

রেজিস্টার্ড নং ডি এ-১ “জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমানের
জন্মশতবার্ষিকী উদ্‌যাপন সফল হোক”



অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

মঙ্গলবার, জুলাই ২৭, ২০২১

Government of the Peoples' Republic of Bangladesh
Prime Minister's Office
Notification

Dated: 27 July, 2021.

S.R.O.No.257-Law/2021.—In exercise of the power conferred by section 207 of the Bangladesh EPZ Labour Act, 2019, the Government is pleased to publish the following English Text of the Act to be called the Authentic English Text of the Act:

Act No. II of 2019

An Act to make provisions relating to employment of workers in the industries under the EPZ or Zones, relations between workers and employers, fixation of minimum rates of wages, payment of wages, compensation for injuries to workers caused by accident during working hours, health, safety, etc. of the workers, and for the formation of Workers' Welfare Association and to repeal and re-enact the existing laws relating to EPZ Workers' Welfare Association and industrial relations

WHEREAS it is expedient and necessary to make provisions relating to employment of workers in the industries under the EPZ or Zones, relations between workers and employers, fixation of minimum rates of wages, payment of wages, compensation for injuries to workers caused by accident during working hours, health, safety, etc. of the workers, and for the formation of Workers' Welfare Association and to repeal and re-enact the existing laws relating to EPZ Workers' Welfare Association and industrial relations;

It is hereby enacted as follows :—

(১১৬১৭)
মূল্য : টাকা ৮০.০০

CHAPTER I
PRELIMINARY

1. **Short title, commencement and application.**—(1) This Act may be called the Bangladesh EPZ Labour Act, 2019.

(2) This Act shall be applicable to the workers and employers of all industries in EPZ or Zones under the Bangladesh Export Processing Zones Authority.

(3) It shall come into force at once.

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

- (1) **“retirement”** means the retirement of any worker from employment under section 24;
- (2) **“partial disablement”** means, where the disablement is of a temporary nature, such disablement which reduces the earning capacity of any worker in any employment in which he was engaged at the time of the accident resulting in the disablement and where the disablement is of a permanent nature, such disablement which reduces his earning capacity in each employment which he was capable of undertaking at that time:

Provided that every injury specified in the First Schedule shall be deemed to result in permanent partial disablement;

- (3) **“EPZ” or “Area” or “Export Processing Zone” or “Zone”** means any EPZ or Area or Economic Zone or similar specialized area established and regulated under the Authority;
- (4) **“EPZ Labour Court”** means the EPZ Labour Court established under section 133;
- (5) **“EPZ Labour Appellate Tribunal”** means the EPZ Labour Appellate Tribunal established under section 136;
- (6) **“manufacturing process”** means the process of producing or manufacturing any goods or products or providing service in any industry;
- (7) **“Authority”** means the Bangladesh Export Processing Zones Authority established under the Bangladesh Export Processing Zones Authority Act, 1980 (Act No. XXXVI of 1980);

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- (8) “**working hour**” means the time during which the workers are employed at the disposal of the employer excluding any interval for rest and meals;
 - (9) “**Counselor**” means the Counselor appointed under sub-section (2) of section 125;
 - (10) “**factory**” means any industry and any workshop, building or premises thereof, wherein minimum 10 (ten) or more workers work;
 - (11) “**company**” means any company registered under the Companies Act, 1994 (Act No. XVIII of 1994) which has one or more than one industry in any Zone;
 - (12) “**termination of employment**” means separation or termination of his employment by any worker or dismissal, termination, retrenchment of employment, etc. of any worker by the employer;
 - (13) “**retrenchment**” means the termination of services of workers by the employer on the ground of redundancy;
 - (14) “**discharge**” means the termination of service of a worker by the employer due to physical or mental incapacity or continued ill health;
 - (15) “**Schedule**” means any Schedule of this Act;
 - (16) “**day**” means a period of 24 (twenty four) hours beginning at 6.00 (six) am;
 - (17) “**Code of Civil Procedure**” means the Code of Civil Procedure, 1908 (Act No. V of 1908);
 - (18) “**strike**” means cessation of work or refusal to work jointly by a group of workers employed in any industry or refusal to work or continue to work unanimously by a body of workers employed therein;
 - (19) “**Executive Chairman**” means the Executive Chairman of the Authority;
 - (20) “**Executive Council**” means the Executive Council authorized to deal with the affairs and management of an Association according to the Constitution of the Workers’ Welfare Association;

