

Bangladesh Labor Act 2006: In the Context of Workers' Safety

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Introduction

Labor laws in general arose out of claims of the workers for their betterment and for ensuring more than a few rights such as health and safety which some employer may oppose.¹ Labor law is, therefore, a product of struggles in society. The main purpose of the Bangladesh Labor Act, 2006 is to consolidate and amend the existing laws relating to labor and industrial affairs.² The targeted beneficiary of the BLA, 2006 is all the workers working in non-governmental sectors in Bangladesh. The BLA, 2006 have provisions regarding health and safety for the employees in its Chapters VI & VII (Sections 61-88). It was revised in 2013 and the revised Act simplified some provision relating to the Safety Committee.³ It now requires creating a health and safety committee in each factory with more than fifty workers. The amendment also makes it mandatory to use personal safety equipment, ensure sound structural integrity and provisions of sufficient free exit path and open stairways during working hour.⁴ This write-up will discuss the problems regarding this safety and health issues and provide some recommendation for future.

Workers' Safety Provisions in the Labor Act

Generally, labor law regulates matters such as labor employment, remunerations, condition of works, trade unions and labor management relations.⁵ It also involves workplace rights such as health and safety.⁶ Bangladesh has had legislation on safety for workers for over 70 years. The Factories Act, 1965 was the law for the safety. But this law is repealed by the Bangladesh Labor Act, 2006. The Bangladesh Labor Act, 2006 provides an essential foundation for safety. These safety provisions are related to factories, mines, transports, steam boilers, electricity and explosive. The general provisions of the Act relate to fencing of machinery, precautions against fire and safety of building and machinery. According to this Act, the physical structure of the building should be safe. There should be an effective precaution in case of fire and fencing of machinery where necessary. The Act requires employers to provide basic safety measures in chapter VI; section 61-78. It sets nominal occupational and safety standards for the

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¹K.T Hossain, (2013). *Accumulation and Alienation: State of Labor in Bangladesh*, Rashed Al Mahmud Titutmir (Edited). Shaban Prokashani, Dhaka.

² Government of Bangladesh, (2006), 'Bangladesh Labor Act, 2006' Bangladesh Gazette, October 11, Dhaka.

³Chowdhury H.T. "Amendment to labor law in adequate", the daily star, July 25, 2013, <http://www.thedailystar.net/new-s/amendment-to-Labor-law-inadequate> (accessed November 11, 2017).

⁴ M.R.I, Khan, (2015) 'Safety and labor conditions: the accord and the national tripartite plan of action for the garment industry of Bangladesh'.

⁵Khalil A.W. 'Perspective of Labor Law in Bangladesh', bdlaw news, 2013, <http://www.bdlawnews.com/perspective-of-Labor-law-in-Bangladesh-advocate-wasim-khalil> (accessed November 12, 2017)

⁶ CK Agomo, (2011) 'Nigerian Employment and Labor Relations Law and Practice' Lagos: Concept Publications Limited.

workers. According to this Act, the workers should be notified such operations which are hazardous and harmful for their health. The women workers are prohibited here to work in motion of any part of the machinery, near dangerous machines and underground and underwater. Chapter VI also authorizes the government to declare any operation illegal that exposes workers to a serious risk of bodily injury, poisoning or disease and to make rules for securing the safety of persons employed on factory or industrial establishments. Chapter VII of the BLA, 2006 provides some special provisions relating to health, hygiene and safety. The Chapter⁷ sets some occupational health and safety standards for the workers which includes, inter alia, notification to the workers of the hazardous and harmful operations, of certain accidents and dangerous occurrences happened to their workplaces; prohibition of women workers from working in motion of any part of the machinery, or at dangerous machine and underground and under water.⁸

As the owners of the factories doesn't comply with the laws and widespread safety issues identified, the High Court Division in a writ petition, filed after the KTS garments incident in Chittagong⁹, issued directives to (a) establish a national committee to monitor compliance of garment factories with applicable laws on fire safety, and make recommendations accordingly; (b) secure payment of adequate compensation to the workers injured in the KTS fire and to the dependents of the deceased; (c) inspect all garment factories in Dhaka, Chittagong and Narayanganj to ensure compliance with fire safety measures; and (d) ensure appropriate protective measures in all garment factories. The Court directed the respondents to submit their reports within three weeks and present accounts of the compensation amount paid to the victims or their dependents.¹⁰

