

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

**AUGUST 2017**



**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.	07 working days
	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	





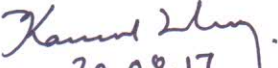
Step	Action	Time Frame
	<p>convening of a joint meeting will be at the discretion of the investigating team, unless requested by both parties. In determining the need for a joint meeting, the investigating team will take into consideration the degree of harassment and intimidation.</p> <p>vi) The investigation 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>



Step	Action	Time Frame
	ii) If the DOL finds that there has been an unfair labour practice and anti-trade union discrimination, it will notify both parties with attachment of the investigation report and will set a deadline for the employer to comply with the recommended resolution.	
	iii) If the employer complies, as confirmed by the complainant in writing, the case is resolved at this stage and parties will be informed accordingly. However, if the complainant (or the employer) is not satisfied with the resolution recommended by the DOL, he/she is free to further pursue his/her complaint, for example through a direct application to the Labour Court under section 213 of the BLA.	
	iv) It should be noted that the case can also be considered resolved at any earlier stage of the procedure. This is the case if and as soon as the employer has addressed the complaint to the satisfaction of, and as confirmed in writing by the complainant.	
<b>06. Record</b>	i) The DOL will ensure that it has made a full record of the process.	

Step	Action	Time Frame
	<p>ii) The record will include the complaint, the response, other letters sent and received, meeting minutes, witness statements, submitted documents and any other information received or obtained, the investigation report and a record of any resolution reached.</p> <p>iii) This information will be used to update a comprehensive database which will include data on: the time taken to resolve cases, the remedies imposed, including the number of cases of reinstatement with or without back pay, the number of remedies accepted by employers versus appealed to judicial proceedings, time taken for judicial proceedings and the percentage of cases where employers' appeals succeed, and sanctions ultimately imposed following full proceedings.</p> <p>iv) The online database will be updated with the relevant information.</p>	<p>Step by step, it will be preserved in the file &amp; should be maintained a prescribed register. (Annexure-1)</p>
<b>07. Referral to Labour Court</b>	<p>i) If the DOL finds that there has been an unfair labour practice and anti-trade union discrimination but the employer does not comply in a timely manner with the resolution recommended by the DOL, then it shall lodge a complaint with the Labour Court under sections</p>	<p>04 Working Days</p>

Step	Action	Time Frame
	313 (2-b) and 317 (4-b) of the BLA.	
	ii) To this end, the DOL will submit the full record of the proceedings, including its findings and recommendations, to the court.	

  
 30.08.17  
 MOHAMMED KAMRUL ISLAM  
 Senior Assistant Secretary  
 Ministry of Labour and Employment  
 Govt. of the People's Republic of Bangladesh



Annexure-1

**Register of Unfair Labour Practice and**  
**Anti-Trade Union Discrimination**

SL. No	Date of receipt & diary No.	Subject	Name of establishment	Name of complainant and address	Complaint brief & Action taken	Name & Designation of Inquiry officer	Latest Position	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

*Kamrul Islam*  
30.08.17

MOHAMMED KAMRUL ISLAM  
Senior Assistant Secretary  
Ministry of Labour and Employment  
Govt. of the People's Republic of Bangladesh

Annexure-2

**Monthly Statement of Unfair Labour Practice and  
Anti-Trade Union Discrimination**

Name of the Office:

Name of the Month:

SL. No	Name & address of the Complainant and establishment	Date of Submission of the Complaint	Complaint briefing	Action Taken	Latest Position	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

*Kamrul Islam*  
30.08.17

MOHAMMED KAMRUL ISLAM  
Senior Assistant Secretary  
Ministry of Labour and Employment  
Govt. of the People's Republic of Bangladesh