act, be determined and recovered as provided for in sub-section (1) and paid to the worker concerned within a specified date.

CHAPTER 12 PENALTIES AND PROCEDURES

151. Punishment for unfair treatment: 1) If a person does any work described in section 1 above section 115, he will be punished with imprisonment up to Tk 50 thousand in default for six months.

2) If a worker does any work described in subsection 1 of section 116, he will be sentenced to two thousand rupees fine, in default, for a period of six months.

3) If any person, other than a worker welfare association or worker, does any work described in sub-section (1) of section 116, he shall be punished with imprisonment for a fine which may extend to twenty thousand taka for six months.

152. Penalties for breaking the resolution: If a person breaks any condition, arbitrator, or any decision of his decision, then he breaks

- a. For the first time, a fine of five thousand taka for imprisonment will be sentenced to imprisonment up to 6 months in default.
- b. Subsequently, for each duplicate, a fine of Taka 10 thousand shall be sentenced to imprisonment up to 6 months in default.

153. Penalties for non-implementation of settlement conditions, award or decision: If a person does not intentionally implement any condition, award or decision of the settlement under him under this Act, he will be sentenced to imprisonment up to Tk. 20 thousand and for six months in default.

154. Penalty for giving false statements: Any person, deliberately giving or giving a statement in the application or any document submitted under this Act or any other document, which is the reason for which he knows or has reason to believe, or deliberately misbehave in preserving or presenting any document under this Act, rules or regulations

- a. The owner shall be punished with imprisonment for a maximum of TK five lakh for three months in default.
- b. If he is a worker, he will be punished with imprisonment up to Tk. 50 thousand in default for three months.

155. Punishment For illegal strike and lock-out: 1) If a worker continues any illegal strike, or if he performs any other act in support of it, he shall be punished with fine which may extend to five thousand rupees or with imprisonment for six months or with both.

2) If an employer starts illegally launching a lock out or in any other way in support of it, he will be fined up to Tk 20,000 or for one year or imprisonment for a year or two, and during the repeal of such crime, after the first offense, Shall be punished with fine which may extend to two thousand taka

156. Penalty for introduction of illegal strike and lock-out: If any person incited or incited a person to participate in unlawful strikes or unlawful lock-out, or if he has provided money for the purpose or in any other way, he will be punished with fine which may extend to ten thousand rupees or up to 6 months or with both.

157. Penalties for violating the provisions of section 146: If any owner or company contravenes the provisions of section 146, he shall be punished with imprisonment up to Taka 10,000 or for a period of six months or with both.

158. Penalties for embezzlement of the future fund and labor welfare fund:

1) If a person discharges the meaning of any future fund of the workers, if he is mischief or exposes himself to his evil deeds, he will be sentenced to one year's imprisonment and fine.

Explanation: If an owner fails to deposit the funds in the future fund of his organization, the fund of the fund paid by him, or the wages of the workers, by the time he fails to deposit the money in the fund, for more than three months, without any reasonable reason, the executive chairman shall be deemed to have embezzled the money.

2) If any representative of the Executive Council of the Registered Workers' Welfare Association is found guilty of embezzlement of the labor welfare society's fund, he will be sentenced to one year's imprisonment and the amount of money which has been embezzled, is proved to the EPZ Labor Court, at least that fine will be punished

3) The amount imposed under this section may be the amount of money that the accused person has incurred or has done in his or her own way, and the court will prove it after the payment of the penalty.

159. Other crime penalty: 1) If any person does not have any punishment for any such law for failure or failure in violation of any provision of this Act, then the person shall be punished with fine which may extend to five thousand taka.

2) For any violation or breach of any provision of any rule or regulation, provision of imprisonment for a fine not exceeding one thousand rupees or up to three months, or both, shall be made.

160. Penalties for violating provisions of section 129: If a person does not appear in court for violating the provisions of section 129, and if he does not appear before the adjudicator or send a representative, he will be sentenced to five thousand rupees fine and will be sentenced to six months imprisonment.

