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**S.R.O. No. 291-Law/2015.**- In exercise of the power conferred by Section 351 of the Bangladesh Labour Act, 2006 (Act Number 42 of 2006) , the Government has hereby adopted the following Rules:

**CHAPTER I**

**PRELIMINARY**

**1. Title and Introduction:** (1) These Rules shall be called the Bangladesh Labour Rules, 2015.  
(2) It shall come into force immediately.

**2. Definition:**

- (1) In these Rules, unless there is anything repugnant to the subject or the context,-
  - (a) 'Act' means the Bangladesh Labour Act, 2006 (Act Number 42 of 2006);
  - (b) 'Competent person' means, for the purpose of these Rules, any person or establishment experienced in the subject concerned which is nominated by the Government or the Inspector General or the Director of Labour;
  - (c) 'Lifting machinery' means cranes, winches, hoists, derrick booms, derrick and mast bands, goose neck, eyebolts, spreader and weight lifter used for work related to the process (derrick), mast and anything permanently attached with the deck;
  - (d) 'Ship' does not include any country made boat or *Bojra* shape, but includes water vehicles which are not completely "rowing based" but used for water transportation;
  - (e) 'Telephone Services' means any service which is providing service relating to telecommunication including the establishment of mobile operator and the establishment of land phone operator;
  - (f) 'Out Sourcing Company' means an establishment registered under Section 3 of the Act which supply workers or perform any activity or job under an agreement;
  - (g) "Supervising officer" means any person who has been authorized in writing by the employer or management, who shall, for the sake of such power, determine the target of any work or service, control the workload, control the implementation activities, evaluate or review the work, give instruction or supervise to the workers of any section of the factory or establishment;
  - (h) 'Schedule' means the schedule attached with these Rules;

- (i) 'Section' means any Section of the Act;
  - (j) "Any person engaged in administrative or managerial work" means any person authorized in writing by the employer or management, who shall be engaged in appointing worker or employee, determining salary and allowances, removal or dismissal from the employment, payment of final payment to the workers or employees of the factory or establishment and ratifying or controlling the activities in relation to the expenditure of the establishment by virtue of such power vested upon him;
  - (k) "Process" means the necessary work related to the loading of goods or fuel in the ship or in another ship anchored beside the ship or discharging of goods or fuel or oil like substances from the ship and other incidental activities relevant to it shall also be included;
  - (l) "Premises" means any dock, wharf, quay or any space used for loading or discharging goods or fuel or oil like substances on a ship;
  - (m) "Pulley block" means a pulley, block, gin or similar kind of gears which for the purpose of usage, is permanently attached with the crane and not the crane or block which is specifically made for this purpose;
  - (n) "Form" means the forms attached with this Rules;
  - (o) "Board" means referred in these Rules, in case may be, Deposit Fund Management Board, Minimum Wage Board, Central Fund Management Board, Workers' Participation and Workers' Welfare Fund Management Board, Provident Fund Trustees Board, Tea-Garden Workers' Provident Fund Trustee Board or Apprenticeship Activities Management Board;
  - (p) "Newspaper worker" means any journalist, administrative worker or newspaper printing press worker working in the print or electronic media;
  - (q) "Hatch" means the gab of any deck which is used for conducting a process or making it neat & clean or for ventilation
  - (r) "Hatchway" means the whole space of the hatch consisting from upper to lower space of the dock;
  - (s) By the "manager of hotel and restaurant" means any person who shall, on the basis of contract, lease or authorized thereby in any other way, operate any hotel and restaurant;
- (2) Any expression which has been used in this Rules but has not been defined shall be used as the same meaning as defined in the Act.

## CHAPTER II

### CONDITIONS OF EMPLOYMENT AND SERVICE

**3. Submission of Service Rules.**- (1) If the employer of any establishment intends to enact his own service rules to regulate the service of workers or workers of a special category, he shall submit at least 5 (five) copies of the draft service rules to the Inspector General.

(2) According to Section 3(2), the draft service rules submitted to the Inspector General by the employer shall contain conditions of service for workers in his establishment and while submitting the draft rules to the Inspector General the related information shall be incorporated in accordance with Form- 1.

(3) The draft service rules shall have the reflections of the provision concerned prescribed in the Act and Rules and these provisions shall not be less favorable for a worker than the similar provision prescribed in the Act.

(4) The necessary information regarding the number of workers employed in the establishment and trade union (if any) shall have to be incorporated in accordance with Form-2 and Form-2(A) along with the draft service rules submitted to the Inspector General.

(5) If different establishments of similar nature owned by the same employer or any group of employers of different establishments of similar nature intend to introduce a service rule, such employer or employers or the responsible person of the group may submit such service rules incorporating following information, namely:-

(a) The list of the employers included in such group and the name and full address of their establishments; and

(b) A declaration to the effect that they shall be obligated to comply with the conditions of the submitted draft service rules;

(c) A declaration in this regard that if any establishment joins such group, the concerned responsible persons shall inform the Inspector within following seven days.

(6) If any establishment leaves the group, the service rules for that group shall be applicable to such establishment until they receive approval of their own service rules.

(7) At least one copy of the approved service rules shall be sent by the concerned responsible person to each of the establishments included in such group within five workdays of such approval.

**4. Process of approval of the service rules.** - (1) The Inspector General shall, within 10 (ten) days of receipt of the draft service rule, send a copy of it along with an acknowledgement of its receipt to the employer and trade union (if any) of the establishment concerned through registered post and shall also send a notice in accordance with Form-3.

(2) Within 7 (seven) days of receipt of such notice, the employer concerned shall display the notice along with the draft service rule on the notice board of his establishment and shall certify to the Inspector General in regard to the effect that the notice has been published mentioning the date of its publication.

(3) The workers or trade union shall provide their proposals or objections (if any) regarding the draft service rules attached with the notice according to Form- 3(A) and submit it to the Inspector General within 10 (ten) days.

- (4) The Inspector General shall, within 14 (fourteen) days of receiving objections and proposals from the workers of trade union, hear such objections and proposals on the fixed date and place and if any objection or proposal seems reasonable to him, he shall send it to the employer within next 10 (ten) days of conducting such hearing.
- (5) The employer shall, inform the opinion of his establishment on the objection or proposal received under sub-rule (4) to the Inspector General within next 10 (ten) days.
- (6) The Inspector General shall, after considering opinions received under Sub-Rule (5), decide whether the draft service rules shall be accepted with or without amendment within next 15 (fifteen) days and if it is decided that the draft service rules shall be finalized with amendments in that case, the Inspector General shall direct the employer to submit 5 (five) copy of the amended draft service rules incorporating the accepted amendments within next 7 (seven) days.
- (7) Upon receiving the amended draft under Sub-Rules (6), the Inspector General shall approve and notify the employer on the approval.
- (8) With or without amendment, as the case may be, if the Inspector General thinks that the draft service rules are contradictory or inconsistent to the provisions of the Act or are not sufficient to fulfil the purpose of the Act, then he shall direct the employer to submit a fresh draft service rules with necessary amendments.
- (9) The employer shall re-submit a new draft service rules according to Sub-Rules (8) within the following 7 (seven) days and the Inspector General, after hearing the comments from the parties concerned together shall take the final decision.
- (10 ) An appeal against the decision of the Inspector General shall be made within 30 (thirty) days upon receiving such decision and the Government shall dispose of the appeal within 45 (forty-five) days of such submission.
- (11 ) The employer shall, within 15 (fifteen) days of approval of the draft service rules by the Inspector General, forward at least 5 (five) copies of such service rules duly signed, dated and stamped to the Inspector general.
- (12 ) The Inspector General shall sign and stamp the copies received under Sub-Rule (11).
- (13 ) The service rule shall not be effective unless 30 (thirty) days have been passed from the date of stamped after signing by the Inspector general in accordance with Sub-Rule (12) or unless final decision has been taken regarding the appeal if appeal has been made against the decision of the Inspector General under Sub-Section (4) of Section 3.
- (14 ) The Inspector General shall preserve one original copy of the service rule in his office and, for this purpose, the Inspector General shall send a copy to the employer and collective bargaining agent (CBA), if there is any.
- (15 ) A register in this regard shall have to be maintained in the office of the Inspector General in accordance with Form-4.
- (16 ) If any person or organization or any authority shall pay the actual cost of photocopy to the office of the Inspector General then the copy of service rule shall have to be provided within 3 (three) workdays.

**5. Existing service rules.-** (1) The employers of the establishment which has their own service rules in practice, shall within 03 (three) months of the commencement of these Rules prepare a draft of the service rule in compliance with the Act and these Rules and submit it to the Inspector General for approval.

(2) In this case of submission of the service rule under the Sub-Rule (1), the provisions of Rule 3 and in case of approval Rule 4 shall be followed to the extent possible.

**6. Amendment of service rules.** - In case of amendment of the service rules the provisions prescribed in Rules 3 and 4 shall be complied with.

**7. The registration of the contracting agencies, application for license, issuance and renewal.** - (1) Application for taking registration and license from the Inspector General shall be made in accordance with Form-77 for the purpose of performing activities of supplying workers to any organization by any contracting agency.

(2) As stated in Sub-Rule (1), following documents and information shall be submitted with the application, namely:-

- (a) 5 (five copies) passport size photograph of the applicant ( if the applicant is a company, establishment, organization of person, partnership business, organization and association then photograph of all Directors and Partners where applicable);
  - (b) Citizenship Certificate of the applicant (if the applicant is a company, establishment, organization of person, partnership business, organization and association then of all Directors and Partners where applicable);
  - (c) Photocopy of national Identity card of the applicant (if the applicant is a company, establishment, organization of person, partnership business, organization and association then of all Directors and Partners where applicable);
  - (d) Attested copy of the trade license;
  - (e) Attested copy of the Tax Identification Number (TIN) Certificate;
  - (f) Attested copy of the VAT Registration Certificate;
  - (g) Certificate from the bank to prove financial solvency;
  - (h) If the applicant is a company, establishment, organization of person, partnership business, organization and association then the attested copy of its partnership deed or Memorandum of Association and Articles of Association and the attested copy of its registration certificate;
  - (i) The amount of money as prescribed in schedule -7 shall have to be deposited in favor of the Inspector General to a bank account approved by the Government;
  - (j) Bank Draft, Pay-Order or Chalan (Treasury invoice) as license fees paid in accordance with Rule 10;
  - (k) The address with location and description of office management of the private establishment providing services and supplying workers;
  - (l) Necessary certificates regarding the arrangements of others facilities along with the list of modern equipment's of communications e.g., fax, phone, internet connection;
  - (m) Arrangement of personal training facilities for providing capacity building training for such position in which it intends to supply personnel or an agreement with an approved training organization which is able to provide trainings in concerned cases (if any);
- (3) Upon receiving an application under Sub-Rule (1) the Inspector General shall designate an Official under him to verify and submit a written report on information stated in the application and if required the pre-introduction of the applicant shall be verified through the Special Branch of District Police or Metropolitan Special Branch, or any other appropriate agency designated by the Government.

- (4) The official designated under sub-rule (3) shall visit the place mentioned in the application and after making verification and investigation of the information shall submit a complete report to the Inspector General regarding this matter.
- (5) If the Inspector general is satisfied after receiving the report under Sub-Rule (4), he shall approve the application for providing license or shall inform the applicant after disapproving it.
- (6) The Inspector general shall not be able to delegate his authority in regard to receive application for license, providing license, renewal or non-issuance of license to any official subordinate to him.
- (7) If an application is approved under Sub-Rule (5) then the license shall be issued in accordance with Form No. 78 and related information shall be recorded in the register according to Form No. 79.
- (8) All activities relating to the receipt of application for license and issuance of license of the contracting agency may be done on on-line through internet, but the printed copy relating to such shall have to be preserved.

**8. Restrictions on the licensee and receiver of services.** - (1) The licensee, without prior permission from the Inspector General, shall not receive any service charge from any worker.

(2) Both parties may apply to the license issuing authority for resolving any matter relating to the breach of any condition of the agreement performed between the contracting agency and establishment receiving services.

(3) In the appointment letter between the workers and contracting agency no condition shall be included which is less favorable prescribed in the Act.

(4) In accordance with Form-5 the contracting agency shall maintain information in the register regarding organizations where workers have been supplied.

**9. Forfeit of deposit of the licensee or return.** - (1) In case of providing service by the contracting agency under this Rules if any type of fraudulent activities or error has been proved in the submitted information or workers are appointed for money other than the security deposit, then subject to prove such allegation, the security deposited by him shall be forfeited in favor of the Government and legal action can be taken against such establishment.

(2) If any licensee declares its operation to be closed then the security money deposited by him can be returned to him or in favor of the representative nominated by him within the time of 3 months from the closing of operation of such activities.

**10. License fee, deposit, renewal fee etc.** - (1) If the application for issuing license is approved by the Inspector General then the fixed amount of license fee shall have to be deposited with 10 (ten) workdays from the date of such approval.

(2) In accordance with the provision of Rule 355 (3) application for the renewal of license shall have to be made before the Inspector General.

(3) The amount for deposit, license fee and renewal of license deposit shall be determined as per Schedule VII (6) and shall be deposited to the public exchequer through a treasury chalan.

(4) The contracting agency shall be considered as an establishment and the jurisdictions relating to inspection by the Inspector General and other Inspectors under Section 319 shall be applicable for contracting agencies as well.

**11. Deposit, Management Board for Deposit Fund, Investment, Payment of Lawful dues to workers:**  
- (1) For obtaining license every contracting agency shall have to submit a fixed amount of money as security in favor of the "Contracting Agency Security Fund".

(2) The amount of security money shall be determined in accordance with Clause-6 of Schedule-VII.

(3) In order to manage the contracting agency security fund a board known as "the Contracting Agency Security Fund management Board" shall be constituted with the following members, namely:-

- (a) The Minister, Ministry of Labour and Employment who will be the Chairperson to the Management Board;
- (b) The Secretary, Ministry of Labour and Employment shall be the Vice-Chairperson to this Board;
- (c) The Inspector General; who will be the Member-Secretary as well;
- (d) Official not below the rank of a Joint Secretary to the Ministry of Labour and Employment;
- (e) Three Representatives of employers engaged in the business concerned nominated by the Government;
- (f) Three Representatives of workers working in the sector concerned or workers' organizations nominated by the Government;
- (g) Two officials or reputable persons nominated by the Government;

(4) The Inspector General, in accordance with the decision of the Board, shall deposit the security money to a bank account approved by the Government for this purpose.

(5) If the Government considers necessary, it can invest the security money in any investable sector the ownership of which lies on the Government.

(6) Security money or the interest received from the investment can be used for the payment of lawful dues of any worker working in the sector concerned, subject to the verification of his application:

However provided that, such dues shall be paid to the worker or his heir of the establishment and if such payment is made from the security money then the contracting agency concerned shall reimburse the same amount of money to such fund immediately.

## **12. Duration of the members of the deposit fund for contracting agencies and their resignation.-**

- (1) Tenure of members of the contracting agency security fund management board shall be 2 (two) years from the date of his nomination.
- (2) Any member can resign by submitting a signed letter in favor of the Chairman in this regard and such position shall be considered as vacant from the date of acceptance of it by the Chairman.

**13. Disqualification of members.** -Any individual shall not be eligible to be a member or remain as the same under Rule 11, if-

- (a) The competent court declares him as an insane or bankrupt;
- (b) He has been already nominated twice as a member to the board for consecutive period;
- (c) If he is convicted to imprisonment for not less than 1 (one) year for an offence of moral turpitude and if a period of 05 (five) years has not elapsed since his release; and
- (d) If he remains absent from 03 (three) consecutive meetings of the board without the prior permission of the Chairman.

**14. Removal of members.** -The board, subject to the approval of the Government, shall remove any member through a written order, if he-

- (a) Fails to perform his duties or deny to perform;
- (b) In consideration of the Government is unable to perform that duties;
- (c) Abuses his position in the consideration of the Government.

**15. Approval of rules regarding appointment of workers:** (1) Three copies of the service rules, as prescribed as a condition for the application for license, shall have to be attached with the application and after being approved by the Inspector General a copy with stamp thereof shall be forwarded to each of the applicant and Director of Labour.

(2) In case of providing approval as prescribed in Sub-Rule (1), the Inspector General shall follow the provisions for the approval of Service rules mentioned in Rule- 4.

**16. Standard of wages and facilities to workers or employees supplied to the employed establishment:-** (1) The establishment in which the contracting agency supplies workers or employees or services shall not provide wages and allowances less than the minimum wages (if any), declared by the Government for the position concerned of the industry in which such establishment is included .

(2) If any contracting agency signs an agreement to perform a specific work for an establishment in that case in determining the wages, work hour, leisure, overtime allowance, leave etc. of workers-employees employed by the contracting agency to perform such work the provisions of the Act shall have to be followed.

(3) The contracting agency shall be required to be ensured that the establishment where workers or employees are being supplied is running in compliance with all the provision related to occupational health and safety prescribed by the Act in the workplace.

(4) In case of failure to get surety mentioned in Sub-Rule (3), the employer and contracting agency shall be equally liable for violating any provision of the Act regarding occupational health and safety in the workplace.

(5) No less amount of wages and allowances shall be paid to each worker and employee as determined in the contract between the contracting agency and employing establishment for workers and the employing establishment shall not be able to employ any worker through the contracting agency against any post, which is a permanent one.

**17. Special security fund for workers.** - (1) Every contracting agency within six months of issuance of their license shall have to open a bank account with a scheduled bank titled the "Workers Social Welfare Fund" along with the name of the agency.

(2) In the bank account, for every worker, employed in the contracting agency and supplied in different establishment, an amount of money equivalent to one month's basic salary or gratuity (if applicable) in accordance with Section 2(10) shall have to be deposited as compensation for the whole year; which can only be paid directly to the worker for any type of termination of his employment or as a part of payment of gratuity money through check.

- (3) The Government shall issue necessary directions for opening and maintain accounts in the scheduled bank.

**18. Classification of workers.** - Every employer shall adopt a service rule along with an organizational structure (organogram) for their establishment that shall have to be approved by the Inspector General and the class, number and nature of workers-employees shall be mentioned in such an organogram.

**19. Issuance of appointment letter and identity card and maintenance of privacy.** - (1) No employer shall appoint a worker without issuing an appointment letter.

(2) The appointment letter can be given to an individual only once during the service in an establishment.

(3) In case of loss or damage of the appointment letter of a worker, a photocopy or duplicate copy of the appointment letter shall be provided on the basis of application by the worker.

(4) According to Section 5, the appointment letter provided to the worker shall contain following information, namely:-

(a) Name of the worker;

(b) Father's name;

(c) Mother's name;

(d) Name of husband or wife (where applicable);

(e) Address: Present:  
Permanent:

(f) Designation, type of work, date of joining;

(g) Class of worker;

(h) Wages or pay scale (wage or salary and annual rate of increment, if any);

(i) Other payable financial benefits (house rent, medical treatment, education, food, t transports, festival and attendance allowance and gratuity, (if any); and

(j) It shall be mentioned that all conditions of appointment shall be made in accordance with the existing service rules, (if any) and existing Labour Act.

(5) Every employer shall issue an identity card with a picture in Form- 6 to every worker appointed in his establishment at his own cost.

(6) If a worker loses his identity card the new identity card shall be issued subject to payment of Taka 50 taka.

(7) Information regarding issuance of appointment letter, identity card and service book, shall be recorded in accordance with Form No. 6 (A).

(8) Notwithstanding anything contained in this Rules, any worker or person engaged in administrative or managerial duty in a factory or establishment during performing his duties or in case of changing a job shall maintain secrecy of the business techniques.

**20. Division of Service book, size and information.** - (1) The service book shall be in accordance with Form- 7 and it shall be with 16 printed pages with a cardboard cover.

(2) For the purpose of inclusion of information, except the cover page, the pages of the service book shall be divided as follows in accordance with Form-7, namely:-

(a) First part: information to identify the worker (page- 1);

- (b) Second part: information regarding the employer and employment (page 2-5);
- (c) Third part: Information regarding service record, wage and allowances (page 6-9);
- (d) Fourth part: description of availed leave (page10-13);
- (e) Fifth part: record of workers' behavior (page 14-16).

**21. Inclusion of information in the service book.** – (1) The employer shall record necessary information of worker concerned in his service book, within a period of one month from the date of permanency of the service.

(2) In the following cases next or new information regarding the workers has to be recorded in his service book within 15 (fifteen) days of the occurrence of the matters concerned, namely:-

- (a) Change the rate of pay scale or wages;
- (b) Transfer in another section of the same establishment or new service, or another establishment of the same employers;
- (c) Any special training received or special skill achieved by the worker;
- (d) Enjoyment of annual leave or encashment thereof;
- (e) Retrenchment, discharge, dismissal, termination, resignation or retirement from the service;
- (f) Imposing any fine or punishment and giving any reward or admiration;

Provided no complaint regarding any misconduct shall be recorded in the service book until it is proved.

**22. Supply of service book, deposit and supply of duplicate service book.** - (1) The employer shall make arrangements to open separate service books for every worker within a period of 15 days from the date of appointment of a worker or completion of probation period and the employer shall bear the cost of taking photographs to attach thereto;

(2) The worker at the time of his joining shall submit his previous service book, if any, to the employer and the employer shall issue a receipt in accordance with Form No. 7(a).

(3) Any worker may receive a duplicate copy of the service book to preserve in his custody subject to the payment of Taka 20 (twenty) to the appointing authority as a price for the same.

(4) The word "Duplicate" shall be mentioned in the service book as prescribed in Sub-Rule (3).

(5) The employer or management shall provide the duplicate copy of the service book within a period of 7 (seven) days after making deposit of the fee by a worker as mentioned in Sub-Rule (3).

(6) If the preserved service book of the worker is lost or damaged, the employer shall be informed it immediately in writing and in such case the worker may collect another duplicate copy of the service book after depositing Taka 30 (thirty) to the authority.

(7) The employer shall return the service book within two workdays from cessation of the service of the workers concerned.

However, provided that during the final payment of his dues, the service book shall have to be brought by the worker and the information regarding the payment shall be recorded therein.

(8) While handing over the service book to the worker, the management if desires so may keep one duplicate copy of the service book in his personal file.

(9) The service book may be preserved digitally and in that case a copy shall be issued to the worker.

**23. Workers' register.** - (1) A workers' register for all class of workers employed in each establishment shall be maintained in accordance with Form No. 8 and that will be organized according to the classification of workers.

(2) All description shall be incorporated in the register in Bengali and the dates shall be written according to the Gregorian calendar;

Provided that the establishment if desires may maintain the register in English as well in addition to Bengali.

(3) If any establishment maintains the workers' register digitally, the printed copy thereof shall be considered as workers' register.

**24. Leave register.** - (1) According to Section 10, the leave register shall be maintained in accordance with Form -9 and the calculation of leaves mentioned in Sections 115, 116 and 117 shall have to be recorded therein.

(2) If any establishment maintains the leave register digitally in a prescribed form that shall be considered as the leave register.

(3) If the leave register is maintained digitally then the printed copy thereof shall be incorporated in the personal file of the worker concerned.

**25. Providing notice related to lay-off and closure of establishment to the Inspector.** - (1) If any worker is being laid-off in accordance with sub-section (8) of Section 12 or the establishment is being closed under Section 13 then a notice referring the number of aggrieved and jobless workers concerned and a description in accordance with Form-10 shall have to be sent to the Inspector General immediately.

(2) If the lay-off or closure of the laid-off establishment or factory is for more than 45 days, the workers can be retrenched upon payment of all dues in accordance with Section 20.

Provided that if the closure of an establishment or factory is made in accordance with Section 13, no notice or wages in lieu of notice shall be given to the worker according to Section 20 (2) (a).

(3) Any factory or establishment whose workers have been laid-off or which is temporarily closed cannot be given in lease or be engaged in production or service process by making rental lease unless all the lawful dues of the workers are paid.

**26. Muster-roll of laid-off workers.** - According to Section 17 the list of laid-off workers shall be maintained in accordance with Form-10 (a).

**27. Notice of retrenchment.**- According to Clause (a) of Sub-section (2) of Section 20 the notice of retrenchment given to workers shall contain following information, namely: –

- (a) Name of the establishment;
- (b) Name, designation and card number of the worker;
- (c) Reason for retrenchment;
- (d) Date on which retrenchment takes effect;

(e) Total period of employment;

(f) Entitlement of workers:-

- (i) Notice-pay (where applicable);
- (ii) Gratuity or compensation;
- (iii) Wages for non-enjoyment of leave;

(iv) Arrear wage, other allowances and overtime allowances (if there is any due); and

(g) Date of payment of dues.

**28. Discharge from service.** - (1) The Certificate of incapacity of a worker by a registered medical practitioner mentioned in Section 22 shall be issued in accordance with Form-11 and a copy thereof shall be issued to the worker concerned as well.

(2) If the worker or the employer is not satisfied with the certificate issued by the registered medical practitioner, he may submit it to a specialist medical practitioner not below the rank of an Assistant Professor of any government medical college for re-examination within 10 (ten) days from the receipt of such certificate and the cost for that re-examination shall be borne by the applicant.

**29. Punishment for misconduct and conviction.**- (1) If any employer or any officer authorized thereby, in order to verify whether any behavior or act of a worker is a misconduct or not, shall ask for explanation according to Section 24 (1) (B) and in that regard the response for the worker is-

(a) If it is satisfied then complaint will be considered to be settled and the matter shall not have any effect on the subsequent employment of the worker concerned;

(b) If it is not satisfactory then the employer, to proceed for a disciplinary measure, shall direct the manager or any other authorized official to submit a report within 60 (sixty) days through investigation by forming an investigation committee.

(2) That committee shall be formed with maximum 6 members.

(3) The investigation committee may form sub-committee.

(4) With an aim to finalize the report the sub-committee the same shall be forwarded to the investigation committee.

(5) The investigation committee shall forward its report to the management for necessary decisions.

(6) The representative of the employer in the investigation committee shall be nominated by the employer or any official authorized thereby from that factory or establishment.

(7) The representative of workers to the investigation committee, shall be nominated from workers employed in that factory or establishment on the basis of the written proposal from the accused worker:

Provided that no representative shall be nominated who is at a lower rank than the accused person;

Further provided that if any complaint is brought against any worker or employee under Section 23(4)(b) and (g), the accused worker or employee, if he desires so may nominate a member from the trade union (if any) in the establishment or if there is no trade union then workers' representative from the Participation Committee as his representative.

(8) Any disciplined activities for the realization of lawful dues of workers without hampering the production process of the establishment or daily activities and not to destroy any property thereof shall not mean disorderly behavior under Section 23(4)(g).

**30. Special provisions relating to fine as punishment of misconduct.** - According to the provision of Section 25 the fine shall be recorded in a register in accordance with Form-12 and vouchers or receipt for spent money shall be attached with the register.

**31. Certificate of service.**- In case of termination or completion of service in accordance with Section 31, a certificate shall be issued according to Form-13 within a period of 15 (fifteen) days from the day of submission of an application by such worker.

**32. Employer-worker relations in case of disaster or damage caused out of control.** – According to Section 28(A), the employer-worker relations shall be as following, namely:-

(a) In case of permanent closure of production of any industrial factory or establishment:

(i)<sup>1</sup>If, due to sudden natural disaster or any other disaster which is out of human control or due to urgent necessity, the production of any industrial establishment is permanently closed, the employer shall, within a period of 3 (three) workdays shall communicate all relevant information in the prescribed Form- 10 to the Inspector General or any Inspector authorized thereby;

(ii) The employer shall retrench workers and pay the legal dues:

Provided that if there is possibility to resume the activity of the factory or establishment then the employer can declare lay-off his factory and establishment;

(iii) At the time of closing down the factory or establishment the workers shall be considered to be working with full wages;

(iv) If the employer intends to engage the workers of the establishment at a different establishment of similar kind at the same position, provisions mentioned in Sub-Rule (B) shall be applicable;

(v) Instead of permanently closing the establishment, the employers if he intends so, may impose a work-stoppage in accordance with Section 12 and in such case, the worker shall be entitled to receive lay-off benefits in accordance with Section 16;

(vi) If any objections or dispute arises as to payment of dues, the employer shall pay the dues through consultation with the trade union of the concerned establishment (if any) or through consultation with general workers (if there is no trade union) or in accordance with Section 124(A).

(vii) If any question or complaint is raised regarding the justification of the sudden natural calamity or disaster beyond human control or for an emergency, the decision of the Government shall be considered as final in that regard.

Explanation: A complaint raised under this Sub-Clause means any application stating a complaint submitted to the Inspector General or the Government.

(b) In case of shifting of factory or establishment:

(i)<sup>2</sup> From the premises of factory or establishment-

(1) If the worker concerned is not willing to relocate due to relocation of a factory or establishment to a distance within 40 kilometers from the previous one, then the worker shall get the benefits in accordance with Section 27;

(2) If the worker concerned is not willing to relocate due to relocation to a distance of more than 40 kilometers from the previous one, then the worker shall get benefits in accordance with Section 20;

(ii) If workers join in the relocated place, then continuation and conditions of their services shall remain unchanged;

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<sup>1</sup> Those sub-clauses are serialized in Bengali Vowels.

<sup>2</sup> Those sub-clauses are serialized in Bengali Vowels.

(iii) If any objection or dispute arises out of shifting of the factory or payment of dues, the employer shall pay that dues of workers in accordance with Section 124 (A) or in consultation with the trade union of the concerned establishment (if any);

(iv) The employer shall communicate in the form of a notice in prescribed Form-10 within 07 (seven) days to the Inspector General or any Inspector authorized thereby, all information regarding the shifting, including the address of the shifted factory or establishment.

**33. Procedure of making complaint.** - According to Section 33(3) any complaint related to service shall be submitted to the Labour Court in accordance with Form-14;

Provided that, if the Labour Court finds it reasonable then it may receive a written complaint which is submitted without following the Form-14.

## CHAPTER III

### EMPLOYMENT OF ADOLESCENT WORKER

**34. Certificate of age and fitness.** - (1) If there is no birth registration certificate or school certificate of a person to prove his age as a child or an adolescent and it is necessary to certify his fitness, any registered medical practitioner shall provide the certificate of age and fitness in accordance with Form- 15 and the medical practitioner and employer shall maintain the register with a description of such examination in Form- 15 (A).

(2) While preparing the certificate of age and fitness the necessary descriptions shall be provided in the certificate and its counterpart and the left thumb impression of the concerned worker shall be imprinted on both sides of the certificate.

(3) If he gets employed as a worker in accordance with the information mentioned in the certificate, a copy of such certificate shall be recorded in the personal file of the worker.

**35. Notice regarding the working hour of adolescent.** - (1) The notice regarding working hour of adolescents shall be approved by the Inspector in accordance with Form- 16.

(2) After the approval of the stated notice by the Inspector, necessary measures shall be taken to exhibit the approved copy of the same in a visible place for the information of workers.

(3) The approved notice shall be maintained and shall remain prepared in the establishment for the examination by the Inspector.

**36. Engaging adolescents in dangerous equipment's and risky work.** - According to Section 39(1) and 40 the adolescents cannot be engaged in risky works as declared by the Government and the adolescents cannot be engaged in dangerous work as mentioned in Section 39(3) and 40 and no adolescent shall be engaged in dangerous equipment's as mentioned in Rule 68 as well.

## CHAPTER IV

### MATERNITY BENEFIT

**37. Responsibilities of the employers and other workers to the pregnant female workers.-**  
Responsibilities of employers and other workers to a pregnant female worker shall be as follows, namely-

- (a) No such behavior or comments so that she is physically or psychologically demoralized or insulted;
- (b) Not to be engaged in any dangerous works declared by the Government or which are risky to health;
- (c) To transfer or depute to a position which is risk free;
- (d) To give priority in using elevator during working hours;
- (e) To ensure breast-feeding facilities and environment for her child during post-natal period.

**38. Explanation of “any leave which is due to her.”-** Any leave which is due to her” as per Section 46 (2) shall mean any annual leave and sick leave earned by worker concerned.

Provided that in case of coordination of sick leave, the certificate of pregnancy shall be considered as medical certificate.

Further provided that, if further leave is required after coordination of the abovementioned leave the employer of the establishment may grant without pay leave to the worker concerned.

**39. Notice of pregnancy.** - (1) According to Section 47 (1) necessary notice before delivery shall be provided in accordance with Form- 18 and the notice required after delivery shall be provided according to Section 47(2) in accordance with Form-18(A).

(2) In accordance with Section 47(4) in case of providing post-delivery maternity benefits if a pregnant woman is not able to come in person to receive that it shall be provided to any person authorized in writing thereby.

(3) In case of verbal notice by the worker, the form mentioned above shall be filled in by the leave granting officer of the establishment concerned and the signature or thumb-impression of the worker concerned shall be collected thereon.

(4) The information of the workers receiving maternity benefits shall be recorded in Form- 19.

(5) As prescribed under Section 45(3), the fitness certificate by a pregnant worker shall be submitted in Form- 17.

(6) The monthly return with information of workers receiving maternity benefits shall be submitted within the 10<sup>th</sup> day of the next month and the annual return shall be submitted within 15 February of the following year.

## CHAPTER V

### ARRANGEMENTS FOR THE PROTECTION OF HEALTH

**40. Removal of garbage.** - (1) With an aim to implement the objective of Section 51(a) dirt and garbage have to be removed in covered boxes as an appropriate mean so that smell and germs cannot be spread out.

(2) Metal substances, garbage with strong smell, chemical waste and medical wastes shall be removed in separate boxes daily with regular intervals.

**41. Washing.** – With an aim to fulfill the objective of Section 51(b), each room shall be washed as following manner, namely:-

- (a) Depending on the situation and nature of works it shall be washed or kill germs with water or chemical substances, liquid, or solution;
- (b) Given the situation wipe out with wet cloth;
- (c) If required use insecticides.

**42. Drainage of water.** - According to Section 51(c) if there are possibilities to get the floor or workroom wet-

- (a) That floor must be made of impervious materials;
- (b) The construction plan of such floor shall be sloping and it shall have effective means of drainage that connects with the main sewerage, so that drained water or other liquid substances do not get blocked on the floor.

**43. Whitewash and painting.** - If all inside walls, partition, ceiling, passage, both side of the staircase are painted or varnished and if the surface is smooth and impenetrable, it shall be cleaned with water, brush and detergent at least once in every 14 (fourteen months), in accordance with Section 51(d).

**44. Maintenance of the register of cleanliness.**- The date of completion of works as stated in Section 51(d) with an aim to fulfill the objective of Section 51(e) shall be recorded in the register in accordance with Form- 20.

**45. Ventilation and temperature.** - (1) According to Section 52(2), the temperature of every workroom of each establishment shall be limited to a tolerable limit and there shall be arrangement for enough number of opposite facing windows in every workroom of every establishment for ventilation:

Provided that exhaust fan can be installed where ventilation is not possible:

Further provided that, the ventilation arrangements mentioned above shall not be necessary if there is arrangement for air-conditioned (dry and weight) in the workplace.

(2) According to Section 52(2) there shall be at least one thermometer in every workroom in operation with proper standards and it shall be installed at a visible place on the wall of the workroom.

**46. Dust and fumes.** - (1) For the purpose of implementation of Section 53(1), there shall be effective exhaust appliances including dust sucker in every establishment or workroom and it shall be installed in such a way so that the dust and fumes cannot spread over in the workroom in any way.

(2) Every person working at a place with dust and smoke in such establishment shall have to wear masks.

(3) The Inspector General may determine the highest level of exhaustion of dust and smoke in the workroom.

**47. Disposal of wastages.** – (1) In accordance with Section 54 the arrangement for disposal of all wastes and liquids shall be in compliance with the existing legal provisions and directions regarding environment

and health and the permit from the concerned environment and health authority shall be submitted to the Inspector.

(2) Whatever stated in Sub-Rule (1), the Inspector considering the health of workers, if he thinks necessary, may direct that additional measures be taken for disposal of waste.

(3) All drainage carrying through liquid waste and water shall be made with impenetrable, strong and sustainable materials. It shall have appropriate cover and the water flow shall be maintained therein and such waste shall be removed in a pollution free manner after making it purify.

(4) Upon being satisfied on the subject mentioned above the Inspector shall issue an approval regarding the measures taken on removal of waste in such factory.

**48. Temperature and artificial humidification in thread and netting factory.** - According to Sections 52 and 55, ventilation and temperature control, and artificial humidification control shall be recorded in Form-21 in accordance with the procedure mentioned in Schedule-I.

**49. Arrangement for light.** - (1) The arrangement of light in the place where the workers used to work or are employed in accordance with Section 57, the arrangement of lights in that workroom or place shall be at least 350 (Lux) at the height of 1.0 meter.

(2) When it appears to the Inspector General that the provision mentioned above is not required for any particular establishment, he may exempt that establishment from such requirement or may determine the standard of arrangement of light required for the production process of the workplace.

**50. Potable water.** - (1) There shall be arrangements for supply of pure drinking water for workers in every establishment at an accessible and convenient place and that shall be maintained in a hygienic way in accordance with Section 58.

(2) The place where potable water is preserved shall be established at a distance of at least 6 meters from the washroom, bathroom or toilet of any establishment.

(3) Water supplied in accordance with Sub-Rule (1)-

- (a) Shall be kept in a germ free appropriate container;
- (b) Shall be changed at least once in a day;
- (c) Practical measures shall be taken to keep the water and the container free from all kinds of contagious germs:

Provided that there is no need to change the water in every day if waters with water pot are supplied through the modern purifying systems.

(4) The surroundings of the place where potable water for the workers is supplied shall be kept neat and clean and it shall be connected with a drain.

(5) The owner, at least once in a year, or upon being directed by the Inspector shall collect and maintain a written certificate from the Public Health and Engineering Department of the Government or any other public establishment or any agency approved by the Government whether the supplied groundwater or water supplied in any other manner or the water of tube wells, is free from arsenic, germs and whether it is appropriate for drinking.

(6) In every room of any establishment where generally more than 250 workers are employed, the employer shall, from 1<sup>st</sup> April to 30<sup>th</sup> September, provide one water cooler or any other arrangement to keep the water supplied to the canteen, dining hall or restroom, cold.

(7) If any machine used in an establishment creates heat exceeding the tolerable heat limit prescribed, oral saline or sorbet of molasses or sugar shall be provided for every worker in accordance with Section 58 (4) and amount of this sorbet of molasses or sugar shall be of minimum 2 liters for per worker per day.

**51. Toilet and washrooms.** – In accordance with Section 59, the number of toilets and washrooms, their locations and cleanliness shall have to be maintained according to Schedule- II.

**52. Dustbin and spittoons.** – (1) In accordance with Section 60, in each establishment-

- (a) At least one separate dustbin and spittoon shall be kept for every 100 workers;
- (b) The spittoons shall be filled with sand and on top of that there shall be bleaching powder;
- (c) The spittoons shall be emptied and cleaned with germicides at least once in every seven days and the upper layer of the sand shall be removed once in a day.
- (d) The dustbins shall be made of plastic and shall have a cover and the waste filled in the dustbin shall be removed every day and in both cases it shall be cleaned with germicides.
- (e) Such spittoons and dustbins shall be kept near the door of workrooms and these shall be kept in such a manner that those do not spread bad smells and the waste cannot be seen.

(2) No person shall throw any dirt or spit within the premises of an establishment except in such dustbins and spittoons and notice containing this provision shall be posted at different suitable places so that it can be easily visible.

## CHAPTER VI

### SAFETY

**53. Safety of building, machinery and other infrastructure.** – (1) While implementing Section 61(1), the Inspector shall consider whether any wall, chimney, bridge, canal, road, gallery, staircase, ramp, floor, platform, stage, rail or way or any other infrastructure for electric or mechanical vehicles, whether it may be permanent or temporary in nature, in addition to the building, road, machinery or plant mentioned in such section are not dangerous for life and security of people.

However, provided that in case of the factory or establishment established or constructed or started before the commencement of these Rules, the stability, load capacity whether the relevant provisions of other existing laws of the country were followed during the construction of infrastructure or installation of machinery shall be certified by a recognized civil engineer or civil engineering firm, and the owner can be directed for submission and inspection of such certificate to the Inspector to verify thereof.

(2) If any factory building is constructed or any factory intended to be established in a building after the commencement of these Rules, a certificate is required to be received from the construction company certifying that it has been constructed in compliance with the Bangladesh National Building Code or where applicable latest guidelines declared by the Government.

(3) If any employer or authority fails to take specific measures prescribed by the Inspector within a specific time limit in accordance with Section 61(2) it shall be considered as a continuing crime, meaning that it will be considered as a crime committed every day.

**54. Precautions as to fire.** – (1) There shall be at least two exits where there are more than 20 persons working in every room of the building of an establishment and these will be situated in such a manner that every person can reach the exit from his workplace without any obstacle and with ease.

(2) Such exits shall not be situated in a place the distance of which shall be more than fifty meters away from the workstation of any worker and exit cannot be less than 1.15 meter in width and 2.0 meter in height.

(3) In cases where, at any point of time, 20 or more workers used to work in any part of the building which is on the ground floor or where any flammable or explosive substances are used or stored, the building of the establishment or a part of it is situated underground, in such cases at emergency moment, at least 2 (two) strong and separate staircases permanently constructed inside or outside the building shall be included among the arrangement for exit. And these will be made of fire resistant and nonmetallic materials. These shall be made with fire prevention equipment's and shall include direct and obstacle less passage.

(4) Strong handrails shall be attached with every staircase used for exit in case of fire and such staircase and rails thereof shall be made of thermal insulator, fire resistant and nonmetallic materials and the stairs shall not be smooth.

(5) If such staircase is constructed after the commencement of these Rules, it shall have handrail attached on both sides thereof:

Provided that if the staircases constructed before commencement of these Rules do not have such handrails on both sides, it shall have to be attached within the following six months:

Further provided that this condition shall not be applicable, if the width for the construction of staircase of railing is less than 1.15 meter.

(6) No staircase shall be constructed at an angular distance of more than 45° from the base.

(7) The width of staircases of a building up to six-storied shall not be less than 1.5 m and the staircase of a building more than six floors shall not be less than 2.00 meter in width and in case of a multi-storied factory

building, in regard to building without sprinklers and with sprinklers, the provisions of the Bangladesh National Building Code shall be applied:

However provided that in case of all factory buildings which were constructed before commencement of this Rules no staircase can be less than 1.15 meter wide in consideration of putting the highest priority to the safety of workers:

Further provided that due to old structures of buildings if there is no scope to increase the width of the staircases in that case the staircases shall not be less than 0.82 meter in wide.

(8) Two exits or staircases shall not be more than 50 meter of distance and shall not be adjacent to each other and the end of at least half of the staircases shall be introspective.

(9) There shall be arrangement for adequate ventilation and light so that the staircase is not filled with fumes or smoke and the door in the top room shall not be closed or locked during working hours.

(10) There shall be at least one window without grill in each floor, which shall be attached with machineries and that shall be used to come down through ladder or ladder of rope by opening it in emergency situation and in the ground floor there shall be a strong net so that in case of fire one can come down with a rope ladder in that net.

(11) If any employer or the management fails to take specified measures within the specified timeframe as directed by the Inspector under Section 62 shall be considered as a continuous crime meaning crime done in every day.

**55. Fire extinguishing equipment and water supply.** – (1) In every floor of every establishment there shall be a container with the capacity of 200 liter water and four metallic red buckets with a capacity of 10 liter shall be kept in hanging and maintained for every 1000 square meter area, and each bucket shall be; however, if the establishment is protected with fire hydrant or sprinkler, then, the above-mentioned provision will not be applicable and each bucket shall be-

- (a) Of appropriate standard in accordance with the Bangladesh Standard Specifications;
- (b) Kept in a place approved by the Inspector and shall not be used for any other work except fire extinguishing and the word usable for fire extinguishing shall be written on it;
- (c) The buckets shall be filled with sand, except for the places where there is a risk of fire from only flammable liquids or other substances and where water is not usable.

Provided that the above provisions shall not be applicable if the establishment is protected with the fire hydrant or sprinkler;

(d) For every 850 square meter of every building there shall be one hose-rill in a place approved by the Inspector in accordance with the specification of the Department of Fire Service, there shall have to be a non-interrupted water supply and shall be an arrangement to examine at least once in every year:

Provided that, upon being satisfied of alternative arrangements for fire extinguishing, the Inspector General may, upon recording it in writing, relax the application of provision of this paragraph for any establishment.

(2) Any establishment with a floor covering an area of more than 90 square meter and where fire can start from any other material than flammable liquids, electronic appliances and flammable metal, one dry chemical powder fire extinguisher or any similar portable fire extinguishing equipment shall be kept and maintained for every 90 square meter area, in addition to the buckets prescribed in Sub-Rule (1).

(3) In case of the establishments where fire can cause from flammable liquids or gloze or paint, fire extinguisher prescribed in Sub Rule (2) shall be kept and these shall be of foam type, dry chemical powder (ABC type), carbon dioxide or fire extinguisher of similar nature.

(4) In cases of establishments where there is a risk of fire causing from electronic appliances, fire extinguisher appliances prescribed in Sub-Rule (2) shall be kept and these shall contain carbon dioxide, dry chemical powder or similar materials.

(5) In cases of establishments where there is a risk of fire causing from magnesium, aluminum or zinc powder or zinc slice or any other combustible metal, carbon dioxide or foam type fire extinguishers are prohibited and dry chemical powder (D type), adequate clean dry sand, stone powder and other incombustible substances shall be preserved there as fire extinguisher.

(6) Every portable fire extinguisher appliance shall be kept in place approved by the inspector:

However, provided that, where the Inspector General opines that, automatic fire extinguishing equipment has been set up in a building or a room of an establishment, in a process recognized and approved by the (Department of Fire Service and Civil Defense) and the condition of this sub-rule may be made relaxed there, he may provide a certificate in writing mentioning the conditions made flexible for such building or room.

(7) Every fire extinguishing equipment prescribed in Sub-Rule (2) shall be-

- (a) The fire extinguisher shall be placed in such a place so that it is visible by all;
- (b) The fire extinguisher shall be placed in such an accessible place by all so that it can be used immediately in case of necessity;
- (c) Generally, the fire extinguishers shall be placed at exits or near the stair landings of each floors as much as possible; however, it has to be aware that it does not create obstructions against the emergency exits;
- (d) The wall-mounted fire extinguishers shall be placed on the supporting walls or cabinet made of wood, metal, plastic, however, it shall be noticed that the bottom of extinguishers are more than 1,000 millimeter from the ground levels;
- (e) It is logical to place fire extinguishers at the same place in each floor;
- (f) Shall be installed at fire-prone areas like kitchen, crowded area, storehouse, electric circuits, and places with flammable items etc and those extinguishers shall have to be portable.

(8) Evacuation plans shall be displayed in one or more locations, which is easily visible at each floors of the building.

(9) In every establishment adequate amount of spare charge for fire extinguisher of every type shall be preserved and maximum spare charge shall always be preserved and ready to be used whenever it is necessary.

(10) As far as possible, every worker, at least 18% workers of every division of the establishment shall be provided with training on fire extinguishing, rescue and first-aid and the use of portable fire extinguishing equipment's and from the trained workers fire extinguisher teams, rescue teams and first-aid teams (6% member of every team) shall be formed and this shall be recorded in accordance with Form- 22.

(11) The fire fighters, rescue team, and the first-aid team must wear uniforms during the working hours and that uniforms shall as following, namely-

- (a) Fire extinguisher team – yellow colored aprons with the word 'fire' written on it in red letters.
- (b) Rescue team – yellow colored apron with the word 'rescuer' written on it in red letters.
- (c) First aid team – white colored apron with the word 'first aid' written on it in red letters.

(12) In every establishment or factory where at least 500 workers are employed shall have one trained officer whose responsibility will be to preserve and kept prepared and maintain all fire extinguishing equipment and providing refresher training to the three teams mentioned above in every months.

(13) The manager of the establishment shall prepare a detailed 'Fire Extinguishing Plan' for the purpose of taking measures through an appropriate process and proper implementation of fire extinguishing rules.

(14) A mock firefighting and emergency exit drill shall be organized in every six months in accordance with Section 62 (8) of the Act and the record book shall be maintained in Form-22(A) and at least 15 days prior to organize the training that shall be notified in writing to the Inspector concerned and the nearest fire service station.

(15) In every establishment there shall be an arrangement for a water reservoir with a capacity of 5,000 liters for the purpose of fire extinguishing and it shall always be filled with water and connected with hose reel and such reservoir shall not create any pressure or risk on the infrastructure of the building:

Provided that, if there is more than one establishment in a single building the owners of the establishments and the owner of the building may jointly construct such water reservoir in the process mentioned above.

(16) The owners of some factories or establishments situated in side-by-side buildings in the same area, for the purpose of fire extinguishing, may jointly make arrangements for a water reservoir with a mechanical deep tube well or electrical pump by connecting every factory/establishment with a pipe:

Provided that in this case, the Inspector General or the Inspector authorized thereby may allow exemption in performing the provision of Sub-Rule (15).

(17) The installation of the plan or designs for the deep tube wells or water reservoirs in accordance with Sub-Rules (15) and (16) shall be installed with approval of the Inspector General or Inspector authorized thereof.

(18) In implementing the provisions of these Rules if so required to oblige with the Rules under the Fire Prevention and Extinguishing Act, 2003 that shall have to be done.

**56. Security related precautions.**— If the Inspector serves any written direction for taking additional precautionary arrangements not violating any provision of Section 63(1) regarding fencing the machineries, such direction shall be applicable to the machineries mentioned above as well.

**57. Work on or near machineries in motion.**— (1) The list of workers engaged in operation, examination or repairing of any machinery for the purposes of Section 63 (1) shall be maintained in Form- 23.

(2) No person shall be appointed for such work unless he has adequate training regarding examination and operation of machinery in motion and practical knowledge on the risk and dangers associated with similar work on machinery in motion.

(3) The particular worker selected for such work in accordance with Section 64 (1) shall be provided with risk allowance and necessary tight-fitting clothes and personal safety appliances by the employer.

(4) As mentioned in Sub-Rule (3) as dress there shall contain at least a pair of tight-fitting cotton pants and tight-fitting sleeveless shirt and worker shall return such old dress when he is provided with a new dress or at the termination of employment of such worker.

**58. Precaution related to dangers of electricity.**— (1) Lines of electric supply and all electronic appliances, in every establishment, shall be of appropriate size and adequate capacity and they shall be assembled, maintained and made effective in such a way so that they do not become a cause of physical risk for any person.

(2) The certificate of adequacy of electric wiring shall be received from a person or institution approved by the government before starting the production of a factory or establishment.

3) In every establishment, where there is any kind of electric supply and use of electronic appliances, an automatic mechanism shall be installed so that the electronic appliances stop functioning automatically in the event of any kind of accident relating to electricity or fire.

(4) The Inspector shall take into account, after being assured about the installation of such mechanical system, while considering the adequacy of maintenance system regarding electric appliances and other matters.

(5) Every portable hand light shall have a handle covered with non-conductor material and the bulb must be set in a cage isolated from the metal part of the lamp holder.

(6) The practically portable appliances shall be maintained carefully and interim connection of the supply line shall be designed appropriately and be connected with a socket and three pin plug and switch, in order to prevent wrong insertion.

(7) All electric wiring and switchboards shall be made by 'concealed wiring' with nonconductor material.

(8) In order to ensure safe electric system, a certificate with the result of examination of overall earthing and wiring system of the factory or establishment, conducted by an appropriate licensed Wiring Inspector or institution once in every 12 (twelve) months or before the date of expiry of the issued certificate, shall be maintained.

(9) The responsibility of maintaining electric wiring shall not be provided to any individual except the person received certificate from the institution approved by the government.

(10) The Inspector General shall be informed about the type of electronic appliances, plans and electrical wiring in the part of the factory where combustible and explosive mixtures are used or preserved.

**59. Installation of machinery and keeping space for movement.** – In case of installation of any machinery in any place in the establishment, the distance of the machinery from the wall shall be at least 1 meter and there shall be a passage, with a width of at least 1 meter, for movement beside the installed machinery or machineries:

However, for currently running establishments if there is no adequate space the distance of machineries from the wall and walkways shall be of at least 0.75 miter.

**60. Crane, hoists, lift, pulley and other lifting machineries.**- (1) The following arrangements shall be adopted in case of following the Section 68 and Section 69, namely:-

(a) In any establishment, any lifting machinery and any pulley with any chain, rope or lifting rope, other than the rope of thin threads or knot of thread rope, cannot be installed to be used for the first time until they are examined or all the parts of the machinery have been scrutinized by a person declared qualified in accordance with Form- 30 and a certificate of carrying capacity and operation capacity, with the result of such examination, shall be obtained from such examiner and it shall be preserved for inspection;

(b) All jib cranes shall be constructed in such a way so that the safe carrying capacity can be regulated or altered by the regulator part. An automatic indicator shall be attached with the jib in order to indicate the carrying capacity appropriate for the bowing of the jib and the diameter of the load;

(c) Any chart which is showing safe loading efficiency of all types and all kinds of used lifting machinery, chain, rope or lifting rope-cord pulley; that chart cannot be reused for showing the lifting efficiency of multiple hanging trundles of lifting chain from its different angles in warehouses or chain, rope or pulley and the provisions of this sub-section will not be in force if the safe loading efficiency of lifting rope-cord pulley or lifting efficiency of the multiple hanging trundles of lifting chain is clearly written on their body;

(d) In case of Section 68(a)(3) and 69(1)(c), following information has to be recorded in the register in accordance with Form- 24 in every examination report and shall be maintained for inspection, namely:-

- (i) Name and address of the establishment;
- (ii) Name of the employer;
- (iii) Identity number, sign and description of lifting machinery, chain, rope or lifting chain and pulley;
- (iv) The date on which the lifting machinery, chain, rope or lifting pulley was used for the first time in that establishment;
- (v) Number and date of certificate issued after examination and scrutiny in accordance with Clause (a) and name and address of the person who issued such certificate;
- (vi) The date in matter of collective examination for duration and the person by whom such examination was conducted;
- (vii) The date on which such hoist or various appliances of a lifts, chain, rope or any other part has been prepared by pine or heat and the name and address of the person who has done that;
- (viii) If during the examination, anything is found that is averse to safe lifting of weights, the description thereof or if any pine or any other arrangements were made to repair that defect, the description thereof.