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- (21) “**Executive Director (Labour and Industrial Relations)**”, “**Additional Executive Director (Labour and Industrial Relations)**”, “**Director (Labour and Industrial Relations)**”, “**Deputy Director (Labour and Industrial Relations)**”, “**Assistant Director (Labour and Industrial Relations)**”, means an officer appointed or assigned by the Authority to discharge the duties and carry out responsibilities of the labour and industry related matters of any Zone under Chapter XIV;
- (22) “**determined**” means determined by the Authority;
- (23) “**calendar month or year**” means the Gregorian Calendar month or year;
- (24) “**shift**” means where work of the same kind is carried out by two or more workers during different periods of the day, each of such periods;
- (25) “**dependant**” means any deceased worker’s-
- (a) wife or husband, minor child, unmarried daughter or widowed mother, and
 - (b) father, widowed daughter, minor brother, unmarried or widowed sister, widowed daughter-in-law, minor son of deceased son, minor child of a deceased daughter where his father is not alive or, where parent of the deceased worker is not alive, the paternal grandfather or grandmother, if wholly or partly dependant on the earnings of the worker at the time of his death;
- (26) “**regulations**” means regulations made under this Act;
- (27) “**maternity benefit**” means the sum of money payable under the provisions of Chapter III to any female worker with leave on the ground of her being a mother;
- (28) “**adult**” means any person who has completed 18 (eighteen) years of age;
- (29) “**Code of Criminal Procedure**” means the Code of Criminal Procedure, 1898 (Act No. V of 1898);
- (30) “**dismissal**” means the termination of employment of any worker by the employer for misconduct;
- (31) “**rules**” means rules made under this Act;

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- (32) “**illegal strike**” or “**illegal lock-out**” means an illegal strike or illegal lock-out under section 145 of this Act;
- (33) “**provident fund**” means any fund constituted under section 164 for the workers of any industry;
- (34) “**wages**” means all remuneration which is or is made expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to any worker in respect of his employment or of work done in such employment, and includes any other additional remuneration of the nature aforesaid which would be so payable, but does not include the following money, namely:-
- (a) the value of any house accommodation, light, water, medical facilities or other amenity or the value of any such service excluded by general or special order by the Authority;
 - (b) a subscription paid by the employer to pension fund or provident fund;
 - (c) any travelling allowance or the value of the travelling concession;
 - (d) any sum paid to any worker to defray special expenses entitled to him by the nature of his employment;
- (35) “**Inspector General**” means any member of the Authority deputed by the Government and appointed by the Authority to discharge the duties of inspection of the enterprises within the Zones under Chapter XIV; and “**Additional Inspector General, Joint Inspector General, Deputy Inspector General, related other inspection officers and Inspector**” means any officer so appointed or assigned by the Authority under the same Chapter;
- (36) “**employer**” in relation to any industry, means any person or body of persons who employes workers therein, and also includes the following persons:
- (a) any heir, successor in assignment or legal representative of such person;
 - (b) any person responsible for managing or controlling of that industry;
- (37) “**settlement**” means any settlement arrived at in the course of a conciliation proceeding or a settlement made by any other means or an agreement in writing executed and signed between an employer and worker;
- (38) “**Conciliator**” means any person appointed as such under sub-section (1) of section 125;

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- (39) “**machinery**” means all machinery and prime movers, transmission machinery and such other appliances or apparatus whereby power is generated, decreased or increased, transmitted or used to produce or manufacture any product or goods or to provide service;
- (40) “**vehicle**” means any mechanically propelled vehicle, used or capable of being used, for travelling by land, water and air, and includes any trolley vehicle and any trailer;
- (41) “**Collective Bargaining Agent**” means elected representative of the Executive Council of registered Workers’ Welfare Association of any industry which is the Collective Bargaining Agent of the workers for that industry;
- (42) “**registered medical practitioner**” means any practitioner registered and recorded as medical practitioner under the Bangladesh Medical and Dental Council Act, 2010 (Act No. LXI of 2010);
- (43) “**award**” means decision of any industrial dispute or any matter relating thereto by the Arbitrator, EPZ Labour Court or EPZ Labour Appellate Tribunal, and also includes an interim decision;
- (44) “**lock-out**” means the closure of a place of work or any part thereof, or the suspension of work therein, wholly or partly, or refusal, absolute or conditional, by an employer to continue to employ in service any number of workers employed by him, if such closure, suspension or refusal occurs in connection with any industrial dispute or is intended for the purpose of compelling workers to accept certain terms and conditions of employment;
- (45) “**lay-off**” means the failure, refusal or inability of an employer to give employment to any worker on account of shortage of coal, power or raw material or the accumulation of stock or the break-down of machinery;
- (46) “**industry**” or “**enterprise**” means any industrial establishment or factory established in any Zone approved by the Authority for manufacturing or producing any goods or commodity or providing for service;