161. Offense by Company: If any offense under this Act is committed by any company, then every directive, manager, secretary, partner, officer and employee of the company shall be deemed to have committed such offense, unless he proves that the offense has been committed without his knowledge. Or he tried his best to prevent such crime

Explain: this way-

- a. The company will also include a trading association partnership organization association and organization
- b. In the case of a commercial organization, the director may also refer to a partner or member of the board of directors

162. Criminal Justice: 1) Any offense punishable under this Act shall not be tried by any court other than the EPZ Labor Court established under this Act.

2) All offenses under this Act shall be non- cognizable and bail able.

163. Logic of argument: If there is nothing different from this Act or any rule or regulation thereafter, no labor court will take any offense under it, unless it is submitted within six months of the formation of the complaint.

CHAPTER 13 **PROVIDENT FUND**

164. Provident Fund Form- (1) In every establishment the employer shall form a provident fund for all employees.

(2) Provident fund form, governance and other subject matter shall be fixed by regulations.

(3) The employer shall not decrease financial or any other existing benefits to its member of provident fund.

165. Provident fund not liable to attachment: (1) The amount standing to the credit of any worker on account of his provident fund accumulation, shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the worker not any receiver appointed under the Insolvency act, 1997 (10 of 1997), shall be entitled to, or have any claim on, any such amount.

(2) Any amount standing to the credit of any worker in his provident fund account at the time of his death shall, subject to any deduction authorized under any law for the time being in force, vests in his nominee and shall be free from any debt or other liability incurred by him or by his nominee before his death.

166. Priority of payment of contribution over other debts : The amount due in respect of any contribution under this chapter shall, where the liability has accrued before the employer is adjudged insolvent, or in the case of a company ordered to be wound up before the date of such order, be deemed to be included among the debts which under section 75 of the insolvency act, 1997 (10 of 1997) or under section 230 of the companies act, 1994 are to be paid in priority to all other debts in the distribution of the property of the insolvent or the assets of the company being wound, up, as the case may be.

CHAPTER 14

ADMINISTRATION, INSPECTION, ETC.

167. Executive Director (Labour and Industrial Relations), etc.: (1) For the purposes of this act, the Executive Director (Labour and Industrial Relations), Additional Executive Director (Labour and Industrial Relations), Director (Labour and Industrial Relations), Deputy Director (Labour and Industrial Relations), Assistant Director (Labour and Industrial Relations) and other related officials of industrial organization of zones shall execute and perform related to labour and industrial relations.

(2) Executive Director (Labour and Industrial Relations) shall exercise and perform the followings:

- (a) shall have power of supervision and control over Additional Executive Director (Labour and Industrial Relations), Director (Labour and Industrial Relations), Deputy Director (Labour and Industrial Relations), Assistant Director (Labour and Industrial Relations) and other related officials;
- (b) to supervise the election of worker welfare association;
- (c) to act as conciliator in any industrial dispute;
- (d) to supervise the functioning of participation committees;
- (e) such other powers and functions as are conferred by this act or under the rules and regulation of this act;

(3) For the purpose of this Act, the powers and responsibilities of the officials appointed under clause (a) of sub-section (2) and shall be determined by the Regional Authority and they shall have the power to manage and control the authority.

(4) Notwithstanding anything contained in any other law for the time being in force, the enforcement of this Act and the responsibility of the workers' rights in the zones and the matters related to the industry shall be vested on the authority.

168. Chief Inspector, etc. : (1) By the authorization of Executive Chairman and proper procedure Chief Inspector and other Inspectors can inspect any Industrial organization.

Explanation- For the purpose of sub-section (1) "Chief Inspector and other Inspectors" means the appointed Chief Inspector and other Inspectors as per Bangladesh Labour Act-2006, Chapter-20.

(2) Anything contained in any other law, to inspect any industrial organization regulations of this act will be applicable.

(3) The Executive Chairman's decision will be final for anything related to inspection.

169. Power of Inspector General, Inspection, etc.: (1) To serve the purpose of this act Inspector General, Additional Inspector General, Vice Inspector General, Deputy Inspector General and other related inspection officials and inspectors of the industrial zones shall execute the inspection.