(e) All chains and lifting rope or pulley except the rope for hanging, if not necessary according to the approval of Inspector General, shall be pinned, upon completion of determined period, under supervision of a person declared competent in Form- 30, namely:-

- (i) At least once in every six months for all chains, hanging chains, rings, hooks, padlocks if they are made of molten metal or molten slag or of bars smaller than half inch; and
- (ii) At least once in every 12 months for any other generally used chains, hooks, folks, hash bolts and cleats:

Provided that, the chain and lifting rope-cord, pulley which are not used on regular basis, shall be pinned, subject to approval of Inspector General, only when it is necessary and if it is pinned in such manner this shall be written in the register as prescribed in Clause (d);

(f) The provisions of Clause (e) shall not be applicable for the following kinds of lifting ropes, cords or pulleys, namely:-

- (i) Chains made by flexible welding of iron;
- (ii) Plate connected with chain;
- (iii) Chains, rings, hooks, padlocks, cleats made of steel or any metal other than iron;
- (iv) Connected chains working on sprockets;
- (v) Hooks, cleats and padlocks permanently joined with connected chains, pulley systems, or weighing machines;
- (vi) Hooks with thread like parts, padlocks ball-bearing or any hard box;
- (vii) Sockets chain connected with covered rope of wire made of white metal mixed with metal alloy;
- (viii) Bordeaux connection:

Provided that chains and lifting rope-cord or pulley that have undergone a heating process called "normalizing" instead of pinning, such chain or lifting rope-cord or pulley shall be examined by a competent person at least once in every 12 (twelve) months.

(g) If the length of any lifting equipment's, chains, ropes or pulleys except the fiber ropes used for hanging or fiber rope is increased or changed or repaired through welding or any other process, it shall be adequately re-examined by a competent person before being used again and a certificate thereof shall be issued for such examination or scrutiny;

(h) The rails on which moving cranes are operated and the rails on which transporting vehicles move or the runways shall be of appropriate size and adequate capacity and the moving surface of these shall be plain and every such rail line shall be installed properly, it shall have enough load carrying capacity and it shall be maintained properly;

(i) In case of operation of magnetic crane, in order to maintain uninterrupted electricity supply, there shall be arrangements for instant electric supply through battery or generator in case of disruption in the main electricity supply;

(j) No person below the age of 18 years can be appointed for giving signal, to any moving machinery run on appropriate power or in any other way or to the operator thereof;

(k) The upper side of a moving crane shall be decorated with safe stairs and there shall be a ladder attached up to the cab of the crane and from the cab up to the bridge of the crane;

(l) If there is no safe support attached for changing or repairing the wheels at the end of the passage or platform of the bridge on the upper side of the moving crane, a safe platform shall be made at the end of both sides for that purpose;

(m) There shall be arrangement for automatic closure if the lift carries weight exceeding its capacity limit and in case of this Rule the appropriate authority means the Superintendent of the Mechanical Department at the University of Engineering and the Government shall declare a person or institution as appropriate in accordance with Form- 30.

(2) The Inspector General may, subject to his written conditions, provide an exemption regarding the application of any provision of this Rule in regard to the upper side of a particular moving crane of any factory.

**61. Revolving machinery.** –There shall be arrangement for automatic disruption of electricity for the purpose of controlling the extra speed of revolving machinery in accordance with Section 70 (3).

**62. Pressure plant.** - (1) If any plant or machinery, except working cylinder or main operation machinery, is operated at a pressure above the atmospheric pressure-

- (a) It shall be well constructed, without defects, with effective materials of appropriate capacity;
- (b) It shall be properly maintained in safe conditions;
- (c) It shall be fitted with the following appliances, namely:-
  - (i) A safety bulb or any such similar effective measure to ensure that it does not exceed the maximum working pressure;
  - (ii) Appropriate pressure gauge or meter which is easily visible;
  - (iii) Appropriate stop bulb;
  - (iv) Appropriate drain cork or valve for outflow of accumulated liquids.

Provided that, if the safety bulb, pressure gauge and stop bulb is around the pipeline near the vessel, it shall be in accordance with paragraph (c) and if one or more than one vessel in any plant is operated with the same pressure load, one set of mounting shall be attached thereto, however these cannot be separated from each other;

- (d) It shall be examined by a competent person in the following manner, namely:-
  - (i) Once in every six months, in order to be assured about the general condition and effectiveness of the fitting of the vessel;
  - (ii) Once in every 12 months, the effectiveness of internal and external wall of the vessel, the appliances of Sims and time vessel and the defects of seroission:

Provided that if the internal part of the vessel cannot be examined due to infrastructural reasons, a hydraulic test shall be conducted once in every two years.

Further provided that this timeframe may be extended up to four years;

- (iii) Hydraulic test with a gap of a period not exceeding four years:

Provided that, in case the pressure vessel has thin walls like *sizing cylinders* made of brass or any other non-iron metal, the hydraulic test shall be conducted subject to the provision prescribed in Clause (ii).

(2) In case pressure vessel with thin walls like sizing cylinders made of brass or any other non-iron metal, the safe working pressure shall be reduced by 5% every year from the main working pressure of five years and such cylinder cannot be used, under any circumstances, for more than 20 years.

(3) If no information is found regarding the date of construction, density of wall and safe working pressure, any competent person may, in consultation with the Inspector General, determine the age of such cylinder with any information received from the manager of the factory.

(4) Every new and old cylinder with thin wall that has been repaired or can cause disruption in security shall be examined before use.

(5) Except any part of the *prime mover* operated with a pressure greater than the atmospheric pressure and the maximum approved working pressure of the source of supply for every vessel that has been constructed in such manner, the safety of which has not been ensured, or the minimum pressure shall be collected from such pipes which is connected with *reducing bulb* related to other automatic appliance.

(6) If any suspicion regarding the safety of any vessel arises during examination, until the beginning of any subsequent examination prescribed in the rules, any competent person may permit the continuation of operation in Form-25, after providing reports on reducing the pressure or examining it, from time to time, or adopting both processes.

(7) No vessel, which has been prepared or reassembled, can be used before examination conducted by a competent person.

(8) The person who conducts such examination shall record the result of such examination in Form- 25 (A) and sign thereon. And that shall be maintained to be shown to the Inspector.

(9) No vessel, which was used elsewhere, can be used in another establishment before examination and preparation of a report in accordance with these Rules.

(10) In case of new vessel, they cannot be used before receipt of certificate regarding their maximum approved working pressure from the manufacturer or any other competent person and if any part of the vessel was examined, the vessel cannot be used before the receipt of the report of such examination.

(11) Such certificate shall always be ready to be shown to the Inspector and the licensed vessels shall be marked in such manner so that they can be identified easily.

(12) If any condition, for safe usage of a vessel, has been imposed by any report of examination conducted in accordance with this Rule, the vessel cannot be used in contravention with such condition imposed thereby.

(13) If after conducting an examination in accordance with these Rules, any competent person serves a report to reduce the maximum approved working pressure of any vessel or if after the examination it is found that some part thereof needs to be repaired immediately or within a specific period, he may send a report to the Inspector within 07 (seven) days after completion of such examination.

(14) If the provisions prescribed in this Rule do not contradict with any law, rule or regulation in force, it shall be considered as additional to such provision.

(15) Nothing of this Rule shall be applicable in case of any pressure plant and portable vessel cylinder under the Boilers Act, 1923(Act No. V of 1923).

(16) If it appears to the Inspector General that a vessel is constructed or used in such manner that any examination thereof is not necessary or practical, he may exempt any or all vessels from any or all provisions of this rule.

Illustration: For the purpose of this Rule-

(a) A "Competent Person" shall mean a person of the rank of workshop supervisor of mechanical department of any engineering university and any person or institution shall be declared as competent by the Government from time to time, also be included therein in accordance with Form- 30.

(b) "Vessel" shall mean any closed vessel with the capacity to hold anything but it shall not include any hydraulic operating cylinder except the feed-pump, steam pump, turban canning, compressor cylinder, bulb, air vessel or pump, general type of pipe foil, cylinder and inter-king guard and the machineries useable for reel which is less than 465 square meter and the accumulator fill with gas which is an inactive gas holder with little more air pressure in a higher position with full of liquid substance.

**63. Additional weight.**- (1) No male or female worker of any establishment can be appointed for the purpose of lifting, carrying and moving any products, equipment's, arms or appliances exceeding the following weights through hand or on the head without the help of any person, , namely-

- (a) Adult male worker- 50 kilogram; and
- (b) Adult female worker- 30 kilogram.

(2) The road used for transportation shall have to be obstacles free in a way that there is no risk for the workers to stumble or slip on it;

Provided that where the weight is needed to be carried upward, the amount mentioned above shall be have to be less in accordance with the directions of the Inspector considering the working environment, which shall not be more than 40 kilograms for an adult male and 25 in case of adult females.

(3) No adolescent or pregnant woman shall be appointed for the purpose of lifting, carrying and moving any matter, equipment or appliances for any employer or establishment.

(4) The wages for a male worker for carrying 50 kilograms shall be similar for a female worker as well for carrying a weight of 30 kilograms, no matter in which manner the worker is appointed according to Sub-Rule (1).

**64. Safety of eyes.**- (1) Appropriate safety goggles, if necessary, hand shield shall be arranged for every worker engaged in any work performed in following manners, and for workers employed, curtain made of black cloth or curtain of board shall have to be arranged effectively, namely:-

(a) Using revolving wheel operated with mechanical power or using metal or metal substance for dry grinding work by hand; the work of a revolving (external and internal) of iron or non-iron metal or similar metal or iron material in dry conditions;

Provided that, where curtain or goggles are inconvenient for appropriate effectiveness of any work, any other arrangement may be adopted subject to ensuring special safety;

(b) Use of metal welding, cutting with electric welder, arc welding and oxyacetylene or any similar process or use of chemical substances; and

(c) Cutting or organizing cold rivet or bolt, or the work of slicing, foliating, training and breaking or smoothing any stone, concrete piece or similar matters with hand operated or manual machinery or portable appliances.

(2) In addition to the work mentioned above in cases where there is a risk of getting hurt or injured in the eyes due to the production process, effective machine guard or glasses that ensure the safety of eyes must be used in such production process.

**65. Precautionary arrangement against dangerous smoke.** - (1) Every reservoir, well, hole, tunnel or any other closed place, rectangular, oval or circle shaped manhole where a person can enter and from where dangerous smoke can be produced which can be a reason for risk for any person shall be organized and—

- (a) If it is rectangular or oval, it shall not be less than 40.65 cm in length and 30.50 cm in width;
- (b) If it is circle shaped, its diameter shall not be less than 40.65 cm;
- (c) The level of flow of oxygen in the air shall not be more than 19%;
- (d) Free of risk from water-stagnant and access of water;
- (e) Shall be a permanently constructed ladder for going up and down through such a tunnel.

(2) “Competent person” mentioned in Section 77 shall mean the person responsible for such matter in explosive department and any person or institution may be declared by the Government in accordance with Form- 30.

**66. Prohibition of smoking and open light in the workplace.** – A notice, in simple Bengali language shall be posted in a visible place of the establishment, regarding prohibition of smoking and using open light/fire (example candle, lamp, matches, gaslight etc) in places of the establishment where it can be dangerous or in any place as directed by the inspector and necessary cautionary measures that need to be taken in case of fire.

**67. Supply of personal safety materials for workers.** - (1) The production processes where there is a risk of physical harm or injury for the workers engaged therein, adequate arrangement for safety and health shall be ensured in accordance with the directions prescribed in the Rules or Directions of concerned departments of the Government.

(2) In order to ensure personal security of the worker along with security and health safety in accordance with the Sub-Rule (1), no worker shall be engaged in such work without providing adequate safety materials, such as safety shoes, helmets, goggles, masks, hand gloves, ear muffs and ear plugs, waist belts, aprons etc. and providing training on how to use those safety materials.

(3) No worker shall be employed in that work without ensuring security and health safety arrangements and training mentioned in Sub-Rule (1) and (2) and personal protection equipment shall be maintained in Form-23.

## CHAPTER VII

### SPECIAL PROVISIONS RELATING TO HEALTH, HYGIENE AND SAFETY

**68. Dangerous operation.** - (1) For the purposes of Section 79 of the Act, the following operations shall be considered as dangerous, namely-

- (a) Production of aerated water and related processes;
- (b) Electroplating through electrolysis or oxidation of any metal with chromic acid or other chromium compound through the process of electrolysis;
- (c) Production and repair of electric accumulator;
- (d) Production of glass or glass products;
- (e) Making a metal sharp or shiny;
- (f) Making or repairing lead, lead alloy or few compounds of lead or any related work;
- (g) Production of gas from hazardous petroleum;
- (h) Any work relating to cleaning or smoothing any metal globe or gravel or any rough matter with sand jet run by compressed air or steam;
- (i) Liming and tanning of raw leather and any process associated therewith;
- (j) Putting jute or any fiber in a machine to make it soft;
- (k) Lifting, organizing, storing any product with a weight of more than 50 kg in a store or loading similar kind of product in ship or any other vehicle;
- (l) Preparing, using or storing cellulose solution;
- (m) Preparing chromic acid or preparing of retrieving sodium bichromate, potassium bichromate or ammonium dichromate;
- (n) Printing press or Type Foundry where any process with lead is operated;
- (o) Preparation of compressed hydrogen or compressed oxygen;
- (p) Making ceramic products/pottery;
- (q) Preparation of rayon of chemical sticky alkali;
- (r) Processing of plastic or polyethylene products;
- (s) Any work where hazardous gas is deposited or there is a risk of producing such gas, especially working in abandoned or closed wells, septic tanks, sewage lines and the work of old ship breaking;
- (t) Making chemical compost/chemicals;
- (u) Crushing stone/brick by mechanical method;
- (v) Any work on a height of at least 3 meters from the ground and 2 meter underneath;
- (w) Working with electric wiring or electric line;
- (x) Working at a brick burner;
- (y) Working inside a mine;
- (z)<sup>3</sup> Melting, transforming, cutting and joining any metal with high heat;
- (--) Any production process where noise with a degree of higher than 80 dB is produced;
- (--) Crushing stone using power press (except hydraulic press), metal tread;
- (--) Guillotine machine;
- (--) Circular saw;
- (--) Plate printing machine; and
- (--) Deep Sea Fishing.

(2) In addition to the activities mentioned in Sub-Rule (1), the Inspector General in case of necessity, may declare any other production process or any process associated therewith as hazardous work.

(3) Appointing children and adolescent workers in hazardous works mentioned in Sub-Rule (1) and (2) as declared by the Inspector General or any Inspector authorized thereby, from time to time, shall be prohibited. The Inspector General may, by notification from time to time, declare the work in the process as mentioned above prohibited for women or pregnant women workers.

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<sup>3</sup> It is in Bengali Alphabets, which are 40 in number.

(4) The employer of any establishment, while appointing any person in the work described in Sub-Rules (1) and (2) shall at his own cost, have the health checkup of such worker by a registered medical practitioner and will receive a fitness certificate thereof for such work in Form- 26.

(5) The employer shall receive a fitness certificate of all of such workers mentioned in Sub-Rule (4) after examining them by a registered medical practitioner at least once in a year.

(6) The statement of health examination under the Sub-Rule (4) and (5) shall have to be maintained by both the registered medical practitioner and the employers according to Form- 26(a).

(7) In such examination, if any worker is found to be affected by any occupational disease or poisoning described in Schedule- II the certifying medical practitioner and the employer of the establishment or the concerned worker or any person specified thereby shall inform the Inspector through Form- 29 within a period of 24 hours and the Inspector shall send such worker to the District Civil Surgeon for examination immediately.

(8) The Civil Surgeon, after examining the health of such worker, shall send a report thereof to the Inspector General or any Inspector authorized thereby, which shall be sent by the Inspector to the employer for necessary measures. All expenses related to such examination shall be borne by the employer.

(9) Information regarding the personal safety equipment's supplied to the workers shall be maintained in Form- 23 along with a description of the work for which the personal protection equipment's shall be supplied in accordance with Section 79 (d).

(10) Every employer, in case of use of chemical substances which can cause physical harm to the persons working in his establishment, shall hang a MSDS (Material Safety Data Sheet) as a notice at a clearly visible place.

(11) In order to ensure good health of the workers engaged in hazardous work mentioned above, the employer, with the suggestion of the Inspector General or any Inspector authorized thereby, shall arrange nutritious tiffin or snacks for the workers.

**69. Serving notice of accident.** – (1) Where in any establishment, any person faces any accident which ultimately causes his death or if, due to such accident, there is no reasonable possibility for that person to join his work in that establishment for the following 20 days, the accident shall be considered as fatal or serious, as the case may be, and the authority of such establishment shall instantly serve a notice, through telephone, fax, e-mail or special messenger, to the following persons, namely:-

- (a) Inspector General;
- (b) Concerned Deputy Commissioner;
- (c) Concerned Inspector;
- (d) Nearest Fire Service Station;
- (e) Nearest hospital or health centre;
- (f) In case of death or fatal accident, the Officer-in-Charge of Industrial Police of the concerned area.

(2) The notice sent by telephone, fax, e-mail shall be supported in written format in Form- 27 within two days and in case of necessity, the notice shall be sent by the special messenger according to the Form- 27.

(3) Within two months from the date of such incident or after joining of the worker, the owner of the establishment or any officer authorized thereby shall send a final report and where applicable with description of the latest condition of such accident in Form- 27 (A) to the Deputy Inspector General of the district concerned.

**70. Notice of minor accident.** – If any worker, injured by any accident in the establishment, is not being able to join his work within 48 hours and in the case of any absent for less than 20 days due to such

accident, such accident shall be considered as minor accident and the authority of such establishment, within 07 (seven) days of such accident, shall send the news to the authorities mentioned in Clause (a), (b), (c) of Sub-Rule (1) of Rule 69 in accordance with Form-27.

**71. Notice of dangerous occurrence.** – If in any establishment any severe accident occurs like explosion, outbreak of fire, building collapse or serious accident in machine takes place and whether anyone personally gets injured or not, the establishment authority, within 03 (three) working days, shall communicate the news of such accident to the authorities mentioned in Clause (a), (b), (c) of Sub-Rule (1) of Rule 69 in accordance with Form 27(B).

**72. The place of fatal accident.** – (1) If any disablement or amputation or death caused by causing such accident, the place of such accident shall be preserved in the same condition until the inspector, after being informed, visits the place or till at least 03 (three) days after the occurrence of such accident.

(2) The inspector shall collect information of such investigation and inform the employer regarding the steps to be taken.

(3) Notwithstanding anything mentioned in Sub-Rule (1) and (2), for the purpose of rescue operation and for the sake of protecting lives and property there may be deviation in obeying this Rule.

**73. Register of accident or dangerous occurrence and half-yearly report of accident.** – (1) The management of every establishment shall record the accidents and dangerous occurrences in his establishment in Form- 28 and whatever measures have been taken by the employer that shall be also recorded specifically in the register.

(2) The information recorded under Sub-Rule (1) shall have to be submitted in the form of report of half-yearly accidents to the Inspector within 10 (ten) workdays after completion of six months.

**74. Notice on occupational diseases and diseases related to poisoning.** – (1) In accordance with Section 82, where it appears to the employer or he learns that any worker of the establishment is suffering from a disease described in Schedule- II, the employer or concerned worker or any person specified thereby shall inform the Inspector by a notice in Form- 29 within 24 hours.

(2) After being informed under Sub-Rule (1), the Inspector shall send such worker to the District Civil Surgeon for examination.

(3) After examining the health of such worker, the Civil Surgeon shall send a report thereof to the Inspector General or any Inspector authorized thereby and the Inspector shall send such report to the employer for taking necessary measures.

(4) All expenses related to such examination shall be borne by the employer.

**75. Complimentary provision regarding safety.** - For the subject matter of occupational safety and health of workers applicable in the territory or vessels, river or handling of goods in the sea ports, building, bridge, and construction and breaking of other installation, provisions mentioned in the Schedule- III shall be followed.

## CHAPTER VIII

### WELFARE MEASURES

**76. First aid appliances.** – (1) There shall be a first aid box or cupboard in every department, branch and floor of every establishment in accordance with the provision of Section 89 (1) and it shall be marked with a red crescent/cross and must be equipped with items as prescribed in Sub-Rule (2), (3) or (4) depending on the number of persons.

(2) If the number of people engaged in any establishment, department, branch or floor, where mechanical power is used, is less than 10 (ten) or if the number of people engaged in any establishment, where mechanical power is not used, is less than 50, those establishments shall have the following appliances in every first aid box or cupboard, namely:-

- (a) 6 (six) sterilized bandage of small size;
- (b) 3 (three) packets of cotton (0.5 ounce);
- (c) 3 (three) sterilized bandage of medium-size;
- (d) 3 (three) sterilized bandage of large size;
- (e) 3 (three) sterilized bandage of large size usable for burn;
- (f) 1 (one) bottle (1 ounce) of Hibisol or Hexasol;
- (g) 1 (one) bottle (1 ounce) of rectified spirit;
- (h) 1 (one) pair of scissors;
- (i) 1 (one) copy of first aid leaflet;
- (j) Painkiller and antacid tablet, burn cream, eye drop, antiseptic solutions for surgery;
- (k) 3 (three) packets of oral saline.

(3) If the number of people engaged in any establishment, department, branch of floor, where mechanical power is used, is more than 10 (ten) but does not exceed 50, every such establishments shall have the following appliances in every first aid box or cupboard, namely:-

- (a) 12 (twelve) sterilized bandage of small size;
- (b) 6 (six) packets of sterilized cotton of medium size;
- (c) 6 (six) sterilized bandage of large-size;
- (d) 6 (six) sterilized bandage of large size usable for burn;
- (e) 6 (six) packets of sterilized cotton (0.5 ounce);
- (f) 1 (one) bottle (2 ounce) of Hibisol or Hexasol;
- (g) 1 (one) bottle (2 ounce) of rectified spirit;
- (h) Tourniquet (appliance used to stop bleeding)
- (i) 1 (one) roll sticky poster;
- (j) 1 (one) pair of scissors;
- (k) 1 copy of first aid leaflet; and
- (l) Painkiller and antacid tablet, burn cream, eye drop, antiseptic solutions for surgery;
- (m) 6 packets of oral saline.

(4) The establishment, department, branch and floor where more than 50 people are employed shall have the following appliances in every first aid box or cupboard, unless the Inspector General directs otherwise, namely:-

- (a) 12 (twelve) sterilized cotton packets (0.5 ounce);
- (b) 12 (twelve) sterilized cotton packet of medium-size;
- (c) 12 (twelve) sterilized cotton packet of large size;
- (d) 24 (twenty four) small sterilized bandages;
- (e) 12 (twelve) sterilized bandage of large size usable for burn;
- (f) 12 (twelve) roller bandages (4 inches width);
- (g) 12 (twelve) roller bandages (2 inches width);
- (h) 6 (six) triangular bandages;

- (i) Tourniquet (appliance used to stop bleeding);
- (j) 1 (one) bottle (4 ounce) of alcoholic solution of 2% iodine;
- (k) 1 (one) pair of scissors;
- (l) 1 (one) bottle (4 ounce) of rectified spirit;
- (m) 2 (two) packets of safety pins;
- (n) 12 (twelve) bamboo/wooden stick used for bone fracture;
- (o) Painkiller and antacid tablet, burn cream and sterilizer for surgery;
- (p) 12 (twelve) packets of oral saline;
- (q) 1 (one) first aid leaflet;

(5) The box and cupboard, appliances and equipment mentioned in this Rule shall be examined by a responsible person at least once in every 3 (three) months and every product shall be changed at least one month before the expiry date.

(6) Where in any establishment there is a properly equipped medical room or where similar things are preserved in a box, the appliances mentioned in Sub rule (2) shall be enough for the first aid box kept therein:

Provided that, if the Inspector directs for the addition of any other appliances in such box or cupboard, from time to time, those appliances shall be preserved as well.

**77. Medical room.** - (1) In every factory or establishment there shall be a medical room along with a dispensary where at least one registered medical practitioner shall be on duty and there shall be at least one trained compounder or medical assistant, nurse and supporting staff to assist him:

Provided that if the number of workers employed in an establishment is more than three thousand, there shall be at least two registered medical practitioners and necessary number of medical assistants and nurses to assist them.

(2) The medical room shall be separate from other parts of the establishment, as far as possible, and it shall not be situated near a place where noisy operations are carried out.

(3) The design of the building or any part of building, which shall be used as the medical room, shall be approved by the Inspector General or any inspector authorized thereby.

(4) The floor of the medical room shall be smooth, impenetrable and strong and the walls shall be impenetrable for a height of 1.50 meter and the room shall have adequate ventilation and natural or artificial lights.

(5) This medical room shall only be used for providing first aid and rest to the patients. The room shall have the following furniture and equipment's, namely:-

- (a) 1 (one) Pot for hot and cold water;
- (b) 1 table with a smooth 1.85 m x 1.1 cm surface
- (c) Arrangement for sterilizing the equipment;
- (d) Two beds for lying down and 2 (two) stretchers and 1 (one) wheel chair;
- (e) 2 (two) buckets or covered pots;
- (f) 1 (one) kettle for boiling water and spirit stove or any other appropriate arrangements;
- (g) 12 (twelve) ordinary wooden boards (91.44 cm x 10.16 cm x 0.63 cm);
- (h) 12 (twelve) ordinary wooden boards (35.56 cm into 7.62 cm x 0.63 cm);
- (i) 6 (six) ordinary wooden boards (25.4 cm x 5.08 cm x 0.63 cm);
- (j) 6 (six) fur blankets;
- (k) 1 (one) pair of artery forceps;
- (l) 2 (two) sponges of medium-size;
- (m) 6 (six) hand towels;
- (n) 4 (four) trays;
- (o) 4 (four) carbolic soap bars;

- (p) 2 (two) glass pots and gas;
- (q) 2 (two) medical thermometers and a few hypodermic syringes;
- (r) Lined measuring glass and teaspoons;
- (s) Appliances for eyewash;
- (t) 1 (one) bottle (1 L) 1: 20 carbon resolution;
- (u) 3 (three) chairs;
- (v) 1 (one) curtain;
- (w) 1 (one) electric hand torch;
- (x) 1 (one) first aid box or cupboard of standard quality in accordance with Rule 76(1);
- (y) Adequate supply of vaccination for tetanus disease; and
- (z) Tourniquet (appliance used to stop bleeding).

(6) If there is no arrangement for vehicle from the hospital, in case of serious accidents or sickness, the employer of every establishment shall have to make full-time arrangement for appropriate and effective vehicle for speedy transportation.

(7) A record of every service provided in case of accidents and treatments provided in case of sickness in the medical room shall be maintained and it shall be presented before the inspector, when necessary.

(8) The necessary amount of medicine, as directed by the inspector from time to time, shall be preserved in the dispensary.

**78. Health Centre.** – (1) According to the provision of Section 89(6), any establishment or establishments, situated in the same building or in different building or places under the same employer, as the case may be, where 5,000 or more workers are engaged in work-

- (a) The employer of the establishment shall establish a health center and the following medical staff shall be employed therein for providing medical treatment to workers, namely:-
  - (i) At least two registered medical practitioners for 5,000 to 7,000 workers;
  - (ii) Three registered medical practitioners 7,501 or more workers;
  - (iii) At least one trained nurse and at least one qualified dresser for every medical practitioner;

Provided that, where there is a provision for appointing more than one medical doctor, there shall be endeavor to appoint at least one female medical doctor.

(b) In accordance with Rule 77, no separate medical room is required, however, in each health center there shall be at least 6 beds;

(c) One bed shall be increased for every 1,000 workers over 5,000 and at least 3.72 square meter space of the floor shall be allocated for every bed; however, in case of emergency, the employer after informing the Inspector General may relax the provision regarding the area of the floor;

(d) The following arrangements shall be made in the health center of the establishment, namely-

- (i) Separate beds for male and female workers;
- (ii) Separate room with 1 (one) bed and separate toilet for contagious diseases;
- (iii) Separate area for patients of the outdoor department. It shall preferably be separated from the general ward;
- (iv) Separate room for examination of patients in privacy;
- (v) A room for minor surgery and dressing;
- (vi) Store room for medicines of dispensary;
- (vii) Worker under treatment in the bed in the health center shall be provided with free medicine and food, and there shall be arrangements for appropriate washing;
- (viii) There shall be arrangements for family welfare and information on reproductive health, training and counseling shall be at the health center;
- (ix) There shall be arrangements services and counseling for female workers at pre and post-natal stages;

(x) If required for clinical x-ray, physical therapy etc. that shall be arranged on time in cost of the employer.

Provided that, if the employer, subject to the approval of the Inspector General or any inspector authorized thereby, can arrange medical facilities for workers at free of cost in any other hospital nearby then the arrangement of clinical laboratory, X-ray department and physical therapy department is not required for such health center.

Provided further that, if there is not enough space to establish a health center in the establishment, subject to the approval of the Inspector General or any inspector authorized thereby, arrangements can be made to provide all medical treatment facilities at free of cost through a written contract with any approved hospital nearby.

(2) Following facilities shall be available in the health center, namely-

(a) Indoor and outdoor medical facilities for all workers;

(b) When it is necessary to take treatment or conduct any test at the hospital or pathological clinic outside the health center, the employer shall make arrangements for transportation for the worker at free of cost.

(3) The employers of establishments situated in the same building or adjoining buildings may establish a health center jointly and this health center-

(a) Shall be established as per the plan and design approved by the appropriate authority;

(b) Shall be completed with medical treatments according to Sub-Rule (1) and (2).

(4) If any employer intends to provide medical treatment for the employers of his establishment through such a joint medical center, he shall, subject to the decision of the employers of the joint health center situated near his establishment, inform in writing to the Inspector General or any Inspector authorized thereby and in such case, the Inspector General or any Inspector authorized thereby may exempt the employers of such joint health center from the provision of Sub-Rule (1).

(5) The Inspector General or any Inspector authorized thereby, in consultation with the Director of Public Health of the Government shall determine the necessary arrangements for appliances, injections, drugs and equipment for every health center.

(6) The responsible Medical Officer of every health center shall maintain the medical records of every patients under treatment or patients who have received treatment from such health center.

(7) The annual return related to the management of health center shall be sent in accordance with the provision of Rule 362 (2) (b) in Form- 81.

**79. Welfare Officer.** – (1) In case of any establishments where 500 or more workers are employed and in case of tea gardens and other gardens where the number of workers is 500 or more, shall have one qualified Welfare Officer appointed therein in accordance with the provision of Section 89 (8):

Provided that if the number of workers exceed 2000 (two thousand), one additional Welfare Officer shall be appointed for every 2,000 workers and for additional fractions.

(2) Duties of Welfare Officers shall be as following, namely-

- (a) Encouraging the constitution of various committees of the workers and the Joint Production Committee, Cooperative Association and Welfare Committee and supervising their work;
- (b) Monitoring various facilities such as, canteen, restroom, children's building, adequate arrangement for toilet, potable water;
- (c) Providing support to the workers regarding seeking leave with pay and explaining the rules of various types of leave to workers;

- (d) Monitoring issues related to housing, food, in Cooperative Association social and recreation facilities in any establishment with fair price, health care management, education for children, and other workers' welfare activities;
- (e) Developing the standard of workplace and life of the workers and working and sending recommendation for their welfare;
- (f) Arranging training for new workers, develop standards of workers education and encourage them for availing trainings at technical training institutes, and advise the management for providing nominations;
- (g) Providing appropriate advices to the management and workers for implementations of provisions of the Labour Act;
- (h) Maintaining communication with the medical officer of the factory for further medical facilities for the workers;
- (i) Taking steps for improving the relations between workers and employers;
- (j) Consultation with the employer and workers' representative regarding the issues of wages and service conditions;
- (k) If any disagreement arises between the employer and the workers, exercising his influence to ensure mutual settlement;
- (l) Listening to the statement of workers and cooperating with the employer and the workers to remove disagreements;
- (m) If any individual or collective complaint is received from the workers, immediately informing the authority for its settlement;
- (n) Establishing communication and organizing discussion meetings in order to maintain cooperative relations between the factory authority and workers.

(3) Qualifications of the Welfare Officer shall be as following, namely:-

- (a) The incumbent shall have at least a graduate degree or be experienced and specially trained in labour and industry related matters; and
- (b) Proficient in labour law, industrial relations and complain-dispute resolution.

(4) The manager or employer of a factory shall inform the Inspector General or any Inspector authorized thereby regarding the appointment or termination of service of any welfare officer, within 15 (fifteen) days of such appointment or termination and the vacant post shall have to be filled as soon as possible.

(5) The management shall provide all supports to the Welfare Officer in performing his duties as per Sub-Rule 2.

**80. Maintenance of safety record book and exhibition of safety information board.** - (1) The following information shall be recorded in the safety record book maintained in every factory or industrial establishment in accordance with Section 90 and it shall be provided to the Inspector upon demand, namely:-

- (a) A list of machinery or chemical substances used and preserved in an establishment which may cause danger or risk;
- (b) Precautionary measures taken regarding chemical substances in use, probable influence on workers' health working therein and arrangement for first aid;
- (c) A description of personal safety appliances or equipment's, which are to be used by workers;
- (d) A complete list of machineries;
- (e) The date and number of participants in a fire drill;

- (f) The date of re-admission of fire extinguishing equipment's;
  - (g) Information related to examination of electrical wiring and appliances;
  - (h) The list of safety committee members, date and number of participants in the relevant training;
  - (i) Information on the safety measures taken by the employer.
- (2) A safety information board exhibiting the main information recorded in the safety book shall be prepared and hanged in such a place that it is easily visible to all.

**81. Formation of Safety Committee, etc. - (1)** The employers of every factory or industrial establishment where there are 50 or more workers are employed or employed at any time of the year shall constitute a Safety Committee in accordance with Section 90 (a).

Provided that a factory in existence shall form the Safety Committee within 6 (six) months from the date of execution of these Rules and for a factory established after the execution of these Rule the duration to form the Committee within 9 (nine) months from the date of going into production and in accordance with Section 183, the employers of the group of establishments shall also form area-wise Safety Committee or if group of enterprises are spread over more than one Upazilla then the Safety Committee shall be formed Upazilla-wise.

- (2) The total number of members to the Safety Committee shall not be less than 6 (six) and not more than 12 (twelve). There shall be equal representatives of employers and workers in the Committee.
- (3) In the Committee, there shall be one Chairperson, one Co-Chairperson, one Member-Secretary and Members.
- (4) In the first meeting, the members shall elect a Member-Secretary unanimously.
- (5) The Committee may distribute responsibilities among its members on special aspects of health and safety and different sections or divisions.
- (6) The Chairperson of the committee and Employers' Representatives shall be nominated by the Owner or Managing Director of the factory or industrial establishment and Co-Chairperson and Workers' Representatives shall be nominated by the Collective Bargaining Agent (CBA) or the Workers' Representatives to the Participation Committee from workers employed thereof.
- (7) The number of Members of the Safety Committee shall be as following given the ratio of the number of workers, namely:-

  - (a) In a factory or establishment where 50 (fifty) to 500 (five hundred) workers are employed, the total number of Members to the Safety Committee shall be maximum 6 (six);
  - (b) In a factory or establishment where 501(five hundred and one) to 1,000 (one thousand) workers are employed, the total number of members to the Safety Committee shall be maximum 8 (eight);
  - (c) In a factory or establishment where there are 1,001 (one thousand and one) to 3,000 (three thousand) workers employed, the total number of Members to the Safety Committee shall be maximum 10 (ten);
  - (d) In a factory or establishment where there are 3,001(three thousand and one) or more workers employed, the total Members to the Safety Committee shall be maximum 12 (twelve).

(8) The Collective Bargaining Agent (CBA) of a factory or establishment shall nominate workers representatives to the Safety Committee from among the workers employed in different sections, divisions, floors, storehouse and units.

(9) If there is no Collective Bargaining Agent (CBA) in a factory or establishment, the workers' representatives to the Participation Committee of that factory or establishment shall nominate workers representatives to the Safety Committee from workers employed at different sections, divisions, floors, storehouses and units of that factory or establishment.

(10) If for any obvious reason, in regard to nomination of workers representatives to the Safety Committee, or if there is no initiative as per sub-Rule (8) and (9) in regard to nomination of workers representatives, upon being informed of such matter the Inspector General or the representative authorized thereof shall arrange election of workers representatives to the Safety Committee through an election from among worker employed:

Provided that in such case after formation of the Collective Bargaining Agent (CBA) or Participation Committee in that factory or establishment they shall nominate workers representatives to the Safety Committee within 30 (thirty) days as per the sub-Rule (8) and (9).

(11) The employer shall nominate his representatives within 7 (seven) days following nomination of workers representatives and the Chairperson in consultation with the Co-Chairperson and other members of the Safety Committee shall convene its first meeting within 15 (fifteen) days upon receiving such nomination.

(12) The Chairperson shall inform the Inspector General about the formation of the Safety Committee within 10 (ten) days of holding the first meeting of the Committee.

(13) If there is at least one third of workers are female in an establishment while nominating workers representatives at least one-third shall be female representative.

(14) If the Safety Committee feels requirements for opinions of Experts in regard to safety in the factory, then the Committee may seek such opinions.

**82. Vacancy of post and filling up the vacant position of the Safety Committee.** - (1) After the constitution of the Committee, if any post of Member is become vacant due to resignation, retirement from the employment, leaving the job, death or any other reasonable cause, that post may be filled-up in achieving support from the two-third of the members of the Safety Committee:

Provided that the workers' representative shall be nominated from the workers and the employers' representative shall nominated by the employer.

(2) If there is any change in any membership post of the Safety Committee, it shall be communicated to the Inspector General or authorized Inspector within 15 (fifteen) days from such change.

**83. Duration of the Safety Committee:** The duration of the Safety Committee shall be 2 (two) years from the date of its first meeting.

**84. Special provision:** This provision may be followed for the purpose of ensuring occupational health and safety in factories or industrial establishments or group of establishments where the number of employed workers is less than 50 (fifty).

**85. Functions, Duties and Jurisdictions of the Safety Committee.** - The Safety Committee shall perform the responsibilities and duties as prescribed in the Schedule IV.

**86. Washing facility.** – (1) According to Section 91 in every establishment, there shall be adequate and appropriate bathroom and washing arrangement for workers and it shall have to be maintained properly. (2) Adequate amount of soaps, germicides, where applicable nail brushes or other appropriate equipment for cleaning nails shall be included in washing facilities and these facilities shall be kept in conveniently available and maintained in a neat and clean manner.

(3) According to Section 91(a) bathrooms shall mean the following arrangements; namely-

(a) In a work process where it is necessary for the workers to wash their whole body immediately and there is a risk of harm to their health and the health of others, in such workplaces, there shall be at least two bathrooms for the first 25 workers and one bathroom for every subsequent 50 (fifty) workers which shall be separate for male and female workers:

Provided that, the industrial establishments where there is an existing washing facility in accordance with the provisions mentioned earlier, that arrangement shall prevail.

(b) Without prejudice the generality of the previous provisions, the facilities for bathrooms shall include the following:-

- (i) One traf attached with tap or jet at a distance of minimum 0.60 meter;
- (ii) Wash basin with tap;
- (iii) Tap on standing pipe;
- (iv) Tap regulated shower;
- (v) Round traf as like as shower;

Provided that, the inspector may, considering the requirements and habits of the workers, determine the installation ratio of the facilities mentioned above.

(4) The upper surface of every traf basin shall be impenetrable and smooth and it shall be attached with pipeline and flash for removal of dirt water.

(5) The floor and surrounding space of every place with traf, tap, standing pipe and shower shall be constructed and maintained in such a manner so that the upper surface remains smooth and impenetrable and there shall be adequate arrangement for disposal of water.

(6) The workers who are exposed to harmful or poisonous substances due to their work, there shall be one tap for every 15 (fifteen) workers.

(7) If there are women workers employed therein, there shall be separate bathrooms for them and the washing facilities shall be covered or curtained in such a manner so that the inner side of such washing facilities cannot be seen from the place where the male workers used to work.

(8) At the entrance of the washing facilities for women there shall be a clear notice specifying that "Only for Women" in such a language that can be easily understood by the workers it shall be directed with a pictorial direction as well.

(9) Every day in the establishment there shall be arrangement for supplying at least 8 (eight) liters of water for every worker entitled to take shower.

**87. Canteen.** – (1) In every establishments where more than 100 (hundred) workers are employed, the employer of every such establishment shall make arrangements to establish a canteen with the capacity of at least 10 (ten) person of the total number of workers.

Provided that, if such canteen has a dining capacity for 30 percent of the total number of workers then separate dining room in accordance with Section 93 shall not be required.

(2) The design and location of the building established as canteen or changed as canteen shall have to be approved by the Inspector General or any other inspector authorized thereby.

(3) No canteen building shall be established within a distance of 06 (six) meters from wash room or bathroom and within a distance of 15 (fifteen) meters from any boiler house, coal store, ash or dust, smoke or any source of harmful smoke.

(4) In every canteen there shall be arrangement for at least a dining hall, kitchen, store room, and a room for washing the dishes of the workers.

(5) No room of a building shall have a height of less than 03 (three) meter from floor to ceiling and the floor and 1.20 meter of the inside wall shall be made of smooth and impenetrable materials.

(6) The doors and windows of the canteen building shall have to be attached with the mosquito (preventing) net and there shall be arrangement for adequate light and ventilation.

(7) The specific facilities of the canteen shall be open till such time as determined by the canteen authority.

(8) In every Canteen –

- (a) The inside wall, ceiling, passage and staircase shall be whitewashed at least once in a year or it shall be varnished or painted once in every 03 (three) years;
- (b) All wooden furniture shall be varnished or painted at least once in every 03 (three) years;
- (c) The iron structures or steel pots shall be varnished or painted at least once in every year;
- (d) The inside walls of the kitchen shall be plastic painted or whitewashed in every 06 (six) months;
- (e) Record of the dates of whitewashing, painting, varnishing shall be maintained in a register prescribed in Form- 20.

(9) There shall be arrangement for separate rooms in the canteen for female and male workers:

Provided that, where it is not possible in any way to arrange separate rooms then partition or curtain shall have to be arranged.

(10) The canteen building shall be maintained in neat, clean and hygienic manner and the place attached therewith shall be kept clean and hygienic as well.

(11) There shall be arrangement for disposal of dirty water of the canteen through a covered drain and this water shall not be blocked which may cause uncomfortable situation.

(12) Appropriate measures shall be taken for collection and disposal of wastes of the canteen.

**88. Canteen Appliances.** – (1) There shall be arrangement of enough appliances for proper operation of the canteen, including utensils, spoons, furniture and other appliances.

(2) The workers who serve food shall be provided with special uniforms and those shall be maintained in neat and clean condition.

(3) The furniture, utensils and other appliances shall be maintained in neat, clean and hygienic manner.

(4) All food products to be served in the canteen shall be maintained and served in such a way so that it is not exposed to any kinds of mosquitoes and flies and dust or shall not be contaminated in any way.

(5) If there is an arrangement for service counter, it shall have a surface made by smooth and impenetrable material.

(6) There shall be arrangement for appropriate facilities including supply of hot water for washing the utensils and other appliances.

**89. Price of food.** – (1) The supplied food, beverage and other products in the canteen shall be sold on *nonprofit* basis and the standard and price of these products shall be determined and approved by the canteen management committee.

(2) The canteen shall serve nutritious food and the canteen committee in determining the list of foods shall prioritize the standard and nutritious value.

(3) The price list of the food, beverage and other products served in the canteen shall be displayed openly in the canteen.

**90. Canteen Management Committee.** – (1) The canteen management committee shall be constituted with the persons nominated by the employer and an equal number of persons nominated based on the opinion of the majority of the workers, under the supervision of the welfare officer of the establishment.

(2) The member of workers in the committee shall not be less than 2 (two) or more than 5 (five) persons.

(3) If there is a Collective Bargaining Agent (CBA) in the establishment, they shall nominate the workers' representatives:

However provided that, In the absence of CBA in the establishment the existing trade union organization or trade union organizations shall nominate equal number of the representatives of workers and in the absence of trade union organization, the participation committee shall nominate the workers' representative.

(4) The employer or the welfare officer authorized by the employer shall supervise the activities of the canteen management committee.

**91. Consultation with management committee.** – The employer or the officer authorized thereby shall consult with the canteen management committee regarding the following matters, namely:-

- (a) The standard and amount of the food products supplied by the canteen;
- (b) Determination of the menu and food price;
- (c) Timeframe of having food in the canteen; and
- (d) Other matters necessary for sound operation of the canteen.

**92. Dining room.** – According to Section 93 –

(a) The canteen shall have capacity of at least 15 (fifteen) percent of the total number of workers working in the factory at a time;

(b) There shall be arrangement for enough number of tables, chairs or benches with impenetrable surface in accordance with the number of workers:

Provided that, the Inspector General may change the percentage rate in consideration of special circumstances of the capacity in the dining room through written directions;

(c) One part of the dining room and service counter shall be separated with screen partition in accordance with the ratio of the women workers.

**93. The Standard of the restroom and the dining room.** – The design, standard and size of the restroom and the dining room shall be approved by the Inspector General or any Inspector authorized thereby.

**94. Children's room.** –

(1) The design, standard and location of the children room or separate building or extension to be constructed for children shall be approved by the Inspector General or any inspector authorized thereby.

(2) There shall be a separate room or a place surrounded by screen so that the lactating mother can feed their child safely and with decency.

(3) The floor and 1.22 meter of the inside wall of the children's building shall be constructed in such a manner so that it has a smooth and impenetrable surface.

(4) An amount of 0.25 liter milk and adequate nutritious food shall be supplied every day for all children staying in the children's room.

(5) The employees of the children's room shall be supplied with neat and clean uniforms during their time of duty in the children's room.

(6) In case of appointment of employee in the children room priority shall have to be given to women.

**95. Washing facilities.** – (1) Arrangement for proper wash room shall be made for washing and changing the dresses of the children near the children's room or at an adjacent place.

(2) The washing room shall have the following standard, namely:-

(a) The floor and the inside wall with a height of 1 meter shall be constructed in such a manner so that it has a smooth and impenetrable surface;

(b) The room shall have adequate lighting and ventilation system and the floor shall be connected with an effective drainage system and it shall have to be kept neat and clean;

(c) There shall be a basin or similar pot with adequate supply of water usable by 5 (five) children at the same time and 5 liters of water for every child shall be supplied everyday through tap, if practicable; and

(d) Sufficient clean clothes, soaps and towels for every child shall be kept.

**96. Various facilities in tea gardens.** – According to Schedule- V various facilities shall be ensured in the tea-garden including education, treatment, housing and daily necessities.

**97. Medical facilities for newspaper workers.** - (1) There shall be arrangement of indoor and outdoor medical facilities for the workers-employees working in the print and electronic media and for the persons dependent on them at the cost of the establishment in accordance with Section 98:

Provided that, the limitation of medical expenses shall not be more than 2 (two) lac taka in case of treatment of workers-employees of newspaper and 1(one) lac taka in case of treatment of persons dependent on them.

(2) Every employer of electric media including newspaper shall make arrangements for health checkup of every worker employed at his establishment by a registered medical practitioner at least once in a year.

(3) In cases where medical treatment provided by the employer of the newspaper establishment is not adequate, the worker may, by taking prior approval from his employer, receive medical treatment from any appropriate hospital within the country at the cost of the employer.

(4) If any newspaper worker gets injured or wounded or affected by occupational disease while performing his occupational responsibility, the employer shall bear the expense of his medical treatment until he gets cured.

**98. Introduction of mandatory group insurance:**

(1) The employer of every establishment, to which Section 99 is applicable, shall introduce group insurance for every worker in his establishment.

(2) The group insurance shall be applicable in case of death or permanent incapability of workers.

(3) In order to introduce such insurance, the employer may enter into a contract with any existing established insurance company in the country approved by the Government.

(4) The employer shall pay the annual premium of such insurance and no deduction can be made from the wages of the workers for this reason.

(5) In case of the death of a worker for any reason during his employment, the money from such insurance shall be paid to the persons nominated by the worker or his legal heir.

(6) The annual premium of the insurance and the insurance money shall be exempted from income tax.

(7) The economic benefits accrued from the group insurance prescribed in the Act and these Rules shall not be an alternative to any other economic entitlement prescribed elsewhere in the Act.

## **CHAPTER IX** **WORKING HOUR AND LEAVE**

**99. Daily working hour.**-(1) Not notwithstanding anything contained anywhere, the daily working hours for an adult worker shall be eight hours, excluding breaks for meal and rest:

Provided that, a worker shall be allowed to work for daily 10 (ten) hours subject to the payment of overtime allowance in accordance with the provision of Section 108:

Further provided that, the consent of such worker must be taken in this regard and he shall be informed at least two hours before starting the overtime period:

Further provided that, If there is any establishment where any existing contract or settlement or custom regarding working hour, additional work and overtime is existing in any establishment which is more favorable for the workers, such arrangement shall be continue.

(2) No worker shall be engaged in any work of construction, re-rolling, steel mills, industry of ship breaking and any other dangerous work mentioned in Rule 68 without taking rest for half an hour after every two hours:

Provided that the employer shall not make any deduction from his wage on account of taking such rest for the purpose of fulfilling the objectives of Section 101 (d).

(3) The worker engaged in the industry and activities mentioned in Sub-Rule (2) shall not be bound by the employer to work for more than 10 (ten) hours daily including overtime.

**100. Weekly holiday of factory or establishment.** –

The weekly holiday of any factory or industry in accordance with the provisions of Sections 103 and 114 of the Act shall be counted as the weekly closure for that factory or establishment.

Provided that the Inspector General may, for public interest, determine area based weekly holidays for any factory or establishment by publishing a notice in official gazette and such closure mentioned in this Rule shall be effective for the factory or establishment which run by the employer with the help of family members and where no workers are employed in exchange of wages as well.

**101. Compensatory weekly holiday.** –

(1) If it becomes impossible to grant holiday to any worker in accordance with Section 103 such worker shall be granted compensatory weekly holiday within the following 03 (three) working days from such entitled holiday.

(2) No worker shall be engaged in working for more than 10 (ten) consecutive days without giving a weekly holiday.

(3) Any compensatory weekly holiday accruing to workers who is exempted in accordance with the provision of Section 104 shall be given such compensatory leave within the following 30 days from such accrual.

(4) The manager of the establishment shall hang a notice on the notice board immediately after the approval of such compensatory leave of workers:

Provided that, if any change is necessary in such notice of leave then it shall have to be done at least 3 (three) days before the leave concerned.

(5) If the employment of any worker is terminated before availing the due compensatory leave in that case the worker will be provided with full wages for the un-availed compensatory weekly holidays along with other dues.

(6) The owner of the establishment shall maintain a register of compensatory leave in accordance with Form-33 which shall be preserved for 03 (three) years from the date of last record of any information and that shall be produced before the inspector on demand.

**102. The process of calculating the general rate of overtime allowance. –**

(1) In absence of any different kind of contract between the employer and the worker, the general rate of hour based wages of the workers for overtime work, payable in accordance with Section 108, shall be calculated in the following manner:

- (a) 1/8 of his daily wage, in case of workers appointed on daily wage basis;
- (b) 1/48 of his weekly wage, in case of workers appointed weekly wage basis; and
- (c) 1/208 of his monthly wage, in case of workers appointed on monthly wage basis.

**Note:** One month will consist of  $52 \div 12 \times 48$  hour = 208 hours.

Rate of per hour overtime allowance = monthly basic wage + dearness allowance + ad hoc and interim allowance  $\times 2 \times$  overtime hour/ 208 hours.

(2) If the workers employed in any establishment are made to work overtime, the employer of that establishment or any person authorized thereby shall sign the card or slip given to the worker after mentioning the amount of overtime and deliver it to the worker after his work.

(3) No worker, employed in any establishment on monthly or weekly wages basis or on temporary basis or contractual basis or piece rate basis, shall be set with a production target which results in breach of Section 100.

(4) The account of overtime work shall be preserved in a register in accordance with Form -34.

**103. Working hour for Female workers. –**

(1) If it is necessary to engage any female worker for working between 10 (ten) PM to 6 (six) AM then the written consent of that worker shall have to be required to take in accordance with Form-35.

(2) The consent mentioned in Sub-Rule (1) shall be effective for 12 (twelve) months unless it is withdrawn by the concerned female worker through written application.

(3) In case of withdrawal of consent of the female worker the application shall have to be made in accordance with for Form no. 35 (A).

(4) The information regarding the consent of the women worker to work in the night shift shall be maintained in the register in accordance with Form-36.

**104. The conditions for permission to work in more than one establishment.-**

According to the provision of Section 110, the Inspector General or any inspector authorized thereby shall follow the following conditions in case of providing permission to any worker for working in more than one establishment in the same day, namely:-

- (a) The establishments shall have to be under the same employer;
- (b) No worker shall be made to work for a period exceeding the timeframe prescribed in the Act;
- (c) The interim time for going from one establishment to another establishment shall be counted as working hour; and
- (d) The worker shall be provided with overtime allowance for the additional working hours in accordance with the Act and considering the situation, the employer shall arrange vehicle for the worker or bear the expenses of transportation.

**105. Notice for working hours of adult worker. –**

(1) The notice for working hours of adult worker shall have to be approved by the inspector in accordance with Form- 37, 37 (A) or sector wise, 37 (B).

(2) After the approval of the notice by the inspector mentioned in Sub-Rules (1) a copy of such approved notice shall be exhibited in such a place where it can be easily visible to all workers.

(3) The approved notice shall have to be preserved and it shall be prepared in the establishment for audit or inspection by the inspector.

**106. Casual leave and sick leave. –**

While taking a causal leave under Section 115 and 116 the worker concerned may include the weekly or festival holiday before or after that leave if he wishes to do so which shall not be included as casual leave:

Provided that, if any weekly holiday falls into a casual leave or sick leave then that leave shall be included in original leave.

Further provided that, in case of engagement in work at any time of the year the worker will be able to enjoy such leave proportionately.

**107. Annual leave with wages.-**

(1) In case of calculating the annual leave or earned leave in accordance with Section 117, the attended days of the worker in the previous 12 (twelve) months shall have to be taken into account.

(2) If any worker intends to receive cash money against his unspent earned leave he shall be able to do such:

Provided that, it shall not be allowed to cash more than half of the earned leave at the end of the year and such cashing can be done only once in a year.

(3) If any worker dies before availing his leave with wages, his wages for leave shall be paid to his nominee or legal successor.

**108. Leave book. –**

(1) The employer or manager shall provide a leave book to every worker in accordance with Form -9.

(2) The leave book shall be the property of the worker and the manager of the factory or his representatives thereof cannot take it from the worker except for the purpose of filling up relevant matters when necessary or cannot keep it for 07 (seven) consecutive days.

(3) All entries in the leave book shall be written clearly with ink and it shall be incorporated with updated information.

(4) If any worker loses his/her leave book, the Manager shall supply a new leave book to him /her subject to payment of 10 (ten) taka by the workers and shall incorporate or record the information from his record.

(5) If any establishment preserves records of leave through a computer, then a printed copy of that shall be considered as a leave book.