A Field Visit to Nazim Fashion Ltd

To see the actual situation, the team of authors, supported by Bahreen khan, Assistant Professor, Department of Law & Justice, Southeast University visited Nazim Fashion Ltd, Tongi, Gazipur and talked with the workers. Area scanned was the safest part of the textile and clothing factories. During the study the approaches of the workers & employer were mindful. Workers shared the actual situation. Following questions were asked to the workers:

1. Whether the building, machinery or internal electrical system of the building is safe?
2. Have you participated in any mock firefighting?
3. Do you have any idea about danger moment or fire?

While asked question about the safety of the building, machinery and internal electrical system a worker named Billal Hasan, working in the production side said that factory owners want to maximize profits, so they cut corners on safety issues, on ventilation, on sanitation. Most of the workers are facing unsafe cramped work environment. Answer to the second question was that there was not any mock firefighting last two years though the owner said that there was a mock firefighting but there was no register regarding this.

⁷ Chapter VII of Bangladesh Labor Act, 2006

⁸ *Ibid*, Section (79-88)

⁹ On 23 February 2006, a deadly fire broke out in KTS Textile and Garments Ltd. in the BSCIC Industrial Estate in Chittagong, in which 65 workers died and over 150 were injured. Within a month, fires broke out in eight more garment factories in Chittagong.

¹⁰ Salma Sobhan, Executive director, Ain o Salish Kendra (ASK) & Government of Bangladesh and others, Writ Petition No. 6070 of 1997 (31 May, 2001)

In answer to the third question, Md. Rasel, working in the automatic machines part, replied that their supervisor counseled them about fire. Some of the workers also told that the employers are trying to make factories “look good on paper” rather than ensure safety for worker. In some of the industries, workers are not getting the proper working environment with security and safety in accordance with the Bangladesh Labor Act, 2006.

But the government claims that the situation is changing. As is stated by State Minister MrMd. MujibulHaque,¹¹over the past three years there has been a lot of progress in improving working conditions in the ready-made garment industry of Bangladesh. He also mentioned that most of the RMG factories have been preliminarily assessed and are now safer.

Conclusion

There is an adage that if man is good, law is unnecessary, but if man is bad, law cannot cope with it. This oversimplified statement means that if majority of the people have faith in law and comply with its mandates, the law can cope with the infraction of law by the few. But if substantial number of people wants to give a lip-service to the law and dodge it whenever they can, no legal system can work to maintain an ordered society.¹² It is to be understood that every law made is based on certain assumption, continued validity of which is fundamental to the successful operation of the law. The Bangladesh Labor Act, 2006 is well-organized and suitable. But the problem is about its application. In such case employer should show their interest to comply with it and government should monitor the safety issues properly. Our defect is that when anything is found wrong we do not go to investigate the cause of the wrong and we put the blame on anything which is immediate before us.¹³

Most garments factories in Bangladesh pay little attention to labor standards and labor rights, disallow trade union activities, unsafe working environment, and ineffective laws and discard fair labor practices, and compliance enforcement is limited and limited role of stakeholders.¹⁴As the worker of the Bangladesh specially in garments sectors get world's worst payment and working environment, therefore, the stakeholders specially employers should come forward to implement the BLA, 2006 with its plain meaning. So before we come to the conclusion that BLA, 2006 cannot protect the safety and health issues of the workers the first question we should ask is whether we have faithfully applied the law and faced difficulty in spite of it. This is to be taken into consideration.

¹¹ Honorable State Minister, Ministry of Labor and Employment Government of Bangladesh, ILO Country Office for Bangladesh newsletter, Issue 6-February 2017.

¹² P.P. Majumder, (1998) *Health Status of the Garment Workers in Bangladesh: Findings from a Survey of Employer and Employees*, Bangladesh Institute of Development Studies (BIDS), Dhaka, Bangladesh.

¹³ M.M Morshed, (2007) “A Study on Labor Rights and Implementation in Readymade Garment Industry in Bangladesh: Bridging the Gap between Theory and Practice”, University of Wollongong.

¹⁴ National Human Rights Commission, Bangladesh (2014) ‘*Security and the Safety Net of the Garments workers: Need for Amendment of Labor Law*’ June 8, Dhaka.