(2) Inspector General shall have the following powers and responsibilities;

- a) Supervision and control of all industrial establishments under its jurisdiction;
- b) By writing a general or special order, its power or responsibility is entrusted to an Additional Inspector General, or any other responsible person;
- c) Supervision and control to Additional Inspector General and appointed officials for inspection;
- d) To act as an arbitrator in any industrial dispute;
- e) To supervise executive councils' election of worker welfare association;
- f) Submitting allegations to EPZ Labour Court of any breaching of laws, criminal offences or any other inequitable behaviors under this act.
- g) Such other powers and functions as are conferred by this act or under the rules and regulation of this act;

170. Power of Additional Inspector General, Inspections, etc.: (1) Additional Inspector General shall have the following powers and responsibilities;

(a) Supervision and control of all industrial establishments of the zones under its jurisdiction;

(b) with such assistants, if any enter, inspect and examine any place, premises, vessel or vehicle, at any reasonable time, which is, or which he has reason to believe to be, an establishment or used for an establishment;

(c) require the production of the registers, records or other documents kept or maintained in pursuance of this act or the rules, regulations, orders and seize, inspect, examine and copy any of them;

(d) Supervision and control to appointed inspection officials;

(e) Submitting allegations to EPZ Labour Court of any breaching of laws, criminal offences or any other inequitable behaviors under this act;

- (f) By writing a general or special order, its power or responsibility is entrusted to responsible person or Inspector;
 - (g) Such other powers and functions as are conferred by this act or under the rules and regulation of this act;
- (2) Every employer shall produce for Inspection by an Additional Inspector all records, registers and other documents required to be kept or maintained for the purposes of this act and the rules, regulations and shall furnish any other information in connection therewith as may be required by such inspector.
- (3) Before taking decision for lay off employer shall consult with Addition Inspector General or any responsible person under its power.

171. Appeal: (1) Under this chapter an employer can appeal to Executive Chairman within 30 days if he has any obligation against the advice or decision of any person who is appointed for inspection service and the Executive Chairman's decision will be treated as final.

CHAPTER 15 **OWNER-BUYER-WORKERS PARTICIPATORY FUND**

172. Employer-Customer-Employees Participation Fund Form and Purpose: For welfare of all EPZ workers there shall be an Employer-Customer-Employees Participation Fund.

- (2) The purpose of Employer-Customer-Employees Participation Fund:
- a) Crisis assistance, social security, carrying out other expenses;
 - b) To serve the purposes of this act administrative, developmental and carrying out other related expenses.

173. Financial Source of Employer-Customer-Employees Participation Fund:

The amount of Employer-Customer-Employees Participation Fund will be collected as follows, such as: -

- a) Fixed amount of money against any purchase order of Industrial Organization;
- b) Donation from customer or order providing organization;
- c) Donation from government;
- d) Donation from any local or foreign person or organization;
- e) Amount from worker's participation
- f) Profit from the investment of Fund amount.

Explanation: For the purpose of the section "Customer or Order Providing Organization" means products purchasing organization of industrial establishments.

174. Administration, Management, Expenses, etc. of Employer-Customer-Employees Participation Fund: Administration, management, expenses of money and other related matters of Employer-Customer-Employees Participation Fund shall be determined by regulations.

CHAPTER 16

MISCELLANEOUS

175. Restrictions on the appointment of under-aged workers: No industrial establishment can be employed - young workers cannot be appointed

Explanation - A person who has not completed eighteen years of non-old age for carrying out the purposes of this Act

176. Forced or prohibited from employing force enforcement: No person shall be employed for force or force of any work in any industrial establishment.**177. Owner-worker relationship due to non-control disasters or losses:** In case of any sudden natural disaster or out-of-control disruption or emergency necessity, any industry transfer or an industrial establishment is permanently closed, then the

relationship between the owner and the worker can be determined by the authority in the prescribed manner.

178. Workers 'welfare association workers' welfare association has been banned: 1) No worker welfare society shall be involved in any such activity that is not stated as a target or purpose in its constitution.

2) The Federation of any Workers' Welfare Association formed in any zone publicly or secretly cannot establish or protect any political party or organization of political parties or any relationship with private organizations.

3) If any allegation arises in relation to the complaint filed against any worker welfare association under sub-section 2, the executive chairman shall immediately cancel the registration of the workers 'welfare association or the Federation of the Federation or the Workers' Welfare Association, and after the same cancellation The workers of those industries or establishments The case of the Workers' Welfare Association of the Workers' Welfare Association in the next one year or, as the case may not form the Federation of Workers' Welfare Association.