**109. Granting leave to workers who belong to the same family. –**

(1) Considering the situation, as far as possible, workers who belong to the same family, for instance, husband, wife and children shall be granted leave in accordance with Section 115 on the same day.

(2) Subject to the approval of the manager of the factory, one worker can exchange his leave with another worker.

(3) The word 'year' shall mean the year of Gregorian calendar for the purpose of fulfilling the objectives of Sections 115, 116 and 118.

**110. Festival holiday.** – (1) Every employer shall, in consultation with the CBA of his establishment (if any), determine the festival holidays of the following year within 31<sup>st</sup> December of every year which shall not be less than 11 (eleven) days.

(2) The employer shall display the list of holidays on the notice board for the information of all workers of the establishment and shall send a copy thereof to the concerned inspector.

(3) If there is no CBA, the employer shall, in consultation with the participation committee determine the list of festival leaves in accordance with the recommendation of the participation committee.

(4) Where there is no CBA or participation committee in any establishment the employer shall determine the list of holidays in consultation with the workers as far as possible.

## CHAPTER X

### WAGES AND PAYMENT THEREOF

#### **111. Maintenance of wages and its record. –**

(1) A record of payment of wages of all workers employed in every factory or establishment shall be maintained in Form-38 which shall be maintained according to the serial number of the workers in the workers' register and wage-period and it can be maintained in a computer as per the convenience of the person responsible for the purpose of payment of wages:

However provided that, while making the payment of wages to the workers, the signature of the workers shall have to be collected on a printed copy by using revenue stamp.

(2) If any worker is willing to receive his/her wages in his/her bank account, the owner may provide such wage through a bank cheque or a bank transfer to the worker and shall provide a wage slip and in that case the authority shall provide all required assistance for opening and maintaining bank accounts for women workers.

(3) In every wage-period, before payment of wages, the employer shall provide a wage slip to every worker in accordance with form-38 on which the amount of wages, overtime allowance, deduction (if any) and net payable wages shall be mentioned.

(4) In case of appointing any kind of workers to perform any work in any establishment, the wages thereof shall have to be declared prior to such appointment.

(5) Workers employed in every factory or establishment who have completed 1 (one) year of their employment continuously, shall be provided with two festival bonus in every year:

Provided that, the festival bonus shall not be more than the monthly basic wages, it shall be considered as additional to wages.

(6) The calculation of wages on the basis of piece rates shall be as follows, namely:-

- a) The superior authority or employer of the factory shall determine the wages on the basis of piece rate by taking primary concept from the workers through floor-in-charge;
- b) While paying wages on piece rates basis every worker shall be given a pay slip and there shall be sector-wise details of wages in such pay slip;
- c) There shall be scopes for reconsideration by the management if any dispute arises regarding the style of the piece rate basis wages from any side;
- d) In case of partly work, if there is gap in minimum wages against the prescribed grade, the employer shall provide the wage by making supplement of that;
- e) Despite of presence in all working days of a month if any worker gets wages lower than the minimum wage determined for the grade due to lack of work, then the management of the factory shall have to make supplement of that;
- f) The wages payable as per the grade and or wages on the basis of piece rates whichever is higher that shall be paid to the worker;
- g) If there is no work in the factory then the workers shall be paid the basic wage prescribed in the grade;
- h) The Department of Inspection for Factories and Establishments shall monitor whether the above-mentioned Rules regarding the wages on piece rates basis are properly implemented or not.

#### **112. Time of payment of wages and notice of payment. –**

(1) The manner in which the wages of the worker have been determined, irrespective of its kinds such as monthly or weekly or daily or contractual or piece rate basis, shall be informed to the worker through a notice and the time and manner of payment shall also be mentioned therein.

(2) The employer or paymaster shall, after fixing the dates for the payment of workers' wages, publish it through a notice written in Bengali which can easily be understood, at the entrance of the establishment or any open place near the entrance at least 10 (ten) days prior to those dates.

(3) If the notified date is required to be changed for any special reason, another notification shall have to be issued immediately, stating the reason for such change and the changed date:

However provided that, this change of date shall be at least 03 (three) days prior to the fixed date and that shall not exceed the timeframe prescribed by law.

(4) If there is any discontinuance of employment of any worker due to retirement or retrenchment, discharge, removal, dismissal by the employer or any other reason, due wages of such worker shall be paid within 07 (seven) working days of such discontinuance and the compensation and other dues shall be paid within a period of maximum 30 (thirty) working days from the discontinuance of the employment.

**113. Mutual settlement regarding wages and other dues. –**

(1) Any claim arising out from the payment of wages or illegal deduction of other dues of workers or from similar reason shall be communicated in written to the employer concerned, by the worker himself or by the Collective Bargaining Agent of the establishment which has been empowered by the worker to represent him.

(2) After receiving the claim, the employer shall take effective measures to settle the matter within the following 10 (ten) days.

(3) If the employer fails in accordance with the Sub-Rule (2), the claimant worker shall, for the purpose of settling the matter, communicate the same to the Inspector General or any Inspector authorized by him through a written application in accordance with Section 124(A).

(4) The Inspector General or the Inspector authorized by him shall take necessary steps with an aim to resolve the said matter within 20 (twenty) days from the date of receipt of such application under Sub-Rule (3) and shall provide his decision in writing after resolving the said complaint within 30 (thirty) days from the date of taking mentioned initiatives.

(5) For the purpose fulfilling the objectives of Section 124(A), the Inspector General or any Inspector authorized thereby shall be considered a Mediator or Conciliator regarding the settlement and he with an aim to resolve the matter, shall draw his decision hearing parties concerned and reviewing documents (if any).

(6) The unanimous decision given by the Conciliator or mediator, shall be binding on all the parties concerned and those decisions of the conciliator or mediator which were not unanimously agreed by all the parties, the aggrieved party has a right to appeal against that decision(s) to the Labour Court within 6 (six) months from the date of the decision.

(7) For the purpose of fulfilling the objectives of Section 161(3), in case of determining the compensation paid by the contractor for any violation of the Code of Conduct on the part of the contractor, the employer shall apply to the Inspector General or any inspector authorized thereby within 15 (fifteen) days from the date of payment of such compensation along with the receipt of such payment.

(8) The Inspector General or the inspector authorized by him shall examine the contract executed between the owner and the contractor for the purposes of reaching his decision.

(9) The Inspector General may for the purpose of fulfilling the objectives of Sections 124(A) and 161(3), may delegate his powers to any Inspector or inspectors of the concerned jurisdiction, by way of executing a written office order.

(10) If the Inspector General or an Inspector authorized thereof shall issue a notice under Section 124(a) then the presence of the party concerned shall be obligatory.

**114. The procedure of calculating wages in case of incomplete months. –**

(1) If the employment of any worker comes to an end before the completion of the term of wage or if any worker joins in the employment after the beginning of the month, in both cases the wages shall be calculated on the basis of his working days including weekly and other holidays.

(2) The total wages including house rent allowance, transport allowance and medical allowance of that month shall be divided by the total number of days of the month and multiplied by the number of days in such duration.

**115. Deduction of wages for absence in duty. –**

(1) In case of deduction of wages for absence in the duty in accordance with Section 126 (2) the wage shall mean, the basic wages of workers and dearness allowances and ad hoc or interim wage (if any) and the amount of daily wages of the workers shall be determined by dividing the monthly basic wages of the worker, dearness allowance and ad hoc or interim allowance (if any) by 30 (thirty) and it shall be informed to the worker concerned.

(2) No deduction of wage shall be made for any absence except for the ground mentioned in the Act and the Rules of the establishment.

**116. Record of deduction of wages for damage or loss. –**

(1) For the purposes of fulfilling the objectives of Section 127 the record of all deductions and their recovery shall be maintained in form -39.

(2) The annual statement of deduction of wages shall be submitted in prescribed form to the Inspector General or any inspector authorized thereby, after the completion of calendar year within 15<sup>th</sup> February of the following year.

**117. Advance. –**

(1) The amount of advance wages, which have not been earned yet, shall not be more than the potential amount of the following two month's wages of the person engaged in employment.

(2) The paid advance wages can be recovered within a period of maximum 12 (twelve) months in installments and the amount of any installment cannot be more than one-third of the wages.

(3) The amount of all advance wages and its recovery shall be recorded in prescribed register in accordance with form -40.

**118. Payment of unpaid wages and other dues of a deceased worker. –**

(1) Every worker shall have to give their nomination in accordance with Form-41 at the time of joining in the work, for the purpose of receiving their unpaid wages and other dues in absence of them.

(2) A photograph of the worker himself and his nominee shall have to be attached with such nomination form.

Provided that, the worker may, if he intends, change such nomination, from time to time, in the same manner.

**119. Submission of unpaid wages of a deceased worker in the court. –**

(1) If the deceased worker does not have any nominee or no successor has been found, the employer shall be required to submit the money to the Labour Court in accordance with Form- 42.

(2) The Court shall provide a receipt of acknowledgement of the money submitted to it in accordance with Form- 43.

**120. Application to the Labour Court for payment of wages. –**

According to Section 132, if the employed or retrenched worker himself, or in case of death of worker, upon the application of his any successor or any legal representative or heirs of the deceased worker, an application for the payment of dues shall have to be submitted in the Labour Court in accordance with Form-44, 44 (A) and 44 (B), as the case may be.

## CHAPTER XI

### WAGE BOARD

#### **121. Nomination of representative of the employer and workers in the wage board. –**

(1) For the purpose of implementation of the objectives of Section 138 (6), with a view to nominate representative of the employers' and workers' organization in the wage board in accordance with sub section (2) of this Section, the Government shall seek nomination from the organizations with the highest representation in the federations of employers and workers and for the purpose of implementation of Sub-section (3) the government shall ask nomination from the employers' federation and trade union federation or in absence of federation from the Union with highest representation.

(2) In case of asking nomination under Sub-Rule (1) the position of membership of federation shall have to be taken into consideration in accordance with the record of the Director of Labour.

(3) In both cases, the nominations shall be asked through the Director of Labour.

Provided that, In case of nomination of representative of any industry, if there is no registered trade union in such industry, the Director of Labour shall ask for nomination of representatives from the organizations of the national federations which have affiliation with such industry and if no such affiliation can be found, the Government shall nominate such persons as the representatives of the employers and workers who are capable of representing the employers and workers of such an industry.

(4) If for any reason, the organization with the highest representation does not provide any nomination of representatives then the Government may ask nomination from the organization with second or third highest representation.

#### **122. Board meetings. –**

(1) The Secretary of the Board shall, in consultation with the Chairman call the board meeting by sending a written notice to every member and the venue and time of the meeting shall be determined by the Chairman.

(2) The meetings will be arranged in a manner determined by the Board.

(3) The Chairman shall preside over every meeting of the board but in case of his absence any neutral member may preside over the meeting.

(4) According to Section 139, the quorum of the meeting shall be constituted upon the presence of the Chairman, neutral member, one representative of the employer and one representative of the worker regarding the first meeting of the matter sent to the board:

Provided that, in the next meeting the progress of functions of the board shall not be interrupted in case of absence of any such member and the functions of the board shall not be suspended solely for the reason of absence of any member.

(5) According to Section 139, the board shall settle any matter within 06 (six) months from the date of sending the matter to the Board:

Provided that, any recommendation of the board shall not be suspended only for the reason of being late to provide it.

**123. Duration of the working period of the board.** – (1) unless otherwise prescribed in this Act and Rules, the duration of the members of the board shall be 03 (three) years from the date of publication of their appointment in official gazette.

(2) Notwithstanding anything different in Sub-Rule (1) the members shall hold their posts, even after the expiry of such duration, until the appointment of their replacements by notification in the official gazette.

(3) Any member will be eligible to be reappointed after the completion of his working period.

(4) Any person may resign from membership by submitting a written notice to the Government and that post shall be considered to be vacant from the date of receipt of such resignation by the Government.

(5) If any member (except the Chairman) remains absent from 03 (three) consecutive meetings without taking leave from the Chairman, the Government may declare his post to be vacant by a notice in the official gazette.

(6) If it is considered that holding a post by any particular member is against public interest due to misconduct or for any other reason, the Government may remove him from the membership of the board.

(7) The Government shall fill- up any vacant post of the board in a manner which does not prejudice the interests of the board regarding representation.

(8) If any member is appointed to fill-up a temporarily vacant post, he shall hold the post only for the remaining working period of his predecessor.

**124. Leaving Bangladesh by members.** – (1) If any member of the board except the Chairman leaves Bangladesh, he shall inform the Chairman about the date of his departure and arrival in Bangladesh.

(2) If any member intends to stay out of Bangladesh for a period of more than 06 (six) months, the Chairman in case of necessity, shall inform the Government regarding the matter of appointing one temporary alternative member for such period.

(3) In such cases where the Chairman goes for a long vacation or is sent outside of Bangladesh on deputation, the Government may appoint any other person as Chairman for the period of his absence, or may direct the neutral member to perform the duties of the Chairman on a temporary basis.

**125. Allowance of the members of the board. –**

All members of the board except the Chairman shall be able to get allowance for their attendance in the meeting at the rate determined by the Government.

**126. Appointment of employee of the board. –**

The Government may appoint one Secretary and other employees of the board as per necessity:

Provided that, no officer below the rank of Assistant Director of Labour or Assistant Inspector General shall be appointed as the Secretary of the Board.

**127. Responsibility of the secretary of the board. –**

The secretary shall participate in all meetings of the board and shall assist the Chairman in the following activities, namely:-

- (a) Calling the meeting;
- (b) Maintaining records of the minutes of the meeting;
- (c) Taking activities in accordance with the decision of the meetings; and
- (d) Performing legal duties as assigned by the Chairman.

(2) The Secretary shall not be able to participate and cast vote in the discussion of the meeting however, the Secretary shall present necessary documents and information to the meeting upon the order of the board and direction of the Chairman.

**128. Method of determination of minimum rate of wages.-**

(1) The board shall inform by notification in the official gazette, the conditions of the proposed recommendation regarding minimum wages so that any concerned parties can get the opportunity to communicate in writing their objections or recommendations with data within 14 (fourteen) days of the publication of such notification.

(2) The board may, after considering the objections or recommendations presented in accordance with sub rule (1), amend the main proposal or keep the proposal unchanged and make recommendations to the Government accordingly.

(3) The Chairman, upon being requested by the employer or workers, may invite any expert advisor or, if necessary, any officer of the Department of Inspection for the Factories and Establishment to participate in the discussion of any board meeting.

(4) The expert, advisor or officials invited under Sub-Rule (3) can give their opinion regarding the matter discussed so far, however they shall not have any right to vote.

(5) The expenses of the board members and advisors except the Chairman and the neutral member shall be borne by the concerned party.

**129. Settlement of proceedings. –**

(1) The decisions of the board shall be taken on the basis of opinion of the majority of the members present at the board meeting and if the number of votes is equal in number, the Chairman may give a second or casting vote:

Provided that if in any meeting, the number of representatives of the employer and the workers is not equal, the Chairman may, if he thinks necessary, tell them to cast their vote on the basis of '*vote by sides*'.

(2) Generally the vote will be casting by raising hands, however, if the Chairman thinks necessary, the vote may be casting through secret ballot as may be determined by the Chairman.

(3) The names of the members attended in every meeting shall be mentioned in the minutes of the meeting and the Chairman shall determine the procedure of recording it and one copy of the minutes of the meeting shall be sent to the members as soon as possible after the meeting.

(4) The minutes of every meeting shall be required to be approved in the following meeting and shall be signed by the Chairman.

**130. Formation of the committee. –**

(1) The board may form various committees in order to submit recommendations to the board after conducting investigation on a particular matter and the board may direct any such committee to assist the board by submitting recommendations after conducting necessary enquiry in order to determine the rate of minimum wages of the workers of any area or any category of industries.

(2) In such committee, there shall be one member representing the employer, one member representing the workers and one neutral person (who shall be the Chairman as well).

(3) For the purpose of doing investigation the Chairman of the investigating committee shall enjoy the same power as like as the Chairman of the board.

(4) Any Chairman or member or advisor or expert appointed in the committee shall have powers equal to the Chairman or member or advisor or expert of the board enjoys in accordance with Rule 132.

(5) The remuneration of the members and Chairman of the committee shall be determined by the Government.

**131. Attendance of witnesses.** –In case of conducting any investigation in accordance with the Act, the Chairman shall have the powers as prescribed in the Code of Civil Procedure, 1908 (Act no V of 1908) for the purpose of ensuring attendance of the parties concerned and witnesses and production of documents.

**132. Power of the board regarding collection of information, etc. –**

For the purpose of fulfilling the objectives of the Act, the Chairman or any member of the board or any advisor or expert properly assigned by the Chairman or any officer working under the board may-

- (a) Enter any place or premises used by any factory or industry at any reasonable time;
- (b) Summon any registers or other documents and receive the testimony of any person on the spot; and
- (c) Collect written information by distributing questionnaires or in any other way.

**133. Obligation for providing minimum wages and Publicity of its rate. –**

(1) No employer or contractor or management authority can pay any wages lower than the rate of minimum wages as declared under the Act to any worker or employee.

(2) If any employer or contractor or management authority pays to any worker or employee any wages lower than the declared rate of minimum wages then the worker or employee can claim compensation at the rate of 50% of the arrear of wages.

(3) The Government shall take appropriate measures to inform the employers and workers concerned regarding the rate of minimum wages.

(4) The employer shall exhibit the minimum rate of wages as declared by the government in the form of a notice in Bengali in the factory or any other appropriate place of the factory.

(5) Notwithstanding anything contained in Sub-Rule (4), the minimum rate of wages shall be exhibited in the form notice in English as well.

(6) In any internal or external work of the establishment where minimum wages are applicable, workers employed by the employer or contractor, in factories or establishments where they have been engaged, a notice shall be provided mentioning the date of publication and rate of minimum wages determined by the Government.

## CHAPTER XII

### COMPENSATION FOR INJURY CAUSED BY ACCIDENT

#### **134. Review of monthly wages payable as compensation for temporary disability. –**

Application for monthly compensation payable in accordance with Section 153 shall be submitted to the Labour Court for review even without medical certificate in the following cases, namely:-

- (a) The right to compensation of worker has been determined by the employer and worker's wages have been increased;
- (b) The right to compensation has been determined by the worker and worker's wages have been decreased;
- (c) The payment of compensation has been stopped after starting to provide compensation though the situation of the worker has not changed;
- (d) The rate of existing compensation has been determined by fraud or undue influence or any other unfair means by the employer or the worker;
- (e) In cases where any error is apparently found in the record regarding the determination of compensation either by the employer or the worker.

#### **135. The Manner of application to review compensation. –**

(1) If, after examining the application of deduction or suspension of payment of compensation by the employer, it seems to the Labour Court that there is reasonable cause to believe in such application, it may, at any time, subject to the delivery of its decision regarding such application, direct fully or partly suspension of such monthly payment of compensation.

(2) In cases where the application has been filed before the Labour Court in accordance with Section 154 the Court shall determine the total amount by calculating the possible duration of physical disability.

Provided that, the fraction of one taka shall be considered as not included in such calculation.

(3) In cases where sub rule (2) is applicable but the Labour Court is unable to determine the physical disability, then the court may postpone the decision taking regarding such application, from time to time, for a period of not more than two months.

#### **136. Nomination of heirs to receive compensation. –** According to Sub-Section (2) of Section 155, the worker shall have to provide nomination of heirs in accordance with Form- 41 at the time of joining in the employment for receiving compensation in case of his death due to accident.

**137. Payment of compensation money at the Labour Court. –** (1) In case of submitting the compensation for death caused from injury in accordance with Section 155 (1), the employer shall submit a description to the Labour Court in accordance with Form-45 and in case of providing other compensation the description shall be submitted in accordance with Form-46 and in both cases the court shall provide a receipt to the depositor in accordance with Form- 47.

(2) While submitting compensation for fatal accidents, if the employer mentions in the description under Sub rule (1) that he is willing to be included in the distribution activity, the Labour Court shall, before

distributing the compensation money, give the employer an opportunity to prove that the person he intends to grant the money is a dependent of the deceased worker or that he does not have any dependents.

**138. Publication of the list of submission.** – The Labour Court shall display on its notice board a list of money received as compensation in accordance with Section 155 (1) and the list shall contain the names and addresses of the depositors and the names and addresses of the deceased or injured workers for whom such money has been submitted.

**139. Application for submission of compensation money in the Labour Court.** – (1) In cases where any employer has not paid or submitted compensation to the Court in accordance with the law for any injured or deceased worker or his dependents, the worker himself or any dependent of the deceased worker or his/her legal representative may submit an application to the Labour Court to issue an order to submit such money and such application, as the case may be, shall be submitted in accordance with Form- 48, 48 (A) or 48 (B).

(2) After receiving such application the Labour Court shall-

(a) If, after completing investigation upon giving an opportunity of hearing to the employer the Labour Court is satisfied that the compensation money has not been paid or submitted in the courts in accordance with the Act, then it shall direct the employer to submit the compensation money in accordance with Sub-Section (1) of Section 155;

(b) After submission of the compensation money by the employer, the court may, in such manner as may be determined thereby, at any time, direct to send notice to the dependents or heirs of the deceased worker who have not submitted an application and in such notice the date on which the heirs of the deceased will have to be present before the Court shall be mentioned;

(c) If the persons mentioned in the application concerned shall fail to present before the court on the date fixed, it shall be ensured that no dependents of the deceased person shall be deprived of any portion of the deposited compensation money.

(3) Any employer, while submitting the compensation money in accordance with the provision of Section 155 (4) shall also submit a description with it and the Labour Court shall give him a receipt relating to such in accordance with Form-47.

**140. Handing over and investment of undistributed money.** – (1) According to Section 155 (7) if no dependent is found within two years the Labour Court shall hand over the undistributed money to the "Worker's Welfare Fund" formed by the Worker's Welfare Foundation Act, 2006.

(2) In cases where the money deposited in the Court is payable to a legally incapacitated person, in that case the money deposited in the Labour Court may be transferred to Workers' welfare Fund mentioned in Sub-Rule (1) for the welfare of such person.

(3) If the person gets relief from the incapacitation then the person will get such money back.

(4) if the money of the fund shall be invested in the profitable sectors approved by the government then the total money with interest shall get back within thirty days of such application.

(5) When the person (heir) is legally released from the legal incapacitation then he shall be delivered with his part of money with interest.

(6) The Labour Court shall, in accordance with Rule 162, maintain a record of the measures taken in accordance with Sub rule (1) or (2).

**141. Summoning statement regarding fatal accident from employer.** – Submission of any statement regarding fatal accident to the Labour Court in accordance with Section 158 (1) and submission of any report by the employer in accordance with Section 159 shall be submitted in accordance with Form - 49.

**142. Treatment of injured worker.** – (1) **Medical treatment of worker injured as a result of an accident at the workplace shall be done under the supervision of employer and the employer shall bear the expenses of such treatment.**

(2) The worker, who is receiving monthly allowance as compensation, shall not be compelled to go outside of his residence for medical checkup for more than twice after the following month and once in the next subsequent months of accident.

**143. Decision regarding clarity of injury.** – (1) If any dispute arises regarding the clarity or extent of the injury of worker, the decision of a registered doctor shall be considered as final in accordance with Section 160 (10) .

(2) The expense incurred for fees of Doctor mentioned in Sub-Rule (1) shall be borne by the employer or by the worker where applicable.

**144. Health Checkup after temporary suspension of the right to compensation.** – If the worker, whose right to compensation has been temporarily suspended in accordance with Sub-Section (5) or (6) of Section 160 applies immediately for health checkup, the employer shall make arrangements for health checkup of such worker within three days of receipt of such application.

**145. Health Checkup of female workers.** – (1) If no female medical practitioner is found immediately in that case the medical checkup for a female worker can be done by male medical practitioner in the presence of a female worker.

(2) If no female medical practitioner is found nearby and if any female worker submits the fee for medical checkup by a female medical practitioner, no order can be passed to have her checkup by a male medical practitioner.

**146. Procedure of settling application regarding compensation.** – Unless otherwise prescribed in these Rules, the Labour Court shall conduct its proceedings in accordance with Section 216 and Schedule-VI for settling compensation cases.

**147. Memorandum Form of contract.** – According to Sub-Section (1) of Section 170, if the Labour Court shall not direct otherwise, two copies of the memorandum of contract sent to the Labour Court shall have to be prepared and as far as possible it shall be in accordance with Form - 50, 50 (A) or 50 (B).

**148. Procedure of registering or not registering the memorandum of contract by the Labour Court.** – (1) After receiving the memorandum of contract, the Labour Court shall, if it considers that it is reasonable to record the memorandum, in that case after fixing a date to record such memorandum, issue a written notice on the parties concerned at least 07 (seven) days before the date determined for recording in accordance with Form-51 stating that the memorandum shall be recorded on the date fixed, if no objection is submitted.

(2) If on the date fixed, any party appears before the Labour Court and prays to be heard, and if the Court, after hearing him, determines that the memorandum is required to be recorded, the Court shall record the memorandum of contract.

(3) If on the date fixed in the notice, the Labour Court decides that it shall not be reasonable to record the memorandum, it shall declare its decision and reasons thereof to the parties present before the Court. And if any party intending to record such memorandum is absent, the Court shall inform that party as well in accordance with Form-51 (A).

(4) After receiving a memorandum of contract, if the Labour Court thinks that there is reasonable ground for not recording such memorandum, the Court shall fix a date for hearing the parties concerned and inform the parties through notice in accordance with Form-51 (B) or 51 (C) at least 07 (seven) days prior to the date fixed.

(5) If, on the date fixed in accordance with Sub rule (4) the parties present can show enough cause in favour of recording the memorandum, the Labour Court shall, after informing all parties, record the memorandum.

(6) If the Labour Court rejects the memorandum on the date fixed, it shall again send a notice in accordance with Form- 51 (A) to the party who did not get notice in accordance with Sub rule (4).

**149. Procedure to be followed after refusal to record the memorandum.** – (1) If the Labour Court decides to refuse to record a memorandum of contract in any case then the reasons for such refusal shall have to be recorded.

(2) If the Labour Court refuses to record any memorandum of contract and does not provide an opportunity to show the cause to the party concerned, the Court shall not give any order to pay any money additional to the money mentioned in the contract.

(3) Where a contract for monthly payment has been signed after paying money at a time, if the Labour Court thinks that the memorandum of contract shall not be recorded because the money to be paid at the time according to the contract is not sufficient, it shall record an estimated calculation of the possible duration of disability of the worker concerned.

**150. Registration of memorandum received for record.** – At the time of recording the memorandum of contract, the Labour Court shall copy it in the register in accordance with Form- 52 and shall record it in the acknowledgement with his signature in the following manner and after recording, it shall provide a copy thereof to the parties concerned and shall preserve one copy for himself:

"This memorandum of contract is recorded today on.....date.....month.....year), under the serial number .....

(Signature)

Labour Court"

**151. Sending money to any other authority.** – If any money is sent to other authority by any authority in accordance with these Rules, the acknowledgement shall have to be done through receipt or money order.

**152. Sending compensation money to foreign country.** – If in accordance with the Act, any compensation money or any part thereof is submitted to the Labour Court for the welfare of any person residing or willing to reside in another country, the Labour Court may, after conducting necessary investigation, issue an order to send the money to such country.

**153. Memorandum for sending money.** – If the Labour Court issues any order to send any money in accordance with Rule 151 and 152, the Labour Court shall, on its own responsibility, record the brief description, given order of the case and the name and address of the persons to whom the money shall be paid and the Court shall also attest the memorandum.

**154. Arrangement by the Labour Court.** – If the Labour Court is not the approved authority, it shall send two copies of the memorandum of contract mentioned in Rule 155 to the authorized authority and may hand over the money to such authority or may keep it with itself and hand it over as per directions of such authority and if the Labour Court itself is the authorized authority, it shall make arrangements in accordance with Rule 155.

**155. Arrangements by authorized authority.** – If the authorized authority is satisfied that the memorandum has been completed, it shall send such memorandum and money to the authority appointed for this purpose, in a safe manner according to its consideration or if no such authority is appointed, it shall send it to the authority empowered generally or by special order of the Government and at the same time, it shall also request the authority, to whom it is being sent, to take the following measures, namely:-

- (a) To make arrangement to deliver the money in the manner prescribed in the memorandum; and
- (b) To send a report on the measures taken as prescribed in the memorandum and send back the money if delivery thereof is not possible for any reason.

**156. Forwarding the matter to the Labour Court in which jurisdiction the incident is happened.**— (1) If the Labour Court in which the matter has originated is not the authorized authority then the authorized authority shall send a copy of the report to the Labour Court by which it was requested in accordance with Rule 149.

(2) Any money being returned in accordance with Rule 155 shall be distributed according to the provisions of this Rules.

**157. Handing over the money received from abroad to the authorized authority.** – (1) The authorized authority will be the appropriate authority to receive money from the handing-over authority.

(2) If any Labour Court or any other government officer, who is not the authorized authority, receives money from the handing-over authority, it shall either send the money and relevant documents to the authorized authority or, it shall be distributed in accordance with the direction of the authorized authority.

**158. Sending it to the Labour Court.** – The authorized authority may send any money or a part thereof received, to the Labour Court for the purpose of distribution according to its consideration.

**159. Distribution of money.** – The money received from the handing-over authority shall be distributed as far as possible in accordance with the provision of this Act and Rules:

Provided that if the handing-over authority provides any direction regarding the distribution of such money, that direction shall have to be followed.

**160. Report of the distributed money.** – (1) The authorized authority shall submit a report regarding the manner in which the money received from the handing-over authority has been distributed.

(2) If any Labour Court, which is not the authorized authority has distributed the money, it shall send to the authorized authority a report (two copies) regarding how that money has been distributed and if the Labour

Court receives such money from another Labour Court in accordance with Section 167 then such report shall be sent through that Labour Court.

**Illustration.** - For the purpose of fulfillment the objectives of this chapter-

(a) The 'authorized authority' described in the Rules of this chapter shall mean any authority or Labour Court approved by the Government for receiving and distributing compensation money;

(b) 'handing-over authority' shall mean any authority of Bangladesh or any authority of other country which makes arrangements to send compensation money payable at a time, in accordance with the laws related to compensation for the workers, for the welfare of a person who resides or shall reside in the country or any part of the country.

**161. Workers' benefit fund.** – (1) After completing investigation, if the Labour Court is satisfied that, the deceased worker does not have any dependents in that case the court shall transfer the compensation money to the Workers' Welfare Foundation under the Bangladesh Workers Welfare Foundation Act, 2006 subject to the acknowledgement of the money received.

(2) The money of the fund shall be deposited in the bank and such account shall be operated with the sign and stamp of the Labour Court.

**162. Maintenance of the account of the fund.** – (1) The account of the fund shall be maintained by the Labour Court in accordance with Form-53 and that shall be subject to audit.

(2) The account shall be required to be submitted to the Government in every year and the activities and account of the fund shall be included in the report prepared on the activities carried out by the Labour Court in accordance with this Chapter.

**163. Cost for transferring money.** – If any authority transfers the money to another authority in accordance with this Rule, the sending authority shall bear the cost of it.

**164. Filing a Case.** – (1) The Chairman of the Labour Court shall maintain a register of cases in accordance with Form- 54.

(2) After receiving any application, the Chairman shall include it in the register mentioned in Sub-Rule (1).

(3) After completion of the case, the Chairman shall include it in the particular column of the concerned register and sign it upon attestation.

**165. Maintenance of record and register of case.** –

(1) The register mentioned in Rule 164 shall be recorded in Bengali and it shall be preserved for 20 (twenty) years.

(2) Records of compensation cases rejected due to non-appearance shall be preserved for 01 (one) year from the date of final order.

(3) The records of compensation cases settled ex-parte on the basis of acknowledgement shall be preserved for 01 (one) year from the final order (if any) along with the appeal order or 1 (one) year from the date of payment of such compensation, whichever is later.

(4) If the records of compensation cases settled by competition of the parties are rejected or if there is no necessity to pay compensation, it shall be preserved until one year from the final order, Appeal order (if

any), and if the claim has been adjourned either partly or fully, it shall be preserved for 01 (one) year from the appeal order (if any) or date of payment, whichever is later.

**166. Maintenance of memorandum of contract. –**

(1) Records of cases filed for registration of contract shall be preserved for 01 (one) year from the date of the final order along with the appeal order (if any) or from the date of payment of such due, whichever is later.

(2) From the date of the final order set-out in Register of Contract maintained under sub-rule (1) shall be preserved for 03 (three) years along with the appeal order (if any) or 3 (three) years from the date of payment of such due, whichever is later.

## CHAPTER XIII

### TRADE UNIONS AND INDUSTRIAL RELATIONS

**167. Application for being a member of a trade union.**-(1) Any worker or employee or employer or union or federation intending to join any trade union organization or federation or confederation of trade unions shall require to apply for membership through Forms- 55 (A) or 55 (B) or in required in Form- 55 (C).

(2) If any person or organization intends to acquire membership of any other union or federation or confederation, he cannot be a member of any other union unless he submits a resignation letter in writing to the previous union or federation or confederation.

(3) If any application, made by a worker in accordance with sub Rule (1), has been received, he shall be issued a certificate in Form- 55 (D) or 55 (E) or if applicable in Form- 55 (F) mentioning the membership number of such union or federation or confederation.

(4) In case of an agricultural firm where there are minimum 5 (five) workers are employed, each Upazilla or, if applicable the district shall be considered as a group of enterprises and a minimum of 400 (four hundred) firm-workers being organized shall form a union as per this Rules.

**168. Requirements for registration.**- (1) the application for registration of trade union, trade union federation and confederation of the trade unions in accordance with Section 179 (1) (c) is required to be made in Forms- 56 (A), 56 (B), and if applicable From- 56 (C), respectively.

(2) Certificate of membership of the members shall have to be attached as per Sub-Rule (1).

(3) After receiving the registration of trade union in a group of establishments, the applicant shall publish a public notice in Form- 56 (D) at his own cost.

(4) The Director of Labour shall collect information after making inspection as prescribed in the Section 176(e) and Sub-Section 2(a) of Section 179 and in accordance with Form No. 56(E).

(5) The description of the office bearers of the trade union or federation or confederation shall be provided in Forms- 56 (F), 56 (G), or if applicable, in accordance with From- 56 (H).

(6) Description of the members of trade union or federation or confederation shall be provided in accordance with Forms- 57 (A), 57 (B), or if applicable, in Form- 57 (C).

(7) From the application of registration up to issuing registration of a trade union, the entire process shall be carried out by using a computer through internet; however, in that case hard copies of all activities shall be preserved.

**169. Number of executive committee members..-**

(1) According to Section 179 (1) (k) the number of executive committee members of any trade union shall be determined in proportion with the number of its general members as per the following ratio, namely:-

Number of general members			Number of executive committee members		
Not exceeding 50			Minimum	5	
From	51	To	100	Maximum	7
From	101	To	400	-do-	9
From	401	To	800	-do-	11
From	801	To	1500	-do-	13
From	1501	To	3000	-do-	17
From	3001	To	5000	-do-	25
From	5001	To	7500	-do-	30
From	7501	To	More	-do-	35

(2) If there are 20% or more of the total man power or members are employed in the establishment for which the trade union will be formed are women, then minimum 10% of the members of such executive committee of that union shall have to be women.

(3) Sub-Rule (1) and (2) shall be applicable as well in case of registration of trade unions formed in a group of establishments:

Provided that, as far as possible, at least one worker from each establishment of the group of establishments shall be included as a member of the executive committee.

(4) No worker shall be eligible for being a member to the executive committee, unless he is employed as a permanent worker in the establishment concerned.

Provided that in case of public industrial sector, the members to the executive committee shall be elected as per the provisions of Section 180.

**170. Maintenance of register, accounts book, minute's book, etc.-**(1) Each trade union shall maintain the particulars of subscriptions paid by its members in register in accordance with Section 181(a) in Form- 58 (A).

(2) Each trade union federation shall have to maintain accounts of subscriptions from its members in register in accordance with Section 181 (a) in Form- 58 (B).

(3) Each trade union confederation shall have to maintain accounts of subscriptions from its members in register in accordance with Section 181 (a) in Form- 58 (C).

(4) Each registered trade union or federation or confederation of trade unions shall maintain an income and expenditure related account book in accordance with Section 181 (b) in Form- 58 (D) and this account book shall be preserved in bookbinding with serial number on each page or digitally.

(5) In case of receiving any subscription, a subscription receipt with the signature of the receiver and person paying such subscription shall be issued.

**171. Registrar of trade union, federation of trade unions and confederation.**-The Director of Labour or an authorized officer, in accordance with Section 182, shall record the ledger of trade unions in Form- 59

(A), ledger of the federation of trade unions in Form- 59 (B) and the ledger of the confederations in Form- 59 (C).

**172. Certificate of registration.** - (1) After receiving an application for registration of any trade union or federation or confederation, if the Director of Labour or the authorized officer is satisfied that such union, federation and confederation can be registered according to the provision of Act, he shall direct the applicant in writing to deposit the fee prescribed for certificate of registration in favor of the Government through treasury *chalan* (treasury invoice).

(2) The certificate of registration of trade union, federation of trade unions or confederation issued in accordance with Section 189 shall be provided in accordance with Form- 60.

**173. Registration fees.**- (1) The registration fee of trade union organizations will be as follows, which shall be deposited in the government treasury through treasury invoice (*chalan*), namely:-

Serial number	Type of trade union organization	Registration fee
1	Trade union	500/-
2	Industry based trade union federation	1,000/-
3	National trade union federation	3,000/-
4	National trade union confederation	5,000/-

(2) The Director of Labour may issue an attested copy of the constitution or any other instrument or information of a registered trade union, trade union federation or confederation to any of its members or any representative of the employer.

(3) For getting a certified copy mentioned in Sub-Rule (2), Taka 120/- (one hundred and twenty) for first 200 words and Taka 60/- (sixty) Taka for additional words or its fractions are required to be deposited to the government treasury through treasury invoice (*chalan*).

(4) The trade union, federation or confederation registered in accordance with Section 182 shall be required to deposit Taka 300/- (three hundred) to the government through treasury invoice for the second copy of its registration certificate from the Director of Labour.

**174. Changing the name or address.**- (1) If any trade union changes its name or the address of its office, the President and General Secretary of the trade union concerned shall submit the application to the Director of Labour for its records within a period of 15 (fifteen) days.

(2) After receiving any such amendment as mentioned in Sub-Rule (1), the Director of Labour or any designated official shall issue a new certificate under Rule 172.

(3) For the purpose of amending the name and address in the Constitution of a trade union, federation or confederation, a registration fee of Taka 1,000/- (one thousand) shall be required to be submitted to the government treasury through treasury invoice.

**175. Audit.**- The annual accounts of the trade union, trade union federation or confederation shall be required to be audited by a chartered accountant recognized in accordance with the Bangladesh Chartered Accountancy Order, 1973 (PO number 2, 1973);

Provided that, if the number of members of any trade union does not exceed 500 at any time of the year, the audit may be conducted by any person or persons who is not a member or related with such union

but has previous experience of conducting audits. He or they shall be nominated for such work by the executive committee of the union concerned.

**176. Submission of annual return.** - (1) According to Section 201 (1) a trade union, trade union federation or confederation, shall submit their annual return for every calendar year to the Director of Labour in accordance with Forms - 61 (A) and 61 (D), 61 (B) and 61 (D) and 61 (C) and 61 (D) within or before 30<sup>th</sup> April of the following year. After filing of the annual return so submitted, the Director of Labour or the authorized officer shall communicate his decision.

(2) If the trade union fails to submit returns for two consecutive times and the trade union federation or confederation did not submit returns for three consecutive times then the Director of Labour or designated official shall issue an order with a timeframe of 30 days to submit the return. If there is a failure to comply with that order, the Director of Labour or designated officials shall apply to the Labour Court seeking permission to cancel the registration of the trade union, trade union federation or confederation.

(3) The application for registration or filing of annual return may be done through on-line with the help of a computer. However, in such case hard copies of all activities have to be preserved.

**177. Selection of Collective Bargaining Agent.**- (1) The unions, through nomination of the Election Commissioners among themselves, shall initiate activities for election of the Collective Bargaining Agent (CBA) within 15 (fifteen) work days from the expiry of the Collective Bargaining Agent (CBA) as per Sub-Section (2) under Section 202.

(2) If unions fail to take initiative as per Sub-Rule (1), the Director of Labour or designated official either *suo moto* or upon being requested by the management or trade union authority shall arrange the election of CBA.

(3) If there is any objection regarding the list of the workers that shall be raised within 15 (fifteen) workdays from the date of publishing the list as per Section 202(8).

**178. Ballot paper.** - (1) There shall be a ballot with names of contesting trade unions, registration number and respective electoral signs allocated by the Director of Labour imprinted thereon.

(2) If more than one contesting trade unions claim the same electoral sign, the Director of Labour shall decide on the matter and his decision shall be considered as final.

**179. Identification letter or identity card of workers casting votes.** - (1) While casting his vote, each worker enlisted in the voter list in accordance with Section 202 (12) must produce his/her identity card with photograph issued by the employer before the presiding officers which the presiding officer shall provide to the representatives of employer concerned after the completion of counting the votes and such representative shall return those to the workers concerned.

(2) Every employer, upon being requested by the Director of Labour in accordance with Section 202 (13), shall arrange all facilities including financial facilities to conduct the election, however, the employer or the Director of Labour shall not interfere or influence in any matter related to the election.

(3) If the presiding officer is not satisfied regarding the identity card of the voter, he shall refuse to allow to cast his vote in the secret ballot and his decision shall be considered as final in this regard.

**180. Nomination of representatives.**- Each contestant trade union shall nominate one person as its representative in each polling booth to be present at the vote collection Centre during the casting of votes in the secret ballot by submitting a written application to the presiding officer of the center.

**181. Declaration of result.** - (1) The presiding officer shall sign on the result of the centre concerned after counting the votes in accordance with Section 202 (15) (d) and will ensure the collection of signature from the representatives present there.

(2) The Presiding Officer shall deliver one signed copy of the result to the representatives of the contestant union present there and the local representative of the employer.

(3) After receiving the results from the Presiding Officer, the Director of Labour shall declare the trade union with the highest number of votes as the Collective Bargaining Agent in accordance with Section 202 (15) (e) in Form- 62.

**182. Allocation of office for the Collective Bargaining Agent (CBA).** - (1) The employer shall allocate an office for the Collective Bargaining Agent (CBA) inside his establishment which shall be easily accessible by the workers, where there is sufficient natural light and air flow, and which is consistent with the standards of the establishment.

(2) Required number of chair, table, almirah, electricity connection, electric ceiling fan and light and notice board etc. shall be provided by the employer in the office room mentioned in the Sub-Rule (1).

(3) If any dispute arises regarding the establishment or allocation of CBA office or number of seats of furniture, the Director of Labour shall take appropriately measures in consultation with both parties.

**183. Formation of the Participation Committee.** - (1) The employer of every establishment, in which at least fifty permanent workers are employed, shall constitute a Participation Committee in the establishment within 3 (three) months of starting the activities of such establishment.

(2) The total number of members in the Participation Committee shall not be less than 6 (six) and more than 30.

(3) The number of members of the Participation Committee shall be determined depending on the number of workers in the establishment, in accordance with the following ratio, namely:-

Number of general workers			Numbers of Members in the Participation Committee	
1	To	100	Maximum	6
101	To	400	-do-	10
401	To	800	-do-	12
801	To	1500	-do-	14
1501	To	3000	-do-	18
3001	To	5000	-do-	22
5001	To	7500	-do-	24
7501	To	above	-do-	30

**184. Nomination of representatives to the Participation Committee by Collective Bargaining Agent and trade union.** - (1) In order to send workers' representatives to the Participation Committee, in accordance with Section 205 (5), the existing registered trade unions of an establishment shall submit names and description of the representatives in accordance with form- 63 within 10 days of receiving the request from the employer.

(2) During the nomination of representative by the trade union and collective bargaining agent, it shall be ensured that the representatives are nominated from various classes, sections or divisions of the establishment.

Provided that if there are women workers in any class, sections branch or division of an establishment, nomination of the women workers to the participation committee shall be given priority.

**185. Nomination of employer's representative to the Participation Committee.**-(1) Generally, the Chief Executive and the divisional or section chief or Welfare Officer shall be the representative of the employer on behalf of the establishment and where there is no such divisions or sections, the officer in charge of a division or section or the Welfare Officer shall be the representative of the employer on behalf of the establishment.

(2) In each cases mentioned in the Sub-Rule (1), such representative shall be nominated by the employer.

**186. Publishing the names of the representatives to be sent to the Participation Committee.**-(1) Within 7 (seven) days from receiving the nomination from the Collective Bargaining Agent and trade union, the employer shall form the Participation Committee through a notice and that notice shall be displayed on the notice board and a copy of that notice shall be sent to the Collective Bargaining Agent along with other trade unions of that establishment and the Director of Labour:

Provided that if the service of a workers' representative to the Participation Committee nominated by the Collective Bargaining Agent or trade union comes to an end due to retirement or termination, or voluntary leaving etc., or become unfit to perform duties due to physical or psychological reasons or convicted for moral turpitude or for resignation that position in the Participation Committee shall be ceased to be vacant.

(2) In case of a vacant post under Sub-Rule (1), the Collative Bargaining Agent or trade union can provide a new nomination and within 7 (seven) days of the receipt of such nomination the employer shall reconstitute the committee with the coordination of new representatives.

**187. Procedure of election of workers' representatives to the Participation Committee in case of an establishment where there is no trade union.** - (1) In case of an establishment where there is no trade union or Collective Bargaining Agent (CBA) of workers, the management of the establishment, after informing the Director of Labour, shall provide necessary supports for the election of workers' representatives to the Participation Committee through a secret ballot.

(2) The Director of Labour, if so requested, may monitor such elections and in conducting activities for such elections, the employer of the factory or establishment shall not make any direct or indirect influence.

(3) The Election Committee shall forward the list of the elected workers' representatives to the Director of Labour in writing within 10 (ten) days from the day of the elections.

**188. The election committee.**-(1) The employer shall, at least 30 (thirty) days before the elections, form an election committee to conduct the election with 3 (three) to 5 (five) members comprising of employer and workers and shall send a copy of it to the Director of Labour.

(2) The ratio of the employer and workers in the election committee formed under the Sub-Rule (1) shall be 2:3.

(3) The committee formed under the Sub-Rule (1) shall declare a schedule of election through a notice with specific dates for preparation of voter lists, submission of nomination papers, scrutiny, withdrawal, publication of the final list of candidates, allocation of electoral signs and holding the election:

Provided that, there shall be opportunities for submission of nomination papers within a period of 7 (seven) days from the date of such notice, and the election shall be held within 15 (fifteen) working days from the date of finalization of candidates.

**189. Qualification of a candidate for being elected as representative in the Participation Committee.**

- (1) Any adult worker, who has worked in the establishment for not less than six months, shall be qualified to be a candidate for the election through secret ballot for representing in the Participation Committee:

Provided that, if any establishment is less than a year old, the requirement regarding the duration of service of the candidate shall not be applicable.

(2) The number of representatives to be elected from various classes, sections, or divisions of an establishment shall be determined by the employer.

(3) If any establishment has 50 female workers or the number of female workers is 10% of the total workers, there shall be an arrangement to elect representatives from the female workers in proportional rate.

**190. Qualification of voters.** - (1) All workers, except the casual, transferred (bodily), apprentice, seasonal workers and workers employed by a contracting agency, who have worked in such establishment for at least 3 (three) months shall be eligible to vote to elect the workers representatives in the Participation Committee.

(2) The copy of the voter list shall be exhibited simultaneously on the notice board and other visible places of the establishment and a copy of the voter list shall be sent to the Director of Labour or Registrar of Trade Unions.

**191. Nomination.** - (1) Any voter, for the purpose of electing representatives to the Participation Committee, shall propose or support the name of one voter.

(2) According to Section 205 (6) the nomination paper provided by the election committee shall be in accordance with Form- 64 and it shall be signed by the proposer and supporter and the candidate.

(3) Each nomination paper shall be submitted to the election committee by the candidate or the proposer or his supporter on the date determined for submission of nomination or before that and the committee shall receive the nomination paper through a written acknowledgement.

**192. Scrutiny.** – (1) The candidates or the person who proposed his name or his supporter or any other person authorised by him may be present during the examination of the nomination papers.

(2) The election committee, at the time of scrutinizing nomination papers according to sub-Rule (1) shall examine the nomination papers in the presence of all persons present and shall settle any objection raised by any person regarding any nomination paper.

(3) The election committee may cancel any nomination paper, if it is satisfied that-

(a) The candidate is disqualified for becoming workers' representative in accordance with the Act or this Rule; or

(b) Any provision of the Rules related to the submission of nomination papers has not been followed.

**193. Casting vote in the election.**- (1) If the number of nomination papers considered as valid is equal to the number of representatives to be elected, the election committee shall declare, by notice, all the candidates as elected.

(2) If in any class or section or divisions the number of candidates is greater than the number of seats, a vote in secret ballot shall be held on a date specified for election.

(3) In every ballot the name of the candidate and his electoral sign shall be mentioned.

(4) At the time of casting the vote, the candidate or the person who proposed his name or his supporter or one representative authorised by the candidate may be present there.

(5) After casting of votes, the responsible representative of the election committee shall count the votes and declare the result in front of the candidates or their representatives and publish the results with the signature of the present candidate or his representative, to the employer.

**194. Officers of Participation Committee.**- (1) The Owner of the establishment or any person authorized persons by him shall be the Chairperson of the Participation Committee and he will preside over the meetings of the Participation committee.

(2) The workers'representatives shall elect the Vice President from themselves and he will preside over the meetings in the absence of the Chairperson.

(3) The Personnel Officer or the Welfare Officer or any other officer performing such duty shall be the employer's representative in the committee and shall perform the duty of the Member-Secretary and he will be responsible for recording the minutes of the meetings and for calling the meetings.

**195. The notice and minutes of the meeting.** – (1) Notice shall be served before seven days of holding the meeting of participation committee, however in case of holding emergency meetings, a notice of 24 hours can be served.

(2) Copies of the minutes of the meetings, for the implementation of the decisions, shall be sent to the Chief of the establishment, responsible officer, Collective Bargaining Agent, each union which has their representative to the committee and to the Director of Labour.

**196. Quorum of meeting.** - The quorum shall be formed upon the presence of at least two-third of the total numbers of Members.

**197. Duration.** - (1) The duration of the Participation Committee shall be two years from the date of formation.

(2) The next committee shall be constituted within 3 (three) months from the expiry date of the committee and the existing committee shall perform the duty until the new committee takes over the responsibility.

(3) If any member is nominated to fulfill a temporary vacant post, he shall be a member until the end of the working period of the committee.

**198. Vacancy.**-(1) If a Member is absent in three consecutive meetings without the prior permission of the Chairperson, his membership shall be cancelled.

(2) If a workers' representative is not employed in the establishment concerned or resigns from his job or loses his membership, the Participation Committee shall fulfill that vacant post from concerned class, section or division.

(3) If the membership of any person is vacant from any trade union due to resign or expel or any other reason than his post in the Participation Committee shall be vacant as well and in such case, the trade union shall re-nominate their representative.

**199. Facilities for meeting and assembly.**-The employer shall provide all facilities to organize the meetings and carry out the activities of the Participation Committee.

**200. Formation of unit participation committee.**-(1) If a Participation Committee has been formed in any establishment, that can recommend to the employer to form separate Participation Committee in any section, division or area of the establishment where there are at least 50 workers are employed.

(2) After receiving such recommendation, the employer shall ensure all arrangements for the formation of separate participation committee in such branch, division or area.

(3) The provisions applicable for the formation and functions of an establishment-based participation committee shall also be applicable for the formation and functions of the unit Participation Committees.

(4) In case of nomination of representative by the trade unions, the nomination shall be given from the members of such section, division or area.

(5) Only the workers employed in such section or division, for which section or division the unit participation committee shall be formed, can become the member of such committee.

(6) Copies of all reports and minutes of the meetings of unit participation committee shall be sent to the participation committee of the establishment.

**201. Implementation of decisions and recommendations of the Participation Committee.**-(1) After receiving the recommendations or decisions of each meeting of the participation committee, the employer or other authority shall take initiatives to implement and give effect to such decisions or recommendations on an urgent basis and in every subsequent meeting, the employer or the management shall communicate the progress of implementation of the decisions and recommendations of the previous meeting.

(2) The Director of Labour or his authorized officer shall observe, monitor and follow-up on the implementation of the recommendations or decisions of the participation committee in the concerned industry or establishment and if necessary, he shall take appropriate measures, in accordance with the law and given power, regarding the decision or recommendation of the participation committee.

**202. Refrain of some activities.**- Any trade union, trade union federation, or confederation, Collective Bargaining Agent, Participation Committee or any Member thereof shall refrain the following activities, namely:-

- (1) Making interference in the administrative functions of the establishment;
- (2) Making interfere in the appointment, transfer and promotion of officials, employees or workers of the establishment;
- (3) Receiving any facilities from the management concerning transport, furniture or financial matters;
- (4) Making Interference in the production and normal activities of the establishment; and
- (5) Calling a strike without following the Rule 204.

## CHAPTER XIV

### SETTLEMENT OF DISPUTES, LABOUR COURT, LABOUR APPELLATE TRIBUNAL, LEGAL PROCEEDINGS, ETC.

**203. Execution of memorandum of settlement.** – For the purpose of fulfilling the objectives of Section 210(3) and 210(8), the memorandum of settlement shall be signed in accordance with Form- 65.

**204. Arrangement of secret ballot to issue notice of strike.** – (1) Within 7 (seven) days of receipt of the certificate of failure in accordance with Section 211 (1) , the Collective Bargaining Agent (CBA) shall request the Conciliator in writing to arrange a secret ballot in order to issue notice of strike.

(2) The Conciliator shall, after the receipt of such request, shall make arrangements for secret ballot considering the subscription-paying members of the CBA union of such establishments as voters and the CBA union shall make necessary arrangement for the secret ballot as per the advice of the Conciliator.

(3) Each ballot paper used for the secret ballot or Electronic Voting Machine shall have two boxes saying 'Yes' or any symbol in favor of strike and saying 'No' or any symbol against the strike.

(4) Every member participating in the ballot shall cast his vote by putting a "tick" mark or "impression (tip)" in any one box or pushing button as of his wish.

(5) The Conciliator shall, within 24 hours of holding the secret ballots, deliver the result thereof to the CBA in writing and shall send a copy thereof to the employer and the Director of Labour.

**205. Filing a case before the Labour Court or the Labour Appellate Tribunal. –**

(1) A complaint in accordance with Section 33(3) shall be filed in Form- 14.

(2) A complaint in accordance with Section 132(2) shall be filed in Forms- 44, 44(A), or where applicable in 44(B).

