

**STANDARD OPERATING PROCEDURES (SOPs)  
FOR  
THE UNFAIR LABOUR PRACTICE AND  
ANTI-TRADE UNION DISCRIMINATION**

**AUGUST 2017**



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**Ministry of Labour & Employment  
Government of the People's Republic of Bangladesh**

## Preamble

Just after the glorious liberation war, in 1972 Bangladesh became the member state of International Labour Organization (ILO). Along with many important ILO Conventions, Bangladesh ratified the Convention no. 87 & 98. As per our Constitution, Right to Organize, and Right to Speak are the fundamental rights for the citizens of the country.

In details provisions of unfair labour practice and Anti-Trade Union Discrimination is described in the Bangladesh Labour Act, 2006. In order to visible the transparency & accountability of the Unfair Labour Practice and Anti-Trade Union Discrimination, Ministry of Labour & Employment incorporated this Standard Operating Procedures (SOPs).

The designated Officials of the Department of Labour are required to comply with these procedures in considering applications for Unfair Labour Practice and Anti-Trade Union Discrimination.

This Standard Operating Procedures (SOPs) is intended to ensure the following in the process of considering Unfair Labour Practice and Anti-Trade Union Discrimination.

- i) To accelerate dispute resolution;
- ii) To develop harmonious relationship between employers & workers;
- iii) To ensure neutrality, transparency, and fairness.



**Standard Operating Procedures (SOPs) of Unfair Labour  
Practice and Anti-Trade Union Discrimination**

<b>Step</b>	<b>Action</b>	<b>Time Frame</b>
<b>01. Written complaint</b>	i) Complaint submitted by worker on an unfair labour practice and anti-trade union discrimination to DOL under section 315 & 317 of the BLA.	Complaint should be submitted by worker within 30 days from occurrence of the date.
<b>02. Verification</b>	i) Upon receipt of the written complaint, the DOL will verify whether the complaint relates to an issue of unfair labour practice and anti-trade union discrimination or interference.	03 working days
	ii) If issues not related to unfair labour practice and anti-trade union discrimination or interference, the complaint will be referred to the appropriate authority.	03 working days
<b>03. Communication</b>	i) After verification, if necessary the DOL will forward the complaint to the employer requiring him/her to provide a written response.	05 working days
	ii) The letter to the employer shall be sent by registered post with confirmation of receipt. (including mailing time)	05 working days
	iii) Written response from employer. (including mailing time)	05 working days
	iv) Decision for next step by DOL.	02 working days

Step	Action	Time Frame
<b>04. Investigation</b>	i) Upon receipt of the written response (or in the absence of a response within the required time period) the DOL will appoint an investigation team consists of minimum two members.	02 working days
	ii) Both employer and complainant will be notified in writing of the start and the process of the investigation.(including mailing time)	06 working days
	iii) As part of the investigation, the investigation team will meet with the employer and complainant separately at the establishment and the trade union office respectively. Both parties will be asked to have any relevant documents and other information, including witnesses, ready to be presented at the meetings.	07 working days
	iv) The investigation team will collect relevant documents and may take witness statements, which he/she will ask witnesses to sign. He/she may also request for more information.	
	v) The investigation team may also arrange for a joint meeting, with both employer/representative of employer and complainant, for the purpose of clarifying facts, reviewing available evidence or exploring possible solutions to address the complaint. The	07 working days





Step	Action	Time Frame
	<p>convening of a joint meeting will be at the discretion of the investigating team, unless requested by both parties. In determining the need for a joint meeting, the investigating team will take into consideration the degree of harassment and intimidation.</p> <p>vi) The investigation team will finally write an investigation report which includes a conclusion as to the alleged unfair labour practice and anti-trade union discrimination, and as relevant, a recommendation for resolution. In all cases, the investigation team will indicate whether he/she considers that there has been a violation of the workers' fundamental right to freedom of association.</p>	
<b>05. Resolution</b>	<p>i) If the DOL finds that there has not been an unfair labour practice and anti-trade union discrimination, it will notify both parties with attachment of the investigation report and the case is terminated at that point. However, the complainant is free to further pursue his/her complaint, for example through a direct application to the Labour Court under section 213 of the BLA. (including mailing time)</p>	<p>06 working days</p>