4) If an officer is satisfied by an order given by the Executive Chairman under sub-section 3, an owner can apply against it in the Federation EPZ Labor Court of the Workers 'Welfare Association or the Workers' Welfare Association and appeal to the tribunal may be appealed against the decision passed by the EPZ labor court and the said Regarding the order passed by the EPZ Labor Appeal Tribunal is final Bay.

5) In order to fulfill this purpose, the political parties will include the political parties defined in Article 152 of the Constitution of the People's Republic of Bangladesh, and any such affiliation affiliated with such political parties and the organization shall include it.

179. Fund structure: 1) For the purpose of this Act, a fund will be formed through donations collected from the investors

2) From the fund, in addition to the establishment of an EPZ labor tribunal and the appointment of the requisite manpower including the judge for the establishment of the EPZ Labor Appellate Tribunal, the other payable by the arbitrator, councilor and inspector according to the terms of the salary, allowances and employment conditions, and other administrative and developmental expenses will be executed.

3) Grant collection, fund management, money use etc. and related matters will be determined by the Authority.

180. Executive Chairman's powers and responsibilities: The Executive Chairman shall have the following powers and responsibilities, namely:

- a. Registration of workers welfare association and register for that purpose
- b. To take any necessary action under this Act against any worker welfare association or owner, for violating the provisions of this Act or the rules of regulation or to behave unfairly or to commit an offense.
- c. To determine the validity of any worker welfare association and the ability to work as a joint bargaining agent and
- d. Exclusively the control and supervision of any officer or person appointed under this Act and its effectiveness and responsibilities
- e. Serving as an arbitrator in an industrial dispute
- f. The ability to make any decision regarding inspection.
- g. Supervision and control of all the industrial establishments of the jurisdiction of the jurisdiction and
- h. Rule or exercise of force imposed by rules or regulations.

181. Delegation of power by the Executive Chairman: Subject to the approval of the authority, the Executive Chairman may delegate any of his powers under this Act to any officer subordinate to him.

182. Increasing the time by the Executive Chairman: If any action or obligation of any act to be done under any provision of this Act cannot be done or kept within the prescribed time frame, the Executive Chairman may, for reasonable reasons, increase the time limit.

183. Public service: Executive Chairman, decisive, chairman and member of EPZ Labor Court and Member of EPZ Labor Appeal Tribunal shall be deemed to be a public servant under section 21 of Penal Code 1860 (45 of 1860).

184. Exemption from the provisions of the law: The Government may, by notification in the official Gazette, apply to any section or section or any provision of this Act to any owner or owner of an industrial establishment established in any zone or zone or any part of the class or any part thereof or any worker or worker class thereof. Exemption can be avoided.

185. Design approval and construction of factory buildings: 1) The approval of the authorities for the establishment or extension of construction of any factory or any kind of factory building shall be obtained

2) The Authority may maintain or alter or cancel any order given under sub-section (1)

186. Appeal against some orders: 1) In the case where any written order made by any authority under this Act is issued on any owner, the employer may appeal to the Authority within 30 days of receipt of the order, and the appeal authority shall maintain or order the order in relation to the rules or regulations made therein. Or cancel.

2) In relation to the rules or regulations made in this regard and subject to the conditions or guidelines imposed by the Appellate Authority, if the appellate authority considers appropriate, it may suspend the order which has been appealed against the order till the appeal is settled.

187. The responsibility of the workers: No worker in any industry –

- a. Do not deliberately abuse or interfere with any arrangement or any device installed to ensure the safety and welfare of the workers.
- b. Do not do anything to deliberately or reasonably, in which there may be danger to him or any other person
- c. Do not resort to deliberate use of any machinery or system set up to ensure the health and safety of the workers

188. Owner's Responsibility: If any employer or industrial establishment fails to comply with any provision of this Act, if the industrial workers of any such industrial organization, in any EPZ or zone or any disorderly activity or riot or arson or vandalism in the adjoining areas, shall be liable to the owner thereof and the authority To take necessary action against the organization.

189. Behavior towards women: If a woman is employed in any work, she may not do any such act, regardless of the rank or status of the woman, regardless of the rank or status of the woman.