(3) A complaint in accordance with Section 166 shall be filed in Forms- 48, 48(A), or where applicable in Form-48(B).

(4) Appeal under Section 219 shall be filed in Form- 66.

(5) In cases of other offences, the Inspector General or the Director of Labour or the Controller of Provident Fund or the management board or any other authority prescribed by the Act or any officer authorized thereby shall apply on a blank sheet of paper.

**206. Nomination of members of the Labour Court. –**

(1) For the purpose of appointing members of the Labor Court in accordance with Section 214(7) the Government shall call for nominations of appropriate representatives of employers and workers with experience in Labour Law from national level organizations of employers and the workers.

(2) Two separate panels shall be formed in each court in order to represent the employers and the workers and each panel shall be consisted of six members.

(3) Every organization which has been so requested in accordance with Sub-Rule (1) shall, within fifteen days of receipt of such request, send the name, photo and bio-data of the representatives for the purpose of inclusion as a member of the panel and Labour Court.

(4) Where nomination has been sought in accordance with Sub rule (1) but has not been received within the time period in accordance with Sub rule (2), in such cases, the Government shall have the power to nominate any person to the panel who, in the consideration of the Government, is able to protect the interests of employers or workers.

**207. Providing resignation by a member.** – (1) Any Member of the Labour Court may resign from such membership by forwarding a written letter addressing to the Chairman.

(2) After receiving such resignation letter the Chairman shall forward the same to the Government and the resignation shall be effective from the date of receipt of such resignation by the Government.

**208. Removal of members.** – The Government may, through publishing a notification in the official gazette, remove any member of the Labour Court, if he-

- (a) In the opinion of the government, has lost the characteristics of representation;
- (b) Is convicted of any punishable offence under the Act or any offence related to moral turpitude;
- (c) Fails to give his opinion in any particular matter even after being requested by the Chairman of the Labour Court;
- (d) Has been declared bankrupt; or
- (e) Remains absent from 03 (three) consecutive sessions of the Labour Court, where he is a member, without informing the Chairman.

**209. Filling up a vacant membership.** – (1) In case of vacancy due to death or resignation or removal, the Government shall fill-up the vacant post within 01 (one) month, in the same manner in which the main panel was formed.

(2) Any member included in the panel under Sub-Rule (1), can remain a member of the panel for the remaining period.

**210. Providing Information regarding absence.** – Any member of the Labour Court may remain absent for 06 (six) months at a stretch after informing the Chairman.

**211. Allowance.** – Any member of the Labour Court shall be entitled to get daily allowance, as may be prescribed by the Government, for participation in the court proceedings.

## CHAPTER XV

### PARTICIPATION OF WORKERS IN THE PROFIT OF COMPANIES

**212. Constitution of the central fund for hundred percent export-oriented industrial sector comprising of buyers and employers. –**

(1) Within a period of 06 (six) months from the date of enactment of this Rules, for the purpose of fulfilling the objectives of Section 232 (3), the Government shall, with an objective to manage sector-based fund, constitute a separate central fund for hundred percent export oriented industrial sector.

(2) For the purpose of management of the fund as stated in Sub-Rule (1), the Government shall, by notification in the official gazette, constitute a management board comprising of representatives of the employers organizations and workers organizations of the concerned export oriented industrial sector.

(3) The provisions of Rules 212 to 226 shall be applicable for the hundred percent export oriented industrial sector.

**213. Management of the fund and office thereof. –**

(1) For the management of the fund the head office of the board shall be in Dhaka.

(2) The board, if requires, may establish a branch office of it in any place of Bangladesh.

(3) The Government shall appoint a Secretary for managing the fund of the management board, who shall act as the Member Secretary to the management board as well.

Provided that any official may be appointed temporarily by the Government to perform the duty as the Secretary until the appointment of the same is done by the board.

(4) For the purposes of the management of the fund, there shall be adequate manpower under the Secretary, who shall maintain accounts of the funds.

(5) The board may allocate a part of the profit earned from the invested money for salary, allowance, procurement of equipment's, administration and other expenditure and for allowances prescribed in the Rule 222.

**214. Source of fund. –** (1) After the effectiveness of this Rules the money of the fund shall be collected as per the following rates and manners, namely:-

- (a) 0.03% shall be entitled to be collected against each work-order of a hundred percent export oriented industrial establishment.
- (b) Voluntary contributions by the buyers or work-order issuing establishment;
- (c) Voluntary donation from the government;
- (d) Voluntary donations from any national or foreign individual or establishment; and
- (e) Interest received from investment of the fund.

(2) The employer of the hundred percent export oriented industrial establishment, shall inform the buyers or establishments, which are issuing work-orders concerned regarding the fund while receiving work- order from them.

(3) The lien bank of each establishment shall deposit the money prescribed in clause (a) of Sub-Rule (1) after separating the money of export order to the fund with a separate statement collected as a public due against an export order.

(4) For fulfilling the objectives of this Rules, the directions announced by the Bangladesh Bank for that purpose, time to time shall have to be followed.

(5) The money collected as voluntary donations mentioned under Clauses (b), (c) and (d) of Sub-Rule shall be deposited directly to the fund.

**215. Eligibility for getting benefits of the fund and utilization of the money.** – (1) For the purpose fulfilling the objectives of Chapter XV of the Act, eligible beneficiaries of the fund shall mean any person described in the definition of beneficiary in Section 233 (1) (i).

(2) Every employer shall provide the list of all beneficiaries and their successors to the management board.

(3) 2 (two) accounts shall be opened under the central fund, one of them shall be named as the Beneficiaries Welfare Account and another be the "Emergency Account.

(4) 50 (fifty) percent of the total fund received to the fund shall be deposited to the Workers' Welfare Account and 50 (fifty) percent to the Emergency Account.

(5) The money deposited in the fund shall be used as one time donation for death or permanent disability or loss of organs of beneficiaries of the sector concerned and to be used for other activities related to social security and welfare of workers.

(6) The money received from the account under Sub-Rule (3) shall be additional to other legal benefits received from any factory or establishment under the Act.

(7) The donation from the beneficiary welfare fund shall be provided in the following cases, namely:-

(a) In the course of employment if a worker dies, or dies subsequent to any injury sustained during work or dies of any occupational disease or becomes permanently disable due to an accident at work or due to effect of occupational disease, the beneficiary concerned or appropriate inheritors and dependents shall receive Taka three lac as donation from the fund;

(b) If a worker becomes sick during his employment or dies when he is outside the course of his employment or becomes permanently disable, he or his inheritor shall receive a fund amounting to taka two lac as donation;

(c) If a beneficiary loses any of his limb at the time of working which is not a reason for being permanently disabled, he shall be entitled to get a donation up to Tk. one lac from the fund;

(d) Arrangements for treatment or financial supports for the beneficiaries;

(e) Providing Scholarship or stipend for education of meritorious members of families of the beneficiaries;

(f) Any other activities in relation to running the fund and related administration;

(g) Establishment of specialized hospital as part of social security facilities; and

(h) Any required initiatives for the fulfillment of the above-mentioned activities and any other activities for fulfilling the objectives of this Act.

(8) From the Emergency Account donations may be given for the following cases:

(a) In case of transfer or permanent closure of any factory or establishment according to Section 28(A), the partial or full payment of money to the beneficiaries by the board in accordance with Rule 32.

Provided that the board shall decide the payment of such dues following the verification of the capacity of employers;

(b) Providing the money of yearly premium of group insurance of the beneficiaries;

Provided that in the establishments where mandatory group insurance has been introduced under the Rule 98 that cannot be suspended until the fund under this Rules is fully initiated; and

(c) Introduction of health insurance scheme for ensuring health systems for the beneficiaries.

**216. Investment of money of the fund.** –The management board may invest the money of these two funds in any profitable, risk-free sector approved by the Government.

**217. Procedure of collection of the fund-money.** – (1) Immediately after encashment of the export orders, the lien bank of the establishment concerned shall transfer the money to the account of the fund under clause (a) of Sub-rule (1) of Rule 214.

(2) In case of buyer or buyer-establishment, while opening an LC (Letter of Credit), may voluntarily declare regarding his share in the LC as per Rule 214(1) (b).

(3) In case of failure to deposit the money by the lien bank in the fund within the time fixed, the board can direct for depositing the money within next 30 days.

(4) In case of failure of the lien bank in depositing the money in accordance with the provisions of Rule 214(1)(a) that shall be considered as the public demand, and the board can initiate other legal steps as well.

**218. Formation of Management Board.** – The Government shall form the Management Board comprising of the following members, namely:-

- (a) The Minister or State Minister responsible for the Ministry of Labour and Employment, who shall also be the *ex-officio* Chairperson of that;
- (b) The Secretary to the Ministry of Labour and Employment, who shall also be the *ex-officio* Vice-Chairperson of that;
- (c) The President of the employers association of the concern export oriented industrial sector earning the highest foreign exchange, who will be the Vice-President as well;
- (d) Three representatives nominated by the employers' organization of the concerned export-oriented industrial sector;
- (e) Three representatives nominated by the Government from the workers' federations of the concerned export-oriented industrial sector;
- (f) The Secretary of the board, who shall act as the Member-Secretary to the Board as well.

**219. Duration of the member and resignation.** - (1) The term of all members shall be 03 (three) years from the date of his nomination.

(2) Any member may resign from his post by submitting a signed letter to the Chairman and the post shall be considered to be vacant from the date of receipt of that letter by the Chairman.

**220. Disqualification of members.** – No individual shall be eligible to be a member under Clause (c), (d) and (e) of Rule 218, if –

- (a) He has been declared as insane or bankrupt by a competent court;
- (b) He has already been nominated as a board member for two consecutive times;
- (c) If he is convicted and sentenced to imprisonment for minimum 01 (one) year for an offence of moral turpitude and if a period of 05 (five) years has not been elapsed since his release; and
- (d) If he remains absent from 03 (three) consecutive meetings of the board without the permission of the Chairman;

**221. Removal of members.** – The Board may, subject to the approval of the Government, remove any nominated member mentioned in clause (c), (d) and (e) of Rule 218 through a written order, if -

- (a) He fails or denies to perform his duty under the Act and this Rules, or if the Government considers that he is incapable to perform such duty;
- (b) The Government considers that, he has abused his position;
- (c) He has earned or possessed any benefit regarding the welfare fund, either directly or indirectly.

**222. Allowances.** – Every Member of the management board of the fund including the Chairman shall receive daily allowance at the rate as determined by the board time to time for his attendance in every meeting.

**223. Salary of the Secretary, power to grant expenditure and appoint employees.** – (1) The Secretary, subject to the approval of the Management Board, shall receive salary-allowance prescribed by the Board from time to time.

(2) The Secretary may, for the purpose of managing the fund, allocate up one lac taka to the budget after receiving permission of the Chairman for granting any unforeseen expenses, supplying and purchasing of necessary products;

Provided that, the matter of granting such expenditure shall have to be approved in the next meeting of the board.

(3) The board, for the purpose of effective operation of the fund administration, may create positions and appoint necessary number of officers and employees.

(4) The manner of appointing employees, service conditions, salary and allowances of the employees under Sub-Rule (3), shall be determined by the regulation enacted by the board subject to approval by the Government.

(5) In the absence of the Secretary, any officer appointed or nominated by the board shall perform his duties along with the administrative duties.

**224. Meeting of the board of management.** – (1) The meeting of the board of management shall be held at least once in every four months and in consultation with the Chairman the Secretary shall determine the date, venue and time of each meeting and shall send letter to each member by registered post at least seven days before the date or the notice shall have to be sent to members through other convenient means, however, in case of an emergency meeting such notice may be sent three days prior to the meeting.

(2) Notwithstanding anything mentioned in Sub-Rule (1), on being requested by at least half of the members in writing, the Secretary in consultation with the Chairman shall convene the meeting of the board within 10 (ten) days from the date of receiving such request.

(3) The Chairman shall preside over the all meetings of the board and if the Chairman does remain absent in a meeting then the Secretary, Ministry of Labour and Employment who is the Vice-Chairman, shall preside over the meeting and will sign the proceedings of that meeting.

(4) To fulfill the quorum of meeting of the board of management more than half of the members shall have to be present there including at least one representative from each of the employer and worker.

(5) Notwithstanding anything contained in Sub-Rule (4), if the quorum of the meeting is not fulfilled within one hour from the starting of the meeting then the meeting will be declared postponed and the meeting shall be held within next ten days and if the quorum of such postponed meeting is not fulfilled then in the third meeting the presence of any number of members shall be considered as quorum.

(6) All matters related to the fund shall be placed before the board and decision shall be taken by the majority votes of the members present in the meeting and if equal number of vote is given to any matters the Chairman shall give casting vote.

(7) The proceedings of each meeting mentioning the names of the members present shall be forwarded to each member and to the Government within 7 (seven) days from the day of the meeting, that has to be confirmed in the next meeting of the board.

**225. Accounts and audit.** – (1) One central account shall be maintained for the sectors to which this Rules are applicable.

(2) The board shall properly maintain the accounts of the money deposited in such central account or fund according to the different industrial establishment

(3) The board shall properly maintain the account of the fund and prepare the annual statement.

(4) Every year the board shall audit the accounts of the fund through a recognized auditor.

(5) For the purpose of fulfilling the objectives of Sub-Rule (2), the auditor may for the purpose of audit of accounts, examine all records, deeds-instruments, cash money or deposited in banks, security, stock or other properties and may interrogate any member, officer or employee of the board.

**226. Annual report of the two funds.** -The board shall submit the account statements of two funds of the previous year to the Government in the form of a report within 31st March of every year.

**227. Management of 'Workers' Participation Fund' and 'Workers' Welfare Fund'.**- (1) Following the formation of the 'Workers' Participation Fund' and 'Workers' Welfare Fund' by any company in accordance with Section 234, then for the purpose of the management of these two funds in accordance with Rule 235(1) a Board of Trustees has to be formed within 30 (thirty) days.

(2) The person nominated by the company from the accounts department shall perform the duties as a Secretary of the fund.

(3) The company shall, on its own expense, make arrangement for office space and office employees as per the requirement of the Chairman of the board to provide support to the activities of the board.

(4) The Secretary shall prepare a list of the beneficiaries who are entitled to get benefits from these two funds.

**228. Management of accounts of these two funds.** – (1) The board of trustees shall open separate accounts in the name of these two funds for operating these two funds in any scheduled bank.

(2) Four members of the board shall be entitled to manage the account and the money of the funds can be withdrawn from the bank account through joint signature of one representative of the company and one representative of workers.

(3) If the employment of any trustee board member comes to an end for any reason, he shall immediately lose his membership in the board of trustees of these two funds and in such cases or if the membership-position becomes vacant otherwise, one representative shall be elected or nominated from the party of the vacant position within a period of 15 (fifteen) days in accordance with Section 235(1).

**229. The activities of the Board.** – (1) A meeting shall be called within 15 (fifteen) days from the constitution of the board and the manner of the operation of its activities shall be introduced:

Provided that if the board introduces any procedure in contradiction with the Act or the Rules, such procedure shall be considered as void.

(2) The following matters may be included in the working procedure enacted by the board in accordance with Sub-Rule (1), namely:-

- (a) Determination, delivery and investment of share of the fund in favor of every eligible beneficiary after publishing the annual accounts of the company and determination of the procedure of annual board meeting for the purpose of utilization of the welfare fund;
- (b) Determination of procedure of holding additional meeting for hearing any complaint against cancellation of beneficiary's part from the fund;
- (c) Formation of an executive committee in coordination with equal number of representatives from the company and the beneficiary for the purpose of performing day-to-day activities of the board;
- (d) Determination of manner of taking decisions on any particular matter by sending relevant documents to all trustees in case of any practical inconvenience regarding organizing a board meeting;
- (e) Determination of the necessity of the quorum and notice for holding board meetings; and
- (f) Vesting responsibilities upon the Secretary for operating the office, records and activities of the board.

**230. Duration of the board.** – (1) The duration of working period of any elected or nominated trustee of the board shall be 03 (three) years.

(2) The trustees shall not be given any remuneration for performing the duties in relation to the board, however, reasonable travel expenses for attending board meeting shall be paid by the company.

**231. Limitation of power of the trustee.** – No trustee shall be able to vote at the time of taking any decision in regard to the question of his own rights or benefits under his own interest or scheme.

**232. Eligibility of getting benefits from the two funds.** – (1) For the purpose of fulfilling the objectives of CHAPTER XV of the Act, any eligible beneficiary of these two funds shall mean any person described in Section 233(1)(i).

(2) Every employer shall deliver a list of all such beneficiaries or workers and their successors or nominees to the board in accordance with Form- 41.

**233. Distribution of fund.** – The Trustee Board, within 02 (two) months of receiving the money of the participation fund, shall equally distribute 80% money of the funds in cash following the Section of 242 (1) to the persons appointed under Section 233(1) (i), who have completed 09 (nine) months of employment on the date of transfer of dividend of the fund, regardless of their designation.

**234. Maintaining accounts and audit thereof.** – The accounts of these two funds shall have to be maintained separately and audited annually in accordance with Section 248 and the members shall be paid their dues within 90 (ninety) days of the completion of the audit of account statement.

**235. Annual report of these two funds.** – (1) The board shall submit a report of calculation regarding these two funds of the previous year to the employer within 31st March of each year in accordance with Form No-81(j).

(2) After receiving the statement of account from the board, the employer shall submit a copy thereof to the Department of Inspection for Factories and Establishment.

**236. Miscellaneous.** – (1) All acts done and decisions taken by the board shall be equal for all beneficiaries and no discrimination regarding the benefits shall be made between workers.

(2) Any earnings or benefits of the beneficiaries under Chapter XV of the Act cannot be mortgaged, exchanged or sold.

(3) The employer shall not, for the purposes of his establishment or any other business purpose or personal necessity, pay any advance or take loan from the fund.

(4) If application of Chapter XV has been suspended for any company for any reason then the fund shall be disbursed among the beneficiaries based on neat valuation of the property until the date of such suspension and the board is to decide whether that shall be disbursed in the form of cash or property.

## CHAPTER XVI

### PROVIDENT FUND

**237. Formation of provident fund and enactment of Rules.** – (1) The constitution and management of provident fund in any private establishment shall be governed by the Chapter XVII of the Act, the Rules and the approved internal rules of the concerned establishment.

(2) Any private establishment can formulate its own rules for management and governance of the provident fund:

However, provided that, no provision of the internal rules of the establishment shall conflict with the provisions of Chapter XVII of the Act and the Rules.

(3) If a provident fund is constituted in any private establishment then in the absence of its own rules of the establishment it shall be operated by this Rules.

(4) Immediately after the formation of the provident fund, the employer of the establishment shall, for this purpose, form a board of trustees in accordance with the provision of Section 264.

(5) If at least three-fourth of the total number of workers employed in an establishment submits a written application to the employer in accordance with Section 264 (10), the employer shall be obligated to constitute a board of trustees to administer the provident fund.

(6) For the purpose of fulfilling the objectives of this Chapter, a worker shall mean anyone who is not the employer or his successor or a member of the board of management of the establishment.

**238. Qualification to be a member of the provident fund.** – (1) In the provident fund of an establishment constituted under the Act and these Rules, all persons employed in that establishment irrespective of designation who has completed at least one year of service except the owner or partner or members to the management board of such establishment shall be members.

Provided that the absence of the worker due to an illegal lockout, lawful strike, days off for lay-off, weekly holidays, sick leave, casual leave, maternity leave for not more than 16 weeks and any other approved leaves or vacation shall not hamper the continuation of his employment in the establishment.

(2) Within 15 (fifteen) days of becoming qualified to be a member of the fund, the employer shall submit the name and information of the worker-employee concerned and his nominated heir in accordance with Form-67 to the board of trustees along with certification.

(3) If the nomination is not provided during appointment, the employer shall direct the worker to submit the nomination with 01 (one) copy of a passport size photo of the worker and his nominee within 10 (ten) working days of his acquiring the membership and within 10 (ten) days of receiving such direction the worker concerned shall submit to the employer information in the prescribed form and the employer shall send it to the board of trustees with certification within 05 (five) working days.

(4) If any question arises regarding acquisition of membership, continuation of membership or the date of acquisition of membership of any worker in the provident fund, the board of trustees shall deliver the final decision in that regard.

(5) The aggrieved worker may submit an appeal against the decision of the board to the Inspector General of Department of Inspection for Factories and Establishments or responsible officer within 30 (thirty) days of being informed about such decision.

(6) If such appeal has been submitted, the person to whom it has been submitted shall, upon providing opportunity to be heard to both parties, settle the matter within 30 (thirty) days from submission of such appeal.

**239. Distribution of account number.** – After receiving the information from the employer, the board of trustees shall, as soon as possible, issue an account number to the worker concerned in Form -68 in a manner as may be prescribed by the board, and shall inform it to the employer and to the worker concerned through the employer.

**240. Nomination of member to the board of trustees.** – (1) The board of trustees of the provident fund of an establishment shall be comprised of maximum 7 (seven) members.

(2) The representative of the employer shall be nominated by the employer:

However, provided that in case of such nomination the officials from the accounts section shall be given preference.

(3) The representative of the worker shall be nominated by the collective bargaining agent (CBA) of the establishment concerned.

However, provided that where there is no collective bargaining agent, the existing trade unions shall nominate workers' representatives.

Further provided that where there is no trade union organization, the workers' representative shall be nominated by the workers' representatives to the Participation Committee.

Further provided that where there is no collective bargaining agent or trade union organization or Participation Committee in such a case the workers' representative shall be nominated from the workers of such establishment under the supervision of the Welfare Officer.

(4) Equal number of representatives of the employers and workers of the establishment shall be the member of the participation committee.

(5) The members shall gradually nominate one person from themselves as Vice- Chairman for 01 (one) year.

**241. Term and resignation of a member.** - (1) The duration of every member shall be 02 (two) years from the date of his nomination.

(2) Any member may resign from his post through a resignation letter addressed to the Chairman and such post shall be considered as vacant from the date of receipt of such letter by the Chairman.

**242. Disqualification of members.** – No person shall be qualified to be or remain as a member under Rule 240, if –

- (a) A competent court has declared him as an insane or bankrupt;
- (b) He has been nominated as member to the board for two consecutive terms;

- (c) He has been convicted with 01 (one) year imprisonment by a competent court for any offence related to moral turpitude and 05 (five) years have not passed since his release;
- (d) He remains absent in 03 (three) consecutive meetings of the board without the permission of the Chairman.

**243. Removal of member.** – The board may remove any nominated member mentioned in Rule 240 through a written order subject to the approval by the Government, if he –

- (a) Fails or denies to perform his duty vested upon him under the Act or the Rules or if he is considered as incapable to perform his duty as per the consideration of the Government;
- (b) Abuses his position, in consideration of the Government;
- (c) Has achieved or possessed any benefit regarding the provident fund either directly or indirectly.

**244. Secretary of the board.** – The members of the Board of Trustee shall nominate a Secretary from among the members other than the Chairman.

**245. – Meetings of the board of trustees.** – (1) The meetings of the board of trustees shall be held at least once in every four months and the Secretary shall, in consultation with the Chairman, determine the date, venue and time of every meeting and send a notice to every trustee through registered post or any other manner as may be acceptable to the trustees, at least seven days prior to such date. However, in case of emergency meetings, the notice can be sent three days prior to such meeting.

(2) Notwithstanding anything contained in Sub-Rule (1), upon being requested in writing by at least half of the total number of members, the Secretary shall, in consultation with the Chairman, call a board meeting within 10 (ten) days from the receipt of such request.

(3) The Chairman shall preside over every board meeting of the board and if the Chairman is absent in any meeting, the Vice-Chairman shall preside over it and he shall sign the proceedings of such meeting along with the decisions.

**246. Quorum of the meeting.** – (1) In order to fulfill the quorum of the meeting of the board of trustees, more than half of the trustees, including at least one representative from the employer and workers' side, shall be required to be present.

(2) Notwithstanding anything contained in Sub-Rule (1), if in any meeting the quorum is not constituted within one hour then the meeting shall be postponed and the postponed meeting has to be held within next ten days and If the quorum is not constituted in the following postponed meeting, the quorum of the third meeting shall be considered to be constituted with the presence of any number of trustees.

**247. Decision making.** – Every matter regarding the provident fund of the establishment shall be raised in the board meeting and the decision shall be taken through the majority vote of the trustees present and if the number of votes is equal regarding any matter, the Chairman shall give the casting vote.

**248. Minutes of the meeting.** – The minutes of every meeting shall be sent to every trustee present and to the Government within the next 07 (seven) days from the day of the meeting which shall be required to be approved in the following board meeting.

**249. Appointment of employees.** – The board may appoint an employee for conducting administrative activities of the fund.

**250. Subscription.** – (1) The rate of subscription payable shall be determined on the basis of minimum seven percent of the basic wages and maximum eight percent of the basic wages of the workers per month, irrespective of the manner of providing wages to the workers.

(2) The employer shall deduct the subscription money from the wages of the worker concerned while making payment thereof and deposit it in the account of the provident fund after adding an equal amount from his part, within 15 (fifteen) days of the completion of such months, through pay order or bank draft and the employer shall bear the expenses of the pay order or the duty of the bank draft.

(3) The employer shall send a monthly report to the board within 15 (fifteen) days from the completion of every month and the amount of deducted money from every worker and the amount of money paid by the employer for such worker shall be mentioned in such report and if for any reason worker's subscription to the fund is not realized then that has to be deducted from the wages of following month.

(4) After receiving such money in accordance with Sub-Rule (2), the Secretary to the board shall acknowledge it within ten days of such receipt.

**251. Return due to termination of employment.** – (1) The employer shall, within 15 (fifteen) days of the completion of every month, send to the board a list of the workers in the form of a return who are members of the provident fund, and whose employment has been terminated in the previous month.

**252. Administration of account of Provident fund.** – (1) The Secretary shall deposit all the money received from the fund in a bank account titled "Provident Fund Account" in a scheduled bank determined by the board.

(2) The bank account shall be jointly administered by the Chairman, representatives of the employer and representatives of workers and in case of withdrawing money from the account, a joint signature by the Chairman of the board and any other member approved by the board shall be required.

(3) A register shall be maintained after recording the information separately regarding deposited amount including subscriptions of employer and workers to the account of each member, and profit earned, income, or earnings.

**253. Accounts and statement of the employer.** – (1) Every employer shall maintain an account of the subscriptions paid by his part and workers in the manner as prescribed by the board from time to time.

(2) As soon as possible after completion of every year, the board shall deliver to every member a written and signed description regarding the opening balance in the beginning of the year, amount of subscription deposited in the year, amount of interest at the end of the year, advance received and installments paid, and the balance at the end of the year.

(3) The members shall be ensured in regard to such annual account and if there is any error, they shall send it back to the board for amendment within 03 (three) months of the receipt of such description and the board shall, after conducting necessary scrutiny and correction if there is any error, again deliver a statement to the members within the following 10 (ten) days.

**254. Annual report on the working procedure of the fund.** – (1) The board shall submit a report to the employer with a description of the fund's account of the previous year in accordance with Form -81 (K) within 30<sup>th</sup> March of every year.

(2) The employer shall, after receiving the account description from the board, submit a copy thereof to the Department of Inspection for Factories and Establishment.

(3) The board shall prepare a short class-wise statement of the property owned by the fund in accordance with Form- 69 and a balance sheet as well and copies of those shall be attached with the annual report while submitting to the Inspector General of the Department of Inspection for Factories and Establishments.

**255. Revenue account.** – A revenue account shall be opened for the provident fund for all interest and other investments, benefits earned and any money forfeited in favor of the fund and those all shall be deposited separately and in the same manner, the money spent on selling of securities, decreases due to decreasing price of securities, security tax and grants shall be shown in the expenditure.

**256. Member's account.** – (1) One ledger account for each member shall be opened in the office of the fund where the interest provided by the employer in favour of the subscription money provided by workers and proportional amount of benefits received from the investment shall be deposited.

(2) Within three months after the completion of every year, the Secretary to the board shall examine information exhibited in the account of every member and if he finds any error he shall correct it and deliver a sector wise account signed by him to every worker.

**257. Investment of fund money.** – (1) The fund money shall be, as per decision of the board, invested in the sectors as mentioned in Section 264 (12) and for purchasing immovable property situated in Bangladesh.

**258. Administration cost.** – The employer shall bear all administrative expenditures of the fund including salary and allowances of employees, audit account and legal expenditure, stationery expenditure, forms, furniture, rent, tax and other reasonable expenditures.

**259. Nature of account.** – The employer or Secretary shall maintain the account of the funds including "Administration Account" in such a manner as may be prescribed and determined by the board.

**260. Account audit.** – The annual accounts of the fund shall be audited by an auditor firm recognized under the provisions of the Company Act of 1994.

**261. Profit or interest.** – (1) The profit or interest earned from accounts of the provident fund shall be deposited proportionately into the accounts of every member at the end of the year.

(2) The total profits deposited in to the accounts of members shall be shown as expenditure of the provident fund.

(3) The profit shall be deposited in to the accounts of every member starting from the first day to the last day.

(4) The interest on payment claim or incomplete period shall be paid at the rate of previous year's interest and shall be deposited on a monthly basis for the incomplete periods.

**262. Nomination of nominee.** – (1) Every member shall provide a nomination with a photograph of the nominee in Form- 41 for the purpose of receiving money deposited on his name in the fund in case of his death.

(2) In case where the nomination is given to a family member, the nomination shall be given to one or more than one members of the family and no nomination provided otherwise shall be admissible.

(3) The member may, if he intends, divide the money deposited in his name proportionately among the nominees in the nomination paper as per his will.

(4) If any nominated person dies before the member, then the member shall provide new nomination in such a case.

(5) The nomination provided by the member may be amended at any time on the basis of written notice received from the member.

(6) Any nomination and any amendment thereof shall take effect from the date of it being received by the board.

**263. Condition of payment of the money deposited in the fund.** – (1) If the employment of any member ceases to an end after completing two years in an establishment, then he shall be entitled to receive all money, including the employers portion, deposited on his name in the fund.

(2) If any member does not want to continue his membership in the fund, he may withdraw his membership by submitting a written application to the board and if such withdrawal takes place after completion of two years of employment in an establishment, he shall be entitled to receive all the money, including the employers portion, deposited on his name in the fund.

(3) If the duration of any member's employment is less than two years or the duration as member of the fund is less than one year, he shall be entitled to receive only the portion deposited by him as subscription in the fund:

However, provided that in case of death or closure of the establishment, the member of the fund shall be entitled to receive both portions deposited in the provident fund irrespective of the duration of the employment of a member.

**264. Payment of deposited money of the deceased member.** – If any member dies before the money becomes payable or after being paid but before it is paid –

(a) In the case where the nomination remains valid, the money deposited in the name of the member or a part thereof shall be payable to such nominated person or persons in accordance with such nomination.

(b) In the case where no nomination is in existence, or if the nomination is not applicable for any particular portion of the money deposited in the fund, the full deposit or the particular portion on which the nomination is not applicable, shall be payable to the family members of the deceased person in accordance with his personal laws.

**265. Payment of the Provident fund money.** – (1) In cases where any money deposited in the name of a member or the money left after deduction in accordance with these Rules becomes payable, in such cases the board shall close the account of such member and send a written notice, to the person to whom the money is payable, after determining the amount of the money payable thereto.

(2) If any dispute or suspicion arises regarding any portion of the money payable, the portion regarding which there is no dispute or suspicion shall be paid immediately and the disputed portion shall be settled as soon as possible.

(3) If the person to whom the money is being paid is a minor or of unsound mind, in that case such money shall be payable to any guardian appointed for the minor in accordance with the Guardians and Wards Act, 1890 (Act No. VIII of 1890) or any manager appointed for the person of unsound mind in accordance with the Lunatic Act, 1912 (Act No. IV of 1912). In cases where such guardian or manager has not been appointed, the money shall be paid to the person authorized by the Act on behalf of the minor or person of unsound mind.

(4) Any person interested in receiving the money in accordance with this Rules shall be required to apply in writing to the board and the money may be paid through money order or cross-check sent through registered post or through bank draft or pay order in hand upon receiving acknowledgement as the case may be, according to the will of the person to whom the money shall be payable.

**266. Receiving advance from the fund.** – (1) Any member may receive advance from the balance money deposited in his account, subject to the approval from the Board of Trustees in the following conditions, namely-

- (a) To bear the expense for medical treatment of any subscription payer or any member of his family;
- (b) To bear the expense of wedding, funeral or any other essential expenditure of any subscription payer or any member of his family;
- (c) To bear the expense of construction of houses or purchasing home or flat or purchasing land to construct house;
- (d) To deposit premium of life insurance of any subscription payer or his wife;
- (e) To bear the expense of travel by ship or air of any subscription payer or any member of his family;
- (f) To bear the education costs of the subscriber's children.

(2) No advance, in any case, shall be more than 80% (eighty per cent) of the total balance of tax-free subscription and benefit deposited in the account of a member and no subsequent advance shall be granted unless the first received advance is paid off.

(3) The money received as an advance shall be paid in equal monthly 60 sixty installments with:

Provided that no installment shall be greater than one third of the monthly basic wages of the recipient worker.

(4) The basic advance shall be paid in installments after dividing it into equal installments, and when the basic advance is paid, one additional installment shall be paid as interest of the advance.

(5) The money deposited in this fund shall be considered as the money of the members and the employer shall not be able to receive any advance or loan for his establishment or any other business purpose or for his personal necessity from the fund.

**267. Management of board activities.** – All orders and instruments shall be delivered and issued in the name of the board and such matters shall be certified by any officer authorized by the board.

**268. Penalty for violation, etc.** – (1) If any person –

- (a) Fails, without adequate reason, to pay any subscription payable in accordance with this Rules;
- (b) Deducts or tries to deduct employers' portion from the wages of the member or any other remuneration;
- (c) Fails or denies to submit any return, description or any other document which is required or has been ordered to be submitted in accordance with this Rules;
- (d) Submits any false return, description or instrument or provides false statement; or

(e) Is guilty of not performing any other requirement or violating any provision of this Rules;

(f) Receives any advance loan by influencing the employer or through fraud;

He shall be punishable under Section 298.

(2) If the board of trustees issues any loan at the rate less than the bank or allows the employer to use the same in his business purposes or using thereof for his own interest then the employer and members to the board of trustees shall be punished in accordance with Sections 409 of the Penal Code, 1860 (Act No. V of 1860).

**269. Applicability of the Provident Fund.** – In this Chapter-

- (a) Provisions of Rules 237 to 268 shall be applicable for private establishments;
- (b) Provisions of Rules 270 to 302 shall be applicable for tea gardens; and
- (c) Provisions of Rules 303 to 327 shall be applicable for workers of newspapers.

**270. Existing provident fund for tea garden.** – The existing provident fund for workers of tea gardens shall be considered to be constituted in accordance with the provisions of Law related to the board of trustees.

**271. Obligations to be a member of provident fund.** – (1) Under Section 268(1), all workers, except apprentice, who have completed one year of employment in tea plantation shall be members of the provident fund and photographs of members and their nominees shall be submitted to the Controller's office while being included as members.

(2) If any question arises regarding the qualification of a member for being a member of the provident fund or continuation of membership, the board of trustees shall take the final decision in that regard.

(3) Within 15 (fifteen) days of achieving the qualification to be a member of the provident fund the employer shall direct the worker concerned to supply all necessary information of such worker and his nominee and the worker concerned shall submit such information in the prescribed form within 05 (five) working days from the receipt of such direction, which the employer shall send to the Controller with recommendation within 05 (five) days after receiving such information:

Provided that in cases where such worker is already a member of the fund, the employer shall, within seven days of appointment of such person, inform the Controller, through registered post, regarding the name of previous employer, account number and other description of such worker and the employer shall collect the acknowledgement thereof from the Controller.

(4) Every employer shall, within 30 (thirty) days from this Rule taking effect, send a return to the Controller regarding the qualifications of every worker able to be a member of the fund in accordance with Form- 67.

**272. Distribution of account number.** – The Controller shall, after receiving information from the employer regarding the qualifications of worker of being members of the fund, as soon as possible, grant an account number to the workers in accordance with Form- 68 in such a manner as may be determined by the board and shall inform the employer and to the concerned worker through the employer.

**273. Meetings of the board of trustees.** – (1) Generally, the meeting of the board of trustees shall be held at least once in every 02 (two) months.

(2) The Controller shall, in consultation with the Chairman, determine the date, venue and time of every meeting of the board of trustees and send a notice of such meeting along with the agenda thereof to every trustee through registered post at least 14 (fourteen) days prior to such date, however, in case of an emergency meeting, the meeting shall be convened with 07 (seven) days' notice.

(3) Notwithstanding anything contained in Sub-Rule (2), upon receipt of written requisition notice from at least 05 (five) members of the board of trustees, the Controller shall, in consultation with the Chairman, call a meeting within 14 (fourteen) days of the receipt of such notice.

(4) The Chairman shall preside over every meeting of the board and if the Chairman is absent at any meeting, the trustees shall select one member from among the employer or neutral member to preside over the meeting and the member selected in such manner shall exercise all the powers of the Chairman in that meeting.

(5) All matters related to the fund shall be raised in the meeting of the board and decisions shall be taken on the basis of the opinion of the majority of the trustees present at the meeting and if the trustees get divided equally while deciding any matter, such matter shall be settled on the basis of the opinion of the Chairman.

(6) If, for the purpose of taking any decision voting is required, it can be done by raising hands and if the majority of the present trustees demand to take vote through secret ballot, the Chairman shall make arrangement for secret ballot.

**274. Quorum of the meeting.** – (1) In order to constitute the quorum for the trustee board meeting, at least three trustees including at least one member from the employer, worker and neutral members shall be required to be present.

(2) Notwithstanding anything contained in Sub-Rule (1), if the quorum of any meeting is not constituted by the members present within one hour, the meeting shall be postponed and that adjourned meeting shall be held within next 10 days and if the quorum is not constituted even at the adjourned meeting then on the third meeting the quorum shall be considered to be constituted with the presence of any number of trustees.

**275. Minutes of the meeting.** – The minutes of the meeting, mentioning the name of the present trustees, shall be sent to every trustee within 07 (seven) days from the day of such meeting which shall be required to be approved on the following meeting and the minutes of meeting shall be sent to the Government within 07 (seven) days of being approved.

**276. Fees and allowances.** – (1) The provisions for travel benefits applicable to first-class government officers travelling for government work shall be applicable to every trustees of the board including the Chairman.

(2) If any trustee receives any travel or other allowance from his employer, he shall not be able to claim any allowance from the board for the same travel.

(3) The Chairman of the board of trustees shall receive monthly honorary allowances at such rate as may be prescribed by the Government and members shall receive daily allowance as may be prescribed by the board for their attendance at the meeting.

**277. Controller's salary, power to grant expenditure and appoint employees.** – (1) The Controller shall, subject to the approval of the Government, receive salary-allowance as may be determined by the board of trustees from time to time.

(2) The Controller may, for the purpose of administration of the fund, without prior approval of the board, issue any immediate expenditure, supply and purchase of necessary appliances, subject to the availability of money in the budget.

Provided that in case of granting such expenditure the approval of the board shall have to be taken in the next meeting.

(3) For the purpose of effective administration of the fund, the controller may create positions on the board and appoint necessary number of officers-employees and the procedure of appointing employees, service conditions, salaries and allowances etc shall be determined as per the provisions enacted by the board according to the approval of the Government.

(4) In the absence of the Controller, the Assistant Controller shall perform administrative duties along with other duties.

**278. Subscription.** – (1) Irrespective of the manner of payment of wages, be it daily basis, weekly basis, quarterly basis or monthly basis, the rate of subscription payable for the provident fund under this Act shall be calculated on the basis of basic wages payable to the worker for a full month.

(2) The employer shall, deduct the subscription money from wages of worker concerned while making payment thereof and send it to the Controller to deposit it in the account of the provident fund after adding an equal amount from his part, within 15 (fifteen) days of the completion of such months, through bank draft or check:

Provided that, if money has been deposited through a bank check from any *mofussil* (small town) the check shall include fees of collecting the check.

(3) If the monthly subscription of any worker has not been deducted by mistake, it shall be deducted from the next month's wages and in the same manner, if additional subscription has been deducted from any month's wages, it shall be adjusted with the wages of the following month.

(4) The retainer allowance provided to a worker in any garden during off-season for the purpose of fulfilling the objectives of this Rules shall be considered as wages.

(5) The Controller shall give an acknowledgement within ten days of receiving money in accordance with Sub-Rule (2).

(6) The employer shall send an overall monthly report to the controller within fifteen days after the end of a month and such overall report shall contain detailed description of the monthly basic wages of a worker with the subscription deducted from every worker, and the portion paid by the employer for such a worker and the amount of administrative cost paid by the employer.

(7) The money deducted from the wages of a worker for provident fund shall be considered to be in the custody of the employer until it is received by the Controller.

**279. Members not to pay the portion of subscription payable by the employer.** – The portion of the subscription payable by the employer cannot be deducted from the wages of the members or recovered in any other manner by the employer.

**280. Return.** – The employer shall, within fifteen days, from the end of every month, send to the board a list of members from workers of the provident fund whose employment has been ended in the previous month.

**281. Maintenance of an account by the employer.** – (1) Every employer shall maintain an account of his portion and subscriptions of workers paid to the provident fund in such a manner as may be prescribed by the board from time to time.

**282. Account of provident fund.** – (1) The Controller shall open a bank account titled ‘Provident Fund Account’ in a scheduled bank as determined by the board and deposit the total money received from the employer and workers as subscription to the fund and the accounts of profits including subscription of the employer and workers shall be shown separately in the register.

(2) A revenue account shall be opened where all the interests and other benefits received from investments and any forfeited money of the fund shall be deposited separately and in the same manner, the money decreased due to decreasing price of security, security tax and grants shall be shown in the expenditure.

(3) There shall be a separate account titled ‘Administration Account’ where all expenditures for administration of the fund shall be shown.

**283. Members’ account.** – (1) One account for every member shall be opened in separate registers maintained in the Controller’s office for every tea plantation in which the following money shall be deposited, namely:-

- (a) Subscription paid by him;
- (b) Employer’s portion paid in favor of the member;
- (c) Interest in accordance with the Rules.

(2) Separate interest shall be deposited with worker’s subscriptions and employer’s portion and the Controller shall examine the matters shown in the account before the closing of every year and if he finds any error he shall amend it.

**284. Investment of money of the fund** – (1) All the money of the fund shall be deposited in a scheduled bank according to the decision of the board and at least 50% shall be invested in one or more of the following sectors, namely-

- (a) In interest- based savings and bonds unconditionally ensured by the Government;
- (b) In fixed deposit of scheduled bank unconditionally ensured by the Government;
- (c) Stock or debenture of any other company the interest of which is ensured by the Government;
- (d) Purchasing immovable property situated in Bangladesh;

Provided that the property shall not be leased out and the total value of such property shall not be one-third or if the property is a building then it shall not be more than the half of its mortgaged money.

(2) If any amount of money is spent or loss is suffered in any investment that shall be charged to the revenue account.

(3) The Controller shall prepare an annual categorized brief description of the fund property in accordance with Form- 69 and one balance sheet (by the 30<sup>th</sup> June every year) and shall attach a copy thereof with the annual report to submit to the Government.

**285. Administration cost.** – (1) All administration costs of the fund, including fees and allowances of the trustees of the board, salaries and allowances of the employees, audit of accounts and legal expenditure, stationery expenditure, forms, furniture, transportation, rent, tax and other reasonable expenditures shall be carried out from the Administration Account with approval from the board.

(2) The Controller shall maintain the accounts of the fund including “Administration Account” in such manner as may be specified and prescribed by the board.

**286. Audit of accounts.** – (1) The annual accounts of the fund shall be audited by a chartered accountancy firm recognized under the provisions of the Company Act, 1994 according to the decision of the board.

(2) The auditor appointed under Sub-Rule (1) shall submit three copies of the audit report, properly signed and sealed thereby to the board and shall also sent a copy thereof to the Government.

**287. Budget.** – (1) The Controller shall, every year within the first fortnight of the month of June, prepare a budget for the next year and submit it before the board where the tentative amount of subscription, levy of administration cost and proposed expenditure for the next year shall be mentioned separately.

(2) At the time of preparing the budget, special attention shall be paid so that the overall management of expenditure remains within the money collected and if the board considers any expense to be essential, it shall require approval from the Government.

**288. Profit:** – (1) At the end of the year the profit earned from the deposit of revenue account shall be deposited proportionately into the account of every member.

(2) The total interest deposited in to the account of the members shall be shown as expenditure in the revenue sector.

(3) Profit shall be deposited in to the deposit sector of every member starting from the first day to the last day:

However provided that, when the money deposited in the name of any member becomes payable, the interest shall be deposited for the period starting from the first day of the current period till the month prior to the date when it can be said to be taken for delivery or till the completion of six months from the month when returnable money becomes payable, whichever is earlier.

Further provided that, the interest on payment claim or incomplete period shall be paid at the rate of previous year's interest and shall be deposited on a monthly basis for the incomplete periods:

(4) If the board considers necessary, it may determine interest on the money withdrawn to deposit in life insurance policy by the member, at such rate as it thinks expedient, to bear the expense of such policy premium and the interest so determined shall be deposited in to the revenue sector of the fund after being collected in a manner as may be prescribed by the board.

**289. Nomination of nominee.** – (1) Every member shall provide a nomination with a photograph of the nominee in Form- 41 for the purpose of receiving money deposited in his name in the fund in case of his death:

Provided that if the member is a minor, he cannot provide any nomination before attaining adult hood.

Further Provided that if such minor member dies before attaining adulthood, the money deposited in his name shall be paid to his family members in accordance with the law.

(2) The member may, if he intends, divide the money deposited in his name proportionately among the nominees in the nomination paper as per his will.

(3) In cases where at the time of providing nomination the family of the member is existed, the nomination shall be given to one or more members of his family and no nomination provided otherwise shall be admissible.

**Illustration:** In these Rules 'family members' shall mean in case of male members, wife of the member, married or unmarried children, adopted son- daughter, parents who are dependent on the member and widow and children of deceased son of the member and in case of female members, husband, married or unmarried children, adopted son- daughter, parents dependent on the husband or the member, and widow and children of deceased son of the member.

(4) If any nominee dies before the member, in that case such member can provide nomination again.

(5) The nomination provided by the member in accordance with this Rules may be amended at any time.

(6) Any nomination and any amendment thereof shall take effect from the date of it being received by the Controller.

**290. Depositing money in life insurance policy.** – (1) The amount of money which has been deposited in the fund in the name of a member in previous years account including his subscription and interest, maximum such amount of money can be withdrawn maximum once in every twelve months to deposit it in life insurance policy:

Provided that no money shall be approved to be withdrawn until the submission of a detailed description of the proposed life insurance policy to the Controller in the form prescribed thereby and until it has been received by the Controller for approval and no approval shall be provided for withdrawing an amount greater than the actual premium or subscription.

Further provided that if approval is granted to withdraw the money in such manner, the Controller shall pay the money directly to the insurance company and shall receive a receipt of such payment.

(2) In case of new policies, after receiving the first premium the insurance company shall submit the insurance policy with *tok* of assigning the title in favor of the board and the controller shall keep the policy in safe custody after collecting signatures of the member on such *tok* of appointment.

(3) Within three months of withdrawing money from the fund of the policy, the title thereof shall be assigned in the name of the board as a security of the money withdrawn and that shall be handed over to the Controller.

(4) Before giving approval to withdraw money for an old policy, the Controller shall be satisfied about whether any title has been assigned for the policy previously or whether the policy is completely unencumbered by sending the matter to the insurance company.

(5) No condition of the policy can be changed or it cannot be replaced with a new policy without prior approval of the Controller and the detailed description of changing any condition of the policy or the new policy shall be submitted to the Controller in a manner as may be prescribed thereby.

(6) In cases where the title has not been assigned or vested, in such cases where money has been withdrawn for such policy, the member shall immediately submit that money with 5% interest. Otherwise, the Controller shall direct the deduction of that money from the wages of such member in such instruments as may be prescribed thereby.

(7) The policy to be taken in accordance with this Rule shall be effective over a member's own life and the legal title can be assigned to the board by the member.

**291. Saving the money withdrawn from bonus.** – (1) If, according to the condition of the policy, it is optional to withdraw the money of bonus by the member while the policy is continuing, the member can withdraw the money of that bonus and the member cannot be barred from withdrawing the money of that bonus according to the conditions of the policy.

(2) For the interest of withdrawing money from the bonus that shall be deposited to the fund and shall have to be adjusted against the money withdrawn, or if the member fails to deposit such money, the Controller shall direct the deduction of that money from the wages of such member in such installments as may be prescribed thereby.

(3) If any policy which title has been assigned to the board is matured, or if the money is payable before leaving the service by the member, in such case the board shall recover such contracted money with due bonus and shall deposit such money in to the fund on the name of the member.

**292. Re-assigning the title of policies.** – (1) In cases where any member –

(a) Retires on the grounds of age or length of employment;

(b) Retires on the grounds of completely permanent physical or mental disability;

(c) Receives approval from the board or the Controller authorized by the board to withdraw the money deposited in his name in the fund;

(d) Withdraws and Re-deposit the money which is deposited on his name in the fund after receiving approval from the board or the Controller authorized thereby in such case the board shall hand over the policy to the member with written and signed notice regarding re-assignment of title of the policy in the name of the member.

(2) If the member dies before leaving the service, the board shall re-assign the title of the policy to the nominee of the member (if any) or to a person who can be able to legally receive the same and shall hand over the policy to such nominee or such person with a written and signed notice regarding re-assignment of the title of the policy to the insurance company as well.

**293. Condition of payment of money deposited in the fund.** – (1) In the following cases member can withdraw all the money deposited in the fund in his name, namely:-

(a) If worker retires from the employment in tea plantation in accordance with this Act;

(b) If he retires from employment due to inability to work because of complete physical or mental disability, subject to appropriate certification by a competent medical practitioner:

Provided that, any retired member can withdraw his deposited money after three months from his retirement.

(2) In cases other than retirement, if any member from the day of his application was continuously unemployed for three consecutive months in any tea plantation where this Act is applicable, the Controller may, being authorized by the board, permit the member to withdraw the money from the fund.

(3) In case of voluntary retirement of a member:-

(a) If the duration of his membership in the fund is less than three years, 50% of the employer's portion with the interest shall be forfeited in the fund;

(b) If the duration of his membership in the fund is more than three years but less than five years, 25% of the employer's portion shall be forfeited;

(c) If the duration is more than five years but less than ten years, then 15% of the employer's portion shall be forfeited.

(4) If, after withdrawing the money in accordance with Sub-Rule (3) a member re-joins the employment in the tea plantation, he shall join the fund as a new member.

(5) No money forfeited in the fund can be returned to the employer that shall be deposited in the revenue fund.

(6) The money paid by members who retire from the office of provident fund shall be paid to the recipient through cross check by the tea plantation authority, and the acknowledgement of receipt by the recipient shall be sent to the controller within the following 07 (seven) days.

**294. Transfer of member's account.** – If any member after resigning or retiring from one tea plantation joins the employment in another tea plantation and if he has not withdrawn the money deposited in the fund in his name, the Controller may, upon his application, keep his membership continued and the account of such worker shall be transferred to the register of the new tea plantation on the date on which he shall be entitled to get a membership of the fund as a worker of the new tea plantation in accordance with Section 268 (1) and in such cases the interest on the previous deposit of the worker shall be continued.

**295. Payment of deposited money of the deceased member.** – If any member dies before the money becomes payable or after it becomes payable but prior to payment –

(a) The money deposited in the name of the member shall be payable to the nominated person or persons in accordance with the nomination; or

(b) In a case where no nomination is in existence, or if the nomination is not applicable for any portion of the money deposited in the fund, in such a case the full deposit shall be payable to the family members of the deceased person in accordance with the Act.

**296. Payment of money of a dismissed member.** – A member shall not be deprived of the money deposited in the fund on his name even if he is terminated, discharged, retrenched or dismissed.

**297. Payment of money of provident fund.** – (1) In case of closing the account of any member, if any dispute or suspicion arises regarding any portion of the money payable, in such cases the portion regarding which there is no dispute or suspicion shall be paid by the Controller within 03 (three) months and the rest shall be paid within 06 (six) months after making adjustment.

(2) If the person to whom the money is payable is a minor or person of unsound mind, such money shall be payable to any guardian if appointed for the minor in accordance with the Guardians and Wards Act,

1890 (Act No. VIII of 1890), or to any manager appointed in accordance with the Lunacy Act, 1912 (Act No. IV of 1912) regarding the take of his property.

(3) In a case where such guardian or manager has not been appointed in such a case if the amount of money payable is not more than Taka 30,000 (thirty thousand) then the Controller, if the amount is more than Taka 30,000 (thirty thousand) then the Chairman, subject to approval of the board, shall pay the money to the person whom they consider to be appropriate for representing such minor person or person of unsound mind.

(4) Interested person to get the money under this Rules shall be required to send notice to the Controller in the prescribed form through the garden manager.

(5) The person who is to be paid the money, according to his intention, the Controller shall forward the bank draft or pay-order of the amount through the manager of the concerned tea plantation.

**298. Annual statement of member's account.** – (1) Within 06 (six) month of completion of every year, the Controller shall deliver to every member, through his latest employer, a written and signed description of the opening balance in the beginning of the year, amount of subscription deposited during the year, amount of interest at the end of the year and the balance at the end of the year in the fund.

(2) The members shall be ensured regarding such annual account and if there is any error, they shall send it back to the Controller for correction within 3 (three) months of the receipt of such description.

(3) The Controller shall, after conducting necessary verifications finds there any error, again deliver a statement to the members within following 10 (ten) days.

**299. Annual report on the working procedure of the fund.** – (1) Every year the board shall submit a report to the government with a description of the working procedure of the fund about previous year within 30<sup>th</sup> September.

(2) A copy of such report shall be sent free of cost to the employers of the tea plantations whose workers have become member of the fund.

**300. Administration of board's activity.** – All orders and documents shall be issued and executed in the names of the board and it shall be certified by the controller or by any officer authorized by the board.

**301. Power to execute orders.** – For the purpose of fulfilling the objectives of the Act and the Rules or at the end of membership of the fund the administration of the fund including payment of deposited money to the members thereof, the Government shall, from time to time, issue direction to the board for the purpose of removing any crisis.

**302. Penalty for violation, etc.** – (1) If any person-

(a) Does not send a nomination, for inclusion as a qualified member of a worker to the office of the Controller;

(b) Deducts or tries to deduct employer's portion from the wages of the member or any other remuneration;

(c) Fails or denies to submit any return, description or any other document which is required or has been ordered to be submitted in accordance with this Rules;

(d) Submits any false return, description or instrument or provides false statement;

(e) Obstructs the board or any government officer from performing his duty or fails to produce any document for the purpose of inspection by such officer.