190. Issue and issue of notice: By authority regulations-

- a. Under this Act, it may determine the procedure for issuing any order
- b. An owner may order for the purpose of this law to be made regularly or from time to time for the submission of the statement.

191. Monitoring of election of labor welfare association, method etc.:1)
Authorities, owners, workers and representatives selected from a neutral source will monitor any election of any worker welfare association organized under this chapter.

2) The procedure for monitoring any election under sub-section 1 and other matters shall be determined by regulation

192. In some cases, the current conditions of service are stored: During the commencement of this Act, a worker who enjoys all the rights and privileges under the owner, shall be entitled to all such rights and privileges unless he or any of his rights or privileges are provided under this Act or the rules or regulations made thereunder. It is more favorable than the rights and opportunities

193. Display the rules and rules of regulations: 1) Every institution owner will get a notice on the main entrance or any work place of it, or at a public place or in a public place, a notice containing the provisions of this Act and the rules of the rules and regulations.

2) All the notices displayed under subsection 1 shall be kept in a clearly or properly read state

3) The authority may order the owner to give a board or any notice or poster for the health safety or welfare of workers employed in his organization.

194. The ability to collect information: If any officer or authority acting under this Act or any rule or regulation is required for the purpose of performing its duties, then any person may, by order, direct any records of any document made by him or for the purpose of providing any document or for performing any other work, and that the owner shall perform such order.

195. Order, notice, explanation or authority for the circular issuance.: For the enforcement of the provisions of this Act or the provisions made thereunder, the Authority may issue and publish the order, form, notice or circular of the notice.

196. Guess about recruitment.: If a person is found in a factory at any other time or during any other time except during the time of break or rest for the rest of his work, he shall not be deemed to have been employed in the factory until such time as proved otherwise.

197. Equal-payroll for equalization: For fixing a wage for a worker or for fixing the minimum wage rate, the uniform wage policy for women and male workers for the same nature or same value or value work shall be followed, and no discrimination will be done due to male and female vendors in this regard.

198. Court fee in general: Subject to the other provisions of this Act, the Government may, by rules, determine any quote fee or any other fee for any application, proceeding or appeal under this Act.

199. Restriction about some questions etc.: Under this Act, a person cannot be compelled to answer any question or to give a speech which may directly or indirectly involve him in any crime.

200. Work done in simple faith: Under this Act and rules and regulations made under this Act, any person or authority for any action intended to be performed or performed in good faith under the administrative orders or directions shall not be prosecuted for any civil and criminal proceedings or any other legal proceeding.

201. Restrictions on jurisdiction of other courts: Under this Act, the PZ Labor Court and the EPZ Labor Appeal Tribunal cannot accept or judge any other court proceedings or any other legal proceeding.

202. The power to amend the schedule: The government may amend the schedule by notification in the official gazette

203. The ability to make rules: (1) For the purpose of this Act, the government may make rules by notification in the official Gazette

(2) Until the rule is made under sub-section 1, the government may make provisions related to the administrative order.

204.The ability to make Rules: Bangladesh Export Processing Zones Authority Act, 1980(Act No. XXXV Iof 1980) Notwithstanding anything contained in Section 3 of this Act, the law shall be effective after the relation between the employer and the worker, the minimum wage rate determination, the wage council, compensation for injury to the workers due to accidents, worker's health, safety, inspection, etc. The authority, in respect of the government's approval, in the official gazette notification, by the quantity here you may make.

(2) Until the regulations are made under sub-section 1, the Authority may make provisions related to the administrative order.

205. Repeal and savings of law No.43 of 2010: (1) EPZ Labor Welfare Association and Industrial Relations Act 2010 (Act No. 43 of 2010), hereby made it Repeal.

(2) Despite making Rohit under sub-section (1), any proceeding under the Rohit Act or accepted action was made in this Act during the time of this Act,

206. Repeal and savings: (1) The EPZ Labor Ordinance of Bangladesh, 2019 (Ordinance No. 1 of 2014) is hereby lauded.

(2) Notwithstanding such repeal, any work or any action taken under this Ordinance shall be deemed to be done or taken under this Act.

207. Publication of translated texts in English: (1) After the implementation of this law, the government shall publish a reliable text translated into the main Bengali text of AIFI by notification in the official Gazette.

SCHEDULES [Section 2(17)]**THE FIRST SCHEDULE**

[see sections 2(2), (53) and section 74]

**LIST OF INJURIES DEEMED TO RESULT IN PERMANENT PARTIAL
DISABLEMENT**

Serial No.	Description of injury	Percentage of loss of earning capacity
1	2	3
1.	Loss of both hands or amputation from higher parts	100
2.	Loss of 1 (one) hand or one leg	100
3.	Loss of sight of both eyes to such an extent as to render the claimant unable to perform any work for which eye-sight is essential	100
4.	Amputation of both legs or thighs, or amputation of one leg or thigh and loss of any leg	100
5.	Severe facial disfigurement	100
6.	Absolute deafness	100
Amputation cases-upper limbs (either arm)		
7.	Amputation upto shoulder joint	80
8.	Amputation below shoulder with stump less than 20 centimetres from tip of acromion	70
9.	Amputation from 20 centimetres from tip of acromion to less than 11 centimetres below tip of olecranon	60
10.	Loss of a hand or of the thumb and four fingers of one hand or amputation from 20 centimetres below tip of olecranon	60
11.	Loss of thumb	30
12.	Loss of thumb and its metacarpal bone	30
13.	Loss of 4 (four) fingers of 1 (one) hand	50
14.	Loss of 3 (three) fingers of 1 (one) hand	30
15.	Loss of 2 (two) fingers of 1 (one) hand	20
16.	Loss of terminal phalanx of thumb	10
Amputation cases-lower limbs		
17.	Amputation of both feet	90
18.	Amputation through both feet proximal to the metatarso-phalangeal joint	80
19.	Loss of all toes of both feet through the metatarso-phalangeal joint	40
20.	Loss of all toes of both feet from proximal to the proximal interphalangeal joint	30
21.	Loss of all toes of both feet from distal to the proximal interphalangeal joint	20
22.	Amputation from lower part of the hip	90
23.	Amputation from lower part of the hip with stump exceeding 12.5 centimetres measured from tip of great trochanter, but not beyond middle thigh	80

1	2	3
24.	Amputation from lower part of the hip with stump not exceeding 12.5 centimetres measured from tip of great trechanter	70
25.	Amputation from middle thigh to 9 centimetres below knee	60
26.	Amputation below knee with stump exceeding 9 centimetres but not exceeding 12.5 centimetres	50
27.	Amputation below knee with stump exceeding 12.5 centimetres	40
28.	Amputation of 1 (one) foot resulting in end-bearing	30
29.	Amputation of one foot from proximal to the metatarso-phalangeal joint	30
30.	Loss of all toes of 1 (one) foot through the metatarso-phalangeal joint	20
	Other injuries	
31.	Loss of 1 (one) eye, without any complications, the other being normal	40
32.	Loss of vision of 1 (one) eye, without any complications or disfigurement of eye-ball, the other being normal	30
	Loss of fingers of right or left hand (Index finger)	
33.	Whole	14
34.	2 (two) phalanges	11
35.	1 (one) phalanx of finger	9
36.	Guillotine amputation of tip without loss of bone	5
	(Middle finger)	
37.	Whole	12
38.	2 (two) phalanges	9
39.	1 (one) phalanx	7
40.	Guillotine amputation of tip without loss of bone	5
	(Ring or little finger)	
41.	Whole	7
42.	2 (two) phalanges	6
43.	1 (one) phalanx	5
44.	Guillotine amputation of tip without loss of bone	5
	(Toes of right or left foot (great toe))	
45.	Through metatarso-phalangeal joint	10
46.	Part, with some loss of bone	3
	(Any other toe)	
47.	Through metatarso-phalangeal joint	3
48.	Part, with some loss of bone	2
	(2 (two) toes of one foot excluding great toe)	
49.	Through metatarso-phalangeal joint	5
50.	Part, with some loss of bone	2
	(3 (three) toes of 1 (one) foot, excluding great toe)	
51.	Through metatarso-phalangeal joint	6
52.	Part, with some loss of bone	3
	(4 (four) toes of 1 (one) foot, excluding great toe)	
53.	Through metatarso-phalangeal joint	9
54.	Part, with some loss of bone	5