(f) Is guilty of not performing any other requirement or violating any provision of this Rules;

Then he shall be punished in accordance with Section 298.

(2) In the case where the Trustee Board issues lower interest rate on the Fund than Banks, or disburses the Fund to the Employer for business purposes, or utilizes the Fund for its own profit, the employer and the Trustee Board shall be punishable under Section 409 of the Penal Code (Act No. 5 of the 1860).

**303. Formation of provident fund and enacting rules in the establishment of Newspaper.** – (1) Every newspaper establishment shall have to mandatorily constitute a provident fund under Section 273 and in the absence of its own approved Service Rules the establishment shall be governed by Rules 303 to 325.

(2) For the purpose of governing a provident fund the initiative to constitute a board of trustees shall have to take in accordance with Section 264.

**304. Participation of the Workers in the Fund.** – (1) All worker who have completed 02 (two) year of employment in the establishment shall have to be members of the provident fund.

(2) If any question arises regarding the qualification of a member for being a member of the provident fund or continuation of his membership, the board shall take the decision in that regard:

Provided that, within the duration of 02 (two) years mentioned in Sub-Rules (1)-

(a) The days of illegal lockout, legal strikes, days of lay off;

(b) Weekly holidays, sick leave, casual leave or any unapproved leave or discontinuation in employment due to vacation; or

(c) In case of maternity leave of female workers of maximum 16 (Sixteen) week etc. shall be counted as that the worker has worked in the establishment during those days.

(3) If there is any entitlement or requirement for being a member of the fund, the employer shall direct the concerned worker to provide all necessary information including the name of the nominee and the workers concerned shall provide all information in accordance with such direction.

(4) The employer shall send the information to the board achieved under Sub-Rule (3).

(5) Every employer shall, within 30 (thirty) days from taking effect of this Rules, send a return to the controller regarding every workers' qualifications to be a member of the fund in Form -67.

**305. Distribution of account number.** –The board of trustees shall allocate an account number to all the concerned members in accordance with Form- 68 in a manner as may be prescribed by the board, and shall inform every member regarding such account number.

**306. Secretary to the board.** – The members of the board of trustees shall appoint a Member- Secretary among other trustees except the Chairman.

**307. Meeting of the board of trustees–** (1) The Secretary of the Board shall, in consultation with the Chairman, determine the date, venue and time of every meeting and, at least 07 (seven) days prior to such

date, send a notice with the agenda, to every trustee through registered post or any other manner as may be acceptable by the trustees:

However, provided that, in case of emergency meetings, the notice can be provided 03 (three) days prior to every trustees.

(2) The Chairman shall preside over the board meeting.

(3) If the chairman remains absent in any meeting then the present trustees shall nominate one from them to preside over the meeting and he shall exercise all powers of the Chairman in such meeting.

(4) The quorum for the meeting of the board of trustees shall not be constituted without the presence of at least 3 (three) trustees including one representative from the employer side and one representative from the worker side.

(5) If the quorum in any meeting shall not be constituted within 01 (one) hour of the fixed time then the meeting shall be adjourned and the adjourned meeting shall be held within next 10 (ten) days.

(6) If the quorum is not again constituted in the adjourned meeting in that case the meeting shall be adjourned for a third time and the quorum in such next adjourned meeting shall be considered to be constituted with the presence of any number of trustees.

(7) Every matter regarding the provident fund of the establishment shall be raised before the board and the decision shall be taken through the vote of the majority of the present trustees.

(8) If the number of votes of both parties is equal regarding any matter then the Chairman shall give the casting vote.

(9) The vote can be given by raising hand, however, if the majority of the present trustees demand for taking the vote through secret ballot then the vote shall be held in secret ballot.

**308. Minutes of the meeting.** – The minutes of every meeting, mentioning the name of the present trustees, along with other matters, shall be sent to every trustee and the Government at least 07 (seven) days prior from the day of next meeting and the minutes of the meeting shall be required to be approved on the following meeting.

**309. Subscription.** – (1) 8% of the basic wages shall be deducted as subscription of the provident fund.

(2) The employer shall, before paying the wages to the workers concerned, deduct the subscription for the fund and add his own subscription of equal amount and deposit it in the fund through bank draft or check within 15 (fifteen) days from the completion of every month.

(3) The employer shall send an overall monthly report to the board within 15 (fifteen) days from the completion of every month and the amount of deducted money from every worker and the amount of money paid by the employer for such worker shall be mentioned in such report.

**310. Current account.** – (1) The Secretary shall deposit the bank draft or check received from the employer to a scheduled bank as may be determined by the board.

(2) The account of the board of trustees shall be administered by joint signature of 03 (three) members.

(3) There shall be at least 01 (one) member from the workers' side among the members mentioned in Sub-Rule (2).

**311. Return.** – Within 15 (fifteen) days of the completion of every month, the employer shall send a return to the board which shall contain—

- (a) A list with full description of the workers who have become qualified to be members of the fund in the last month; and
- (b) There shall be a separate list with the name of such member or members who have left the employment of the employer in the previous month, in the form as may be prescribed by the board.

**312. Record of Accounts by the Employer.** - Every employer shall maintain an account of his portion and subscription of the worker paid to the provident fund in such manner as may be prescribed by the board from time to time.

**313. Account of provident fund.** – (1) The total amount of money collected from the subscription of members and employers shall be deposited after opening a bank account in a bank titled ‘Provident Fund Account’ and the account of the profit along with the subscription of the employer and workers shall be shown separately in the register.

**314. Annual report on the working procedure of the fund.** – (1) The board shall submit a report of description of the fund’s account of the previous year in the form of a notice to the employer within 30<sup>th</sup> March of every year in accordance with Form no. 81 (k).

(2) The employer shall, after receiving the report of description of account from the board, submit a copy thereof to the Department of Inspection for the Factories and Establishment.

**315. Revenue account.** – A revenue account shall be opened where all profits and other profits earned through the sale of security and any money forfeited money of the fund shall be deposited separately and in the same manner, the money spent for selling securities, decreasing price of securities or security commission and grants separately shall be shown in the expenditure.

**316. Member’s account.** – (1) One ledger account for each member shall be opened in the office of the fund, where the following money shall be deposited, namely—

- (a) The subscription paid by him;
  - (b) Subscription provided by the employer in favor of the worker; and
  - (c) Interest or profit earned through the investment;
- (2) Within 03 (three) months of completion of every year, the secretary shall examine the matters exhibited in the account of every member and if he finds any error he shall correct it.
- (3) Every worker shall be provided a sector wise deposited account description as signed and sealed by the Secretary of the board of trustees.

**317. Investment of money in the fund.** – (1) All money of the fund shall be invested in the following securities, according to the decision of the board, namely:-

- (a) Promissory note, debenture or any other security of the Government:

Provided that, the value of the promissory note, debenture or security and the certainty or interest paid by the Government without condition shall be considered as Government security in accordance with this paragraph;

(b) Bond, debenture and acuity charged by the Government:

Provided that, no money can be deposited in such acuity except the establishment of seeking fund;

(c) Stock or debenture of any other company the interest of which is ensured by the Government;

(d) Purchasing immovable property situated in Bangladesh:

However provided that, such property shall not be purchased if it is leased out.

(2) If any amount of money is spent or loss in any investment, it shall be charged to the revenue account.

(3) The Secretary shall prepare a brief description of the property of the fund and a balance sheet (by 30<sup>th</sup> June of every year) and shall send a copy thereof to the Government by attaching it with the annual report.

**318. Administration cost.** – All administrative expenditure, the salary and allowances of the employees of the fund, audit of accounts and legal expenditure, stationery expenditure, preparing form, procure furniture, rent, tax and other reasonable expenditures, shall be borne by the fund, subject to approval by the Board.

**319. Account audit.** – (1) The accounts of the fund shall be audited under the provisions of the Company Act, 1994.

(2) The auditor appointed under this Rules shall submit 03 (three) copies of properly signed and sealed audit report to the board.

**320. Profit.** – (1) The interest or profit earned from the investment of the deposited money of the provident fund shall be proportionately deposited into the account of every member at the end of the year.

(2) The total interest deposited in the account of the members shall be shown as expenditure in the provident fund.

(3) Interest shall be deposited in the deposit sector of every member starting from the first day to the last day:

Provided that when the money deposited in the name of the member becomes payable, the interest shall be deposited for the period starting from the first day of the current period till the month prior to the date when it can be said to be taken for delivery or till the completion of 06 (six) months from the month when returnable money becomes payable, whichever is earlier:

Provided further that, the interest on payment claim or partly period shall be paid at the rate of previous year's interest and shall be deposited on monthly basis for the partly periods.

**321. Nomination.** – (1) Every member shall provide a nominee in Form no. 41for the purpose of receiving money deposited in his name in the fund in the case of his death.

(2) The member may, if he intends, divide the money deposited in his name proportionately among the nominees in the nomination paper as per his will.

(3) In cases where the nomination is given to a family member, the nomination shall be given to 01 (one) or more than 01 (one) members of the family and no nomination provided otherwise shall be rejected.

(4) In cases where the member does not have a family while providing the nomination, he may nominate any person or persons. However, such nomination shall be considered to be invalid immediately after the member has a family and the member may nominate 01 (one) or more members from his family.

(5) If any nominee dies before the member, the interest of such nominated person shall be vested in the member again. In this situation, the member may, if he intends, provide new nomination regarding such interest.

(6) The nomination provided by the member in accordance with these Rules may be amended at any time by submitting a written notice.

(7) Any nomination and any amendment thereof shall take effect from the date of it being received by the secretary.

**322. Payment of deposited money of the deceased member.** – If any member dies before the money becomes payable or after it becomes payable but before it is paid –

(a) In cases where there is legal nomination, the money deposited in the name of the member or a part thereof shall be payable to such nominated person or persons in accordance with such nomination; or

(b) In cases where no nomination is in existence, or if the nomination is not applicable for any portion of the money deposited in the fund, the full deposit or the portion on which the nomination is not applicable, shall be payable to the family members of the deceased person in accordance with the personal Laws.

**323. Payment of the money of provident fund.** – (1) In cases where any money deposited in the name of a member or the rest money after deduction in accordance with these Rules becomes payable, the Secretary shall close the account of such member and shall send a written notice mentioning the amount of money to the person to whom the money is payable.

(2) If any dispute or suspicion arises regarding any portion the money payable, in such cases the portion regarding which there is no dispute or suspicion shall be paid immediately and the rest portion shall be settled as soon as possible.

(3) The board shall follow the Rule 263 in paying money from the fund.

**324. Annual description of member's account.** – (1) As soon as possible after completion of every year, the secretary shall deliver one description to every member mentioning the opening balance at the beginning of the year, amount of subscription deposited in the year, amount of interest at the end of the year, expenditure of the year and the balance at the end of the year.

(2) The members shall be ensured regarding such annual account and if there is any error, they shall inform the secretary within 03 (three) months of the receipt of such description.

**325. Receiving advance from the fund.** – (1) No member can receive advance from the balance money deposited in his account, however, the trustees may, according to their own consideration may grant advance in the following sectors to imposed conditions by them, namely: –

(a) To bear the expense for medical treatment of any subscription payer or any member of his family;

(b) To bear the expense of wedding, funeral or any other rituals which are mandatory to completion and essential to bear that expenses according to the religion of any subscription payer;

- (c) To bear the expense of construction or repairing the houses or purchasing home or flat or purchasing land to construct house or flat repairing or renovate;
  - (d) To deposit premium for life insurance of any subscription payer or his wife; and
  - (e) To bear any other expenses of any sectors mentioned in the above clauses as incurred in the same manner.
- (2) No advance, in any case, shall be more than 80% of the total balance of tax-free subscription and profit deposited in the account of a member and no subsequent advance shall be granted unless the first received advance is paid.
- (3) The money received as advance shall be paid in equal monthly installments within a period of 60 (sixty) months:
- Provided that no installment shall be greater than one-third of the monthly basic wages of the receiving worker.
- (4) The basic advance shall be paid in installments by divided in equally from the money received as advance, and one additional installment shall be paid as interest of the advance.
- (5) The money deposited in this fund shall be considered to be the money of the members.
- (6) The employer shall not be able to receive any advance or loan for his establishment or any other business purpose or for his personal necessity.

**326. Management of board activities.** – All order and instruments shall be delivered and issued in the name of the board and that shall be signed by any officer authorized by the board.

**327. Punishment for violation, etc.** – (1) If any person –

- (a) Fails, without adequate reason, to pay any subscription payable in accordance with provision under this Chapter;
- (b) Deducts or tries to deduct employer's portion from the wages of the member or any other remuneration;
- (c) Fails or denies to submit any return, description or any other document which is required or has been ordered to be submitted in accordance with this Rule;
- (d) Submits any false return, description or instrument or provides false statement; or
- (e) Is guilty of not performing any other requirement or violating any provision under this Chapter;

Then he shall be punished under Section 298.

(2) If the board of trustees issue loan at the rate lower than the rate of the Bank or permit the employer to use for his business purpose or use it for its own benefit then the employer and the member of the board of trustees shall be punished in accordance with Section 409 of the Penal Code, 1860 (Act no. 5 of 1860).

## CHAPTER XVII

### APPRENTICESHIP

**328. Competent authority.** – The Inspector General of the Department of Inspection for Factories and Establishment shall be considered as the competent authority in accordance with Section 318.

**329. Constitution of Tri-partite advisory committee.** – (1) Under Section 276 the “Tri-partite Advisory Committee” regarding apprenticeship shall be constituted of 4 (four) members by one Chairman, one Member-secretary and one representative from each side of the government, owner and workers.

(2) The Secretary of Ministry of Labour and Employment shall be the ex-officio Chairman of the committee.

(3) The Inspector General of the Department of Inspection for the Factories and Establishment shall be the Member Secretary of the committee.

(4) One representative from the Division of Labour, Skill Development, Vocational Education and Industry shall be nominated by the Government as members of Government in such committee.

(5) The representatives of employers' and workers' side shall be nominated by government in consultation with the organization or establishment with highest representation of the employers and workers.

**330. Duration of the committee.** – (1) The duration of the working period of the committee members shall be 02 (two) years from the publication of their appointment by a notice in the official gazette.

(2) A member shall continue his responsibility even after 02 (two) years until another person has been appointed at his position by notification in the official gazette.

(3) If the membership of any member comes to an end because of completion of the term of his membership and if he does not become disqualified for any other reason than he will be qualified to be re-appointed.

(4) If the position of any member is vacant due to death, resignation or for any other reason, the Government shall fill up that position not prejudicing the interest of representation.

(5) A member can resign from his post by sending a written notice to the Government and his post shall be vacant when the Government accepts his resignation letter.

(6) If it is considered that keeping a member in the committee is not favorable for public interest due to his misconduct or any other reason, the Government may remove such member.

(7) If any person is appointed to fill up a temporarily vacant post, he can hold such post only for the rest of the working period of the committee.

**331. Meeting.** – (1) At least two meetings shall be held every year at a gap of every 6 (six) months. However, the meeting of the committee can be held as many times as the Chairman may think necessary.

(2) The Member-Secretary, in consultation with the Chairman, shall call for the meeting of the committee by sending a written notice to every member.

(3) The Chairman shall preside over the meeting and in his absence, any Government member assigned thereby shall preside over the meeting.

(4) The quorum of the meeting shall be constituted with the attendance of total 7 (seven) members including the Chairman and among the rest members other than the Chairman there shall be at least one representative from the government, employer and workers' side, respectively.

(5) Decisions will be taken through the vote of the majority of members present at the meeting and in cases where the number of votes is equal for both parties, the Chairman may give the casting vote.

**332. Functions of the committee.** – (1) The functions of the committee shall be as follows, namely:-

- (a) Advising the competent authority regarding implementation of Chapter XVIII of the Act;
- (b) Determining the necessity of training and sending recommendations to the competent authority regarding necessary measures to be taken for the development of training activities for general workers or especially the apprentice persons;
- (c) Advising the Government regarding the minimum educational qualification, curriculum, duration of the course, examinations, classifications and other necessary matters of the apprentice person during admission.

(2) If the committee thinks necessary, one or more sub-committees can be constituted to provide support to the committee in a specific matter and technical experts can be nominated to work in the committee or sub-committee.

**333. Apprenticeship policy of the establishment.** - (1) The employer of an establishment which carries out apprenticeship of workers, in such establishment the employer may formulate the apprenticeship policy.

(2) If the owner of any establishment formulates an apprenticeship policy then it must be approved by the Government.

(3) The standard of such policy cannot be less than the Act and this Rules.

**334. Obligation of the employer.** – (1) Every employer, to whom the provisions of CHAPTER XVIII are applicable, declare any special occupations as apprentice able occupation within 30 (thirty) days from the publication of the notification, shall submit to the competent authority a list of occupations where apprentices may be appointed, the number of persons engaged in various classes of such occupation and a list mentioning the number of persons engaged as apprentice in accordance with Section 277 of the Act.

(2) If any person has been appointed in the apprentice able occupation, it shall be informed to the competent authority within 30 (thirty) days of such appointment.

(3) Every employer shall, in order to approve an apprenticeship program in his establishment or if the apprenticeship programme is already in existence, shall review it in accordance with the advice letter of the Government according to the Rules and that shall be submitted to a competent authority for approval within 01 (one) month from such advice letter taking effect.

**335. Providing technical advice and directions.** – (1) The competent authority may, in consultation and direction with the committee, issue directions regarding the following matters, from time to time, namely:-

- (a) Practical and theoretical subject matter and curriculum for various occupations under apprenticeship programme;
- (b) Duration and starting time of apprentice of various occupations under apprenticeship programme;

- (c) Determination of the procedure and conditions of promotion to a higher class followed by training or being retained in the same position for unsatisfactory progress of apprenticeship;
- (d) Evaluation of various occupations step by step under apprenticeship programme;
- (e) Minimum educational qualification of the appointed trainers to conduct the apprentice programme;
- (f) Procedure of examination and verifying the quality of training and issuing certificate;
- (g) Condition of continuation of training;
- (h) Conditions for appointment of employment after receiving training; and
- (i) Any other matter related to apprentice able occupation.

(2) While issuing advice under Sub-Rule (1), the Government may, call for recommendations from people engaged in the relevant industry or business.

**336. Inclusion in the apprenticeship programme.** – (1) For the purpose of selecting any candidate to be appointed as an apprentice in his establishment, the employer shall follow the following procedure, namely:-

- (a) Using various media of advertisement and providing notice in the nearest employment seeking center regarding admission of apprenticeship programme;
  - (b) Taking a written exam to the qualified candidates; and
  - (c) Interviewing the candidates those are passed the written exam.
- (2) In case of participating the apprenticeship programme, women and people with disability shall be given preference.
- (3) The minimum age of enrolment as an apprentice shall be 17 (seventeen) years and the maximum age shall be 30 (thirty) years. However, the competent authority may relax this age limit in case of any person who has been employed before.
- (4) During the enrolment of apprentice, the employer shall at his own expense make arrangements to examine the health of such person by a registered medical practitioner in accordance with Form no.-15 and shall maintain the information of the certificate in Form no.- 15 (A).
- (5) The date of interview of the apprentice shall be communicated to the competent authority and he may, if he intends, assign one officer to be present at the interview and final selection.
- (6) No apprentice can be appointed without being provided with an appointment letter and identity card in accordance with Section 5.

**337. Apprenticeship contract.** – (1) Prior to the appointment in apprentice occupation the employer and the apprentice shall enter into a contract between themselves in Form no.-70.

- (2) This contract shall be titled as ‘Apprenticeship Contract’ and both of parties shall be obligated to comply with the conditions thereof under Sub-Rule (1).
- (3) If the age of the apprentice is below 18 (eighteen) years, his father or mother or legal guardians shall be sign the contract as well.

(4) There shall be 03 (three) copies of the contract paper, the employer and the apprentice each shall keep one copy with them and another copy shall be sent to the competent authority for its records.

**338. Duration of apprenticeship.** – (1) The duration of apprenticeship shall be mentioned in the apprenticeship contract:

Provided that, the duration of apprenticeship of various occupation may be different in kinds in accordance with the declaration of Government in accordance with these Rules.

(2) If any apprentice has received any vocational or technical training from any governmental or approved organization or institution for some days prior to appointment, the duration of apprenticeship thereof can be partly exempted, however, that extension shall not be more than half of the total duration of the apprenticeship.

(3) The employer may, if he intends, ends the apprenticeship with prior notice of 01 (one) week within the first 03 (three) months during the apprenticeship, he thinks that the apprentice is not eligible and the apprentice may, if he intends, ends his apprenticeship by serving a prior notice of one week (after informing the competent authority with reason):

Provided that if the apprenticeship comes to an end prior to the specified period, the employer shall issue a certificate to him.

**339. Examination and certification.** – (1) Every employer shall constitute a board of 5(five) members to conduct the apprenticeship programme in his establishment and in such board there must have to be person competent in the occupation of apprenticeship programme and it must be communicated to the competent authority.

(2) The board shall make arrangements to take temporary, annual and final evaluation examination for the apprentices of various occupations.

(3) In case of matters relating to examination the board shall follow the procedure as determined by the government.

(4) The result of examination shall be recorded in Form no.-71 and the apprentices those are passed the final examination shall be provided a certificate in accordance with Form no.-72.

(5) The board shall be responsible for preparing question papers, making arrangements for taking practical exam and giving marks to the apprentices based on these exams.

(6) The date of the final exam of apprenticeship shall be informed to the competent authority and the competent authority may, if he thinks necessary, assign one officer to participate in the work of taking final exams, declaring the results and issuing certificates.

**340. Providing stipends for apprenticeship.** – (1) The employer shall provide daily, weekly and monthly stipend to the apprentice during his apprenticeship in the following manner, namely:-

- (a) First year of apprenticeship: 50 (fifty) percent of the total wages of any skill worker appointed in the same grade of the concerned occupation.
- (b) Second-year of apprenticeship: 60(sixty) percent of the total wages of any skill worker appointed in the same grade of the concerned occupation; and
- (c) Third year of apprenticeship: 75 (seventy-five) of the total wages of any skill worker appointed in the same grade of the concerned occupation.

(2) If the duration of the apprenticeship training is more than 03 (three) years, after third years the stipend of the apprentice shall be equal to the total wages of any skill worker appointed in the same grade of the concerned occupation.

(3) No apprentice shall be provided with a stipend according to piece rate (*furon*).

(4) Notwithstanding anything contained in other Sub-Rules of this Rule, an employer may willingly give higher stipend or other commendation to any apprentice for his excellent progress in training.

(5) If the apprentice is not promoted to a higher grade after training, he shall receive stipend at the rate of the grade he has remained in.

(6) After the completion of the apprenticeship period, the employer of the establishment may, if he intends, appoint him as skill worker of the same grade for the concerned occupation.

**341. Working hour, leave and closure.** – (1) The working hour, leave (except annual or earned leave) and closure of the apprentice shall be similar to other workers appointed in the concerned establishment and that shall be regulated by this Act and these Rules.

(2) There shall be no arrangement of overtime work for the apprentice in any apprenticeship programme.

**342. Supplying training materials.** – Every apprentice shall be supply with necessary equipment's, factory uniform, appliances, books, drawing equipment's, raw materials, etc. without price as required for the training and these appliances shall be considered as the property of the employer.

**343. Conducting and supervising the apprenticeship programme.** – (1) The employer shall ensure appropriate and effective supervision, guidance and regulation of apprentices and for this purpose he shall appoint one or more competent persons based on the number of apprentices either on full-time or part-time basis.

(2) The persons appointed under Sub-Rule (1) shall be given the responsibility of conducting the apprenticeship program in proper manner and such persons shall be responsible directly to the employer.

(3) Where there are 50 (fifty) or more apprentices engaged in an establishment, there shall be a self-sufficient department of training for apprenticeship along with necessary number of employees.

(4) Where the number of apprentice is 20 (twenty) or less than that in an establishment, there shall be a trainer for apprentice who shall be the shop foreman or supervisor and for supporting it one officer of that establishment shall be assigned with additional responsibility along with his regular responsibilities.

**344. Relevant theoretical training.** – (1) The employer shall make arrangement, either individually or jointly with 02 (two) or more employers, for theoretical training of the apprentices in accordance with directions issued by the competent authority.

(2) No deduction shall be made to the stipend during the period of any apprentice person who attends the theoretical training.

(3) In cases where various employers jointly make arrangements for theoretical training, they shall carry the determined expenses in proportion to the plan approved by the competent authority.

**345. Transfer of apprentice.** – (1) For the purpose of training facility of one apprentice, an apprentice can be transferred from the establishment of one employer to an apprentice able occupation of another employer.

(2) In case of such transfer under Sub-Rule (1) there must be mutual consent of both the employer receiving and the apprentice who is being transferred.

**346. Ending of apprenticeship training prior to the completion of the period.** – The training of an apprentice can be ended before the specified period of time subject to the approval of the competent authority, if for any reasonable cause the parties concerned are unable to comply with the provisions of the Act, Rules and contract regarding apprenticeship.

**347. Changing of occupation.** – If it is necessary to change the function for the interest of the training of apprenticeship then the main function of an apprentice may be changed only by informing the competent authority.

**348. Maintenance of records and submission of proficiency report.** – (1) Every employer shall maintain one apprentice register regarding every apprentice in Form no.-73, and shall send two copies thereof to the competent authority immediately after starting the apprenticeship year.

(2) The competent authority shall send back a copy of such form to the employer after certifying it and the other copy shall be kept as record in his office.

(3) If anything related to apprenticeship changes afterwards, the employer shall immediately inform it to the competent authority for the purpose of amendment in the record kept in his office.

(4) Every employer shall maintain proficiency report for every apprentice person in Form no. - 74and the competent authority or any person assigned by him shall retain such a copy for his inspection.

**349. Dispute resolution.** – If any dispute arises between the employer and apprentice at any time regarding the training, it shall be placed to the competent authority and the decision of the competent authority shall be final in this regard.

## CHAPTER XVIII

### ADMINISTRATION, INSPECTION, ETC

**350. Powers and functions of Director of Labour.**- (1) Under Section 317 the Director of Labour or any officer authorized thereby, in addition to the powers and responsibilities conferred under the Act or these Rules, shall be able to exercise the following powers, for the purpose of implementation of the objectives of these Rules, namely:-

- (a) To enter into the office of any trade union or federation or any houses regarding which there is reasonable ground to believe that it is an office of a registered trade union or trade union federation and to inspect the office or the houses and any paper or documents, records and if require to claim any clarification and to take witness of any person for the purpose of fulfilling the objectives of this Act;
- (b) To take the custody of any file, records, papers or documents of any trade union or trade union federation or confederation for a period not more than 30 (thirty) days after paying the receipt properly;
- (c) If the executive officers of any trade union or trade union federation or confederation without reasonable ground, fails or denies to hand over the files, papers, documents, account books and funds etc. of the office of related trade union or federation and confederation then on the basis of application of the General Secretary or Chairman of the newly elected executive Council, he may direct the previous executive council to handover its account book, papers, documents and fund to the newly appointed executive council within specific time:

Provided that, if any person aggrieved by this order may file an appeal to the Labour Court within 15 (fifteen) days of giving such order;

- (d) In applying the powers or performing of his responsibilities for the purpose of fulfillment of the objectives of the application of Chapter XIII of this Act, he may take any necessary measures and ways to enter into any industrial-establishment, places, buildings and premises, to inspect, investigate or carry out the relevant duty;
- (e) For the purpose of fulfillment of the objectives of application of Chapter XIII of this Act, to call for any relevant record, register or any other document of the workers' and employers' organization for examination and if any additional information relating to that is required then to call for such as well from the workers' and employers' organization;
- (f) To prepare description of the information and documents regarding the Act and relevant Rules, national and international documents or Conventions or Declarations relating to the rights of workers, labour sector, number of workers, registration of unions, number of union members, settlement of disputes- charter of demands, case filing and trade unions and to publish, disclose and distribute subject to the approval of appropriate authority;
- (g) To organize training courses and workshops with an aim to increase the knowledge and skills of the concerned parties regarding the Act and relevant Rules, national and international documents or Convention or Declaration regarding labour rights, subject related to labour sector, workers and trade unions, etc;
- (h) To take an initiatives to observe various recognized national and international days related to the rights of workers and trade unions.

(2) The Director of Labour or any person designated by him shall maintain confidentiality in relation to the business secrets of any establishment during the performance of specific duties mentioned in the Act or these Rules;

**351. Powers and functions of Inspector.**— (1) Under Section 319, the Inspector General or any officer authorized thereby, in addition to the powers and responsibilities conferred in the Act or these Rules, shall be able to exercise the following powers, namely: –

(a) After receiving any complaint from any party regarding violation of any rights ensured by the Act and these Rules, he may conduct enquiry and investigation within 10 (ten) working days of receipt of such complain and give an order to the concerned party to take necessary measures in accordance with the Act, and if such party fail to comply with the order then he shall file a case in the Labour Court in accordance with Form no.-14;

(b) To enter into any business place or premises of any employer or worker to whom the minimum rate of wages under this Act is applicable and may call for any registered, wage register, record of the wages paid to the workers and other records or document related to the payment of wages or account and to take evidence of any person from the spot or any other place and to apply necessary power for the purpose of fulfillment of the objectives of this Act;

(c) To file complaint or submit report in the Labour Court in accordance with sector wise Form no.-44(b) and 48(b) for the purpose of realizing any dues or outstanding payments of a worker;

(d) To prepare description of the information and documents regarding the Act and relevant Rules, national and international documents or Conventions or Declarations relating to the rights of workers, labour sector, workers, inspector, registration of industrial-establishment and number of workers, amicable settlement of disputes-demands, filing of cases, annual return received from industrial-establishment and to publish, disclose and distribute subject to the approval of appropriate authority;

(e) To organize training courses and workshops with an aim to increase the knowledge and skills of the concerned parties regarding the Act and relevant Rules, national and international documents or Convention or Declaration regarding labour rights, subject related to labour sector, workers' rights, etc;

(f) To take initiatives to observe various recognized national and international days related to the rights of workers and trade unions.

(2) The Inspector shall maintain confidentiality in relation to the business secrets of any establishment during the performance of specific duties mentioned in the Act or these Rules.

(3) The Inspector while inspecting a factory or establishment shall emphasize on the overall working environment including benefits for the employed women workers and workers with disability.

## **CHAPTER XIX** **MISCELLANEOUS**

### **352. Giving notice to the Inspector General before starting work. –**

- (1) The employer shall submit two copies of notice to the Inspector General or concerned Deputy-Inspector General in accordance with Section 325 in Form No.-75 in case of starting the work or business in his establishment.
- (2) The Inspector General or concerned Deputy-Inspector General shall sign and send a copy of it to the employer after examining it.
- (3) If such submitted information is changed at any time, it shall be immediately communicate to the Deputy-Inspector General in the same manner.
- (4) The inspector General or the Deputy-Inspector General, if it thinks necessary, may direct to the employer or possession of such establishment to provide some additional information except to the information mentioned in such form.
- (5) The provision of this Rule shall be applicable to the factory or establishment which is operated by the employer with assistance of family member and where no worker is appointed for wages.

### **353. Layout plan of the factory and approval of extension of layout plan. –**

- (1) Before using any house, building, premises, or extension or alter thereof as factory, prior written approval taken from the Inspector General or any officer authorized thereby.

However provided that, the Inspector General or the Inspector empowered by him shall not give any approval without any spot inspection or inquiry.

- (2) All application for taking prior approval under Sub-Rule (1) shall be submitted in Form no.-76 and the following documents shall be attached with the application, namely:-
  - (a) A list of short description along with various production flow chart;
  - (b) Two sets of designs in ammonia or blueprint in which the following matters shall be included, namely:-
    - (i) The site plan with location and entrance passage, drainage system and boundary;
    - (ii) Elevation and essential sectional elevation of different buildings, arrangement for normal lights, ventilation, position of machines, dining room, toilets, etc, fire exits and floor plan;
  - (c) The layout plan of the building of factory approval by local authority or appropriate authority; and
  - (d) Other information as per the requirement of the Inspector General.
- (3) The Inspector General shall, upon being satisfied, return to the applicant after approval a copy of the layout plan submitted in accordance with Sub-Rule (2) and the approval of the factory lay-out plan shall be subject to his conditions (if any) as the case may be, or approve the extension or alteration or amendment of layout plan, or shall ask for other description for the purpose of approving the layout plan.

(4) No change can be made in the approved lay-out plan without written approval from the Inspector General.

(5) If the factory building is bricked build and multi-storied, the structural design made in specific authority by the Government, soil test and the building construction certificate issued by recognized engineering organizations shall be attached with the application.

**354. Application for registration and issuance of license for factory, industrial establishment, commercial establishment, commercial bank, insurance company, shop and contractor establishments. –**

Every employer or owner shall be required to submit an (two sets) application to the Inspector General in Form no.-77for registration and issuance of license for factory or industrial establishment or commercial establishment, shop and contractor establishment in accordance with the following timeframe, namely:-

(a) In case of existing or in-production factories, industrial establishments, commercial establishments, commercial bank and insurance company, shops and contractor establishments to which the Act is applicable, for those factories, industrial establishments, commercial establishments, commercial bank and insurance company, shops and contractor establishments, the timeframe is six months from the commencement of these Rules; and

(b) In case of factories, industrial establishments, commercial establishments, commercial bank and insurance company, shops and contractor establishments which are going to be established or in-production<sup>4</sup> after the commencement of these Rules, the timeframe would be at least 30 (thirty) days before the establishment starts working.

**355. License, registration fee and issuance of license. –**

(1) The Inspector General shall, upon receipt of fees in accordance with the rate mentioned in the schedule 7, grant a license in Form no. 78 and he shall maintain information regarding the granting and renewal and amendment of license mentioning the register in Form no. 79.

(2) The duration of every license shall be effective till 30<sup>th</sup> June of the fiscal year when the license was issued.

(3) The application for renewal of license shall be submitted to the Inspector General in Form no. 77 after providing the renewal fee equal to the determined fees before the date of expiry of such license.

(4) The license shall be considered to be automatically invalid if it is not renewed by providing late fees in accordance with the Rule within the following one year after the date of expiry and the authority can complain and file a case for closing the establishment.

(5) The license or a copy thereof is required to be displayed in an open place of the factory, industrial establishment, commercial establishment, commercial bank and insurance company, shop or contractor establishment.

(6) If the application has not been submitted within specific time frame after depositing the renewal fee in accordance with Sub-Rule (3), an application with depositing such fee can be submitted within the following three calendar months by providing 25% additional fee for license renewal.

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<sup>4</sup> It appears to be a mistake in the drafting the clause; note from the translator.

(7) If the three months has been passed, the additional fee shall be 50% alone with the renewal fee.

(8) If the application is not submitted within six months, then additional fees as equal to the renewal fees shall be submit:

Provided that, if any part of the renewal fee is submitted within the specific date, the additional fee shall be charged only on the due portion.

**356. Amendment of license. –** (1) The Inspector General may amend license after receiving the application.

(2) If any amendment of the license is required due to increase or decrease in the number of workers, any change in name, category, address and ownership of any factory, industrial establishment, commercial establishment, shops and contractor establishment, an application in Form no. 77 shall be submitted to the Inspector General with description of the nature of such amendment.

(3) In all cases except shops an amount of Taka 500 (five hundred) and for shops an amount of Taka 200 (two hundred) shall be submitted for the amendment of license and in addition, it shall also be required to pay the fee mentioned in Schedule- VII according to the number of workers for increasing the category of license of such factory or establishment (excluding the fee paid during the issuance of the first license).

(4) In case of change of ownership, the information related to payment of dues and benefits of the workers, who were employed under the previous owner, shall be attached with the application.

**357. Losing of license. –**

(1) If the license is lost or accidentally damaged, the application shall file to the Inspector General in Form- 77 in according to these Rules.

(2) For the application, one duplicate copy thereof shall be issued after submitting a fee of Taka 1,000 (one thousand) in all sectors except shop and Taka 500 (five hundred) for shops.

(3) In case of application under Sub-Rule (1), a notification shall be published in a newspaper or a General Diary shall be filed in the concerned police station and an attested copy thereof shall be attached with the application.

**358. Cancellation or suspension of license. –**

(1) According to these Rules, if any employer permanently closes any establishment or becomes unable to operate his business, the reason behind such closure application shall be submitted with the original copy of the license to the inspector. The license maybe cancelled by inspector upon scrutiny the application.

(2) If it appears to the inspector that, any establishment or any part of it or any matter or procedure related with it or controlled by it is dangerous for life and security of people and it is defective in such a way that it can cause physical damage to people, the inspector may direct that the license be suspended and production be temporarily closed unless the workplace becomes secure.

(3) If anyone intends to re-activate any cancelled or suspended license, which was cancelled or suspended in the fiscal year, a renewal fee at double rate shall be paid for every year from the fiscal year when it was cancelled or suspended.

**359. Online functions by using the Internet:** The Inspector General or the Inspector empowered by him may for the approval of lay-out design, license issuance and renewal, change of classification and permission of expansion of any factory or industrial establishment or commercial institution, etc, complete such through online with the use of the internet. However, all parties must maintained a hard copy of the documents for reference.

**360. Payment of fees. –**

With all applications made under these Rules the main copy of Treasury Bill (Chalan) of the fees paid in account No. "1-3143-0000-1854" must be attached.

**361. Appeal filed against any order of inspector and settlements thereof. –**

(1) All appeal under Section 327 shall be-

(a) Submitted in the form of a memorandum;

(b) The decision against which it is being done shall be described in the memorandum;

(c) The necessary court fees shall be attached in it; and

(d) The decision against which the appeal is filed a duplicate of such order shall be attached with the memorandum.

(2) After providing necessary opportunity of hearing, the appellate authority shall settle the matter within 60 (sixty) days of receipt of such application.

(3) After determining the date and place of hearing, the appellate authority shall send a notice to the appellant and the Inspector General or the inspector as the case may be.

(4) If the appellant has requested in his application to appoint an assessor then he shall be required to mention the name of the registered association of which he is a member in the appeal.

(5) If there is a request by appellant for appointing an assessor or if the appellate authority thinks necessary, it shall arrange hearing on the appeal application with the assistance of two assessors in accordance with Sub-Rule (1) and one of such assessors shall be appointed by the appellate authority and he shall request any selected representative organization in the relevant industry to appoint another assessor and such representative organization does not appoint an assessor within the specific time frame, or their nominated and appointed assessor fails to appear at the particular place on the specific time then the appellate authority may continue the hearing without the assessor, if it thinks that such absence does not have any reasonable ground.

(6) If there is no request from the appellant to appoint an assessor, the appellate authority may settle the appeal procedure without any assessor.

(7) If the appellant has requested to arrange the hearing with the assistance of assessors in accordance with Rule (5), the appellate authority shall, after receiving the memorandum, direct the appellant to deposit the fee for assessors.

(8) If the appellant does not mention about the association of which he is a member in his appeal, the appellate authority upon its own consideration may request any competent association to appoint an assessor.

(9) The assessor appointed under Sub-Rule (5) shall be getting everyday fees and travel allowance as determined by the appellate authority for hearing of appeal.

(10) The fees or travel allowance of the assessors shall be paid by the Government, but in cases where the assessor has been appointed as per the request of the appellant in that case according to the Sub-Rule (7) the appellant shall pay the travel allowance to the assessor from the deposited money and any surplus money shall be returned to the appellant.

### **362. Issuance of notices and submission of description. –**

(1) According to Section 333 (a) every order shall be issued in the following manner, namely:-

- (a) Serving written notice by hand or through post;
- (b) Through publishing general circular;
- (c) Through gazette notification.

(2) According to Section 333 (b) of the Act, the employer or manager of an establishment shall submit two sets of descriptions to the Inspector General within the following time frame, namely:-

- (a) Half yearly description in Form No. 80 within 15<sup>th</sup> July;
- (b) Annual description in Form No. 81 within 15<sup>th</sup> February.

**363. Maintenance of records. –** All notices, orders, receipts, certificates, instruments and register provided for the purpose of fulfillment of the objectives of this Act and the Rules, shall be maintained by the management authority for the following three years and it shall be submitted before the inspector as per his demands.

### **364. Mentioning summary of Acts, Rules and Regulations and address of the Inspector General's office. –**

According to Section 337 of the Act, the necessary and important summary of Acts, Rules and Regulations shall be written in simple Bengali and displayed for the workers. The office address, e-mail address, online address and telephone number of the Inspector General and the concerned Deputy-Inspector General and the address of such establishment with name plate and also the address and phone number of registered medical practitioner appointed or listed shall be displayed in open space in the form of notice.

### **365. Court fees in general matters. –**

(1) No court fees or any other fee shall be required to be paid for any kind of application, proceedings or appeal in accordance with Section 346 of the Act. However, in case of serving summons for witness, Taka 10 for every witness shall be payable:

Provided that, the Court may partially or fully waive the said fees by taking into consideration the financial condition of the applicant:

Further provided that such fees shall not be payable in case of the application submitted by any officer authorized by the government.

(2) The Court may determine fees for collection of court judgment or copy of any document submitted there to and any person may collect such copy after paying such fee:

Provided that, the Court may order to provide copies free of cost considering the financial condition of the applicant.

**366. Resolution of grievance.** -The application seeking remedy regarding unfair labour practices by any employer or any worker employed in a factory or establishment shall be submitted to the Director of Labour or any officer authorised by him within 30 (thirty) days from the day of conducting such and the Director of Labour or any officer authorised by him shall resolve the matter within 30 (thirty) working days upon receipt of such application.

**367. Repeal and Savings.** - (1) From the immediate effect of these Rules the following Rules or provisions shall be repealed, namely:-

(a) The Rules, regulation or scheme enacted under repealed Acts mentioned in Section 353; and

(b) Bangladesh Apprenticeship Training Rules, 2008.

(2) Notwithstanding the repeal of the aforementioned, under the repealed rules, provision or scheme -

(a) Any act done or declared any order, notification or circular or any notice issued, any complaint lodged or any application submitted or any steps taken shall be deemed to be valid subject to the consistency with this Rules;

(b) If any litigation or matter is pending before any Court or Tribunal then it shall be continued or resolved in a manner that the Rule has not been implemented.

**Schedule- I**  
**[Referred to Section 52 and 55, and Rule 48]**

**Air ventilation and temperature control system in thread and knitting factory**

**(1) Artificial humidification:**

- (a) Determining the standard of humidity;
- (b) Artificially control the level of humidity in air;
- (c) Providing the ascertained directions for measuring and recording the humidity of the air correctly; and
- (d) Determining appropriate measure for ventilation and air cooling in the workrooms.

**(2) Generating artificial humidification in thread factory:**

- (a) When at any time in any room of thread cutting or knitting factory, the temperature of dry bulb of such room exceeds 29.5°C, at that time with water;
- (b) Not to create artificial humidification until the reading of wet bulb in the hygrometer is greater than the reading of the dry bulb mentioned in the following chart, or until the interim reading of two subsequent dry bulbs shown in the following chart exceeds the reading of the wet bulb related to the reading of such dry bulb:

Provided that, this clause shall not be applicable where in relevant divisions, the difference between the temperature of the wet bulb of the hygrometer kept inside the room and the temperature of the wet bulb hygrometer kept outside of the room is less than 2.0°C.

**Chart**

Dry Bulb	Wet bulb	Dry Bulb	Wet Bulb	Dry Bulb	Wet Bulb
1	2	3	4	5	6
15.56	14.44	25.00	23.89	34.44	30.00
16.11	15.00	25.56	24.44	35.00	30.56
16.67	15.56	26.11	25.00	35.56	30.56
17.22	16.11	26.67	25.56	36.11	31.11
17.78	16.67	27.22	26.11	36.67	31.39
18.33	17.22	27.78	26.67	37.22	31.67
18.89	17.78	28.33	26.94	37.78	31.94
19.44	18.33	28.89	27.22	38.33	31.22
Dry Bulb	Wet bulb	Dry Bulb	Wet Bulb	Dry Bulb	Wet Bulb
1	2	3	4	5	6
20.00	18.89	29.44	27.78	38.89	32.22
20.56	19.44	30.00	28.00	39.44	32.50
21.11	20.00	34.56	28.63	40.00	32.50
21.66	20.56	31.11	28.61	40.56	32.78
22.22	21.11	31.67	28.89	41.11	32.78
22.78	21.66	32.22	29.17	41.67	33.05
23.33	22.22	32.78	29.44	42.22	33.05
23.89	22.78	33.33	29.72	42.78	33.33
24.44	23.33	33.89	30.00	43.33	33.33

**(3) Hygrometer:**

- (a) In all divisions of thread cutting and netting factories where artificial humidification process has been adopted, hygrometer shall be installed and maintained at a place approved by the inspector in every division.
- (b) In the above mentioned thread cutting and knitting factories, the number of hygrometers shall be controlled according to the following ratio, namely:-
- (i) One hygrometer for a weaving division with less than 250 looms and one additional hygrometer for subsequent 250 looms or part of it;
  - (ii) One hygrometer for each room with an area of 18,000 m<sup>2</sup> and one additional hygrometer for each additional 14,000 m<sup>2</sup>;
  - (iii) In the cotton spinning and weaving factories where artificial humidification process has been installed, one hygrometer shall be installed outside the production room as well.
- (c) One copy of the Chart mentioned in Sub-clause (b) of Clause (2) shall be hung near each hygrometer.

**(4) Exemption from maintaining hygrometer:**

If the Inspector General is satisfied that, the humidity level has never exceeded the humidity level approved in the Chart mentioned in Sub-clause (b) of Clause (2), then he may exempt any division of any factory from the provisions of maintaining hygrometer.

**(5) Recording the temperature of hygrometer:**

- (a) Temperature of each hygrometer shall be recorded in the following manner, namely:-
- (i) During the operation of each hygrometer the correct temperature of the wet bulb and the dry bulb shall be recorded 3 (three) times in a day;
  - (ii) Persons nominated by the Manager shall record its information.
  - (iii) The temperature shall be recorded between the time of 7 AM to 9 AM, 11 AM to 2 PM (except the time of work-break) and 4 PM to 5.30 PM.
  - (iv) In special circumstances, additional arrangements shall be made to record temperature according to the process prescribed by the Inspector in such factories.
- (b) In each factory, one humidity register shall be maintained in accordance with Form -21 and the temperature shall be recorded therein.
- (c) At the end of every month, the temperature collector shall sign on the register mentioned in Sub-Rule (b) and the register shall always be ready to be shown to the inspector.

**(6) Description of hygrometer:**

- (a) Every hygrometer shall be formed with two round thermometers incorporated with wet bulb and dry bulb of similar size and made in a similar process;
- (b) It shall be placed on a frame and there shall be a water reservoir attached with that frame;

- (c) The wet bulb shall be covered with one layer of muslin cloth and it shall be kept wet by dipping it in the water reservoir and with the help of the attached 'wick';
- (d) No part of the wet bulb shall be within a distance of 7.60 cm of the dry bulb and less than 2.50 cm of the water surface of the water reservoir and the water reservoir shall be underneath it and it shall be in the opposite side of the dry bulb;
- (e) The bulb shall be of round shape and appropriate size and it shall be exposed to the room air from every side;
- (f) The holes of the thermometer stick shall be made in such a way, so that the position of mercury can be perceived from a distance of at least 60 cm;
- (g) Each thermometer shall have lines drawn there in such a manner, so that the temperature can be measured properly up to 10 to 50°C;
- (h) The accuracy of each thermometer shall be attested by the Inspector and one copy thereof shall be attached with the humidity register.

**(7) Installation of hygrometer:**

- (a) The hygrometer cannot be installed on any wall, pillar or anything else unless 1.25 cm wood or any other non-conductor has been placed under it.
- (b) No hygrometer can be installed at the height, more than 1.5 m from the floor and cannot be installed within the direct airflow of fan, window or ventilator.

**(8) Recording the indicators of hygrometer:**

The indicator of a hygrometer cannot be taken for recording within fifteen minutes of changing water in the water reservoir.

**(9) Air flow for generating humidity:**

The steam pipe used for entering water vapor for the purpose of artificial humidification in any room shall be subjected to the following conditions, namely:-

- (a) The diameter of the pipe shall not be more than 2.54 cm;
- (b) The pipes shall be reasonably short in size;
- (c) The holders of the pipe shall be separated from the 'bear pipe' with an appropriate insulator, the thickness of which shall not be less than 2 inches;
- (d) The air pressure of the pipe shall not be more than 70 pound at per square inch; and
- (e) In order to keep the heat radiated from the pipe at minimum level in the workplace, the water carrying pipe shall be covered with non-conductor material as approved by the inspector.

**Schedule-II**  
**[Referred to Rule 51]**

**Number, Location and Cleanliness of Toilets and Washrooms**

**(1) Number of toilets:**

In each establishment, arrangement for the following number of toilets shall be made in accordance with Section 59, namely:-

- (a) In case of female workers, one toilet for every 25 female workers up to first 100 workers and one toilet for every subsequent 50 workers ;
- (b) In case of male workers, one toilet for every 40 male workers up to first 100 workers and one toilet for every subsequent 60 workers.

**Illustration:** While calculating the necessary number of toilets in accordance with this rule, where the number of workers are less than 25, 40, 50 and 60; it shall be considered as 25, 40, 50 and 60 respectively.

**(2) Washrooms:**

- (a) There shall be arrangements for one wash room for minimum 100 male workers.
- (b) The arrangement for toilets or washrooms shall be mentioned clearly in the layout plan of the factory/establishment while receiving approval thereof from the Inspector General:

Provided that, if the toilet and washroom is situated outside the factory or establishment building, the layout plan shall have to be approved separately.

**(3) Location of toilets and washrooms:**

The following provisions shall be applicable for toilet and washrooms, namely:-

- (a) The toilet and washrooms shall be constructed in such a place inside the establishment or factory where the workers can move conveniently and from where bad smell does not enter into the workroom.
- (b) There shall be arrangement for adequate light and ventilation into toilet and washrooms;
- (c) Arrangements for separate toilets for male and female workers shall be made where both male and female workers are employed and there shall be a clear sign or signboard in Bengali language on the door indicating whether the toilet is for male or female workers;
- (d) The toilet for the female workers shall be constructed in such a place which cannot be seen from the workplace of the male workers or which is not in their way and if the toilet for male workers and female workers are adjacent, then there shall be separate ways to enter into the toilet; and
- (e) A covered waste box shall be kept in every toilet constructed for female workers and it shall be cleaned every day.

**(4) Cleanliness of the toilets and washrooms:**

- (a) The toilet and washrooms shall be cleaned with water and germicides every day;

(b)The walls and interior part of ceiling of every toilets and washrooms shall be whitewashed and painted at least once in a year and the date of such whitewash shall be recorded in the register prescribed in accordance with Form- 20;

(c) If any part of the toilet or washroom has been smoothened with bright tiles or in any other manner, in that case, it shall be cleaned regularly once in a day with detergent and germicides or pesticides.

**Schedule- III**  
**[Referred to Section 88 and Rule 75]**

**Safety of Workers in Ships and River & Sea Port**

**(A) Safety of workers in ships and river and sea ports**

**(1) Applicability of the Section 88 regarding safety issues of workers:**

For the safety of workers of road, river or sea port engaged in domestic vessels, seafaring ships and movement of these kind of vessels, transportation of passenger and carrying goods, the provisions of Section 88 shall be applicable as additional to the Ports Act 1908 (Act No. XV of 1908).

**(2) Inspector's power in implementing Section 88:**

(a) Any Inspector empowered by the Inspector General, as it deems fit, can do the following activities with similar support, namely:-

- (i) May conduct an investigation, inspection or examination at any time irrespective of day or night by entering into any building or premises, or vehicle or ship or any place where any process is operated;
- (ii) May, for the fulfilment of the purpose of the Act, as he deems necessary, conduct examination in any premises, or vehicle or ship or in any place where a process is operated or may examine its machinery installed or used therein;
- (iii) May prohibit any machinery which is not in compliance with the provision mentioned in clause 8-19;
- (iv) May call for and inspect or examine or keep the duplicate copy of any register, certificate, notice or instrument, which is necessary to be maintained in accordance with Act or this Clause;

(b) For the purpose of exercising the powers conferred to the Inspector in accordance with the Act and Rules regarding vehicles, ships or premises, the persons engaged in general management or control of the concerned vehicle or ship or place or its owner, driver or master, officer in charge or agent shall provide every kind of transport facility to the Inspector.

**(3) Duties of Inspectors in case of the implementation of Section 88:**

- (a) While inspecting any premises, vehicle or ship, the Inspector shall be ensured that the provisions of the Act and Rules are being properly followed;
- (b) If there is any reason for the Inspector to believe that, accident has occurred due to dislocation of lifting machinery or sudden falling down or due to violation of any provision of the Act or Rules, he shall investigate the reason for such accident;
- (c) During each inspection, the Inspector shall follow up and determine the extent of the repairing of the defects revealed in the previous investigation and the compliance of directions provided therein;
- (d) The Inspector shall record in the register the result of his investigation and new defects revealed during his investigation and his directions in accordance with law or regulation; and

(e) The Inspector, if he thinks necessary, may send a brief description of new defects revealed in his investigation along with his directions and comments to the owner, master, and officer in charge or agent of the concerned place or ship.

**(4) Precautionary measures against dangerous poisonous smoke and other harmful substances:**

(a) No person shall be allowed to enter into a place where there is a dangerous substance until a safety certificate has been issued by competent authority (Inspector of Explosive Department);

(b) If no other arrangement can be made to protect the health of the workers from such harmful substances, then the workers shall be supplied with appropriate personal safety equipment to save themselves from the poisonous effect of such substances and they shall also be provided with training to use those equipment's;

(c) The berth operator, stevedore or employer shall be responsible for the supply and maintenance of the personal safety equipment described in paragraph (b) and where there is a possibility of the personal safety equipment of getting polluted, the berth operator, stevedore or the employer or the employer of the berth operator shall make arrangements to maintain those equipment in a completely separate place.

**(5) Consultation with workers:**

Consultation with Safety Committee or workers representatives shall be conducted as far as possible, in order to get support from the workers regarding adoption of safety measures to control the risk of health hazards.

**(6) Responsibilities:**

The berth operator, stevedore or the employer shall be responsible for all equipment used in the work and for the ships which are not registered in Bangladesh, the responsibility of the masters thereof shall be to follow the clauses 7-19.

**(7) Competent person:**

For the fulfillment of the purpose of this Rules, the competent person shall mean-

(a) Any person approved by the Inspector General according to Form no-30.