THE SECOND SCHEDULE
[see sections 92 (KA)]
LIST OF NOTIFIABLE DISEASES

1. Lead poisoning;
2. Lead tetra-ethyl poisoning;
3. Phosphorus poisoning;
4. Mercury poisoning;
5. Manganese poisoning;
6. Arsenic poisoning;
7. Poisoning by nitrous fumes;
8. Carbon bisulphide poisoning;
9. Benzene poisoning or poisoning by any of its homologues;
10. Chrome ulceration;
11. Anthrax;
12. Silicosis;
13. Poisoning by halogens;
14. Pathological manifestation due to X-rays or radium or other radioactive substances;
15. Primary epitheliomatous cancer of the skin;
16. Toxic anemia;
17. Toxic jaundice due to poisonous substances;
18. Oil acne or dermatitis due to mineral oils and compounds containing mineral oil base;
19. Byssinosis;
20. Asbestosis;
21. Occupational or contract dermatitis caused by direct contact with chemical and paints;
22. Noise induced hearing loss;
23. Beryllium poisoning;
24. Carbon monoxide;
25. Coal miners' pneumoconiosis;
26. Phosgene poisoning;
27. Occupational cancer;
28. Isocyanides poisoning;
29. Toxic nephritis;
30. Jolt induced occupational diseases.

THE THIRD SCHEDULE
 [see section 73]
LIST OF OCCUPATIONAL DISEASE

Serial No.	Occupational disease	Employment
PART-A		
1.	Anthrax.	Any employment— (a) involving the handling of wool, hair, bristles, animal carcasses or parts of carcasses; (b) in connection with animals infected with anthrax; or (c) involving the loading, unloading or transport of any merchandise.
2.	Compressed air illness and its sequelae.	Any process carried on in compressed air.
3.	Poisoning by lead tetra-ethyl.	Any process involving the use of lead tetra-ethyl.
4.	Poisoning by nitrous fumes.	Any process involving exposure to nitrous fumes.
5.	Poisoning by manganese.	Using or handling of, or exposure to the fumes, dust or vapour of manganese, or a compound of manganese or substances containing manganese.
6.	Poisoning by carbon bisulphide.	Using or handling of, or exposure to the fumes, dust or vapour of carbon bisulphide or a compound of carbon bisulphide or a substances containing carbon bisulphide.
7.	Poisoning by tetrachlorethane	Using or handling of, or exposure to the fumes, dust or vapour of compound of tetrachlorethane.
8.	Poisoning by pesticide.	Spraying of pesticide.
PART-B		
9.	Poisoning by leptospiraicterohaemorrhagia.	Works in a rat infested place.
10.	Poisoning by dinitrophenol or homologue.	Using or handling of, or exposure to the fumes, dust or vapour of dinitrophenol or its homogenous.

Serial No.	Occupational disease	Employment
11.	Poisoning by tricresyl phosphate.	Using or handling of, or exposure to the fumes, dust or vapour of any substance containing tricresyl.
12.	Chrome ulceration or its sequelae.	Using or handling of chromic acid or chromates or bichromate of ammonium, potassium, sodium or zinc, or preparation or solution containing any of these substances.
13.	Contact produced by exposure to the glare of, or rays from molten glass or red-hot metal.	Frequent of prolonged exposure to the glare of, or rays from molten glass or molten or red-hot metal.
14.	Poisoning by beryllium.	Using or handling of, or exposure to the fumes, dust or vapour of beryllium or a compound of beryllium or any substance containing beryllium.
15.	Carcinoma of mucous membranes of the nose or associated air sinuses of primary carcinoma branchus of lung.	Any occupation in a factory where nickel is produced by decomposition of a gaseous nickel compound which involves work in or about a building where that process ancillary or incidental thereto is carried on.
16.	Papilloma of urinal bladder.	(a) Works in a building where the following substances are produced for commercial purposes, namely:— (1) alpha-naphthylamine, beta-naphthylamine or benzadine or any of their salt; (2) auramine or magenta; (b) Using or handling of any substances mentioned in paragraph (a) (1), or work in process in which such substance is used or liberated.
17.	Lead poisoning or its sequelae(excluding poisoning by lead tetraethyl.)	Any process involving the use of lead or any of its preparations or compounds except lead tetraethyl.
18.	Poisoning by phosphorous or its sequelae.	Any process involving the use of phosphorous or its preparations or compounds.
19.	Mercury poisoning or its sequelae.	Any process involving the use of mercury or its preparations or compounds.
20.	Poisoning by benzene and its homologues, or the sequelae of it.	Handling benzene or any of its homologues and any process in the manufacture or involving the use of benzene or any of its homologues.