(b) In case of machinery which is not transportable by ship, any person engaged by the port authority on their behalf with approval from the Inspector General;

(c) In case of machinery that is transportable by ship, an officer of the concerned factory approved by the Inspector General or except for the purpose of Clause 10(b), in other cases, any person nominated by any authority approved to nominate competent person by the Inspector General and for the ships which are not registered in Bangladesh, for the fulfilment of purpose of International Labour Organization Convention 32 (1932), the responsible person of the concerned country shall also be included.

**(8) Lifting machinery Examination:**

(a) All lifting machineries shall be examined with 'proof load' by a competent person through the process prescribed in this Schedule according to Form-31, before being used for any work.

(b) All the derricks, cranes, permanent attachments, bridle chains, masts, all loose gears and decks shall be examined (visual test) once in every 12 months and shall be examined with proof load at least once in every five years.

(c) Other lifting machineries shall be examined (visual test) at least once in every 12 months.

(d) For the purpose of this Clause, examination shall mean visual test, however, in order to scrutinize whether a particular machine is in safe condition or not, it can be tested by a stroke of hammer and if necessary, it can be examined by reassembling the parts of gears as well.

**(9) Special type of loose gear:**

(a) The following categories of gears shall be deemed as loose gears, namely: -

(i) Chains made with soft iron which can be able to be melted;

(ii) Plate and link chain;

(iii) Chains made with steel, such as- rings, hooks, chains and cleats;

(iv) Welding chains;

(v) Welding chains, pully-block and ring hook and cleat attached the measuring machine;

(vi) Hooks and cleat attached with screw-thread of ball-bearing or any other strong parts, and

(vii) Baurdax connection.

(b) Gears mentioned in paragraph (a) shall be examined (visual test) by a competent person at least once in every month:

(c) The master or chief officer of a ship shall be considered as competent person for examining the gears on a ship.

(d) For the fulfillment of the purpose of this Clause, examination shall mean visual test and it can also be examined by reassembling the parts of gears to make sure that it is safe.

**(10) Other Loose Gears:**

(a) No grab chain, sling, hook, chain, cleat or pulley block can be used for the purpose of lifting without the examination by a competent person through the process prescribed in the schedule according to Form-31 and proof load examination shall be conducted in every three months.

(b) Any chain attached with derrick or mast except bridle chain and all rings, hooks, chains and cleats used for lifting and carrying, are not examined by Inspector, then the same shall be examined by a competent person within the following period, namely:-

(i) Generally usable chains smaller than half inch, rings, hooks, chains and cleats: at least once in every six months;

(ii) Generally usable all other chains, rings, hooks, chains and cleats: at least once in every twelve months;

Provided that, in case of the gears used in crane and other lifting machinery and all manual cranes, the period of six -months prescribed in Sub-paragraph (b) (i) shall be a period of twelve months and the period of twelve months in subparagraph (b) (ii) shall be a period of two years;

Provided further that, after being assured about the safety of the workers, If the Inspector may, subject to approval from the government, thinks necessary, exempt, any gear of special size and design or category which is needed to be used continuously, from the provisions of this Schedule, through a written certificate and subject to the conditions prescribed therein;

(c) Any chain attached with derrick or mast except bridle chain, all rings, hooks, chains and cleats used for lifting and carrying, if not examined within the last three months, must be examined before being used;

(d) If the length of any ring, hook, chain and cleat used for lifting and carrying, is increased or changed or repaired through welding or any other process, it shall be adequately re-examined by a competent person through the process prescribed in the Schedule, before being used again.

**(11) Ropes:**

(a) No rope can be used for lifting and carrying, unless-

(1) It is of excellent quality and without defect; and

(2) In case of wires, if it has not been examined by a competent person through the process prescribed in the schedule according toForm-31.

(b) All ropes of wires used for lifting and carrying shall be examined (proof load test) by a competent person at least once in every three months;

Provided that, if any wire of similar kind of rope tears down, it shall be examined once in every month;

(c) If ten percent of the total wires of any rope, with a radius of half inch, is broken; or the rope has become excessively and visibly withered and if the examiner considers it to be un-useable, it cannot be used for lifting and carrying;

(d) If any knot is created in any wire-rope, there shall be at least three parts of wires around the hole and it shall be firmly attached with the end of the rope;

Provided that, the provision of these Schedule shall not be an obstacle for the knots made in any other way, if it is strong enough.

**(12) Register of periodic examination:** For the purpose of recording the result of the following examinations, a register shall be maintained according toForm-31 (A), namely:-

(a) Annual examination and five year examination in accordance with paragraph (b) of Clause (8);

(b) Annual examination in accordance with paragraph (c) of Clause (8);

(c) Examinations prescribed in paragraph (b) of Clause (13); and

(d) Welding of any chain, ring, etc in accordance with Clause10 (b) if the certificate has not been attached with the register prescribed according toForm-31 (A) in accordance with the provision of paragraph (13) of Clause(c).

**(13) Certificate of competent person:**

(a) The certificates related to the following matters shall be issued according to Form-31 (A) and shall be attached with the register, namely:-

(1) The result of examination and scrutiny of the following matters in accordance with the provision of paragraph (a) of Clause (8)-

(i) Winch, derrick and gears related thereto in accordance with Form-31 (B); and

(ii) Crane or lifting machinery and gears related thereto in accordance with Form-31 (C);

(2) For the result of examination and re-examination of chain, ring, hook, chain and cleat and all pulley blocks in accordance with paragraph (a) and (d) of Clause (10) in accordance with Form-31 (D).

(3) For the result of examination of rope or wire in accordance with the provision of paragraph (a) of Clause (11) in accordance with Form no. 31 (E);

(b) The certificate of welding of chain etc. in accordance with the provision of paragraph (b) of Clause (10) shall be issued according to Form-31 (B) and if the necessary information has not been incorporated in accordance with Form-31 (A), then that shall be inserted in the register.

(c) In accordance with the provision of Clause (9) the certificate of annual comprehensive examination of gears shall be done according to Form-31 (F).

**(14) Maintenance and production of register and certificates:** Register and the certificates attached with the register-

(a) Shall be preserved in the premises unless any other place is approved by a written direction of the Inspector;

(b) Shall be presented before the Inspector immediately on demand;

(c) Shall be preserved for at least 05 (five) years from the date of last entry.

**(15) Machinery etc. cannot be used until necessary inclusion in the register:**

No chain, rope, gear that need to be registered in accordance with Form-31 (A) or need to be certified in similar register or need to be certified, can be used until recorded or certified in such manner.

**(16) Pully blocks:**

No pully block can be used for lifting or carrying goods until the sign of safe carrying capacity is drawn.

**(17) Safe working load of chains and slings:**

(a) Arrangements shall be made so that the user of the chain or rope can be informed regarding its safe working load;

(b) The following arrangements shall be taken under paragraph (a), namely:-

(i) In case of chain or sling, such word or sign shall be drawn in mathematical term or in words so that the user can be easily informed about it's safe carrying capacity; and

(ii) In case of the knot of rope, arrangement shall be made in a manner prescribed in paragraph (a) or such notification shall be exhibited so that the user can easily be informed of the safe working load by reading that notice.

**(18) Safe working loads of cranes:** The safe working load shall be clearly marked in every crane and derrick and if the crane on the shore is constructed in such a way that the safe working load fluctuates, an automatic indicator of safe working load shall be attached therewith.

**(19) Lifting and carrying containers:**

(a) Before starting to use container and spreaders, the supervisor, foreman or any other authority shall ensure that it is in good condition;

(b) The single or multi-leg sling container cannot be used for lifting and carrying;

(c) Attention shall be paid to that the weight of the container and spreader does not exceed the safe working load of the lifting machinery;

(d) The lifting machinery shall be used under the supervision of a properly trained signal-man and in cases where the crane operator, for any reason, cannot see the signal-man, they may use walkie-talkie for communication, if necessary;

(e) When any container is being lifted or carried from any trawler, no person can stay at the cabin of that *prime-over*;

(f) No person shall stand on a container when-

(1) The container is being lifted or carried, and

(2) Any other container nearby is being lifted or carried.

(g) When a container is being lifted by crane attached with a spreader, no person can stay on that container;

(h) When any ladder is being used to lift on a container, that ladder shall be made in an efficient manner and there shall be arrangements to firmly fix both ends of the ladder.

(i) When the workers have to work on the containers, then-

(1) It shall be ensured that the upper surface of the container is dry and clean;

(2) The workers shall be provided with effective and safe equipment for loading and un-loading a container.

**(20) Responsibilities:**

The responsibility to comply with the provisions of Clause (21) and (22) shall lie with the owner, master, and officer in charge or agent of the ship.

**(21) Access between shore and ship:** If any ship is waiting in a harbor or wharf to be loaded or discharged, the following arrangement shall be made for the workers to board the ship and to come down from the ship, namely:-

(a) There shall be a strong staircase or gangway with width of 22" and railing with a height of 2'9";

Provided that, if the staircase of the ship is attached and if one side of the staircase is protected by the ship, a strong railing of rope shall be adequate.

(b) In others cases, the ladder or staircase of similar kind shall be constructed in such a way so that the workers do not slip or stumble and it shall be attached in a completely danger free condition.

**(22) Lighting for process on ship:**

During the process, arrangement for adequate light shall be ensured in the following places to ensure the safety of the workers and other moving vessels-

(a) On the deck inside the ship where work is going on, and

(b) In each of the places where the workers might need to move during work.

**(23) Sending report of accident or dangerous occurrence:**

The employer, berth operator, stevedore, port authority, agent and concerned establishment shall be responsible for sending report of accidents or dangerous occurrences in accordance with the process mentioned in Rule 69;

**(24) Responsibility of the employer, berth operator, stevedore for equipment-**

No employer, berth operator, stevedore shall permit any worker to use any machinery or gear in contradiction with the provision prescribed in Clause (8) to (19).

**(25) Renewal of license:**

The berth operator, stevedore and agents shall take the report on worker's safety or compliance implementation from the Inspector before renewing their licenses from the port authority, and that shall be taken into consideration during the renewal of license.

**(B) Safety of workers in case of constructing and breaking of buildings, bridges and other structures:**

In order to ensure the safety of workers during the construction and breaking of buildings, bridges and other structures for the purpose of fulfillment of the purpose of Section 88, the following measures must be taken, namely:-

(1) In case of construction or breaking of any building or structure, the developer or chief contractor of that site shall be bound to ensure general safety in the following manner, apart from the arrangement of security management directed in Chapter I to Chapter IV of Part Seven of the Bangladesh National Building Code (BNBC) : –

(a) Adequately strong and secure safety net has been set up around the building where the construction work is going on and this safety net shall be set up at a distance of less than 03 (three) meters below the place from any of the edge; and

- (b) The safety net shall be set up after leaving enough space around the building so that the main purpose of setting up the safety net is served;
- (2) In order to ensure the safety of construction workers safety belt and safety life line attached strongly from the top of standard quality and secure, and the weight carrying capacity of which is 1.5 times more than the weight of a worker, shall be provided and where there is a risk fall down from a high place, the workers can use that safety belt and lifeline.
- (3) The workers, who need to use these safety belts and lifelines, have been provided with adequate training and directions on the use of such safety equipment.
- (4) The safety kit set, safety belt and safety lifelines are well maintained by keeping usable.

(5) The open part around all open edges of front side of any floor or roof or any internal floor shall have a railing with a height of at least 900 mm and a board with a height of at least 200 mm.

Provided that, any side of the entrance of staircase shall not be considered as open corner;

- (6) All workers have been provided with gloves, helmets and boots and they always use these during working hours;
- (7) All workers engaged in the work of drilling, cutting or welding have been provided with safety goggles and they always use these during working hours;
- (8) Where it is necessary to use stage in that case the stage and all part of it has been constructed strongly, with good materials, protected and it is safe for the purpose it is made for;

#### **(C) Special Provisions Regarding Workers Health and Safety:**

- (1) If it is proved that any worker has been appointed to do such work which is threatening or harmful for the health or safety of that worker, it shall be considered as a crime due to violation of law, no matter if it is mentioned clearly in the Act or Rules or not.
- (2) The Inspector General or any concerned Inspector may, if he thinks necessary for the health and safety of workers, direct the employer to make suitable arrangement, no matter whether it is clearly mentioned in the Act or Rules or not.
- (3) For the purposes of Section 88 (b) of the Act, specified competent person shall mean any Government establishment responsible in these matters or any civil engineer or any civil engineering firm recognized by the Government.
- (4) The competent person shall issue a certificate regarding the strong condition of any building in accordance with Form no. 32.
- (5) In case of a factory constructed after the commencement of these Rules, the Inspector General may not permit the continuation of construction of any building without the certificate mentioned in Sub-Rule (4).

**Schedule- IV**  
**[Referred to Rule 85]**

**Matters Related to the Safety Committee**

**(1) The functions of the Safety Committee:**

- (a) To assist the employer or management concerned in implementing laws and other existing regulations in regard to occupational health and safety of workers employed in the factory or industrial establishment;
- (b) To identify risks or gaps in regard to occupational health and safety according to the checklist developed in accordance with this Schedule, and recommend remediation thereof to the employer or the management;
- (c) To forward recommendations to the employer or management and arrange related trainings and raise awareness among workers-employees and related persons after reviewing the workplace and occupational health and safety related matters for workers employed;
- (d) The firefighting, emergency rescue, formation of team and training for primary health care, and fire drill as per Chapter VI of this Rule;
- (e) To observe and monitor or review implementation of the provisions of the law and recommendations of the Committee in regard to occupational health and safety, preserve reports, and make available for the inspection by the Department of Inspection for Factories and Establishments, if required;
- (f) To assist the management in performing proper responsibilities and implementation of the policies in light of the policies and guidelines developed by the “National Industrial, Health and Safety Council” formed in accordance with Section 323.
- (g) To implement trainings on occupational health and safety.
- (h) Not to raise any industrial dispute and not to be a party to any industrial dispute.

**(2) The Functions and Responsibilities of the Safety Committee:**

- (a) The Committee shall produce a guideline or manual including descriptions of its own responsibilities for a factory or industrial establishment concerning proper implementation of related special provisions on security prescribed in the Chapter VI and on Safety prescribed in Chapter VIII, and related Rules.
- (b) Following issues shall be included into the guideline under Clause (a), namely:

**1. Management of risks and safety in the establishment:**

- a) Identify risky areas (like, parts of the building, stairways, compound, electric line, machineries etc.);
- b) Nature of the risks (like, crack, locked gates during working hours, risky electric lines etc.);
- c) Levels or seriousness of the risk (like, high/medium/normal/not satisfactory);
- d) Determination of immediate measures (like, prohibition on use, immediate remediation-renovation, closure);
- e) Determination of protective measures depending on the nature and levels of the risks; and
- f) Determination of technical and administrative accountability.

**2. Management of equipment and work procedures:**

- a) Inspection of the placements of machineries;
- b) Inspection of the operations of machineries;
- c) Determination of actions in case of faulty operations;

- d) Inspection of workers' personal protection equipment and protection systems;
- e) Determination of responsibilities for faculty operations and proposals or recommendations.

**3. Management of risky smoke, explosive and flammable items:**

- a) Determination of nature of explosive and flammable items;
- b) Protection measures;
- c) Determination of practical and procedural means;
- d) Examination of personal protection measures;
- e) Consideration of environmental risks; and
- f) Direction and advice.

**4. Management of Fire Incidents:**

- a) Determination of potential source of fire;
- b) Preventive measures;
- c) Prepare list of firefighting personnel and verification of their skills;
- d) Examination of emergency exits and determination of existing obstacles;
- e) Actions taken to remove obstacles immediately;
- f) Examine standards of firefighting equipment;
- g) Trainings and drills; and
- h) Proposals and recommendations.

**5. Management of Accidents:**

- a) Review of the overall environment and situation in case of a potential emergency;
- b) Review and consideration of probability of accidents from personal perspectives;
- c) Plan for rescue operations in case of serious potential accidents;
- d) Distribution of responsibilities;
- e) Reservation of required items for rescue operations and determination of ways for immediate collection;
- f) Communication and coordination plans with various organizations;
- g) Investigation on the accidents happened and determination of reasons;
- h) Determination of responsibilities;
- i) Recommendations and directions for prevention of repeat-accidents; and
- j) Treatment and compensations for affected workers in accidents.

**6. Reckless operation, occupational diseases, and sickness due to effect of poison:**

- a) Determination of risky occupations in the establishment as listed under the Rule68;
- b) Prepare lists of chemicals used and scheduled in the establishment.
- c) Ensure mandatory health check-up for workers engaged in risky occupations and attached to harmful chemicals;
- d) Consultation with physicians on the sickness of workers engaged in related occupations identified through periodic health check-up;
- e) Evaluation of the management of health care, treatment and compensation for workers engaged in related occupations; and
- f) Necessary recommendations and directions for the improvement of health.

**(3) Organizing meeting:**

(a) The meeting of the Safety Committee shall be convened at least once in every three months, however, in case of an emergency the meeting can be convened at any time;

(b) In the meeting, there shall be discussions on required matters including reports on safety, occupational health and working environment, survey report, inspection of safety and risks and evaluation report, progress in implementation of plans and recommendations regarding emergency disaster management

(c) The minutes of the meeting shall be maintained in writing and they shall be ready to be presented on demand by the management of the establishment or factory and Inspector.

**(4) Introducing checklist and report form regarding monitoring of progress:**

- a) The Safety Committee shall introduce a checklist with a view to ensuring the implementation of the matters as directed in the occupational health and safety guidelines and identifying the risks harmful to the life and health of the workers according to the production process, physical structure, nature and type of work, preservation and transportation of goods, type and use of raw material chemicals and type of services in the factory or establishment.
- b) The Safety Committee shall submit reports with recommendations in the specified checklist and form to the employer or management on monthly or quarterly basis.

Provided that if any defect or non-compliance or violation of this section of the Act or any provision of these Rules is identified any time, they shall immediately submit a recommendation in writing to the employer or management seeking a solution.

**(5) Organizing Education and Trainings:**

- a) In order to increase awareness regarding safety-risks, the Safety Committee shall organize educational and training programmes for all workers, officials and relevant persons of a factory or industrial establishment.
- b) The employer shall take necessary measures in order to ensure participation of all divisions, officials and workers of the factory or industrial establishment in such training.
- c) These trainings and refresher trainings shall be completely free of cost and shall be organized within the working hours of the office.

**(6) Organizing drill:**

The Safety Committee shall organize regular trainings and drills on earthquake, fire and other prevention of disaster and accident in accordance with Sub-Rule (10) and (14) of Rules 55.

**(7) Preservation of information or database:**

- a) For facilitating speedy communication with individual Safety Experts and institutions in the country, the Safety Committee shall maintain information or database with phone numbers, e-mail addresses, fax and detailed addresses of such individual Safety Experts and institutions in the country;
- b) All updated laws and regulations related to safety including on occupational health and safety, building code, electricity, firefighting, environment etc. shall be preserved.

**(8) Submitting recommendation for treatment and compensation:**

The Committee may submit recommendations in writing to the employer or management for settlement of compensation and treatment for accidents described in Chapter XII of the Act.

**(9) Observing the Safe Work Place Day:**

The Committee shall take initiatives to observe the "Safe Work Place Day" declared nationally or internationally in the factory or industrial establishment or at the local level.

**(10) Policies made by the National Industry Health and Safety Council:**

The Safety Committee shall work at the establishment-level with a view to implement various policies and guidelines introduced by the National Industry Health and Safety Council, from time to time.

**(11) Jurisdiction of Safety Committee, etc.:** The jurisdiction of the Safety Committee shall be as following, namely:-

- (a) In the Inspection Report prepared by the Inspector following an inspection in the factory or establishment, if there is a need for an opinion of the Safety Committee of that factory or establishment, a copy of that report shall be submitted to the employer and the Safety Committee within one month from the preparation of the same.

- (b) In case of a special necessity or in case of an emergency situation, without any meeting the majority of the Members to the Safety Committee with their own signatures may submit a special report to the employer or the management at any time;
- (c) If within 7 (seven) work days upon receiving recommendations from the Safety Committee, the employer or the management does not take any initiative or measure to resolve any problem according to the recommendations, the Safety Committee may submit a grievance in writing to the Inspector General or Inspector, and the Inspector General or the Inspector authorized thereby shall take required legal measures.
- (d) The Safety Committee being independent shall perform its designated responsibilities as per the Act and Rules and the administrative divisions of the establishment shall extend required supports to the Committee in discharging its responsibilities.
- (e) The Members to the Safety Committee, if required, can visit every places of the factory or industrial establishment during its open hours or closed hours and the employers or the management shall provide required supports through special arrangements in this regard.
- (f) The management of the establishment or factory shall provide reasonable and adequate time to the Member of the Safety Committee during working hours for carrying out activities related to the Committee or for receiving training.

**(12) Decision Making Procedures by the Safety Committee and their implementations:**

- (a) In case of taking a decision on safety matters by the Safety Committee it has to be taken unanimously or through support of the majority;
- (b) The employer shall take required measures to comply with or implementation of the decisions taken by the Safety Committee;
- (c) No Member of the Committee shall be held responsible personally for any decision taken or any action undertaken in good faith by the Safety Committee, or for any opinion or a descending opinion in a meeting.

**(13) Training for the member of the Safety Committee:**

- a) The employer or management shall arrange training on occupational health and safety and work environment at the expense of the employer;
- b) Such trainings can be organized at the premises of the factory or industrial establishment or at any training center;
- c) The Members shall be considered to be on duty during the period of training;
- d) All workers shall be trained for raising their awareness on safe working environment and avoiding health risks through the trained Members of the Safety Committee, as far as possible.

**Schedule- V**  
**[Referred to Rule 96]**

**Various facilities and benefits of Tea-Garden**

**(1) Arrangement of drinking water in the workplace:**

In every working place of every tea-garden, there shall be regular arrangement for adequate supply of drinking water for all workers within their convenience distance and for this purpose, one tube well shall be installed or supply of pure drinking water shall be ensured at every section of leaf weighting center of the garden.

**(2) Toilet and wash room at workplace:**

(a) There shall be arrangement for necessary number of separate toilets and washrooms of determined standard at a convenient place for male and female workers in every section of leaf weighing center of every tea garden.

(b) Every toilet and wash room constructed in accordance with Clause (a) shall be maintained in a neat, clean and hygienic manner.

**(3) Recreation facilities. –**

(a) Every employer, in consultation with workers' representatives, shall make arrangements for recreation center at a place convenient for the workers in every tea garden;

(b) in case of recreation there shall be arrangement for appropriate indoor and outdoor games and other recreational activities;

(c) If there is any open space within a reasonable distance, arrangement for a play ground may be made with necessary outdoor games accessories.

**(4) Educational facilities for workers' children. –**

(a) Every employer, in consultation with Workers' Organization (if there is any), shall make arrangements for a primary school for the purpose of providing free primary education to the children of the workers;

(b) The school shall be established within a distance of one and half kilometer from the residential area of the concerned workers and there shall be adequate place, furniture and other necessary equipment for admission and educational purpose of every children of workers who are between six and twelve years;

(c) In such school there shall be one teacher for every forty students or adequate number of qualified teacher in accordance with the same ratio.

(d) Whatever may be Provided in the schedule, if there is any school with arrangement for admission of workers' children between the age of six to twelve years under direct management or if there is any primary or a higher level school run by a local organization for the purpose of providing free education and if such school is within a distance of one and half kilometers from the residential area of the workers, the employer may not have to establish a separate school.

(e) The employers can jointly establish the educational institution or school.

(f) The education curriculum, duration, standard and syllabus of the course of the school shall be in accordance with same curriculum, duration, standard and syllabus of the course of the primary and higher secondary education board under which jurisdiction the same school is established.

**5. Crèches:**

(a) In every tea garden there shall be an appropriate room for the children of workers below the age of six years;

(b) Such room shall have arrangements for adequate accommodation, ventilation and it shall be maintained in neat, clean and hygienic manner and it shall be kept under the supervision of an experienced woman trained in child care and such room shall be of such adequate standard where—

(i) Where the children brought there in shall be able to stay comfortably;

(ii) Effective arrangement to protect the children from the unfavorable weather shall be made and if necessary, there shall be arrangement of fan;

(iii) There shall be arrangement for toilet, washing facilities and supply of pure drinking water;

(c) Every day the employer shall make arrangement for free milk or snacks for such children; and

(d) The employer shall make arrangement for appropriate toys and furniture useable for such children.

**6. Medical facilities.-**

(1) Arrangement of Indoor and outdoor medical facilities:

(a) In every tea garden, there shall be indoor and outdoor medical facilities for the workers and their families employed therein and for this purpose, hospital or dispensary shall be established in the prescribed manner;

(b) In emergency situations, the workers shall receive medical facilities at their homes and in such cases, the doctor engaged in such hospital or dispensary shall go to the worker's house and provide medical treatment.

**(2) Garden hospital:**

(a) In the tea garden where less than 400 workers are employed, subject to the approval of the Inspector General, there shall be a dispensary under the supervision of a full-time medical assistant and one trained midwife and there shall be a specific number of beds approved by the Inspector General:

Provided that, if no medical staff is found, the employer shall, subject to the approval of Inspector General, shall appoint a qualified full-time compounder:

Further provided that, such dispensary shall have to be visited by a qualified medical practitioner of a hospital situated nearby the at least once in a week.

(b) An employer who employs more than 400 workers or establishes a garden on 400 acres of land shall establish a hospital or clinic in such garden and in order to provide 24 hours medical treatment to the workers, the following medical staffs shall have to be present in the hospital or clinic, namely:-

(1) One qualified medical staff or one trained doctor for every 401 to 750 workers;

- (2) One qualified full-time medical practitioner with MBBS degree for every 751 to 1,500 workers;
- (3) One trained nurse or qualified dresser for every 700 workers;
- (4) One qualified compounder for every 1,500 workers; and
- (5) One trained midwife for every 1,500 workers:

Provided that the medical staff appointed in the activities of any garden before the commencement of these Rules, shall remain in employment until the expiration of h/her age limit irrespective of qualification.

Also provided that, where there is a provision for appointment of more than one medical practitioner, shall have to try to appoint at least one female medical practitioner.

- (c) In every garden, clinic or hospital, there shall be at least 4 beds.
- (d) One bed shall be increased for every 100 workers exceeding 400 workers, appointed in garden and an area of at least sixty square feet shall be allocated for every bed but in cases of emergency, the employer after informing the Inspector General may make the provision for floor area flexible;
- (e) The garden-hospital or clinic shall have the following arrangements, namely:-
  - (1) General ward for male patients;
  - (2) General ward for female patients;
  - (3) One separate delivery room;
  - (4) One separate ward with toilet and washroom facilities for workers affected with contagious diseases;
  - (5) Separate department along with covered waiting place for outdoor patients which will be better to be separated from the general ward;
  - (6) Separate room for maintaining privacy of examination of patients;
  - (7) One room for minor surgery and dressing;
  - (8) Store room for dispensary medicines;
  - (9) Neat and clean kitchen and appropriate arrangement for washing;
  - (10) Staff quarter;
  - (11) Clinical laboratory;
  - (12) X-ray department; and
  - (13) Physical therapy Department:

Provided that, if the employer can make satisfactory arrangements in any other hospital approved by the Inspector General, then it will not be necessary to have the x-ray and physical therapy departments.

**(4) Group hospital of Tea garden:**

- (a) Employers may jointly establish a group hospital;
- (b) The plan and design for the group hospital shall be approved by the Inspector General;
- (c) The number of beds in the group hospital shall be similar to that of Clause (2):

Provided that, the Inspector General may determine the number of beds.

- (d) There shall be following arrangements in a group hospital, namely:-

- (1) One general ward for male;
- (2) One general ward for female;
- (3) Maternity ward with Separate delivery room;
- (4) Separate department along with a covered waiting place for the outdoor patients and it will be better to be separated from the general ward;
- (5) Separate room for maintaining privacy of examination of patients;
- (6) Store room for keeping dispensary and medicines;
- (7) Surgery room;
- (8) X-ray department;
- (9) Physical therapy department;
- (10) Dental treatment department;
- (11) TB and VD clinic;
- (12) Clinical laboratory;
- (13) Kitchen made in a manner so that mosquitoes and flies cannot enter into it and laundry;
- (14) Staff quarter;
- (15) Dead body preservation and post-mortem examination room:

Provided that, if the employer can make satisfactory arrangements in any other hospital approved by the Inspector General, he shall not have to have x-ray and physical therapy departments.

- (e) In every group hospital, there shall be adequate number of medical practitioners and other arrangements as determined by the Inspector General and all doctors of the group hospital shall be an approved medical degree holder.

(f) If one group hospital has more than 100 beds, there shall be at least two nurses for every ten beds.

- (g) In every garden and group hospital there shall be one ambulance with appropriate appliances:

(h) If the employers join in a group hospital, the Inspector General may exempt them from all the provisions of the Clause (2).

**(4) Equipment and drugs:**

There shall be such appliances, injection, medicine and equipment in every dispensary, garden hospital and group hospital which shall be determined by the Inspector General in consultation with the Health Department.

**(5) Medical records:** Every dispensary, garden hospital and acting medical officer of hospital shall maintain medical records for every patient who are under treatment or who have received treatment from there.

**(6) Annual Return:**

The annual return related to the operation of health center shall be sent in accordance with Form- 81 (i).

**7. Housing facilities in tea garden:**

(1) Housing arrangement of tea- garden workers:

(a) Every employer shall make arrangements of free housing for every worker and his family;

(b) Such housing shall be constructed in a dry place as far as possible to the nearest place from the workplace of the worker and there shall be arrangement of supply of pure drinking water;

(c) These houses shall be constructed at a safe distance from *Bil* (water body) and marsh land and at such a higher place where flood water does not enter into the houses;

(d) Every year such "Mirtinga Type" houses shall be constructed for at least ten percent of the workers residing in the tea garden;

(e) The workers shall not be liable for any rent or any value payable in exchange of the housing facilities provided by the employer;

(f) The government may, in accordance with opinion from the Inspector General, for satisfactory reasons recorded in writing, make the provisions for construction of such "Mirtinga Type" houses flexible.

(g) Two copies of the housing plan of every worker shall be submitted for the approval of Inspector General and the following matters shall be included in such plan, namely:-

(i) Description about the time period within which the housing arrangements shall be made;

(ii) Design of "Mirtinga Type" houses in the area of at least 32 meter square floor;

(iii) System or procedure related to the allocation of houses for the workers and taking possession of the houses by the workers; and

(iv) Design of place and room of the workers colony including the arrangement of electric light and water supply.

**(2) Facilities of Drinking water in residential area:**

(a) In order to ensure the good-arrangement of drinking water, the employer shall make arrangement of at least one tube-well or covered *pucca* well for every 25 families.

(b) There shall be two manual pumps in the well and there shall be at least one such *pucca* well for every 50 families residing in the workers' colony.

(c) Necessary arrangements shall be made to keep the water and the water lifting pot germ free.

(d) Open wells or reservoir which is used for drinking water shall be maintained in such a way so that the water does not get polluted.

(e) Surroundings of the places where drinking water for the workers are supplied shall have to be maintained in a hygienic, neat and clean manner.

(f) The inspector may direct the employer in writing to collect a report from the Department of Public Health and Engineering regarding whether the supplied drinking water is appropriate for us or not.

**(3) Maintenance of the residence of tea- garden workers:**

The employer of tea garden shall, at his own expense:

(a) In order to keep the houses suitable and safe, make arrangements for necessary repair and proper maintenance of the houses;

(b) Make arrangement for adequate lighting in the area where the residential houses have been constructed; and

(c) Properly maintain the communication roads and sanitary drainage system of the residential area.

**(4) Conditions for keeping possession of residence by the tea garden workers:**

(a) Any worker, who has been provided allocation of a house, he-

(i) Shall not make any alteration in any part of the house without an approval;

(ii) Shall not transfer exchange or share the housing facility with anyone, without written approval of the employer;

(iii) Shall not sublet the house or any part thereof to any other person;

(iv) Shall not keep any cattle in the living room or in the veranda of the room; and

(v) Shall not construct anything on the land of tea- garden.

(b) The worker shall use the sanitary toilet provided by the employer, keep the house and the areas adjacent thereto neat and clean and shall not waste drinking water.

**(5) Wash room:**

(a) Every employer shall keep arrangement for sufficient number of toilets for the use of the workers and for the members of his family, who have been provided with housing facility;

(b) The toilets shall be constructed in a convenient place so that the family members of workers can easily use it;

(c) Every toilet shall be plastered and there shall be necessary arrangement for doors with locks.

**(6) Vacating a house:**

(a) A worker shall leave the house allotted by the employer within one month of his retrenchment, or termination of employment;

(b) If a worker dies or retires, such allocated house may be kept by his family for 3 (three) months in their possession:

Provided that, if any of the family members of such deceased worker are employees in the same garden, the family may keep the house in their possession;

(c) If any worker resigns, he shall leave the house within a period of 2 (two) months from such resignation;

(d) If any worker is dismissed or removed from his employment, he shall leave the house provided by the employer within a period of 1 (one) month;

(e) If any of the family members of such dismissed or removed worker are employees in the same garden, he may keep the house in his possession.

**(8). Supplying daily necessities for tea garden workers:** According to Section 97, every employer shall, in consultation with the workers' representative, facilitate and encourage the establishment of a co-operative store, so that the workers can have as easy access to the daily necessities in the garden.

**(9) Traditional Customs and Facilities:**

The traditional customs and facilities of tea-garden shall be remaining continue.

**(10) Eradication of inconvenience:** If any inconvenience arises regarding the implementation of the provisions prescribed in this Schedule, the employer shall inform the Inspector General in writing and the decision of the Inspector General shall be final in this regard.

**Schedule-VI**  
**(Referred to Rule 146)**

**Function and Decision taking manner of Court regarding disposal of compensation cases**

**(1) Application:**

(a) Any application mentioned in Section 168 shall be sent to the Labour Court by registered post or shall be submitted to the Court or to any officer authorized thereby for this purpose and the application sent or submitted in such manner shall be in two copies and shall be signed by the applicant, unless directed otherwise by the Labour Court.

(b) Such application shall be attached with a certificate certifying that the matter described in the application signed by the applicant is true to the best of his knowledge and belief.

**(2) Submission of application to the wrong Court:**

(a) If, after receiving the application the Labour Court thinks that such application shall be needed to submit before another Court, then it shall return the application with signature mentioning the date of receiving it to the applicant mentioning the reason of such return and the appropriate Court before which the application shall be submitted.

(b) After receiving the application, if at any later stage the Court realizes that the application shall have been submitted to any other Court; then it shall send such application to the Court with appropriate jurisdiction and shall inform the applicant.

(c) In accordance with Sub-Rule (b), the Court to which the application has been transferred, it shall consider as if the application has been submitted to it from the first instance.

**(3) Primary investigation regarding the application:** If an application is not rejected in accordance with Sub-Rule (2), the Court may, after recording reasonable grounds, direct the applicant to produce evidence in favor of his application before informing the other party and if after considering such evidence the Court decides that there are no reasonable grounds for such application, it shall reject such application after recording the reason thereof.

**(4) Serving of notice to the opposite party:**

If the Court has not rejected any application in accordance with clauses (2) and (3) mentioned above, the Court shall send a notice to the opposite party with a copy of such application and the date of hearing.

**(5) Appearance and testimony of the opposite party:**

(a) During the first hearing or before that, the opposite party may submit a written statement responding to the application and such written response shall be recorded in the case file;

(b) If the opposite party intends to oppose the claim and if he has not submitted any written response, the Court shall take his testimony and record a summary thereof.

**(6) Framing the issue:**

(a) After considering any written statement and the result of examination of the parties, the Court shall proceed to determine the issues separately after deciding the practical question regarding any fact or

issues of law in which the parties are in disagreement, and shall record the issues which are, in his opinion, necessary to resolve for proper decision of the case;

(b) While recording the issues, the Court shall upon its own concern, separate the issues of fact and the issues of law of the case.

**(7) Power to adjourn the proceedings on issue of fact if any issue of law arises:**

If both issues of fact and issues of law arise in the same case and if the court considers that the matter can be settled only through the issue of law, the Court may proceed only with such issue, and the Court, may postpone proceeding on the issue of fact until the issue of law is settled.

**(8) Diary:** The Court shall maintain a diary with its signature based on descriptions of functions of the steps taken on the applications.

**(9) Recording the reasons for adjournment:**

If the Court considers that, settlement of an application is not possible in one hearing and for more hearing adjournment is needed, then it shall keep record of its reasons.

**(10) Judgment:**

(a) While delivering the order, the Court shall briefly mention its decision for each issue and the reason for such decision in the judgment; and

(b) The Court shall, while signing and putting the date on the judgment, declare its decision and afterwards no amendment shall be made except for incidental negligence or drop out of any clerical or mathematical mistake.

**(11) Serving of Summons to the witnesses:**

If any party to the proceeding submits any application with witnesses, the Court may, if it considers that the presence of such witnesses is not unnecessary, issue summons to such witnesses to appear before Court.

**(12) Bearing of expenditure or exemption:** The expenditure related to the proceeding or appeal in the Labour Court or Tribunal may be determined as per the consideration of such court.

However provided that, if the Court deems that the applicant is unable to pay the determined expense due to poverty, the Court may exempt him from bearing any such expense in accordance with Section 221.

**(13) Right to entrance for the purpose of local investigation:**

If any investigation regarding any accident is under the consideration of any Court, the Court or any officer authorized thereby may, for the purpose of field investigation, enter into the place at any time, where the concerned worker was injured or was designated to work.

Provided that, the Court may enter into any industrial establishment without the consent of the employer thereof only at the time of general working hours of such establishment.

**(14) Procedure relating to local investigation:**

- (a) If there is need for field investigation regarding the accident, the Court shall inform the concerned parties through a notice regarding such investigation, however, the Court or any officer authorized thereby may not inform if it seems to be impossible considering the urgency of the matter;
- (b) Such notice can be written or verbal and if it is related to the employer, the notice can be served upon such persons to whom the claim can be brought or such notice can be served upon their representatives in accordance with Section 157(5);
- (c) The party concern or his representative may go with the Court during field investigation;
- (d) The Court shall briefly record its findings of the field investigation in a memorandum and shall show it to the parties if anybody want; and
- (e) Such memorandum shall be considered as the case file.

**(15) Power to take summary testimony:**

- (a) Apart from the formal hearing of any proceeding, the Court may, during the field investigation or at any other time, interrogate any person who is able to provide information regarding the fact concerned in a summery way;
- (b) If any person who is not summoned as a witness of the case concerned and even if the parties are not present there, he may be interrogated in the same manner;
- (c) At the time of taking witness of any person as per Para (a) shall not be required to read out the oath;
- (d) If the statements collected in accordance with Para (a) are recorded, the statement providers shall sign on it;
- (e) If the witness, whose testimony has been taken in accordance with Para (a), says anything which is contrary to the recorded testimony, then the Court may draw his attention to such matter; and
- (f) In cases where the cases are settled by the parties in accordance with a contract, the Court may record include any statement recorded in accordance with Para (a) in the case file.

**(16) Procedure of relevant cases:**

- (a) If two or more cases arising from the same accident are under trial in the Court, and if one general issue is involved in two or more pending cases, then the proceedings of such pending cases shall be conducted as a single case;
- (b) If any measure has been taken in accordance with Para (a), the statement based on the general issue shall be recorded in a case file and the parties concerned of the simultaneous cases shall be considered as the parties of the same case.

**(17) The manner of signing in the form:**

Any form, except the receipt of compensation, which is required to be signed by the Court in accordance with this Rules, may be signed by any subordinate officer authorized thereby for that purpose.

**(18) Transfer for report:**

- (a) In case of transferring any matter by any Court to another Court for the purpose of reporting in accordance with Section 167, the Court shall, along with necessary documents, send a brief description in the form of questions for such answers on the matter on which the report is required.
- (b) The Court, to which any case has been transferred for report, shall not be required to give any report on any question of law.

**(19) Where representative must be appointed:** If any person included as a party to any proceeding is below the age of 18 years or is incapable of being present in Court, the Court shall appoint an appropriate person, who gives consent to be appointed, to represent such party for the purpose of the proceeding.

**(20) Where a new representative is required to be appointed:** If the Court is of the opinion that, the interest of the party is not being adequately protected by the representative appointed in accordance with Clause 19 or if the person appointed as representative dies or becomes incapable in any way to perform his duty as representative, the Court shall appoint any other person, as representative.

**Schedule- VII**  
**[Referred to Rule 7(2) (h), 10(3), 11(2), 355(1), and 356(3)]**

**License Fee and License Renewal Fee of Factory, Industrial Establishment, Commercial Establishment, Commercial Bank and Insurance Company, Shop and Contracting Agency**

**1. For Factory:**

<b>Class</b>	<b>Highest number of workers or employees employed in any day of the year</b>	<b>License fee (Taka)</b>	<b>License Renewal Fee (Taka)</b>
A	3-30	500	300
B	31-50	1,000	700
C	51-100	1,500	1000
D	101-200	2,500	1800
E	201-300	3,000	2200
F	301-500	5,000	3500
G	501-750	6,000	4800
H	751-1000	8,000	5,000
I	1001-2000	10,000	7,000
J	2001-3000	12,000	8,400
K	3001-5000	15,000	10,000
L	5001- unlimited	18,000	12,000

**2. For Industrial Establishments (Except for Factory and Contracting Agency):**

<b>Class</b>	<b>Highest number of workers or employees employed in any day of the year</b>	<b>License fee (Taka)</b>	<b>License Renewal Fee (Taka)</b>
Mini	0-5	300	150
A	6-25	500	300
B	26-50	1,000	700
C	51-100	1,500	1000
D	101-200	2,500	1800
E	201-300	3,000	2200
F	301-500	5,000	3500
G	501-750	6,000	4800
H	751-1000	8,000	5,000
I	1001-2000	10,000	7,000
J	2001-3000	12,000	8,400
K	3001-5000	15,000	10,000
L	5001- unlimited	18,000	12,000

**3. For Commercial Establishments (Except from Club, Restaurant, Bank, Insurance):**

Class	Highest number of workers or employees employed in any day of the year	License fee (Taka)	License Renewal Fee (Taka)
A	1-10	500	300
B	11-30	1000	700
C	31-50	1500	1000
D	51-100	2500	1500
E	101-300	3500	2000
F	301-500	5000	2500
G	501-750	6,000	3,000
H	751-1000	7,500	4000
I	1001-unlimited	10,000	5,000

**4. For Commercial bank and Insurance Company:**

Class	Highest number of workers or employees employed in any day of the year	License fee (Taka)	License Renewal Fee (Taka)
A	1-30	5000	3000
B	31-50	7000	4000
C	51-100	10000	7000
D	101-300	12000	9000
E	301-500	15,000	10,000
F	501-750	17,000	12,000
G	751-1000	18,000	15,000
H	1001-unlimited	20,000	17,000

**5. For Shop, Super Store, Club, Restaurant and Residential Hotel and Such type of Productive Industry or Establishment which is not Factory:**

Class	Highest number of workers or employees employed in any day of the year	License fee (Taka)	License Renewal Fee (Taka)
A	0-01	00	50
B	02-03	200	70
C	04-06	400	100
D	07-10	500	200
E	11-15	1,000	300
F	16-20	1,500	500
G	21-25	2,000	700
H	26-30	3,000	1000
I	31-35	3,500	1,500
J	36-40	4,000	2,000
K	41-unlimited	5,000	3,000

**6. Classification, License, Renewal Fee and Bond as Security of Contracting Agency:**

<b>Sl. No.</b>	<b>Number of Workers</b>	<b>Classification</b>	<b>License Fee</b>	<b>Renewal Fee</b>	<b>Bond as Security</b>
1.	1-200	A	20,000/=	5,000/=	2,00,000
2.	201-500	B	30,000/=	7,000/=	3,00,000
3.	501-700	C	40,000/=	10,000/=	4,00,000
4.	701-1000	D	50,000/=	15,000/=	5,00,000
5.	1001-2000	E	60,000/=	18,000/=	6,00,000
6.	2001-4000	F	75,000/=	20,000/=	7,50,000
7.	4001-unlimited	G	1,00,000/=	25,000/=	10,00,000

**Form- 1**

**[Section 3 and Rule 3(2)]**

Description of Conditions of Service of workers in Service Rules

Name of the factory/ establishment: .....

Address of the factory/establishment: .....

Sl. No.	The job descriptions which the Service Rules must contain	Related article mentioned in the Service Rules
1	Classification of workers, for instance—apprentice, substitute, casual, temporary, probationer, permanent, and seasonal worker (in case of seasonal factory), etc. specified in the organogram of establishment.	
2	Procedure of informing working-hours, vacation, number of leave to workers.	
3	System and conditions for application of leave and appropriate authority for granting such leave.	
4	Duration of closure and re-open of the Establishment or section and temporary discontinuation of work and responsibilities and rights of employer and workers regarding the matter.	
5	Lay-off system and conditions of compensation for laid off workers.	
6	Retrenchment of workers and reappointment of retrenched workers and conditions of and system of giving notice from employer regarding this, and providing compensation to retrenched workers.	
7	System and compensation for dismissal.	
8	Acts and fault which constitutes misbehavior, and conditions, system and compensation for removal and temporary suspension.	
9	Conditions for termination of employment, and the notice, procedure and compensation by employer and worker regarding this matter.	
10	System of taking retirement and benefits of workers.	
11	Things to do when the factory closes due to sudden problems.	
12	Compensation for death of worker and system for providing those compensation.	
13	Procedure of formation of provident fund.	
14	Procedure for participation and constitution of Welfare Fund in case of providing percentage of profits.	
15	Medical facilities.	
16	Procedure of group insurance.	
17	Provisions for promotion.	
18	Provisions for increment of annual salary or wages.	
19	Procedure for settlement of complaint.	
20	Procedure for fine.	
21	Description of information and work in case of workers (if any) provided by contractor.	

22	System for appointment of apprentice workers.	
23	Any other matters concerned which are not included in the above mentioned clauses.	

**Form- 2**

**[Section 3 and Rule 3(4)]**

Number of appointed workers

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Sl. No.	Classification	Number of workers based on class	Female	Male	Number of disabled worker (if any)
1	2	3	4	5	6
1	Apprentice				
2	Substitute				
3	Casual (including the workers of contractor)				
4	Temporary (including the workers of contractor)				
5	Probationer				
6	Permanent				
7	Seasonal worker				
8	Appointed by contractor				
	Total				

**Form- 2 (A)****[Section 3 and Rule 3(4)]**

Information of Trade Unions of Establishment

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Sl. No.	Name and address of trade union	Name of the officer of trade union	Whether it is registered or applied
1	2	3	4
1			
2			
3			

**Form 3****[Section 3 and Rule 4(1)]****Notice for Announcement of the Draft of Service Rules**

All workers and trade unions are being notified hereby that, for the purpose of regulating the service of the workers under Section 3 of the Bangladesh Labour Act, 2006, the employer or management authority of the establishment undersigned titled ..... has submitted a draft Service Rules (copy attached herewith). Any objection or proposal (if any) regarding this matter shall be submitted to the undersigned authority within 14 days of receipt of this notice.

The hearing of the objection shall be held on .....at .....AM/PM. The persons or organization raising the objection may be present by himself or through the representative authorized thereby.

Inspector General

**Form- 3 (A)**

**[Section 3 and Rule 4(3)]**

**Objection or Proposal on the Draft of Service Rules**

The objections or proposals on the draft service rules submitted by the establishment titled.....

Objection or proposal with argument:

1.....

2.....

3.....

.....  
Signature of the representative of workers or trade union

Address:.....

.....  
A copy has been given: (To employer).....

**Form-4****[Section 3 and Rule 4(15)]****The Register of Employment Rules**

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Sl. No.	Date	Name and address of the factory/establishment	Name and Designation of the officer submitting the draft	Date of submission	Date of notice for giving objection
1	2	3	4	5	6

Objection (if any)				Approval of Employment Rule		
Name of the person raising objection	Date of giving objection	Date of decision by the Inspector General	Date of getting final Employment Rule	Date of final approval	Name and Designation of the employer/representative receiving the final Rules	Remarks
7	8	9	10	11	12	13

**Form-5****[Section 3A and Rule 8(4)]****The Register of workers provided by the contracting agency**

Name of the Contractor's: .....

Address of the Contractor's agency: .....

Classification of Workers: .....

Sl. No.	Name of the factory/establishment where supply has been made	Name of the Worker	Sl. No. in the Register of Worker	Designation/types of work	Date of Supply	Duration of work according to the Contract	Working hours/Time	Weekly holiday	Remarks
1	2	3	4	5	6	7	8	9	10

**Form-6****[Section 5 and Rule 19(5)]****ID card of Worker****(First page)**

Number of ID card.....	Date of issue.....	P
Name of the factory/establishment: Name of the worker:	Designation: Nature of work:	
Division/Branch: Date of Joining:	Ticket/Card no:..... .....	
Signature of worker		Signature Employer/ Manager

**(Next page)**

Duration: Address of the factory/establishment: Telephone no:  If the above ID card is lost, it shall be informed to the management authority immediately.	Blood Group: Permanent Address: Phone number in case of emergency: National ID No:
--	---

**Form-6(A)****[Section 5 and 6 and Rule 19(7)]**

The register relating to the appointment letter, ID card, service book of worker

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Sl. No.	Sl. No. in the workers' register	Name of the worker	Age	Nature of work	Date of providing appointment letter	Date of providing ID card	Date of providing Service book	Signature or thumb impression of worker	Remarks
1	2	3	4	5	6	7	8	9	10

**Form-7**

**[Section 7 and Rule 20 (1) and (2)]**

**Service Book**

(a) First part, page-1

Information for identifying the worker

1. Name of worker:

Pa

2. Name of father:

3. Name of mother:

4. Name husband or wife (if applicable):

5. Permanent Address: Village or Area or House:.....Road:.....

Post:.....Thana:.....

Upazila:..... District:.....

6. Present Address:.....

7. Date of Birth/Age:

8. National ID card no (if any):

9. Educational qualification:

10. Training or Special skill (if any):

11. Height              Centimeter

12. Blood group (if any):

13. Any special sign for identification (if any):

14. Date of opening service book:

15. Left thumb impression:

Signature of worker

Signature of Employer/Managing Authority

(b) Second part, page 2-5

Information regarding Employer and Service

Name and address of the factory/establishment	Name of Employer/Managing Authority
1	2

(c) Third part, page 6-9

Information relating to service record and wage and allowance

Date of starting job in the present position	Designation and Card no.	Rate of monthly wage			
		Basic wage	House rent allowance	Medical allowance	Bonus (If any)
		Taka	Taka	Taka	Taka
1	2	3	4	5	6

(d) Forth Part, page 10-13

Record of leave

Description of spent leave				Description of cashed leave			Signature of employer/authorized person	Signature/thumb impression of worker
From	To	Total	Unspent due leave	Total	Date	Rest of due leave		
1	2	3	4	5	6	7	8	9

(e) Fifth part, page 14-16

Record of behavior

Date	Description regarding behavior	Signature of the employer or authorized person	Signature of thumb impression of worker
1	2	3	4

**Form-7(A)**

**[Section 6(4) and Rule 22 (2)]**

**Service Book**

**Receipt to deposit service book**

Employer's part	Worker's part
Serial no.....date.....	Serial no.....date.....
Person from whom it has been received	Person from whom it has been received
1. Name.....	1. Name.....
2. Father's name.....	2. Father's name.....
3. Mother's name.....	3. Mother's name.....
4. Name of designation.....	4. Name of designation.....
5. Address/Place of residence.....	5. Address/Place of residence.....
.....	.....
The service book has been taken for safe maintenance and record of information.	The service book has been taken for safe maintenance and record of information.
Signature of employer/manager Designation	Signature of employer/manager Designation

**Form- 8**

**[Section 9 (1), (2) and Rule 23(1)]**

**Worker-Register**

**[Section 9 (1) (2), Rule 13 (1)]**

Name of the factory/establishment: .....

Address of the factory/ establishment: .....

Classification of workers: .....

Sl. N o.	Name and NID no of work ers	Fath er's nam e	Moth er's name	Sex, date of birth and age	Perm anent Addr ess	Date of appoi ntme nt	Desi gnat ion and grad e	C ar d no . .	Du e lea ve	W or ki ng pe rio d	Ti m e of br ea k	W ee kly ho lid ay	N a m e of gr ou p	Sh ift an d rel ay	D es cri pti on of tra ns fer of gr ou p	R e m ar k
1	2	3	4	5	6	7	8	9	10	10	11	12	13	14	15	16

**Form- 9**

**[Section 10, 115, 116 and 117 and Rule 24 and 108(1)]**

**Register of Leave and Leave-Book**

Name of the factory/establishment: .....

Address of the factory/establishment:.....

Name of the worker: ..... Card No. ..... Designation: .....

Serial no. of worker-register: .....

Name of division or section: ..... Date of appointment: .....

Annual leave accumulated in the beginning of year	What kind of leave has been requested			If the request is rejected or kept pending, mention the reason	Date of granting the leave	How many days of leave have been granted	Number of annual leaves which have been cashed and date of payment	Amount of remaining due leave			Worker's signature	Employer's/manager's signature
	Annual	Casual	Sick					Annual	Casual	Sick		
1	2	3	4	5	6	7	8	9	10	11	12	13

**Form- 10****[Section 16 and Rule 25(1), 32(a) (i), 32 (b) (iv)]**

Description of Laid-Off/Locked Out/Closed/Shifted Factory/Establishment

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Sl. No.	Number of affected workers due to lay-off/lock-out/shifting/closure	Duration and reason of lay-off/lock-out/shifting/closure	Probable date of starting and description	Remarks
1	2	3	4	5

**Form- 10 (A)****[Section 17 and Rule 26]**

List of workers of Laid-Off/Locked Out/Closed/Shifted Factory/Establishment

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Section or Department: .....

Sl. No	Name of worker	Designation and ticket/card no.	Date of hiring	Date of lay-off/lock-out/closure/shifting of worker	Reason of lay-off/lock-out/shifting/closure	Time-limit of lay-off/lock-out/shifting/closure	Amount of compensation provided to worker	Resident allowance (in Taka)	Total amount of given money (8+9) no. column	On which dates worker has appeared to work
1	2	3	4	5	6	7	8	9	10	11

**Form- 11**

**[Section 22 and 28(1)]**

**Certificate for Disability**

"On Registered Doctor's Pad"

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Name of the worker: ..... Designation: .....

Ticket, card or token No: ..... Age: .....

Job description: The list of works in which the worker was employed to do or used to do before being disable—

- 1)
- 2)
- 3)

What are the reasons for which doctor is considering disable to do the works

- 1)
- 2)
- 3)

Description of the other tasks which the worker is able to do—

- .....
- 1)
  - 2)
  - 3)

Other remarks

- 1)
- 2)
- 3)

.....  
Signature of the registered medical practitioner issuing certificate

Seal.....

Date.....

**Form- 12****[Section 25 and Rule 30]****Register of Fine**

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Sl. No.	Name	Token or ticket no.	Division	The activity or lapse for which this fine has been imposed on	Amount of wages given during the wage-period	Amount of fine and its imposition	Date of collecting fine	The sector where the fine-money will be spent	Remarks
1	2	3	4	5	6	7	8	9	10

**Form- 13****[Section 31 and Rule 31]****Certificate of Service  
“On establishment’s pad”**

Name of the factory/establishment: ..... Worker's name ..... Token, card or ticket No. ..... Section/division.  
 From ..... to ..... has been in service as ..... at this establishment. His/her employment has terminated in/on ..... due to retirement/retrenchment/ discharge/dismissal/ transfer/ resignation.  
 His/her employment history is recorded in service book.  
 (Worker's information according to establishment's record)

Name of the worker: .....

Father: .....

Mother: .....

Husband or wife: .....

Date of birth: .....

Designation: .....

Card, ticket or token No. .....

Last received wage: .....

Signature of employer or manager  
Date: .....

**Form- 14**

**[Section 33(3) and Rule 33, 205(1) and 351(1) (a)]**

**Filing Complaint to the Labour Court**

Labour Court: .....

1) Name, address, and full details of the aggrieved worker: .....

2) Name, address, and full details of employer against whom the complaint has been filed: .....

3) Joining date, designation, last obtained/received wage, last working day of the labour (if applicable)

4) Write the complaints one by one here:

(a).....

(b).....

(c).....

(d).....

5) Date of originating the reason to complain: .....

6) On which date the complaint has been brought up to employer's attention in order for remedy of the complaint: .....

7) Whether the employer has informed his decisions. [If he has, keep a copy or summary of that decision in a file along with this form]

.....

8) Date of decision by the employer.....

9) Mention if the conflict has already been raised in accordance with Bangladesh Labour Act 2006:

.....

10) Attachments (if any): .....

.....

11) Write down the expecting remedies one by one:

(a).....

(b).....

(c).....

(d).....

.....  
Signature of applicant aggrieved worker  
Date: .....

.....  
Signature of applicant

**Form- 15**

**[Section 34, 36, 37 and 277 and Rule 34(1) and 336 (4)]**

**Certificate of Age and Fitness**

"On Registered Doctor's Pad"

<b>Certificate of age and fitness</b>	<b>Certificate of age and fitness</b>
1) Serial No. ....	1) Serial No. ....
Date .....	Date .....
2) Name .....	
3) Father's name	I hereby certify that I have personally examined (name)..... father..... mother..... Address..... .....
4) Mother's name	
5) Sex	S/he is willing to be employed in the establishment, and the followings have been found from my examination— his/her age is..... and s/he is eligible to be employed in the establishment as an adult / adolescent.
6) Permanent address .....	His/her identification marks.....
7) Temporary or contact address .....	
8) Age/date of birth according to birth certificate / academic certificate.....	
9) Physical fitness .....	
10) Identification marks	
Signature/thumb impression of concerned person	Signature/thumb impression of concerned person
Signature of registered medical practitioner	Signature of registered medical practitioner

**Form- 15 (A)****[Section 34, 36, 37, and 277, Rule 34 (1) and 336 (4)]****Register of Adolescent Workers**

Name of the factory/ establishment: .....

Address of the factory/ establishment: .....

Sl. No.	Name	Name of father, mother or guardian	Type of work	Number and date of the certificate of fitness	Name of the Doctor issuing the certificate of fitness	Designatio n and group number	Description of transfer from one group to another	Remarks
1	2	3	4	5	6	7	8	9

**Form- 16****[Section 43 and Rule 35(1)]****Notice Regarding Working Hour of Adolescents**

“On establishment’s pad”

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Registration no. of the factory/establishment .....

Shift/Relay no. (If any) ..... Group No. (if any) .....

Day	When the work starts	Ending time	Time for break
1	2	3	4
Friday			
Saturday			
Sunday			
Monday			
Tuesday			
Wednesday			
Thursday			

Signature of Manager  
Date: .....

**Form- 17**

**[Section 45(3) (b) and Rule 39(5)]**

Certificate of Fitness for Pregnant workers of (Tea garden) to do light works

“On Registered Doctor’s pad”

Name of the garden/establishment: .....

Name of worker: ..... Present designation: .....

Card No. .....

Expected date of delivery of children .....

What kind of light work the worker is capable to perform.....

The worker is capable to do the light work till the date of: .....

Signature and seal of registered medical practitioner

**Form- 18**

**[Section 45(3) (a) and 47(1) and Rule 39(1)]**

**Notice to Inform About Pregnancy**

To

Employer/Manager

.....

(Name and address of establishment)

I, (name)....., designation ....., card no. ...., is working in ..... Section of the above mentioned establishment I am hereby informing you that the expected date of delivery of my child is .....(according to the examination of Doctor).

For the purpose of fulfilling the objective of section 47 (4) and 49 and Rule 29(2) of the Act, I am nominating.....

.....(name and full address of the nominated person) to collect my due maternity allowance if I fail to appear physically.

Nomination date: .....

Worker's signature/thumb impression

**Form- 18 (A)**

**[Section 47(2) (4) and Rule 39(1)]**

**Post-Delivery Notice**

To,

Employer/Manager

.....  
(Name and address of establishment)

I, (name)....., designation ....., card no....., is working in ..... Section of the above mentioned establishment. I am hereby informing you that I have delivered my child in (date) ..... In accordance with the conditions of section 47 of Bangladesh Labour Act 2006, essential certificate given by registered medical practitioner is attached herewith.

In accordance with section 49 and Rule 29 (2) of the Act, I am nominating.....

..... (name and full address of the nominated person) to collect my due maternity allowance because of failure to appear physically.

Nomination date: .....

Worker's signature/thumb impression

**Form- 19**

**[Section 47 and Rule 39(4)]**

**Register of Workers Receiving Maternity Benefits**

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Division of service				Serial number		Date of hiring	Date of giving notice in order to get maternity benefits under subsection (1) of section 47	Number of wage-obtained days and the amount of obtained wage three months before the date of giving notice in order to get maternity benefits under section 47	
Name	Age	Group No.	Relay No.	Worker's register	Register of wage			Number of wage-obtained days	Amount of money
1	2	3	4	5	6	7	8	9	10

Daily average wage calculated in accordance with section 48	Date of child delivery	Date of giving post-delivery notice	Date and amount of first installment's payment	Date and amount of second installment's payment	Name and address of that person to whom the due payment money was given in absence of that female worker	Signature of employer or manager	Remarks
11	12	13	14	15	16	17	18

**Form 20**

**[Section 51, 59 and 92, Rule 44 and 87(8) (e) and Clause 4(b) of Schedule -2**

**Register of Whitewash and Painting**

Name of the factory/establishment: .....

Address of the factory/ establishment: .....

Part of the factory/establishment—for example, name of the room	The Parts, for instance, walls, ceiling, things made of wood that have been whitewashed, painted, or burnished, etc.	Which was done (Whitewash, applying color, or burnish)	Date of whitewash, applying color, or burnishing (according to Gregorian calendar)			Signature of employer/authorized officer	Remarks
			Day	Month	Year		
1	2	3	4	5	6	7	8

**Form- 21**

**[Section 55, Rule 48 and Clause (5) (b) of Schedule-1]**

**Register of Humidity**

Factory's name: .....

Division ..... Identification mark or no .....

Location of the division .....

Hygrometer .....

Date, Year	Reading on the Hygrometer						Do not write anything if there is no humidity	Remarks		
Month, days of week	Between 7am to 9am		Between 11am to 2pm (not other times)		Between 4pm to 5.30pm					
	Dry bulb	Wet bulb	Dry bulb	Wet bulb	Dry bulb	Wet bulb				
1 <sup>st</sup>										
2 <sup>nd</sup>										
3 <sup>rd</sup>										
4 <sup>th</sup>										
5 <sup>th</sup>										
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27 <sup>th</sup>										
28 <sup>th</sup>										
29 <sup>th</sup>										
30 <sup>th</sup>										
31 <sup>st</sup>										

Follow this in the beginning of month: Cut the Fridays, holidays and the extra days of particular months which have less than 31 days. It is hereby certified that the entries given above are correct.

(Signed) .....

**Form- 22****[Section 62 and Rule 55(10)]****Record Book of Training Course on Fire Extinguishing**

Name of the factory/establishment: .....

Address of factory/establishment: .....

Total number of workers and employees: ..... Male: ..... Female: .....

Sl. No.	Date and time	Type of training			Name of the agency which is conducting the training	How many workers are participating in the training?			Duration of training	Employer's / Manager's signature	Remarks
		Fire extinguishing	Rescue r	First aid		Male	Female	Total			
1	2	3	4	5	6	7	8	9	10	11	12

**Form- 22 (A)****[Section 62(8) and Rule 55(14)]****Record Book of Fire Extinguishing Drill**

Name of factory/establishment: .....

Address of factory/establishment: .....

Total number of workers and employees: ..... Male: ..... Female: .....

Sl. No.	Date and time	Name of the agency which is conducting the drill	How many workers have participated in the drill			How much time the drill took
			Male	Female	Total	
1	2	3	4	5	6	7

Name and designation of establishment/ factory authority who was present during the drill	Signature of fire service representative/worker representative who were present during the drill	Record of the incident if any worker gets injured during the drill
8	9	10

**Form- 23**

**[Section 64(1), 78(1)(a) and 79(d) and Rule 57(1), 67(3) and 68(9)]**

Register of Personal Safety Appliances and Safety of Workers' who are employed at or near to the  
Moving Machineries

Name of factory/ establishment: .....

Address of factory/ establishment: .....

Sl. No.	Serial no. of workers' register	Name of worker	Age	Nature/type of work	Description and date of proving close-fitting dress and personal safety appliances	Description of workers' training for the work mentioned here	Signature or thumb impression of the worker	Remarks
1	2	3	4	5	6	7	8	9

**Form- 24****[Section 68(a) (3) and 69(1) (c) and Rule 60(1)(d)]****Description of Examination of Crane and Other Lifting Machines**

Name of factory/ establishment: .....

Address of factory/ establishment: .....

**First Part**

Identification number and marks of machine, chain, lifting cords, crane or rope		Certificate of overall test and verification		Name and address of the person who issued the certificate
		Date of providing certificate	Reference in certificate	
1	2	3	4	
				Signature of the occupant

.....  
Name and address of factory/ establishment

.....

**Second Part**

Identification number and marks of machine, chain, lifting cords, crane or rope		Reference number of overall test and verification	Name and address of the person who examined and conducted the verification	Remarks Brief description of defects and what measures have been taken against it
1	2	3	4	

**Third Part**

Identification number and marks of machine, chain, lifting cords, crane or rope		Certificate number of test and verification	Date of welding or applying heat and the person who conducted the task	Brief description of defects which are harmful for lifting load safely and what measures have been taken to fix it
1	2	3	4	

**Form- 25**

**[Section 71 and Rule 62(6)]**

"On Examiner's Official Pad"

**Report of examination of Pressure Vessel**

1) Name and address of factory: .....

2) Name and address of occupant: .....

3) Name and description of pressure vessel: .....

4) Type of the process-error which usually happens: .....

5) Date of construction (brief history/background in brief): .....

.....

6) Date of last hydraulic test and used/given pressure: .....

7) If the vessel has been kept open or kept in other air pressure or kept in damp condition: .....

.....

8) If all the fittings and equipment/machines have been preserved properly and in well condition:

.....

9) What repair has been done: .....

10) Safe operational pressure: .....

11) Other observations: .....

Date: .....

Signature of the examiner.....

Address .....

**Form- 25 (A)**

**[Section 71 and Rule 62 (8)]**

Register of examination of Pressure Vessel

Name of the factory/establishment: .....

Address of factory/establishment: .....

Sl. No.	Name of the establishment	Name of management authority	Name and descriptio n of pressure vessel	Type of defect and description of repairing	Date of construction	Date of last hydraulic test and given pressure, and maximum safe pressure	Present condition and location of pressure vessel	Remarks/ observatio n
1.	2	3	4	5	6	7	8	9

**Form- 26**

**[Section 79 and Rule 68 (4)]**

**Certificate of Health and fitness of those Workers Who Are Employed to Dangerous Operation**

**“One Registered Doctor’s Pad”**

<b>Certificate of age and fitness</b>	<b>Certificate of fitness</b>
1) Serial No. ....	1) Serial No. ....
Date .....	Date .....
2) Name .....	
3) Father's name	I hereby certify that I have personally examined (name)..... father..... mother..... address.....
4) Mother's name	
5) Sex	S/he is employed in ..... establishment, and the following results have been found from my examination— his/her age is..... and s/he is employed as an adult and fit/unfit to be appointed at the mentioned work. S/he is suffering from ..... disease (if any)
6) Permanent address .....	His/her identification marks.....
7) Temporary/ present/ contact address .....	
8) Age/date of birth according to certificate.....	
9) Physical fitness .....	
10) Identification marks	
Thumb impression of concerned person	Thumb impression of concerned person
Signature of registered medical practitioner	Signature of registered medical practitioner

Thumb impression of concerned person

Signature of registered medical practitioner

**Form- 26 (A)**

**[Section 79 and Rule 68 (6)]**

Register related to Health Check of Those Workers Who Are Employed at Dangerous Operation

Name of the factory/establishment: .....

Sl. No . .	Name of worker	Design ation and card/to ken no.	Sex	Date of birth/ age	Date of being appointe d in current work	Nature/ type of work or professio n	Raw materials or by- products which are used at work	Date and result of the examinatio n conducted by the certifying medical practitioner	the date when the worker was certified as fit	Described it if the worker is certify as unfit or abstaine d from work	Signature (with date) of certifying medical practition er
1	2	3	4	5	6	7	8	9	10	11	12

Address of factory/establishment: .....

**Form- 27**

**[Section 80 and Rule 69(2) and 70]**

**Notice of Accident**

(Separate notice for each injured/deceased person)

1) (a) Name and address of factory/establishment: .....

.....

(b) Registration No. of factory/establishment: .....

(c) Telephone, mobile, fax, and email number: .....

2) (a) Name and address of management authority (with phone no.): .....

(b) Name and address of the contractor (in applicable case) (with phone no.): .....

3) Nature and type of product/service which is manufacture in the establishment: .....

4) Date and time of the accident: .....

5) Place/section/division (where the accident was occurred): .....

6) Brief description of the accident: .....

(a) Reason of accident: .....

(b) Nature of wound/injury .....(light/major/death) .....

(c) Number of expected days of being absent in work: .....

7) Description of the person with whom the accident occurred: .....

(a) Name: .....

(b) Address: Present.....

Permanent: .....

(c) Age: .....

(d) Sex: ..... (e) Card/ token no. .....

(f) Designation: ..... (g) Wage: .....

8) Name, address and brief description of witnesses of the accident: .....

(a) .....

(b) .....

9) Name and address of the registered medical practitioner to whom the person who fall into victim of the accident was taken

.....

10) Date and time of sending away the notice of accident .....

Signature of employer/manager

Explanatory annotation:

1) The information given above in the form must be provided separately in cases of permanent and seasonal factories.

2) The definitions mentioned below must be remembered while filling up the form:

Permanent complete physical disability shall mean, decrease in earning ability by 100% or more due losing complete eye sight of both eyes of the worker or as a consequence of the initially reported injuries or cumulative injury.

Permanent partial physical disability shall mean such disabilities that decrease the ability to perform all the specific works he was able to perform during the accident. Provided that, all the injuries specified in the primary report shall be considered to have created permanent partial physical disability. Temporary physical disability shall mean such disability that makes the worker unable to join the work.

Serious physical injury means the injuries other than the once causing permanent partial disabilities, that obstructs the worker from joining the work for more than 20 (twenty) days.

Simple accident shall mean the accidents that makes the worker unable to join his work within 48 (forty eight) hours.

**Form- 27 (A)**

**[Section 80 and Rule 69 (3)]**

Final Report on Accidents and Occupational Diseases

(It is sent after joining at work after recovering from temporary physical disability)

1) (a) Name and address of factory/establishment: .....  
.....

(b) Registration No. of factory/establishment: .....

(c) Telephone, mobile, fax, and email number: .....

2) (a) Name and address of management authority (with phone no.): .....

(b) Name and address of the contractor (in applicable case) (with phone no.): .....

3) Nature and type of product/service which is manufacture in the establishment: .....

4) Date and time of the accident: .....

5) Place/section/division (where the accident was occurred): .....

6) Description of the person with whom the accident occurred: .....

(a) Name: .....

(b) Address: Present.....

Permanent: .....

(c) Age: .....

(d) Sex: ..... (e) Card/ token no. ....

(f) Designation: ..... (g) Wages: .....

7) Type of the accident: (mark the appropriate box):

(i) Death: .....

(ii) Complete permanent physical disability .....

(iii) Partial permanent physical disability .....

(iv) If the person is absent at work for more than 20 days due to injury .....

(v) Due to injury if the person remains absent more than 16 hours and next 20 days since the accident  
(if the box is marked then

6-10 articles/clauses will not be fulfilled.....

8) Mark the injury list below (as the case may be) if the injured person becomes physically disable permanently due to accident:

**Mutilation: Elbow of right-arm or**

Above the elbow.....

Below the elbow of right-arm...

Leg- on knee or above the knee

Ability to hear.....

Thumb.....

A bone of thumb.....

Big toe or hallux.....

**Elbow of left-arm or**

Above the elbow.....

Below the elbow of left-arm

Below the knee.....

In one eye.....

On all toes in one foot....

Index finger/forefinger...

Any other finger than the forefinger

9) Classification of type of accident (mark the appropriate place)

(i) Falling of any person: .....

(ii) Falling of an object: .....

(iii) Object hit by other object which did not fall: .....

(iv) Electricity: .....

(v) Poison, corrosive or harmful object, radiation.....

(vi) Explosion.....

(vii) Fire.....

(viii) Water access at full pelt.....

(ix) Suffocation for gas leak.....

(x) For other reason.....

(Write specifically, e.g. putting excessive force/ excessive movement, etc.)

10) Classification of subsidiary objects for accident: (mark the appropriate place):

(i) Main operator machine: .....

(ii) Operating machines: .....

(iii) Lifting machines: .....

(iv) Operative machineries.....

(v) Other machineries and installations.....

(vi) Rail transport.....

(vii) Other transport or cargo transport.....

(viii) Machineries used by hands.....

(ix) Any other objects (write specifically; e.g. water transport, pressure vessel, burner, oven, kiln, etc.).....

11) Timeframe of absence at work (work hours): .....

12) Name and address of the medical practitioner to whom the injured person taken for treatment:  
.....

13) Date of submitting the report: .....  
.....

Signature of the occupant/ manager/ representative

Date: .....

**Form- 27 (B)**

**[Section 81 and Rule 71]**

Notice of Dangerous Accident

Inspector General.....

Dear Sir,

I hereby give the following notice on explosion in establishment's machineries/ fire/ dangerous incident/ threat:

1) (a) Name and address of the factory/ establishment:.....

.....

(b) Registration no. of the / establishment:.....

(c) Telephone, mobile, fax, email: .....

2) (a) Name and address of management authority (with phone number): .....

.....

(b) Name and address of the contractor (in applicable cases) (with phone number): .....

.....

3) Type/genre of products/services which are manufactured in establishment:.....

.....

4) Date and time of the accident:.....

5) Place/section/division (where the accident occurred): .....

6) Brief description of the accident:.....

7) If any one died or got injured:.....

8) Name of those people who witnessed the incident and may give notable testimony:

Signature.....

Date.....

**Form- 28**

**[Section 80 and Rule 73(1)]**

**Register of Accidents and Dangerous Incidents**

Name of the factory/establishment:.....

Address of the factory/establishment:.....

Sl. No .	Name, ID card no and Designati on of the injured person	Date and time of the accident or dangero us incidents	Date of giving notice to the Inspector ( If the injured worker fails to join the work for more then two works-day)	Type of accident or dangerous incidents (light/deep/deat h), description of injuries (place/types of injury) and brief description of the incident	Date of gettin g back to work	Time for which the injure d worke r was absen t at work	Name of the Hospital/clinic/Doctor	Percent age of loss of earning capacity / information relating to giving compensation (if any)	Remar ks
1	2	3	4	5	6	7	8	9	10

**Form- 29**

**[Section 82 and Rule 68 (7) and 74(1)]**

Notice of occupational and Poisoning Related Disease

[It must be submitted within 24 hours of diagnosis of the disease]

1) (a) Name and address of the factory/ establishment:.....

.....

(b) Registration no. of the / establishment:.....

(c) Telephone, mobile, fax, email: .....

2) (a) Name and address of management authority (with phone number): .....

.....

(b) Name and address of the contractor (in applicable cases) (with phone number): .....

.....

3) Type/genre of products/services which are manufactured in establishment:.....

.....

4) Description of the affected person:.....

(a) Name.....

(b) Address: Present:.....

Permanent:.....

(c) Age:.....

(d) Sex:..... (e) Card/ token no.....

(f) Designation:..... (g) Wages.....

(h) Date of joining at service:.....

(i) Concern doctor's name and address if s/he is under medical treatment:.....

.....

It is assumed that the worker is suffering from occupational disease, and the name of this disease is.....

Name of person who has given the notice

Date.....

### **Form- 30**

**[Section 68, 69, 71, and 88, Rule 60(1)(a), 60(1)(e), 60 (1) (m), 62, 65(2) and Sub-article (7)(a) of Schedule-3]**

Announcement for a Competent Person/establishment to Examine Crane and other Lifting Machineries, Pressure Plant, Vessel, and Loose Gear

Under the Section of the Act and related rule and authority bestowed to Inspector General, acting officer engineer.....has been announced as the “eligible person” for the following two years from the date of issuing this order, subject to the conditions mentioned below. S/he has been announced as the “eligible person” in..... port and for examining crane and other lifting machineries, pressure plant, vessel, and loose gear in factory/ establishment located in ....., and providing certificates.

- 1) Calibration certificate of machineries (which are used to scrutiny) has to be submitted to Inspector General on March 31 of every year.
- 2) The Competent person has to be physically present while scrutiny.
- 3) The Competent person has to inform the date and place to Inspector General while scrutinizing. It is better to inform before the scrutiny.
- 4) S/he has to submit a quarterly report, related to the scrutiny certificates issued by him, to Inspector General.
- 5) The authority can reject his/her certificate of competency anytime without any explanation.

Certificate of competency can be rejected automatically, if—

- a) it is not renewed within two years after the order is issued.
- b) it is not renewed within two years of leaving the eligible person.
- c) it is not renewed within two years of the rejection of order.

- 6) If the competent person wants to apply again then s/he has to apply 60 days before his/her Competency expires.

Name..... (Inspector General)

Engineer/ In charge

Measures.....

### Form- 31

**[Section 88, Rule 75 and Clause 8(a), 10(a), and 11(a) (2) and 12(d) of Article (A) of schedule-3]**

Process of examination and verification before start using lifting machineries and gears has to be conducted in each winch (with derricks, gooseneck, eye bolt and other attached parts) of by-law 8(a), 10(a)(d) and 11(a) (2) by putting on the proof load and putting off the safe working load mentioned below:

(a) Examination before starting the use of lifting machineries:

Safe load	Proof load
Up to 20 ton.....	With additional 25% load
20-50 ton.....	With additional 5 ton load
More than 50 ton.....	With additional 10 ton load

If proof load needs to be put then it should be done through movable weight elevator, and derrick should be swung to both sides to its possible extent after elevating weight.

(b) Each crane with all gear tools and other lifting machineries should be verified with additional proof load of safe working load:

Safe load	Proof load
Up to 20 ton.....	With additional 25% load
20-50 ton.....	With additional 5 ton load
More than 50 ton.....	With additional 10 ton load

The above mentioned proof load should be hang up in both side to its possible extent and swung while lifting it. In case of hydraulic crane or hoist though putting load more than 25% is not possible because of the limitation of pressure level, putting the possible extent of load should be sufficient.

(c) Each part (whether it is a part of machine or not) of loose gear should be verified by putting the proof load equal to the following measurement.

Articles of gear	Proof load
Ring, hook, shekel, swivels, pulling back.....	Double of safe working load
Single sheave block.....	Four times more than safe working load
Powerful enough to carry 20 ton safe load.....	Double of safe working load
Multiple sheave block	
Powerful enough to carry more than 20 ton, up to 40 ton	One and half times more than safe working load
Multiple sheave block	

(d) After scrutinizing in above mentioned process, gear, pulley back's pin, and wheel of crane/pulley should be scrutinize by taking out its parts by parts. It should be noticed that if any parts have become disjointed as a result of that scrutiny.

(e) In case of cable rope, it should be scrutinize by breaking off one sample, and the safe working load will not be more than one-fifth of the scrutinized sample which broke off because of that load.

**Form- 31 (A)**

**[Section 88, Rule 75 and Clause 12, 13(a), 13(b) and 15 of Schedule-3]**

Annual Examination (By Witnessing) and Quinquennial/ 05 (Five) Year Examination (With Proof Load) of Parts that are Permanently Attached with Rig and Deck Besides Derrick, Crane-Derricks

**First part**

If all derrick boom, crane and above mentioned gears are taken under annual scrutiny and quinquennial/ 05 (five) year scrutiny then it is alright to write "All crane, derrick boom and above mentioned gears" in column 1. If it does not happen then mention the parts clearly which were Examined on that following date under annual scrutiny and quinquennial/ 05 (five) year scrutiny. Quinquennial/ 05 (five) year scrutiny means examination with proof load.

**Quinquennial/ 05 (five) year scrutiny**

Placement/ location of the scrutinized gear and its description (mention identification number and marks, if any)	Certificate number of scrutiny and verification by the eligible person	I hereby certify that I have specifically examined the gear mentioned in column 1, on the date of signature given by me. And no defect in safe work capacity has been seen except the defect mentioned in column 5.		Remarks (with date and signature)	I hereby certify that I examined the gear mentioned in column 1, on the date of signature given by me. And no defect in safe work capacity has been seen except the defect mentioned in column 12.						Remarks (with date and signature)	
		Date and signature	Date and signature		Date and signature	Date and signature	Date and signature	Date and signature	Date and signature	Date and signature		
1	2	3	4	5	6	7	8	9	10	11	12	

**Annual scrutiny of Winch, hoist related gear:**

**Second part**

Exhibit the machineries and gears in column 1 which have been annually scrutinized. If all winches (with attached gears) have already been scrutinized then it is alright to write "All winch, blocks, shackle and other parts, and gear". Annual scrutiny means conducting scrutiny by witnessing. But if it is necessary, scrutiny can be conducted by hitting parts hammer without jeopardizing its safety, or following any other way. And if it is essential further, parts and gear's scrutiny can be done by taking off its parts by parts.

Description and placement/location of the examined parts and gear with its number and marks (if any)	Certificate number of examination and verification	I hereby certify that I examined the exhibited machine and gear mentioned in column 1 as annual scrutiny, on the date of the signature given by me. And no unsuitable defect in safe work effectiveness has been seen except the defect exhibited in column 6.			Remarks (with date and signature)
		Date and signature	Date and signature	Date and signature	
1	2	3	4	5	6

**Form- 31 (B)**

**[Section 88, Rule 75 and Clause 13(a)(1)(i) and 13(b) of Article (A) of Schedule-3]**

Certificate of verifications and examination of winch, derricks and attached gear before using those in work

Verification certificate No.....

Placement/ location of the examined gear and its description with number and identification marks, (if any)	Derrick boom's angle with surface while putting load on it	Applied proof load	Any safe working load exhibited in column 2
(1)	(2)	(3)	(4)
	Degree	Ton	Ton

I hereby certify that on date.....of 20.....years, the above mentioned machineries with attached gears have been verified by an competent person in a way which is written in following page; after the careful verification of those machineries and gear, it has been noticed that it is capable to carry proof load without any damage or permanent distortion, and the capacity of those machineries and gear to carry the safe working load is written in column 4.

.....

Signature

Date.....

Qualification (See note no.3)

Note:

1. In Column no. 1, the name of the ship has to be mentioned if the machine is established on the ship. There must be proper information to identify the gear, for example, hold, etc, number should be mentioned in case of winch or derrick.

2. In Column no. 2 according to traditional way, derrick should be scrutinized from its bottom.

3. Meaning of "competent person":

(a) In case of such machineries which are not established on the ship, any person employed by the port authority with the permission of Inspector General;

(b) In case of such machineries which are established on the ship, any factory official approved by Inspector General in order to nominate an competent person, or any person nominated by any authority which is approved by Inspector General in order to nominate an competent person to serve the purpose of by-law 10 (b). And in case of such machineries which are established on the ship whose registration was done from somewhere outside Bangladesh, any employed person to supervise the implementation of 1932's international rules related to dock workers' safety (amended) initiated by International Labour Organization (ILO).

### Form- 31 (C)

**[Section 88, Rule 75 and Clause 13(a) (1) (ii) of Article (A) of Schedule-3]**

Certificate of examination of crane and its attached gear before using those in work

Verification certificate No.....

Description and location of the crane or hoist with its number and identification marks, (if any)	In case of jib crane, the radius-proof load has been applied (Fit)	Applied proof load (Ton)	Weight of safe working load mentioned in column 2 which is established on jib crane (Ton)
(1)	(2)	(3)	(4)

I do hereby certify that on date.....of 20.....years, the above mentioned machineries with attached gears have been verified by an competent person in a way which is written in following page; during the verification, it proved to be capable to carry proof load without any obstacle and the capacity of those machineries and gear to carry the safe working load is written in column 4.

.....

Signature

Date.....

Qualification (See note no.3)

Qualification (See the note no.3)

Note:

1. In Column no.1 sufficient information has to be recorded on crane or hoist -----. The name of the ship has to be mentioned if the machine is established on the ship.

2. In Column no. 2 experimental load should be heavier to lighter in weight if the radius of jib is changeable.

3. Meaning of “competent person”:

- In case of such machineries which are not established on the ship, any person employed by the port authority with the permission of Inspector General;
- In case of such machineries which are established on the ship, any factory official approved by Inspector General in order to nominate an eligible person, or any person nominated by any authority which is approved by Inspector General to follow the issued in by-law 10 (b) in order to nominate an eligible person. And in case of such machineries which are established on the ship whose registration was done from somewhere outside Bangladesh, any employed person to supervise the implementation of 1932's international rules related to dock workers' safety (amended) initiated by International Labour Organization (ILO).

**Form- 31 (D)**

**[Section 88, Rule 75 and Clause 13(a) (2) of Article (A) of Schedule-3]**

Certificate of scrutiny of grab chain, ring, hook, cleat, revolving clip and all pully blocks before using those in work

Verification certificate No.....

Number and identification marks (1)	Description of gear (2)	Date of verification (3)	Applied proof load (4)	Weight of safe working load (4)

1) Was the gear been verified by an eligible person after imposing proof load on it? And is the gear capable to tolerate the pressure of proof load with having any crack, fracture, or any other defect?.....

2) Name and address of producer and distributors.....

I hereby certify that the above mentioned information is correct.

.....  
Signature

Date.....

Qualification (See the note)

Note: Meaning of “competent person”:

(a) In case of such machineries which are not established on the ship, any person employed by the port authority with the permission of Inspector General;

(b) In case of such machineries which are established on the ship, any factory official approved by Inspector General in order to nominate an eligible person, or any person nominated by any authority which is approved by Inspector General to follow the issued in by-law 10 (b) in order to nominate an competent person. And in case of such machineries which are established on the ship whose registration was done from somewhere outside Bangladesh, any employed person to supervise the implementation of 1932's international rules related to dock workers' safety (amended) initiated by International Labour Organization (ILO).

**Form- 31 (E)**

**[Section 88, Rule 75 and Clause 13(a) (3) of Article (A) of Schedule-3]**

Certificate of examination of rope or wire before using those in work

Verification certificate No.....

1) Name and address of the rope maker and distributor.....

2) (a) what is the length of the rope.....

(b) Number of stands.....

(c) Number of wire in each stand.....

(d) Lay.....

3) Name of the wire (that is to say, if it is made of the best steel).....

4) (a) Date of examining the sample rope.....

(b) The weight of the load which broke the sample.....

(c) Weight of safe working load in subject to minimum pulley bus, direct stencil, etc, in any special describable condition.....

I hereby certify that the above mentioned information is correct.

.....  
Signature

Date.....

Qualification (See the Note).....

Note: Meaning of "competent person":

(a) In case of such machineries which are not established on the ship, any person employed by the port authority with the permission of Inspector General;

(b) In case of such machineries which are established on the ship, any factory official approved by Inspector General in order to nominate an eligible person, or any person nominated by any authority which is approved by Inspector General in order to nominate an eligible person to serve the purpose of by-law 10 (b). And in case of such machineries which are established on the ship whose registration was done from somewhere outside Bangladesh, any employed person to supervise the implementation of 1932's international rules related to dock workers' safety (amended) initiated by International Labour Organization (ILO).

**Form- 31 (F)**

**[Section 88, Rule 75 and Clause 13(c) of Article (A) of Schedule-3]**

Certificate of welding chain, ring, hook, cleat, revolving clip

Verification certificate No.....

Number and identification mark (1)	Number of gear's description (2)	Certificate of scrutiny (3)	Number of people who were welding (4)	Date of welding (5)	Defects which were found after scrutiny (6)

I hereby certify that the gears shown in column 1 to 4 were welded in the best manner under my supervision on the date mentioned in column 5. Each gear was scrutinized carefully right after welding and no other defect has been seen except the defects mentioned in column 6.

.....  
Signature

Date.....

Qualification: Note (c) is noteworthy

(a) Necessary information related to qualification of the person who was supervising the welding form has been given below

(b) Although it is not mentioned in the rules, it is recommended that, the welding should be conducted in a kiln which can provide temperature from 1100 degree Fahrenheit to 1300 degree Fahrenheit or 600 degree centigrade to 700 degree centigrade for 30 to 60 minutes.

(c) Meaning of "competent person":

(i) In case of such machineries which are not established on the ship, any person employed by the port authority with the permission of Inspector General;

(ii) In case of such machineries which are established on the ship, any factory official approved by Inspector General in order to nominate an eligible person, or any person nominated by any authority which is approved by Inspector General in order to nominate an eligible person to serve the purpose of by-law 10 (b). And in case of such machineries which are established on the ship whose registration was done from somewhere outside Bangladesh, any employed person to supervise the implementation of 1932's rules related to dock workers' safety (amended) initiated by International Labour Organization (ILO).

**Form- 32**

**[Section 88, Rule 75 and Clause (4) of Article (C) of Schedule-3]**

Certificate of Building's Fitness

(On official pad)

[Name, address and phone no. of the engineer/the organization that provided the certificate]

It is hereby certified that M/S.....located in address.....

.....factory-building's establishment blueprint has been prepared by .....and approved by .....organization. The mentioned building has been constructed by the supervision of the institution/organization who signed below; the constructed of that building has been completed according to the approved blueprint and its specification.

The building is fit for power driven manufacturing process.

Name of the establishment (if any): .....

Name:

Designation:

Address:

Member no. if s/he is a member of any association (if it is appropriate)

Phone/Mobile no.:

E-mail:

Signature of certificate provider

Date: .....

**Form- 33**

**[Section 104 and Rule 101 (6)]**

Register of Weekly Compensatory Leave

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Sl. No.	Serial no. of workers' register	Name	Designation and token/ card no.	Group and relay no. (if it is appropriate)	Date and number of the exemption order given by the government	The deprived- weekly compensatory	Date of providing compensator y leave	Remarks
1	2	3	4	5	6	7	8	9

**Form- 34**

**[Section 108 (3) and Rule 102 (4)]**

Register of Daily Attendance and Overtime

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Registration No. .....

.....for the ending week.

1	2	3	4	5	6						
Sl. No	Serial No. of worker s' register	Name	Designatio n and token/ card no.	Group and relay no. (if it is appropriat e)	Every day's total work-hour						
					Frida	Saturda	Sunda	Monda	Tuesda	Wednesda	Thursda
					y	y	y	y	y	y	y

7	8	9	10
Total work-hour	Payable overtime (hours)	Percentage of per hour- wage	Total amount (taka) of payable overtime

N. B: employer or the manager can prepare the column 6 in monthly basis if it is necessary.

**Form- 35**

**[Section 109 and Rule 103 (1)]**

Consent Letter for Female to Work in nightshift

Name of the factory/ establishment: .....

Address of the Factory/establishment: .....

Name of worker: .....

Designation: ..... Card/token: .....

Section: .....

I hereby announce that I agree to work from 10 o'clock at night to 6 o'clock at dawn in night shift in condition of ensuring sufficient safety by the management authority during work.

If I, by myself, do not annul the consent letter, it will remain valid till next one (1) year.

Signature/thumb impression

Date: .....

**Form- 35 (A)**

**[Section 109 and Rule 103 (3)]**

Withdrawal of Consent Letter for Female to Work Overnight

Name of the factory/ establishment: .....

Address of the factory/establishment: .....

Name of worker: .....

Designation: ..... Card/token: .....

Section: .....

I hereby announce that in condition of ensuring sufficient safety by the management authority during work I gave consent to work from 10 o'clock at night to 6 o'clock at dawn in night shift on..... (date). Today, on ..... (date), I have withdrawn my consent letter due to some family issues/personal reasons. This withdrawal will be active from the first day of following week.

Signature/thumb impression

Date: .....

**Form 36**

**[Section 109 and Rule 103 (4)]**

Register of Consent of Female worker to Work in nightshift

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Sl. No.	Serial No. of workers' register	Name of the female worker	Designation and token/ card no.	Group and relay No. (if it is appropriate)	Date of giving consent	Date of annulling the consent	Worker's signature/ thumb impression	Manager's signature
1	2	3	4	5	6	7	8	9

**Form- 37**

**[Section 111 (8) and Rule 105(1)]**

(On establishment's Pad)

Notice of the working hours of adult Workers

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Registration No. ....

Day	Starting time	Ending time	Break for taking rest
Friday			
Saturday			
Sunday			
Monday			
Tuesday			
Wednesday			
Thursday			

.....  
Employer/Manager

Date: .....

**Form- 37 (A)**

**[Section 111 (8) and Rule 105(1)]**

(On establishment's pad)

Notice of the working hours of adult workers

(For such establishment or section of establishment where manufacture process is run in two-shifts)  
Name of the factory/establishment: .....

Address of the factory/establishment: .....

Registration No. .....

Day	Shift			Shift		
	Starting time	Ending time	Break for taking rest	Starting time	Ending time	Break for taking rest
1	2	3	4	5	6	7
Friday						
Saturday						
Sunday						
Monday						
Tuesday						
Wednesday						
Thursday						

N:B: Shift must be changed after every 15 (Fifteen) days. No female worker can be employed at night shift without her consent.

.....  
Employer/Manager

Date: .....

**Form- 37 (B)**

**[Section 111 (8) and Rule 105(a)]**

(On establishment's pad)

**Notice of the working hours of adult workers**

(For such establishment or section of establishment where manufacture process is always run and it is three-shift basis)

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Registration No. .....

Day	Nature of work			Nature of work			Nature of work		
	Group No.			Group No.			Group No.		
	Starting time	Ending time	Break for taking rest	Starting time	Ending time	Break for taking rest	Starting time	Ending time	Break for taking rest
1	2	3	4	5	6	7	8	9	10
Friday									
Saturday									
Sunday									
Monday									
Tuesday									
Wednesday									
Thursday									

N:B:

1. Shifts will be changed on the basis of relay
2. The list of monthly workdays should be attached after mentioning relay based vacation for weekly holidays.
3. No female worker can be employed at night shift without her consent.

Employer/Manager  
Date: .....

**Form- 38**

**[Section 121 and Rule 111 (1)and 111 (3)]**

Register of Wages and Wage-slip

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Registration No. ....

For.....week/from.....to..... till date.

Sl. No.	Sl. No. of workers' register	Worker's name	Main wages	House rent	Transportation	Medical treatment	Allowance for food (if it is provided)	Bonus for attendance	Hours of over- time	Allowance for each hour of overtime	Received allowance for overtime	Others
1	2	3	4	5	6	7	8	9	10	11	12	13

**Form- 39**

**[Section 127 and Rule 116 (1)]**

Register of Wage Deduction for Damaging or Destroying

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Sl. No.	Sl. No. according to workers' register	Name	Ticket or token	Designation and division	Reason of damaging	Amount of determined wage- deduction and date of its imposition	Number of installment and its amount, and date of collection	Date of collecting the whole amount	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

**Form- 40**

**[Section 129 and Rule 117 (3)]**

**Register of Advance and Requital**

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Sl. No.	Sl. No. according to workers' register	Name	Ticket or token	Designation and division	Amount of advance and the payment date	Number of requitals and amount of each requital, and date of collection	Date of collecting the whole amount	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

## **Form- 41**

[Section 19, 131 (1) (a), 155 (2), 234, 264, 265 and 273 and Rule 118(1), 136, 232(2), 262(1), 289(1) and 321(1)]

## The Form of Announcement and Nomination of Deposit and the Payment of Money Obtained from Various Sector



I hereby announce that in my absence or death, I nominate the following person/people to receive the deposit and money received from other sector in favor of me, and I instruct to distribute the money to the nominee/nominees according to following process:

Name, address and photo of nominee/nominees (nominees' photo and signature attested by the worker), and NID No.	Relationship between the members and the nominees	Age	Share given to each nominee
1.	2.	3.	4.
			Deposit
			Due wages
			Provident fund
			Insurance
			Compensation on accident
			Share of profit
			Other

I certify that Mr. .... has signed the announcement in my presence after reading the recorded description.

Signature, thumb impression of the worker  
who has provided the nominations, and date

.....  
Nominees' signature or thumb impression with Date  
(Photo attested by the worker)

Signature of employer or authorized officer  
Date.....

#### Form- 42

##### [Section 131 (1) (B) and 137 and Rule 119 (1)]

##### Form of the Payment of Money as Directed by the Court

On (date)....., Application no.....filed by (name of the applicant)..... against ..... on (context).....or in accordance with the direction given on (date).....an amount of .....Taka has been presented to receive.

.....  
Signature of depositor

If any amount of money is deposited as per ..... No. by-law, the Labour Court will grant receipt of that deposited money and in a same way, the Labour Court will consider the receipt as sufficient evidence to impunity about the deposit of money.

**Form- 43**

**[Section 131 (1) (b) and 137 and Rule 119 (2)]**

Receipt of Deposited Money in the Court

Name of the depositor: .....

Name of the recipient: .....

Application No. and date: .....

Name of the opponent: .....

Date of giving order: .....

Amount of deposited money: .....(in Taka)

Date of deposit: .....

.....  
Signature on behalf of Labour Court

**Form- 44**

**[Section 132 and Rule 120 and 205(2)]**

Application Form of Claiming the Payment of Wages

(For Individual Application)

Application No...../20.....

..... on behalf of the applicant

.....Lawyer/ Officer of Registered Union

and

.....Name of opposition-  
employer and factory/ name of the establishment respectfully state that,

1) .....named establishment/ employed person

Address of the applicant to send all sort of notice and issue summons.....

2) Opposition.....In accordance with section 121, the liable person to pay the due wages and address to send notice and issue summons.....  
.....

3) (1) the wages of applicant has not been paid on the time-limit are mentioned below.....

.....(date and day) or from.....to..... (date) or from  
wages.....taka of terminable wage-period of.....(date) have been illegally deducted  
to .....taka.

(2) [Provide an additional claim or explanation here]

4) Applicant determines his/her desired amends of.....taka.

5) Applicant's request/ prayer according to Sub-section (3) and (5) of Section 132

(a) Give order to pay his/her overdue wages which has been determined above or pay the due wage more or less under the consideration of the authority, or return the illegally deducted wage.

(b) Wish to order to pay maximum 25%.....as compensation

(c) Wish to order to pay 50% .....for the establishment/factory who announce minimum wage.

The applicant has certified the description of this application as correct according to his knowledge and belief.

.....  
Signature or thumb impression of the applicant's  
employed person, or his/her lawyer or authorized  
officer of registered trade union

**Form- 44 (A)**

**[Section 132 and Rule 120 and205 (2)]**

Application Form of Claiming the Payment of Wages  
(For Joint Application)

Application No...../20.....

.....and (mention the number).....and other  
.....Applicants

On behalf of.....Lawyer/Officer of Registered Union

and

.....opposition (Name of  
employer and factory/establishment)

Humble request of the applicant:

1) People whose names are mentioned in attached schedule..... named  
establishment/ employed person

Address of the applicant to send all sort of notice and issue summons.....

.....  
2) Opposition .....In accordance with section 121, liable person to pay their due wages and address to  
send notice and issue summons.....

.....  
3) The wages of applicants have not been paid on the time-limit are mentioned below.....

4) Applicants evaluate his/her desired amends of.....taka.

5) Applicants' prayer according to Sub-section (3) and (5) of Section 132:

(a) Give order to pay their overdue wages which have been determined above or pay the due wages  
more or less under the consideration of the authority

(b) Wish to order to pay maximum 25%.....as compensation

(c) Wish to order to pay 50% .....in case of the establishment/factory who  
announce minimum wage.

The applicants have certified the description of this application as correct according to their  
knowledge and belief.

.....

Signature or thumb impression of two applicants among all,  
or their lawyer or authorized  
Officer of registered trade union

Schedule:

Name of the applicants:

- 1)
- 2)
- 3)
- 4)

**Form- 44 (B)**

**[Section 132 and Rule 120, 205(2) and 351 (1)]**

Application Form of Claiming the Payment of Wages

Application Form by Legal Representative/Inspector

Application No...../20.....

.....(Applicant's name and designation).....legal  
representative/inspector to work according to section 132 and Rule 120 and 205.

.....applicant  
and.....opposition (name and address of employer and  
establishment)

Applicant's request:

1) According to the act opposition D, E, F are liable for paying the due wage to the person(s) mentioned below:

- 1)
- 2)
- 3)

2) His/her/their address to send notice or issue summons.....

3) The wages of applicants have not been paid on the time-limit are mentioned below.....

.....  
Illegally deducted in following manner

4) Applicants determine his/her desired amends of.....taka.

5) Applicants' request/ prayer according to section 132 by-law (3) (5):

(a) Give order to pay the due wages more or less under the consideration of the authority or  
return the money which was illegally deducted.

(b) Wish to order to pay maximum 25%.....as compensation

(c) Wish to order to pay 50% .....in case of the establishment/factory who  
announce minimum wage.

The applicants have certified the description of this application as correct according to their  
knowledge and belief.

.....  
Signature of legal representative/  
Inspector on behalf of complainant

**Form- 45**

**[Section 155 (1) and Rule 137 (1)]**

Submission of the compensation money and description to the Labour Court in case of accidental death

Name of the factory/establishment who deposited money: .....

Address of the factory/establishment: .....

1) Taka.....has been submitted to ..... Labour Court in order to deposit it as compensation for the death of worker as a result of an accident which occurred on.....(date):

Name of the death worker.....

Designation and card no. of the death worker.....

Age of the death worker.....

Father's name.....

Mother's name.....

Husband/wife's name.....

Present address.....  
.....

Permanent address: Village.....Post office.....

Thana (under which police station).....Upazila.....

District.....

2) Date of accident.....

3) I am interested/ not interested to support the activities of distribution of compensation.

Date.....20.....

.....  
Signature of employer or authorized officer

**Form- 46**

**[Section 155 (1) and Rule 137 (1)]**

Deposition of Compensation money in Labour Court for Other Cases Except Death

Name of the factory/ establishment that deposited the money: .....

Address of the factory/establishment: .....

- 1) It is hereby presented to .....Labour Court that compensation of ..... taka for the injured worker (description of the worker is given below) due to the accident occurred in ..... (date):

Worker's name: .....

Age: .....Designation:.....Card/token No.....

Present address: .....

.....  
Permanent address: Village:.....Post Office: .....

Thana (Police station): ..... Upazila: .....

District: .....

Date of the accident:.....

Description of the temporary physical injury happened to the worker:.....

Worker's monthly wage:.....

- 2) Before depositing the above mentioned money, the injured worker received—

Taka.....on date.....Taka.....on date.....

Taka.....on date.....Taka.....on date.....

Taka.....on date.....Taka.....on date.....

Total.....

Date.....20.....

Signature of employer or authorized officer

**Form- 47**

**[Section 155 (1) and Rule 137 (1) and 139(3)]**

Receipt of money deposited as Compensation

Book No.....Receipt No.....Register No.....

Name of the establishment who made the deposit.....

Name of the person who deposited the money.....

Dead or injured worker's name.....

Date of deposit.....

Amount of deposited money.....

.....  
Signature of the person of received

the money on behalf of Labour Court

**Form- 48**

**[Section 166 and 168 and Rule 139(1) and 205(3)]**

Application by the Injured Worker to Court for the Order of Giving Compensation

To the Labour Court.....

Name and address.....

.....applicant

Versus

Name and address.....opponent

The humble request is that—

1) The applicant is a worker who is employed in the opponent's establishment. The worker was appointed in employer's service when s/he got injured in accident occurred on .....

Reason of accident (a brief description of the reason of accident has been provided here).....

.....  
.....

2) The applicant has been injured as it is mentioned below.....

.....

3) Amount of applicant's monthly wage.....

4)      a) Notice of the accident was given on.....(date)

    b) How quickly the notice was sent

    c) The notice was not delivered (on time) because.....

5) Therefore, the applicant is the claimant of the amount of compensation mentioned below.....

    a) As monthly wage from.....to.....(date)

    b) Received money at a time.....

Date.....

Applicant

**Form- 48 (A)**

**[Section 166 and 168 and Rule 139 (1) and 205(3)]**

Application by the Dependent to Court for the Order of Giving Compensation

To the Labour court

.....

Name and address.....

.....applicant.

Versus

.....

Name and address.....opponent.

The humble request is that—

1) While working, a worker employed by the opponent (by the contractor of opponent).....

.....got injured physically in an accident following by the work and therefore, s/he died on.....20.....(date). The reason of injury was.....

.....  
(a brief description of the reason of accident has been provided here)

2) Relationship between the applicant/worker who died and the dependent.....

3) Amount of applicant's/dead-worker's monthly wage.....

4) Notice of the accident was given on.....(date)

5) The applicant is the claimant of total taka.....at Therefore, please be kind enough to accept/grant the application if the applicant is the claimant of receiving the compensatory mentioned above or any other compensatory.

Date.....20.....

Applicant

**Form- 48 (B)**

**[Section 166 and 168 and Rule 139 (1), 205(3) and 351(1)]**

Submission of report by inspector to the court when compensation is not given

To The Labour Court,

Dear Sir, according to section 150 and rule 127 (1) of Bangladesh Labour Act 2006 (amended), I am submitting a report below as the employer did not pay compensation to the worker:

1) Name, address and other information of the worker to whom the compensation has not been paid:  
.....

2) Name, address and other information of the employer who did not give the compensation:.....

3) Date and time of the accident: .....

4) Nature of the accident and the extent of damage of the capacity: .....

5) According to the Act, the associated amount of compensation due to the Act:.....

6) Opinion the officer giving the report relating to non –payment of the due compensation: .....

7) Opinion: .....

Date.....

Signature and seal of officer

who officer who will submit report

**Form- 49**

**[Section 158 (1) and 159 and Rule 141]**

Submission of accident's report after being commanded by the court

To

The Honorable Chairman

.....Labour Court

Dear Sir,

I am providing a description below of those workers who died in the accident occurred on .....  
..... (date) at my establishment.....

(Name and address of the establishment):

1) (a) Name and address of the establishment:.....

.....

(b) Factory's registration no

(c) Telephone, mobile, fax and email.....

2) (a) Name and address of the management authority (with phone number):.....

.....  
(b) Name and address of the contractor (in applicable cases) (with phone number):.....

.....

3) Nature and type of the product/service which are produced in the establishment:.....

.....

4) Date and time of accident:.....

5) Place/section/division (where the accident occurred):.....

6) Brief description of the accident:.....

(a) Reason of accident.....

(b) Type of injury.....minor/major/death.....

(c) Number of possible days of being absent at work.....

7) Description of the person or people to whom the accident occurred:

Sl. No	Name	Designation and card no.	Sex	Age	Wages	Present address	Permanent address	Remarks
1	2	3	4	5	6	7	8	9

NB: Any other relevant information.....

Signature and designation of the person who reported

.....

**Form- 50**

**[Section 170 (1) and Rule 147]**

**Memorandum of Agreement**

It is hereby presented that, 20.....year .....date, resident of .....got injured in an accident while being employed at his/her job in the establishment. S/he has become physically disable temporary due to the injury, and therefore, it has been calculated, the worker will be deprived of earning.....taka in total for.....months. From .....to .....(date), the worker received .....taka as monthly payment. The amount of monthly payment is..... taka.

It is also presented that the employer has agreed to pay to the worker total.....taka as due in accordance with Bangladesh Labour Act 2006, and the worker has agreed to receive that amount of money and settle the claim. Therefore, it is requested to keep the agreement recorded in appropriate manner.

Date.....20.....

Signature of employer.....

Witness.....

Signature of worker.....

Witness.....

Note: Both parties have to sign it if any application of agreement is required to be recorded. Provided that the opposition party agrees with the conditions of the agreement. But the signatures of both parties need to be taken whenever it is possible. Receipt of payment should be filled out. Today I have received .....taka as per the mentioned agreement.

Date.....20.....

The mentioned amount of money has been given and this receipt has been signed in front of me.

.....  
Witness

Note: The form can be changed due to special cases, e.g. injury caused by occupational disease, and legal disability, etc.

## **Form- 50 (A)**

### **[Section 170 (1) and Rule 147]**

#### **Memorandum of Agreement**

#### **Memorandum of Agreement**

It is hereby presented that, 20.....years.....date....., resident of .....(residence).....got physically injured in an accident while being employed at his/her job in the establishment and as a result being employed the work.

The physical injury caused the following permanent disabilities, to the above mentioned worker:

The monthly rate of wages of the above-mentioned worker:.....taka

Before the date of agreement the injured worker received the below:

Taka.....on date..... Taka.....on date.....

Taka.....on date..... Taka.....on date.....

Taka.....on date..... Taka.....on date.....

Taka.....on date..... Taka.....on date.....

It is also presented that the employer of the mentioned worker.....(name) has agreed to pay total.....taka as final settlement of all claims to the mentioned worker in accordance with Bangladesh Labour Act 2006 for the worker's above mentioned disability and the disabilities which have been seen currently.

In this case, it is requested to you to record the agreement properly.

Date.....20.....

Signature of the employer.....

Witness.....

Signature of the worker.....

Witness.....

Note: Application of recording the agreement can be presented with the signature of one party. Provided that the other party must agree with the conditions of the agreement. But the both parties have to sign it whenever it is possible.