Serial No.	Occupational disease	Employment
21.	Arsenical Poisoning or its sequelae.	Any process involving the production, liberation or utilization of arsenic or its compounds.
22.	Pathological manifestations due to X-ray, radium and other radioactive substance;	Any process involving exposure to the action of X-rays, radium or other radio-active substances.
23.	Primary epitheliomatous cancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances.
24.	Silicosis.	Any employment involving exposure to the inhalation of dust containing silica.
25.	Pneumoconiosis of the coal mine worker.	Any employment in coal mining.
26.	Asbestosis.	Any employment in producing fiber cements materials or asbestos mill board, processing of ore containing asbestos.
27.	Bagassosis.	Any employment in the production of bagasse mill board or other article from bagasse.
28.	Byssinosis.	Any employment in cotton-room, blowing-room carding room in such industry where spinning of raw cotton is produced.
29.	Writer's cramp.	Hand-writing for prolonged period.
30.	Twister's cramp	The twisting of cotton or woolen yarn.
31.	Miner's nystagmus.	Work in poorly illuminated mines.
32.	Dermatitis.	(1) Any occupation where organic or inorganic chemicals are used or handled. (2) Any occupation where any material is handled manually.
33.	Fibrosis of lung.	Any process where jute and cotton fibre are used.

THE FOURTH SCHEDULE

[see section 73 (8)]

LIST OF PERSONS WHO, SUBJECT TO THE PROVISION OF SECTION 73 (8), ARE INCLUDED IN THE DEFINITION OF WORKER

1. Employed in connection with the operation or maintenance of a lift or a vehicle propelled by steam or other mechanical power or by electricity;
2. Employed in any premises wherein or within the precincts whereof 5 (five) or more persons are employed in a manufacturing process or in any kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made, and steam, water or other mechanical power or electrical power is used, but does not include any person who is employed as a clerk only in a place or room where no manufacturing process is carried on;
3. Employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof at least five persons are employed;
4. Employed in the manufacture or handling of explosives in any premises wherein or within the precincts whereof at least 10 (ten) persons are employed;
5. Employed as master, seaman or otherwise on any ship or vessel which is propelled wholly or in part by steam or other mechanical power or by electricity, or which is towed by a ship or vessel so propelled;
6. Employed in the building or structure of construction, maintenance, repair or demolition.
7. Employed in setting up, maintaining, repairing or taking down any overhead electric line or cable or post therefor;
8. Employed in the construction, working, repair or demolition of any aerial ropeway, canal, pipe-line, or sewer;
9. Employed in warehousing, or working within the precincts of any warehouse or other place in which at least ten persons are employed, or employed in the handling or transport of goods in any market or precincts thereof in which at least 100 (one hundred) persons are employed;
10. Employed in any occupation involving the handling and manipulation of radium or X-rays apparatus, or contact with radio-active substances;
11. Employed as driver, cleaner, conductor and checker

THE FIFTH SCHEDULE
[see section 74]
AMOUNT OF COMPENSATION PAYABLE IN CERTAIN CASES

Monthly wages of the injured worker	Amount of compensation		Monthly payment as compensation for temporary disablement
	In case of death	In case of permanent total disablement	
1	2	3	4
Whatever be the amount of basic wages of the worker	Tk/-2,00,000	Tk/-2,50,000	<p>Compensation shall be paid for the period of disablement or for 1 (one) year, whichever is shorter.</p> <p>Such compensation shall be paid at the rate of full monthly wages for the first 2 (two) months, at the rate of two-thirds of the monthly wages for the next 2 (two) months and at the rate of half of monthly wages for the subsequent months.</p> <p>In the case of prolonged occupational disease, compensation for disablement shall be paid at the rate of half of monthly wages during the period of disablement, but such period shall in no case exceed 2 (two) years.</p>

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