Receipt (It has to be filled out if the payment has been given to opposition party)

As per the agreement, I have received.....at.....(time)

Date.....20.....

The mentioned payment has been given and the agreement has been signed in front of me.

.....

Witness

NB :The form can be changed due to special cases, e.g. injury caused by occupational disease, and legal disability, etc.

**Form- 50 (B)**

**[Section 170 (1) and Rule 147]**

**Memorandum of Agreement**

It is hereby described that, 20.....years.....Date....., resident of .....(residence) .....got physically injured in an accident while being employed at his/her job in the establishment and as a result being employed the work.

The injury caused temporary disabilities to the above mentioned worker. At present, s/he receives.....taka wages per month/ s/he did not receive any wages. Before accident, monthly wages of the worker were.....taka. The above mentioned worker is legally under the criteria of disable because.....

It is also presented that the employer of the worker.....(name) has agreed to provide.....taka as monthly payment at the period of temporary disabilities of the mentioned worker, and .....has agreed to receive that on behalf of the mentioned worker. This agreement will be held under some term and conditions—according to the Rule of the mentioned Act, the amount of monthly payment may vary because of the change in earning ability of that worker during his/her disability.

It is also agreed that according to section 153 of this Act, its rights will be unchanged though this agreement. In this case, it is requested to record that agreement properly.

Date.....20.....

Signature of the employer.....

Witness.....

Signature of the worker.....

Witness.....

Note: Application to register the agreement can be done with the signature of one party. Provided that the other party must agree with its conditions. But both parties have to submit/attach the application whenever it is possible.

Receipt (It has to be filled out after the payment by the opposition)

As per the agreement, today I have received.....at.....o'clock

Date.....20.....

.....

Witness

The above mentioned payment has been given and the receipt has been signed in front of me.

.....

Witness

Note: The form can be changed due to special cases, e.g. injury caused by occupational disease, etc.

**Form- 51**

**[Section 170 and Rule 148 (1)]**

Notice for registration of the Memorandum of Agreement

Since the settlement for paying compensation has been done between.....and....., and I have applied for registration of the agreement as per section 170 of Bangladesh Labour Act 2006, therefore, it is hereby notified that the mentioned application will be accepted for consideration on.....20.....(date). If anyone has any remark against the application of registration, that will be also considered on that date. I intend to carry on the process of registration of the application if there is no legitimate objection to rise/propose.

Date.....

.....  
Labour court

**Form- 51 (A)**

**[Section 170 and Rule 148 (3) and (6)]**

Notice of rejection for the registration of the memorandum of agreement

It is hereby informed that a mutual settlement was done on.....(date) between.....and.....for the registration of the agreement of paying compensation. But it has been rejected for following reason:

(Reason).....

Date.....

.....  
Labour court

**Form- 51 (B)**  
**[Section 170 and Rule 148 (4)]**

Notice of Hearing Regarding the Rejection of the Registration of the memorandum of agreement

Since the settlement for paying compensation has been done between.....and....., and you applied for registration of the agreement as per section 170 of Bangladesh Labour Act 2006, and as the registration of the agreement should not be held for following reason.....

Therefore, on.....(date) you will be given an opportunity show cause as per why the registration of the agreement should be held. The application for registration will be rejected if you fail to show cause properly on that date.

Date.....  
Labour Court

### **Form- 51 (C)**

#### **[Section 170 and Rule 148 (4)]**

Notice of Hearing regarding the registration of Memorandum of Agreement

Since the settlement for paying compensation has been done between.....and....., and you applied for registration of the agreement as per section 170 of Bangladesh Labour Act 2006, and as the registration of the agreement should not be held for following reason.....

Therefore, on.....(date)..... will be given an opportunity show cause why the registration of the agreement should be held. If you have any remarks in support of the registration it has to be presented on that date. Registration of agreement will be held if proper causes are shown on that date.

Date.....

Labour court

### **Form- 52**

#### **[Section 170 and Rule 150]**

Register of the Agreement

Sl. No.	Date of agreement	Date of registration	Employer	Worker	Signature of Labour Court	Letter of order for the amendment of the register
(1)	(2)	(3)	(4)	(5)	(6)	(7)

### **Form- 53**

#### **[Section 155 (7) and Rule 162]** Register of the Accounts of Benefits' Fund

Sl . N o	Date of depositi ng money	Amount of money deposited Under section 155 (7)		Deduction of money as per the act		Amount of money that has been handed over?		Date of hand over	Numbe r of date of the check by which the money was deposited	, Amount money given to workers' welfare fund in accordance with section 155 (7)		Amount of left over money in fund		Signature of Commis sioner
		Tak a	Paisa	Taka	Paisa	Taka	Paisa			Taka	Paisa	Tak a	Pais a	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

**Form- 54**

**[Section 166 and Rule 164 (1)]**

**Register of Compensation Related Suit**

Sl. No.	Date of application or hearing	Number of other related suits (if any)	Name of the applicant	Name of opposition party	Name and address of injured or dead people	Reason of getting injured	Date of injury or death	Date of giving notice by employer about accident	Section of a rule	Mention the objections (if any) and the description of its purpose	Was there any competition	How the settle- ment was done
1	2	3	4	5	6	7	8	9	10	11	12	13

Amount of the given or mentioned compensation

Dead		Permanent physical capacity		Temporary physical capacity		According to verdict, how much money has to be paid to each defendant and each dependent's name, age and relations	Recipient's name and address and relation and if the person is dead, mention the relation with the dead person	Process of investing the compensation if it has been invested	Court fee which has been received	Court's signature after attesting the description of record	Date of final settlement	Remarks
Adult	Adolescent	Adult	Adolescent	Adult	Adolescent							
14	15	16	17	18	19	20	21	22	23	24	25	26

Note: (1) According to Rule 135(2) whether it is substituted or rejected in a brief manner or it is retracted or it is rejected due to absence or non-attendance, or it is transferred to other court or it is settled in other way or not (write specifically).

(2) In cases where, , deposited money has been returned to employer in accordance with section 155, and name and address of the employer has to be mentioned.

(3) Please, mention the following details:

- (a) As per section 155, if distribution has been given to any woman or any person under the legal disablement, for his/her disability:
- (b) If the lawsuit has been taken though transfer/ handing over from other court.
- (c) If the case has been taken though transfer/ handing over from other court.

**Form- 55 (A)**

**[Section 179 (1) (c) and Rule 167(1)]**

Application Form for Worker or Employee or Employer of an Establishment/Group of Establishments for  
Being a Member of the Trade Union

(Name of the trade union)

Date: .....

..... General Secretary of the trade union

(Name and address of the trade union)

Dear Sir,

I, hereby, apply for membership of .....trade union.

(Name of the trade union)

I have read the provisions of the trade union's constitution carefully/understood when it was recited to me and I am ready to abide by these provisions.

My details are given below:

1	Name	..	..	
2	Father			
3	Mother			
4	Husband/Wife			
5	National ID Card No. (if any)	:		
6	Age			
7	Name of the organization and workplace	..	..	
8	Name, address and registration number of the organization (applicable for employers' organization)			
9	For group of organizations, occupation/name and address of the organization			
10	Division/section/workplace, designation, identity card No., token No. (if any)	..	..	
11	Type of job – permanent/ substitute/casual/temporary/probationary	..	..	
12	Date of joining current job	..	..	
13	Address: (a) Present	..	..	
	(b) Permanent			

I hereby declare, according to section 193 of the Act, I am not a member of any other establishment/group of establishments worker/employers' trade union.

(.....)

Signature

Date: .....

**Form- 55 (B)**

**[Section 179 (1) (c) and Rule 167 (1)]**

Application Form for the Membership of the Federation

(Name of the Federation)

Date .....

..... President/General Secretary of the federation

(Name and address of the federation)

Dear Sir,

I/we, hereby, apply for the membership of ..... federation.

(Name of the federation)

I/We have read the provisions of the federation's constitution carefully/understood when it was recited to me and I am ready to abide by these provisions.

My details are given below:

Name of the applicant's union, and description with address:

Declaration: Our union is not a member of any other federation.

President's signature  
Name.....  
Date.....

General Secretary's signature  
Name....  
Date .....

**Form- 55 (C)**

**[Section 179 (1) (c) and Rule 167 (1)]**

Application Form for getting the Membership of the Confederation

(Name of the confederation)

Date .....

To

President/General Secretary

(Name and address of the confederation)

Dear Sir,

I, hereby, apply for the membership of .....confederation.

(Name of the confederation)

I have read the provisions of the confederation's constitution carefully/understood when it was recited to me and I am ready to abide by these provisions.

Details of our federation are given below:

Name of the trade union's federation, and description with address:

Declaration: Our national federation is not a member of any other confederation.

(.....)

Name and signature of the Federation's President

Date.....

(.....)

Name and signature of the Federation's General Secretary

Date.....

**Form- 55 (D)**

**[Rule 167 (3)]**

Certificate as the Union Member

Name and address of the union:.....

Reg. No: .....

Name ..... Membership No.....

Designation .....

Dear Sir,

In reference to your application submitted in....., you are included as a member of the union.

Signature

General Secretary (Union)

Seal with name

Date: .....

**Form- 55 (E)**

**[Rule 156 (3)]**

Certificate as the Federation Member

Name and address of the federation .....

Regi. No: ..... Membership No.....

Dear Sir,

In reference to your (union's) application submitted in.....(date) your union has been included as a member of the federation.

Signature

General Secretary (Union)

Seal with name

Date: .....

**Form- 55 (F)**

**[Rule 167 (3)]**

Certificate as the Confederation Member

Name and address of the Confederation:.....

Registration No: ..... Membership No:.....

In reference to your (federation's) application submitted in..... (date) your federation has been included as a member of the confederation.

Signature

General Secretary

Seal with name

Date: .....

**Form- 56 (A)**

**[Section 177 and Rule 168 (1)]**

Application for Registration of Trade Union

Date: .....

To

The Director of Labour/ Authorized Officer

Government of the People's Republic of Bangladesh

(Office address)

Dear Sir,

1) We hereby apply for registration of a trade union named .....

2) Address of the head office of the trade union .....

.....  
.....

3) Name and address of the organization where the trade union was established.....

4) The union was established in (date).....

5) As per Section 178 of Bangladesh Labour Act 2006, necessary information has been enclosed as schedule

Faithfully yours

President's signature and seal with name

General Secretary's signature and seal with name

Date .....

**Form- 56 (B)**

**[Section 177 Rule 168 (1)]**

Application for Registration of Trade Union Federation

Date: .....

To

Director of Labour/Authorized Official

Government of the People's Republic of Bangladesh

(Office address)

Dear Sir,

1) We hereby apply for registration of a federation named ..... formed by the trade unions named .....

2) Address of the head office of the federation .....

.....

Mobile/telephone number (if any).....

3) The federation was established in (date)..... And the number of included trade unions in the federation at the date of application.....

4) Description of the affiliated trade unions is given in Schedule no. 1

5) As per Section 200, the decisions that have been made in general meeting of affiliated registered trade unions in support of joining the federation are given in Schedule no. 2.

6) Description of federation's officers is given in Schedule no. 3.

7) Federation's each deed that has been performed in the federation and the deeds those have been performed among each registered trade union included the federation are given in Schedule no. 4.

We hereby declare that the affiliated organizations of the registered trade unions are not member of any other trade union federation which are applicable for similar type of industries / national based trade union federation.

Faithfully yours

Signature of the President and General Secretary of the affiliated unions of the federation

1) President's signature and date

Name

Seal

1) General Secretary's signature and date

Name

Seal

- |          |          |
|----------|----------|
| 2) ..... | 2) ..... |
| 3) ..... | 3) ..... |
| 4) ..... | 4) ..... |
| 5) ..... | 5) ..... |

Faithfully yours

Signature of the President

Signature of the General Secretary

**Form- 56 (C)**

**[Section 177 and Rule 168 (1)]**

Application for Registration of Trade Union confederation

Date: .....

To

Director of Labour/Authorized Official

Government of the People's Republic of Bangladesh

(Address)

Dear Sir,

1) We hereby apply for the registration of a confederation with a federation formed by the affiliated trade unions named .....

2) Address of the head office of the confederation .....

.....

Mobile/telephone number (if any).....

3) The confederation was established in (date).....And the number of affiliated national federation at the date of application.....

4) Description of the affiliated trade union federation is given in Schedule no. 1

5) As per Section 200, the decisions that have been made in general meeting of affiliated registered federations in support of joining the confederation are given in Schedule no. 2.

6) Description of confederation's officials is given in Schedule no. 3.

7) Confederation's each copy of the deed that has been performed in the confederation and the deeds those have been performed among each registered national federation are given in Schedule no. 4.

We hereby declare that the affiliated registered trade union federations are not members of any other confederation.

Faithfully yours

Signature of the President and General Secretary of the affiliated trade union federation

1) President's signature and date

Name

Seal

1) General Secretary's signature and date

Name

Seal

- |           |           |
|-----------|-----------|
| 2) .....  | 2) .....  |
| 3) .....  | 3) .....  |
| 4) .....  | 4) .....  |
| 5) .....  | 5) .....  |
| 6) .....  | 6) .....  |
| 7) .....  | 7) .....  |
| 8) .....  | 8) .....  |
| 9) .....  | 9) .....  |
| 10) ..... | 10) ..... |

Faithfully yours

President and General Secretary

Name of the confederation

Seal

Date

**Form- 56 (D)****[Section 178 (3) Rule 168 (3)]**

Address of the Office

Memorandum No.....

Date:.....

**Public Notice**

It is to inform all affiliated personnel in this behalf that a trade union named.....  
 Address.....has been provided from the office/secretariat in last  
 (date)..... The registration number of that trade union is.....  
 Information about the trade union's executive committee is mentioned below:

Sl. No.	Full name and designation in committee	Name and the address of the organization/establishment engaged in the work	Name of father/ husband and mother	Title of the designation and Card No. (if any)	Date of birth and National ID Card No. (if any)	Remarks
1	2	3	4	5	6	7

Director of Labour/ Authorized Official

Phone  
Email-**Form- 56 (E)****[Section 176 (e), 178 and 179 (2A) and Rule 168 (4)]**

Check List for Investigation/Inspection

1) Brief information on organization:

2) List of all worker and staff:

3) Name of union/unions:

(1).....  
(2).....  
(3).....

4) Number of members in proposed union: .....

5) Percentage of worker and staff: .....

6) Remarks of visiting officer: .....

7) If there is any other information as per Section 178 (if any): .....

Name and designation of the officer

Seal

**Form- 56 (F)****[Section 178 (2) (3) and Rule 168 (5)]**

Description of the Officials of Trade Union

Sl. No .	Nam e	Name of father and mother/husba nd	Ag e	Address		Designatio n in union	Designation in establishme nt	Toke n No. (if any)	Remark s
				Permane nt	Prese nt				
1	2	3	4	5	6	7	8	9	10

.....  
President's seal with name and signature.....  
General Secretary's seal with name**Form- 56 (G)****[Section 178 (2) (3) and Rule 168 (5)]**

Description of the Officials of the Federation

Sl. No .	Nam e	Name of father and mother/husba nd	Ag e	Address		Designatio n in the federation	Designation in the establishme nt	Toke n No. (if any)	Remark s
				Permane nt	Prese nt				
1	2	3	4	5	6	7	8	9	10

.....  
President's seal with name and signature.....  
General Secretary's seal with name

**Form- 56 (H)**

**[Section 178 (2) (3) and Rule 168 (5)]**

Description of the Officials of the Confederation

Sl. No . .	Name	Name of father and mother/husba nd	Age	Address		Designation in the confederati on	Designation in the establishme nt	Toke n No. (if any)	Remark s
				Permane nt	Prese nt				
1	2	3	4	5	6	7	8	9	10

.....  
President's seal with name and signature

.....  
General Secretary's seal with name

**Form- 57 (A)**

**[Section 178 and Rule 168 (6)]**

Description of the Union Members

Name and address of trade union organization: .....

Name and address of the industry/establishment: .....

Sl. No . .	Name (and Nation al ID Car d (if any)	Membe r No.	Designatio n in union	Name of father/husba nd	Birth date and age	Address		Divisi on/S ectio n	Design ation/oc cupatio n/	Remark s
						Permanen t	Present Workplace			
1	2	3	4	5	6	7	8	9	10	11

Signature and seal of President .....

Signature and seal of General Secretary

**Form- 57 (B)****[Section 178 and Rule 168 (6)]**

Description of the affiliated Trade Unions of Federation

Sl. No.	Name and address of the affiliated trade union	Date of affiliated trade union's registration and its number	Number of affiliated trade union's member	Date of getting affiliated	Remarks
1	2	3	4	5	6

President's seal with name and signature

.....

General Secretary's seal with name

**Form- 57 (C)****[Section 178 and Rule 168 (6)]**

Description of the affiliated Federations of the Confederation

Sl. No.	Name and address of the affiliated trade union	Registration number and Date of affiliated trade union	Number of member of affiliated trade union	Date of getting affiliated	Remarks
1	2	3	4	5	6

President's seal with name and signature

.....

General Secretary's seal with name

**Form- 58 (A)**

**[Section 181 (a) and Rule 170 (1)]**

**Register of Deposited Subscriptions by Trade Union**

Name and address of trade union organization: .....

Name and address of the industry/establishment: .....

Sl. No.	Name of the member	Membership No.	Present workplace	Description of worker/ business/ occupation/ designation/ token/card no.	Entry fee (if any)	Collection in any other sectors
1	2	3	4	5	6	7

<b>Monthly subscription and other collection</b>														
January	Februar y	March	April	May	Jun e	July	Augus t	Septemb er	Octobe r	Novemb er	Decem ber	Total	Rema rks (if any)	
8	9	10	11	12	13	14	15	16	17	18	19	20	21	

.....  
Signature, name, designation and seal of  
the registered trade union /authorized official

Date: .....

**Form- 58 (B)**

**[Section 181 (a) and Rule 170 (2)]**

Register Maintained by the Federation

Name and address of federation:

Name and descri- ption of those regis- tered trade unions from where money is receiv- ed	Amount of received money												
	Januar- y	Februar- y	March	April	May	Jun- e	Jul- y	Augu- st	Septemb- er	Octob- er	Novemb- er	Decemb- er	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14

.....  
Name and signature of

the Secretary of the Federation/authorized official

Reg. No. ....

Date: .....

**Form- 58 (C)**

**[Section 181 (a) and Rule 170 (3)]**

Register Maintained by the Confederation

Name and address of the confederation: .....

Name and descri- ption of those federat- ions from where money is receiv- ed	Amount of received money												
	Januar- y	Februar- y	March	April	May	Jun- e	Jul- y	Augu- st	Septemb- er	Octob- er	Novemb- er	Decemb- er	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14

.....

Name and signature of

the Secretary of the Confederation/authorized official

Reg. No. ....

Date: .....

**Form- 58 (D)**

**[Section 181 (b) and Rule 170 (4)]**

Monthly Account Book/Cash Book

Name of the Month: .....

Name, registration number of trade union/federation/confederation .....

.....  
and address.....

Income					Expenditure				
Date	Description	Voucher No.	Current	Total	Date	Description	Voucher No.	Current	Total
1	2	3	4	5	6	7	8	9	10

.....  
General Secretary and Treasurer /

Authorized official's name and signature with seal

Date: .....

**Form- 59 (A)**

**[Section 182 and Rule 171]**

Ledger of Trade Unions' Register

Sl. No.	Name and address of trade union	Registration No. and date	Name and address of the President/ General Secretary	Name and address of the related industry/ establishment	Number of members of trade union	Name and address of the federation (if it is included)	Remarks
1	2	3	4	5	6	7	8

**Form- 59 (B)**

**[Section 182 and Rule 171]**

Ledger of Trade Union Federation's Register

Sl. No.	Registration No. and date	Name and address of the federation	Name and address of those industry/ establishment with whom federation is related	Name and address of the President/ General Secretary of the federation	Name and address of the trade unions affiliated to the federation	Total number of members in each affiliated trade union	Remarks
1	2	3	4	5	6	7	8

**Form- 59 (C)**

**[Section 182 and Rule 171]**

Ledger of Confederation's Register

Sl. No.	Registration No. and date	Name and address of the confederation	Name and address of the President/ General Secretary of the confederation	Name and address of the affiliated federations of the confederation	Number of members in each affiliated federation	Remarks
1	2	3	4	5	6	7

Government Logo and Office Address

**Form- 60**

**[Section 189 and Rule 172 (2)]**

Certificate of Registration

Registration No.....

It is hereby certified that as per Section 189 and Rule 172(2) of Bangladesh Labour Act, 2006.....

(Name of union/federation/confederation)

Representatives of the employed workers/employers in the establishment/group of establishments.....

.....address.....

have been registered as trade union/federation/confederation.

Date: .....20.....

.....  
Director of Labour/authorized officer's name with seal

Date: .....

**Form- 61 (A)**

**[Section 201 and Rule 176(1)]**

General Description Submitted by Trade Union (Annual Return)

(Essential annual return for the year-end December 31, 20.....under Section 201 and Rule 176(1) of  
Bangladesh Labour Act, 2006

Name of the union: .....

Registration No. .... Date:.....

Address: .....

Number of member who provide union's subscription in the beginning of year	Inclusion of new member in the middle of year			Number of member who left the union in the middle of year			Number of included union-members at year-end		
	Male	Femal e	Total	Male	Femal e	Total	Male	Femal e	Total
1	2	3		4	5	6	7	8	9

1. Number of included member in record
  2. Inclusion of members who were included in the middle of year
  3. Number of member who left the union in the middle of year
  4. Number of member who were included in the annual record
  5. Mention the federation's name if it is included in any federation
  6. Copy of annual accounts approval related general/special general meeting's decision.
- .....

President's signature and name with seal

General Secretary's signature and name with seal

**Form- 61 (B)**

**[Section 201 and Rule 176(1)]**

General Description Submitted by Federation (Annual Return)

[(Essential annual return for year-end December 31, 20.....under Section 201 and Rule 176(1) of  
Bangladesh Labour Act, 2006

Name of trade union federation: .....

Address of head office: .....

Registration No. ..... Date: .....

Description submitted by Federation of the Trade Union

Number of affiliated union in the beginning of year	Number of member			Number of union who joined the federation in the middle of year	Number of member			Number of union who left the federation in the middle of year	Number of member			Number of union who joined the federation at year-end	Number of member		
	Male	Female	Total		Male	Female	Total		Male	Female	Total		Male	Female	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

1. Number of affiliated trade unions in the beginning of year and the number of members in each of these trade unions
2. Number of trade unions that joined in the middle of year and the number of members in each of these trade unions
3. Number of union members who got separated in the middle of year
4. Number of affiliated trade unions at year-end and the number of members in each of these trade unions
5. Copy of annual accounts approval related general/special general meeting's decision.

.....  
President's signature and name with seal

.....  
General Secretary's signature and name with seal

**Form- 61 (C)**

**[Section 201 and Rule 176(1)]**

General Description Submitted by Confederation (Annual Return)

[(Essential annual return for year-end December 31, 20.....under Section 201(1) and Rule 176(1) of  
Bangladesh Labour Act, 2006]

Name of confederation: .....

Address of head office: .....

Registration No. ..... Date: .....

Description submitted by Federation of the Trade Union

Number of affiliated federation in the beginning of year	Number of member			Number of federation who joined the confederation in the middle of year	Number of member			Number of union who left the confederation in the middle of year	Number of member			Number of federation who joined the confederation at year-end	Number of member		
	Male	Female	Total		Male	Female	Total		Male	Female	Total		Male	Female	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

1. Number of affiliated federations in the beginning of year and the number of members in each of these federations
2. Number of federations that joined in the middle of year and the number of members in each of these federations
3. Number of federations who got separated in the middle of year
4. Number of affiliated federations at year-end and the number of members in each of these federations
5. Copy of annual accounts approval related general/special general meeting's decision.

President's signature and name with seal

General Secretary's signature and name with seal

**Form- 61 (D)**

**[Section 201 and Rule 176(1)]**  
Description of accounts of fund (First Part)

Income	Amount	Expense	Amount
..... opening balance at the beginning of the year.....	Taka	Salary, allowance, and expenditures of officers Salary, allowance, and expenditures of employees....	Taka
Subscriptions from members.....		Auditor's fee .. . . . .	
....		Legal expenditure .. . . . .	
Special subscriptions from members .. . . . .		Expense to handle industrial dispute .. . . . .	
....		.....	
Gift/donation.....		Loan provided to members .. . . . .	
Sale of different publications and constitution.. . . . .		Disposal of dead body, senescence/old age welfare, medical and other benefits .. . . . .	
....		Printing expenditure .. . . . .	
Interest/profit on investment.....		Newspaper/periodicals expenditure-----	
....		Rent, VAT, tax.. . . . .	
Income from different sectors (mention specifically) .. . . . .		Utility charge (gas, water, electricity, phone) .....	
.		Purchase of Furniture .. . . . .	
		Reparation of furniture... . . . . Purchase of machineries	
		Reparation of machineries.....	
		Stationeries .. . . . .	
		Printing .. . . . .	
		Postage.. . . . .	
		Subscription given to federation .. . . . .	
		Other expenditure (mention specifically) .. . . . .	
		Expenditure at annual general meeting and other hospitality costs .. . . . .	
		Travel expenditure .. . . . .	
		Expenditure for celebrating national days ...other costs ..	
		.....	
Total		Total	
		Year-end balance	

Auditor's Signature and name with seal

General Secretary/treasurer's signature and name with seal

Statement of Asset and Liability on the Date of..... (Second Part)

**List of Securities**

Description	Nominal value	The market value and price on which the account has been prepared	The person under whom it has been prepared

Liability	Amount	Asset	Amount
Amount of money in general fund/treasury... . . .	Taka	Cash The amount that treasurer has	Taka

Amount of money in organization's fund/treasury... ... Loan from ..... Debt from ..... Other liabilities (have to mention specifically)		The amount that General Secretary has..... According to the list given below, the amount of cash that bank security has..... Name of the bank and account number, and the amount of deposited money..... Unpaid subscription for Goods, furniture and machineries/ equipment Other assets(have to mention specifically)	
Total amount of liability		Total asset	

.....  
.....  
Auditor's Signature and name with seal

General Secretary/treasurer's signature and name with seal

Statement of the Changes that have been brought to the Executive Committee in the Concern Year (Third Part)

List of officers who have left

Sl. No.	Name	Designation	Date of vacant

Complete description of the officers who have been appointed through election/co-option

Sl. No.	Name of the officer	Age	Designation in union	Address	Official designation	Date of appointment under union

.....  
.....  
President's signature and name with seal

General Secretary's signature and name with seal

#### Announcement by Auditor (Forth Part)

(On auditor's office pad)

As per request of the letter no. .... written by the trade union/federation/confederation's secretary in (date)....., I hereby sign this announcement as an authorized personnel to inspect all account books from the date of ..... to ..... I found the statements/returns accurate by inspecting all account books and examining the account returns

mentioned in the first and second part of form 61 (D) and the related bill and vouchers and found the accounts and related registers, and expenditure documents legitimate.

.....  
Auditor's signature and name with seal

**Form- 62**

**[Section 202 (15) (e) and 202 (22) and Rule 181 (3)]**

Government Monogram and the Address of the Office

No: .....

Date: .....

**Announcement for Collective Bargaining Agent (CBA)**

..... unions who are present in the establishment competed in the election to assign Collective Bargaining Agent (CBA) held in ..... A.D. ( .....date according to Bengali calendar). Information on the number of votes that .....unions received in the elections is given below:

Sl. No.	Name, registration no. and symbol of the union	Number of total vote in establishment	Number of casted vote	Number of canceled-vote	Number of legitimate-vote	Percentage
1.						
2.						
3.						
	Total=					

In the mentioned result, the trade union mentioned in Sl. No. .... (Registration no.....) received maximum votes.

In this case, according to Section 202 (15) (e) of Bangladesh Labour Act 2006, from date .....A.D. to date .....A.D., (name of the union \_\_\_\_\_) (registration no.....) has been declared as the Collective Bargaining Agent (CBA) for the workers/employees of (name of the establishment.....) for receiving highest number of votes.

Name, designation, and seal of

Director of Labour/authorized officer

Disseminate to —

1. Secretary, Ministry of Labour and Employment, People's Republic of Bangladesh Government, Bangladesh Secretariat, Dhaka.
2. Managing Director, (Name and Address of the factory/establishment .....
3. Inspector General/Joint Director of Labour/Registrar of Trade Unions.....
4. President/General Secretary, (Name, registration no. and the address of the union which won the CBA election.....)
5. President /General Secretary, (Name, registration no. and the address of the union/unions who participated in Collective Bargaining Agent (CBA) election.....)

6. President /General Secretary, (Name, registration no. of the union.....) [(the union who got less than 10% vote in total casted-vote) according to Section 202 (22) of Bangladesh Labour Act 2006, registration will be considered as annulled for receiving less than 10% vote]

**Form- 63**

**[Section 205 (6) and Rule 184(1)]**

Form for Nomination of Representative of Workers in Participation Committee by the Trade Union

Name of the factory/establishment: .....

On behalf of .....(Name of the union) registration no....., the following person/people's name have been presented as Representative of Workers in the participation committee.

Name.....

Designation.....

Section.....

Father/Mother.....

Husband/Wife.....

.....  
President's signature and name with seal

.....  
General Secretary's signature and name with seal

**Form- 64**

**[Section 205 (6) and Rule 191(2)]**

Form for the nomination of worker-representative in the Participation Committee

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Name of class/section/division.....

I, ..... (Name, Father and mother's name), hereby propose to be elected as representative in the participation committee.

Date.....

Proposing person's name and signature with  
division and token number

I hereby support the proposal that is mentioned above

.....  
Supporter's name and signature with  
division and token number

I hereby approve the proposed nomination.

Candidate's signature

Name.....

With division and token number

**Form- 65**

**[Section 210 (3) (8) and Rule 203]**

Agreement of Settlement

Today.....(date) both parties have signed this settlement willingly and consciously.

Representative of the employer

1).....

2).....

Representative of workers

1).....

2).....

Brief description of the incident

.....  
.....

Conditions of the agreement

1).....

2).....

3)....., etc.

.....

Signature of the representative of the employer with name

.....  
.....  
Signature of the representative of the workers with name

.....  
Signature of -----with name

(Where applicable)

**Form- 66**

**[Section 219 and Rule 205 (4)]**

Application for Appeal

Appeal No...../20

.....Appellant

Versus

.....Respondent

Subject/Context:

Appeal Bangladesh Labour Act 2006 against the verdict/permission given by.....Labour Court  
on.....(date) in case no.....

1) Humble request of the appellant

- a) .....
- b) .....
- c) .....
- d) .....

2) Because of the following reasons the honorable Labour Court decided to give that verdict  
on.....

(date)—

Reasons:

- a) .....
- b) .....
- c) .....
- d) .....

Reasons of delay in appeal and remission

.....  
In this situation, I shall be grateful if you be kind enough to grant the remedy after rejecting the order  
issued by the Labour Court on ..... (date) .

Signature:.....

Date:.....

Enclosure:

1)

**Form- 67**

**[Rule 238 (2), 271 (4) and 304 (5)]**

Monthly Returns of the Workers Who Qualified for the Membership of Provident Fund

[Two copies of this shall have to be sent to the Controller with the announcement given in Form- 41]

Name of the factory/establishment:.....

Address of the factory/establishment:.....

Registration No.....

Sl. No.	Name of the worker	Name of father/ husband	Husband/ wife	Percentage of monthly wage	Date of submitting subscription	Account number which will be filled out	Remarks
1	2	3	4	5	6	7	8

.....  
Signature and seal of employer

.....  
Date.....

Accounts no.....

Copy sent to.....

.....  
Signature and seal of the controller

.....  
Date.....

**Form- 68**

**[Rule 239 and 272 and 305]**

**Description of Monthly Subscription in Provident Fund**

Returns of monthly subscription of the year 20.....

1) Name of the factory/establishment.....Address.....

To:

.....The Board of Trustee of provident fund.

Total subscription of the month of ..... of ..... year has been submitted through bank draft/check no..... Its description has given below:

Sl. No . .	Accoun t number	Worker' s name	Main wage whic h has been paid	Subscriptio n of worker	Subscriptio n of employer	Total	Money given by the employer as administrativ e expense	Under section 269, collection of 25% as compensation		Remark s
								Collection - Worker's share	Collection - Employer' s share	
1	2	3	4	5	6	7	8	9	10	11

**Form- 69**

**[Rule 254(3) and 284(3) and 317(3)]**

Brief Description of the property of provident fund for the year .....

Introduction to the class of property	In accordance with book value as (a)	Market price till.....(date) As per (b)	Remarks as per (c)	Total
	Taka	Taka	Taka	Taka
1) Securities of government.....	.....	.....	.....	.....
2) Other general share in Bangladesh	.....	.....	.....	.....
3) Other debauchers in Bangladesh	.....	.....	.....	.....
4) Cash deposited in bank.....	.....	.....	.....	.....
5) Rest amount of cash money in hand and account.....	.....	.....	.....	.....
6) Other property..... (mention specifically)	.....	.....	.....	.....
<b>Total</b>				

These must be shown in the brief description:

- (a) Value of deposit in support of each class of mentioned property.
- (b) Its market price.
- (c) How the price of those property has been fixed.

.....  
Signature of the secretary of board/controller

**Form- 70**

**[Rule 337(1)]**

**Agreements of Apprentice**

This agreement is being made on 20..... date..... Mr..... (name and address of the employer and the factory/establishment), mentioned as employer hereafter, and Mr./Ms..... (name of the apprentice) father's name..... mother's name.....  
age..... present  
address..... permanent  
address....., mentioned as apprentice here after and  
Mr/Mrs.....  
address..... (name of Father/mother/legal guardian)..... address..... mentioned as father/mother/legal guardian hereafter.  
Whereas, this apprentice is interested to be trained as graduate/supervisor/trade apprentice on..... (name of the occupation) from..... (name of the establishment);

The employer, considering such interest, is excepting the apprentice to provide training in his establishment subject to the conditions described in this agreement.

The apprentice..... has agreed to work with trust and perseverance and to comply with the conditions described in this agreement;

The father/mother/legal guardian of the apprentice is taking the obligation to supervise whether the apprentice is following the condition is with trust and whether he is performing his duty properly;

The period of this activity agreed with the employer shall start on (date)..... and shall end on.....;

This apprenticeship may terminate only through mutual understanding of the employer and the apprentice and approval of the competent authority.

In spite of the description above, if the apprentice shows the satisfactory progress in his training or any disciplinary ground the employer shall, subject to prior discussion with competent authority, have the power to terminate the apprenticeship period.

In spite of fulfilling the condition of this agreement by the employer, if the apprentice leaves the apprenticeship before the completion of the apprenticeship period, the apprentice shall be liable to return the stipend paid by the employer in previous 12 months;

Any party may, at any time, consult with the competent authority to interpret any part of this agreement if any disagreement arises and the other party shall be obligated to comply with the interpretation of the competent authority.

With this understanding, the parties are providing signature and sealed in three copies of this agreement.

Signature and seal of the employer .....

(Signature of the apprentice workers)  
.....

.....  
(Signature of father/mother/legal guardian)

.....  
(Permanent address)

**Form- 71****[Rule 339 (4)]****Progress Card of Apprentice**

Name of the factory/establishment.....

Address of the factory/establishment.....

Name of the apprentice.....

Father's name.....

Mother's name.....

Permanent Address.....

.....  
 .....

Serial number of the apprentice register....., Occupation: .....level: .....

Signature of the acting officer of

Apprentice training in establishment

**A- Monthly Record of Attendance**

Month	Agenda/ speech	how many discussion/ training you have attended	Total hours of practical training	In total, how many hours' you have received practical training	Remarks	Signature of acting official

**B- Results of examination**

	Score achieved in different examination and evaluation	Remarks and signature of acting official
Subject	Name of different evaluation and examination	
Countersignature of competent authority or authorized officer		

**Form- 72****Rule 339 (4)****Certificate of Apprenticeship**

(Name of the factory/establishment).....Address.....  
 It is hereby certified that.....father.....  
 mother.....age.....Registration/Card no..... is an apprentice  
 of this factory/establishment.

S/he has successfully passed the final examination of apprenticeship of ..... level held in the month  
 .....of 20..... years in accordance with the fixed curriculum.  
 (Mention the occupation).....apprenticeship was for .....  
 (day/month/year) long.

Signature of employer or authorized officer

Date: .....

**Form- 73****Rule 348 (1)****Register of Apprenticeship**

Name of the factory/ establishment: .....

Address of the factory/ establishment .....

Sl. No.	Name of the apprentice	Name of father/mother/husband	Permanent address	Date of birth	Educational qualification	Eligible occupation for apprentice
1	2	3	4	5	6	7

Leave/ Vacation	Joining date As apprentice	Registration Number of apprentice	Complete Apprentices hip period (years)	The date when the Apprentice completed his/her course with pass mark	Monthly Rate of stipend	Rem arks
8	9	10	11	12	13	14

**Form- 74**

**[Rule 348 (4)]**  
Register of Apprentice's Competency

Name of the factory/ establishment: .....

Address of the factory/ establishment: .....

Sl. No.	Name of the apprentice	Name of father/ mother/ husband	Permanent address	Date of birth	Educational qualification	Eligible occupation for apprenticeship
1	2	3	4	5	6	7

**Results of examination**

Subjects	Name of different examination and verification	Score in different examination and verification	Remarks and signature of acting official

.....  
Countersignature of eligible authority

Or his/her authorized officer

**Form- 75**

**[Section 325 and Rule 352 (1)]**

**Notice before Starting Manufacture/Work in Factory/Establishment**

Name of the factory/establishment: (English):.....  
(Bengali): .....

Location: .....

Name of the employer/ managing director: .....

Present address: .....

Permanent address.....

Mobile/telephone no.....email:.....

Address of the head office of the factory/establishment: .....

Mailing address of the factory/establishment: .....

Name of Chief Executive/manager of the factory/establishment (any person who is employed in administrative, monitoring or management): .....

Residential address.....

Nature of manufacture/work that is carried out at the factory/ establishment: .....

Trade license number, date and authority's name: .....

Name and member no. if it is member of any related business/commercial organization: .....

Nature and amount of electricity that is being used (in applicable cases): .....

Name and the authority specified by the government that approved the blueprint of the building where the establishment is situated, and date and number of approval:.....

Number of fire license and date of its issue (updates renewed):.....

Number of boiler license and date of its issue (updates renewed) (in applicable cases): .....

Certificate number of quality wiring conducted by the person who got certificate from chief electricity advisor and Inspector General, and the date: .....

Clearance number from environment department and date (in applicable cases): .....

Approval number from the board of investment and date (in applicable cases):.....

Possible date of starting production /work at factory/establishment: .....

Number of potential worker/employed worker/staff at factory/establishment (with list): .....

Adolescent worker:

Adult Worker:

Female.....Male.....

Female.....Male.....

Person appointed by Contractor:

Female.....Male.....

Foreign Worker and Officer-Employee

Female.....Male.....

Date: .....

Signature of the employer/ chief executive/managing director  
Date:.....

**Form- 76**

**[Section 326 and Rule 353 (2)]**

Application of approval for the lay out plan of the factory or lay-out plan for expansion /renovation

1) Name of the employer /managing director: .....

2) Address of the employer /managing director:

Present address: .....

Permanent address: .....

3) Full name of the factory:

Address of head office: .....

Mailing address: .....

4) Location of the factory:

City or village.....

Thana (under which police station).....Upazila:.....

District:

Nearest railway station, ferry terminal for steamer or launch.....

Bus stoppage.....

5) Name of the authority that approves building's blueprint, date of approval, and its number, if the building is multistoried where the factory situated:

6) Building's capacity of carrying load in composed structural design/drawing

7) Description of the machineries which have been placed

8) Measurement of produced load while the machines are on: .....

9) In case of approval of the extension/amended layout of the factory, the license number and memo no. Of previous layout approval and date (with approved copy): .....

Date: .....

Signature of employer/management authority

Please attach the followings:

1. Copy of Trade license. (Where applicable)
2. Copy of a rental agreement/land release. (Where applicable)
3. Copy of national ID card (employer/MD/CEO/manager)
4. Soil test report. (Where applicable)
5. Structural design/drawing prepared by recognized engineer/engineering organization. (Where applicable)
6. Certificate of a load bearing capacity issued by recognized engineer/engineering organization. (Where applicable)
7. Certificate of building construction issued by recognized engineer/engineering organization. (Where applicable)
8. The design of the building approved by the local authority

**Form-77**

**[Section 3A and 326 and Rule 7(1), 354, 355(3), 356(2) and 357(1)]**

Application for registration and issuance or renewal/amendment/duplicate copy of license for factory, industrial establishment, commercial establishment, commercial bank and insurance company, shop and contractor Agency

1. (a) Full name of the factory/industrial establishment/commercial establishment/ commercial bank and insurance company/ shop and contractor Agency:

(English):.....

(Bengali): .....

(b) Previous name (if different from the present name).....

2. Location: address

House/holding number/village:..... Road number:.....

Post office:.....

Police station:..... Upazila:.....

District:.....

3. Name and address of the owner of the used building:.....

4. Nature of the business/service/production process:.....

(a) Work done in previous 12 months (if it is in present).....

(b) Things that shall be done in following 12 months:.....

5. The name of chief executive/manager for the purpose of the Bangladesh Labour Act, 2006: (any person engaged in administrative, managerial work or supervision officer):

Name:.....

Fathers name:.....

National ID card number:.....

Permanent address:.....

6. Name and residential address of the management authority:

(a) Employer/chairman:.....

(b) Managing director:.....

(c) Directors, in case of public company:.....

(d) Shareholders, in case of private company:.....

(e) partners/right holders:.....

7. Nature and total amount of proposed electric power for the establishment (in every case except power stations)

Nature of the electricity power..... Amount.....kilowatts

8. The maximum number of workers/employees employed, (including the workers provided by contractor organization) in any day of the present year:

Adults: Male: .....

Female: .....

Adolescent: Male: .....

Female: .....

Children: Boy: .....

Girl: .....

Total: .....

9. The maximum number of workers/employees who were employed in previous year (including the workers supplied by the contractor)

10. (a) The memo number and date of approval of the factory's layout plan by the Inspector General (in case of factories)

(b) The memo number and date of approval by the Inspector General of the building /rented building used as establishment ..... and the location and area of such building (please attach the layout of the location).....

11. Amount of fees for license/renewal/amendment/duplicate copy for the fiscal year ending on 30th June of 20....., Taka....., (in words)..... Treasury invoice

number..... name of the bank (including the branch).....

12. In case of registered factory/establishment, number and date of the original license.....

Signature of the employer/executive director/manager

Date.....

Please attach the following documents:

1. Copy of the trade license (Where applicable).
2. Copy of the rental agreement/land release (where applicable).
3. Copy of national ID card (employer/MD/CEO/manager) (where applicable).
4. Demand note of electricity (where applicable).
5. Copy of the memorandum of article/partnership contract (where applicable).
6. Copy of the approval of factory's layout plan
7. Copy and approval letter of the design building used as establishment approved by the local authority (where applicable) and plan of the position.
8. Original Copy of the Treasury invoice
9. Original license (where applicable).
10. The list of workers/employees of the factory/establishment (where applicable)
11. Fire license.

Government's Monogram  
(Watermark)

Office Monogram

**Form- 78**

**[Section 3A and 326 and Rule 7(7) and 355 (1)]**

License for the factory/ industrial establishment/ commercial establishment/ commercial bank and insurance company/ shop/ contractor's agency

License number..... registration number..... Date.....  
class..... nature of establishment/industry..... license fee  
(taka).....

The license of the (factory/industrial establishment/commercial establishment/ commercial bank and insurance company/shop/contractor's agency) is issued here, subject to the provision of the Bangladesh Labour Act, 2006. It shall only be introduced in the name of .....(name of the factory/establishment) and it shall be applicable for the factory/industrial establishment/commercial establishment/ commercial bank and insurance company/shop/contractor agency) located at..... and for Mr. ...., the employer/managing director of the same.

This license shall be valid till 30th June of 20.....

Inspector General

Factory and establishments

The Government of People's Republic of Bangladesh

**Form- 79**

**[Section 3A and 326 and Rule 7(7) and 355(1)]**

**Register of factory/industrial establishment/commercial establishment/ commercial bank and insurance company/shop/contracting agency**

License number..... registration number..... Date.....  
class..... Nature of establishment/industry..... license fee (taka).....

The license of the (factory/industrial establishment/commercial establishment/commercial bank and insurance company/shop/contractor agency) is hereby granted subject to the provision of Bangladesh Labour Act, 2006. It shall only be known as .....(name of the factory/establishment).....and it shall be applicable only to the.....(factory/industrial establishment/commercial establishment/commercial bank and insurance company/shop/contractor agency) situated at.....and for Mr. ...., the employer/managing director of the same.

This license shall be valid till 30th June of 20.....

Number of workers:

Male worker: .....

Female worker: .....

Inspector General  
Department of Inspection for Factory and Establishments  
Government of the People's Republic of Bangladesh

**The Part for Renewal**

Year of validation	Class	Number of total workers			Renewal fee	Date of payment	Additional fee for late of renewal	Signature of the <b>Inspector General</b> and date
		Male	female	total				
1	2	3	4	5	6	7	8	9

The part of Changing Class

Date of changing the class	Changed class	Number of Total Workers			Amendment fee	Date of payment	Signature of the <b>Inspector General</b> and date
		Male	female	total			
1	2	3	4	5	6	7	8

## **Form- 80**

**[Section 333 (b) and Rule 362 (2) (a)]**

## Half yearly return

End of half year till 30th June and the end of 31st December of the year 20.....

Name of the factory/establishment: .....

Address of the factory/establishment:.....

Registration number of the factory/ establishment:.....

Name of the Employer/Managing Director:.....

(1) District:.....

(2) Mailing address:.....

(3) Nature of the industry:.....

(4) Average number of daily employed workers:

Adult; Male: Female:

Fusion Webzen Motor | Examples

Date.....

Signature of the Employer/Managing Director

In order to calculate the average number, the total days of attendance or working days shall have to be divided by the working days of the half-year. At the time of calculating the attendance, workers both temporary and permanent class shall have to be counted and all employees shall be included. The separate shifts (for instance nightshift, day shift) shall be counted separately. The days when the factory/establishment was closed and the production process was off, for what so ever reason, shall not be counted as work days.

**Form- 81**

**[Section 333 (b) Rule 362 (2) (b)]**

**Annual return**

**Part- A**

License number.....

The end of 31st December of the year 20.....

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Registration number:.....

Name of the Employer/managing Director:.....

Name of the Manager:.....

1. Address of the head office : .....

2. Mailing address: .....

3. Nature of the industry:.....

\*4. Average number of daily employed workers :

Adult:	.....
Male:	.....
female:	.....
Foreign Worker:	.....
Male:	.....
Female:	.....
Workers employed by the Contractor:	.....
Male:	.....
Female:	.....
Adolescent:	.....
Boy:	.....
Girl:	.....

5. Normal working hour in every week

adult:.....
adolescent:.....

6. Number of working days in a year:.....

7. How much break for taking rest has been provided to the workers:      Adult: .....

adolescent: .....

8. How many weekly holiday and festival holiday were used for work? And how many days were provided compensatory leave as alternative?

Work on Weekly holiday      alternative leave      work on festival holidays    alternative leave

9. Whether any part of the workers was exempted from the following sections in accordance with section 324 of the act?

Section 100
Section 101
Section 102
Section 103
Section 105

10. Number of accidents:

(i) Fatal:.....

(ii) Serious: .....

(iii) Minor:.....

11. Total number of working days wasted for accident: .....

12. Daily average number of workers engaged in dangerous work in accordance with Rule 48:  
.....

Date:

Signature of the Employer/Managing Director  
.....

\* In order to calculate the average number, the total days of attendance or working days shall have to be divided by the working days of the half-year. At the time of calculating the attendance, workers both temporary and permanent class shall have to be counted and all employees shall be included. The separate shifts (for instance nightshift, day shift) shall be counted separately. The days when the factory/establishment was closed and the production process was off, for what so ever reason, shall not be counted as work days.

Please include the words like One Hour, two half hour or one half hour, as the case may be. If any of it is not applicable for all adult employees, please include the appropriate word which is applicable for the majority of adult workers. The cases where maximum workers have enjoyed working break for more than one hour, please write the word one hour.

**Part- B**

Information on annual leave with wages

1. The number of workers who has completed continuous work for 12 months in a year:

Male: .....

Female: .....

Children: .....

2. The number of workers who were granted leave with wages in a year:

Male: .....

Female: .....

Children: .....

3. Number of workers who have not taken leave in spite of having due leave in a year:

Male: .....

Female: .....

Children: .....

4. Number of workers who have cashed their annual leave in spite of having due leaves in a year:

Male: .....

Female: .....

Children: .....

5. Number of workers dismissed/retrenched/ terminated/resigned in a year:

Date:

Signature of the Employer/Managing Director

**Part C****Canteen related information**

(1) Who have been provided with:

- (i) Cooked food and snacks: .....
- (ii) Cooked food: .....
- (iii) Tea: .....
- (iv) Snacks and tea: .....

(2) If any portion of the expense was carried out by the possessor: .....

(3) Please describe if any food was supplied in a lower price than the purchasing price: .....

(4) Comments, if any: .....

Date:

Signature of the Employer/Managing Director

**Part D****Information regarding children's room**

(1) The number of average daily attendance of child in the child's room room/building:

.....  
(a) The age of two years or less: .....

(b) The age of more than two years: .....

(2) Facilities provided on the following matters:

(a) Milk: ..... (b) Food: .....

(c) Clothes: ..... (d) Toys: .....

(e) Medical facilities: .....

(3) Number of employed employees: .....

(a) Medical practitioner: ..... (b) Nurse: .....

(c) Attendants: ..... (d) Teachers: .....

(e) Cleaner: .....

Date:

Signature of Employer/Managing Director

**Part E****Information regarding shelter, restroom and dining room**

(1) Daily average number of workers attending the shelter, restroom and dining room:  
.....

(2) Facilities provided:  
.....  
.....

(3) Area, furniture and other appliances provided in the allocated space:  
.....  
.....

(4) Comments, (if any):  
.....  
.....

Date:

Signature of Employer/Managing Director

**Part F****Deduction from wages**

(1) Total number of persons employed in the service: ..... Adult .....

(Daily average number of employed persons) adolescents .....

(2) Total wages paid to the employed persons: .....

[Including the deduction under clause (d) to (k) of Sub-section of Section 125, but excluding other deductions]

(3) Number of incidents and amount of received money

Number of incidents	Amount (money)
(A) Fine	
(B) For a harm or damage	
(C) Deduction for unapproved absence	
Total	

(4) Expenditure from fine fund: .....

amount (Taka)	Purpose

Date:

Signature of employer/Managing Director

## Part G

### Information of providing maternity benefits

(1) Number of applications containing claims for maternity welfare benefits entitled under Section 47 of the Act: .....

(2) Number of claims received for providing maternity welfare benefits:.....

(3) Number of not-granted claims (mentioning the reason in every case): .....

(4) Number of incidents were maternity welfare benefits have been provided and the amount of money page:

(a) Number of claimants woman: ..... taka.....

(b) Number of persons nominated by the claimant to woman..... Taka.....

(c) Number of persons taking responsibility for child care..... taka.....

(d) number of legal representative of the claimant:..... Taka.....

Total ..... total.....

Date:

Signature of Employer/Managing Director

**Part- H****Description regarding the payment of compensation for occupational accident and disease of worker**

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Registration number: .....

Accident			Occupational disease									
The number of accidents for which compensation have been paid in the concerned year			the amount of money has been paid as compensation			reas on for dise ase	The number of accidents for which compensation have been paid in the concerned year			the amount of money has been paid as compensation		
De ath	perma nent disabil ity	tempo rary disabil ity	De ath	perma nent disabil ity	tempo rary disabil ity		De ath	perma nent disabil ity	tempo rary disabil ity	De ath	perma nent disabil ity	tempo rary disabil ity
			Tak a	Taka	Taka					Tak a	Taka	Taka
Ad ult												
Min or												

Date:

Signature of Employer/Managing Director

**Part I****Description regarding the provision of medical facilities**

- (1) Name of the factory/establishment/plantation: .....
- (2) Total number of population: .....
- (3) The average number of workers employed daily: .....
- (4) Hospital/dispensary: .....

For every 300 workers

<b>nature of medical facility</b>	<b>Facilities determined in the Rules</b>	<b>Availed facilities</b>	<b>Deviation + (Plus) -(Minus)</b>
Hospital beds	.....	.....	.....
Doctor/Medical Practitioner	.....	.....	.....
Medical Assistant	.....	.....	.....
Midwife	.....	.....	.....
Nurse	.....	.....	.....
Compounder	.....	.....	.....
Malaria prevention assistant (applicable for tea-garden)	.....	.....	.....

(5) Number of Preserved first aid box: .....

(6) Measures taken or proposed for providing facilities in the plantation similar to the medical facilities prescribed in the Rules.

(7) Please provide a chronological description for arranging medical facilities in accordance with the approved plan: .....

(8) The approved number of patients in the group Hospital and if the hospital has been established, the arrangements that have been taken for their treatment.

Date:

Signature of Employer/Managing Director

**Part J**

**Annual report of participation fund of workers in company's benefit**

Amount of benefits deposited by the company			The number of beneficiaries from the money of participation fund and amount of distributed money		Amount of donation, Grant, distribution from the welfare fund	Amount of money sent to the worker welfare foundation fun, check number and date	Investment sector and amount of money	Expenditure of funds Administration	Bank balance	Remarks
80 %	10 %	10 %	Numb er	Tak a						
1	2	3	4	5	6	7	8	9	10	11

**Part K**

**Annual report of property of provident fund**

Name of the factory/establishment: .....

Address of the factory/establishment: .....

Registration no.: .....

Serial number	Name and address of the establishment	Amount of subscription			Money paid by the employer for administrative costs of the funds	Money paid by the employer as compensation for delay in payment		Fund administrative cost	Sector of investment and amount of money invested	Bank balance	Remarks
		Of the employer	Of workers	Total		Recovery of employer's portion	Recovery of worker's portion				

The following matters should be mentioned in the brief description:

- (a) Value of deposits in favor of every class of properties described.
- (b) The market price of these properties.
- (c) The manner of determining the value of such properties.

.....  
Signature of Board Secretary/Controller

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\* Note: This is an unofficial translation from Bengali, the official language of Bangladesh, by Uttam Kumar Das, National Project Officer, ILO Dhaka ([das@ilo.das](mailto:das@ilo.das)), and assisted by Anika Saha and Srabani Nahar.