- (47) “**industrial dispute**” means any dispute or difference of opinion between employers and workers which is, in respect of appointment or conditions of service or conditions of work of any person;
- (48) “**worker**” means any adult person (including an apprentice) employed in any industry other than employer who is employed in any industry of any Zone directly, or in any other way, to do any skilled, unskilled, manual, technical or clerical work for hire or reward, whether the terms of employment are expressed or implied, but does not include Chief Executive Officer, any person engaged to perform the executive or administrative duties or any person liable to the employer for supervising and controlling of that industry;
- (49) “**Workers’ Welfare Association**” means any Workers’ Welfare Association formed by the workers for the purpose of regulating the relations between workers and employers under Chapter IX of this Act;
- (50) “**Federation of Workers’ Welfare Association**” means any registered Federation of Workers’ Welfare Association of any EPZ under Chapter IX of this Act;
- (51) “**representative**” in relation to Workers’ Welfare Association, means any elected member of the Executive Council of said association;
- (52) “**week**” means a period of 7 (seven) days which begins at 6.00 (six) am. on Friday or such other day as may be determined by the Government;
- (53) “**total disablement**” means such disablement, whether of a temporary or permanent nature, which incapacitates any worker from all works which he was capable of performing at the time of the accident resulting in such disablement or such worker losses working capacity in permanent or temporary nature due to reaction of chemical substances used in course of work or ill health caused by contamination connected with the work:

Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in the First Schedule where the aggregate percentage of the loss of earning capacity as specified in that Schedule against those injuries, amounts to 100 (one hundred) percent;

- (54) “**arbitration**” means arbitration under Chapter X;
- (55) “**arbitrator**” means any person appointed for the purpose of section 130.

3. **Overriding effect of the Act.**—Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall prevail.

CHAPTER II**CONDITIONS OF EMPLOYMENT AND SERVICE**

4. **Conditions of service.**—(1) In each enterprise employment of workers and other matters relating thereto shall be regulated according to the provisions of this Act:

Provided that any enterprise may have its own service rules relating to the employment of workers, but no such rules shall be less favourable to any worker than the provisions of this Act.

(2) The service rules mentioned in the proviso to sub-section (1) shall be submitted by the employer of the enterprise to the Additional Inspector General for approval and the Inspector General shall approve it or reject mentioning the reasons within 6 (six) months of the receipt thereof.

(3) No service rules mentioned in sub-section (2) shall be effective without the approval of the Additional Inspector General.

(4) Any person aggrieved by the order of the Additional Inspector General may, within 30 (thirty) days of the receipt of the order, prefer an appeal to the Executive Chairman and the Executive Chairman shall dispose of such appeal within 45 (forty five) days of receipt thereof and the decision of the Executive Chairman shall be deemed to be final in this case.

5. **Classification of workers and probation period.**—(1) Workers employed in any enterprise may be classified in any of the following classes according to the nature and condition of work, namely :

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

(2) Any worker may be called an apprentice if he is employed in an enterprise as a trainee and paid allowances during the period of his training.

(3) Any worker may be called a casual worker if he is employed on ad-hoc basis in an enterprise for work of a casual nature.

(4) Any worker may be called a temporary worker if he is employed in an enterprise for a work which is essentially of temporary nature and is likely to be finished within a limited period.

(5) Any worker may be called a probationer if he is employed for the time being in an enterprise in a permanent post and the period of his probation is not ended.

(6) Any worker may be called a permanent worker if he is employed in an enterprise on permanent basis in a permanent post or if he is employed under sub-section (5) as probationer and if he has completed the period of his probation satisfactorily in that enterprise.

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

Provided that the period of probation of any worker may be extended for a further period of 3 (three) months if he does not complete the period of his probation satisfactorily for any reason.

6. Appointment letter and identity card.—No employer shall employ any worker without giving an appointment letter and each such employed worker shall be provided with an identity card with his photograph.

7. Service book, form of service book, etc.—Each employer shall, at his own cost, provide a service book for each worker, and each service book shall be maintained in such size, form and manner as may be determined by the Authority.

8. Worker's register, tickets, cards, etc.—(1) The employer shall maintain a worker's register of his enterprise and make it available to the Inspection Officer or Counselor-cum-Inspector for inspection at all times during working hours.

(2) The Authority may determine the form of worker's register, the manner in which it shall be maintained and the period of which it shall be preserved including inspection procedure.

(3) The employer shall provide 1 (one) ticket or card to each worker.

9. Procedure for leave.—(1) Each worker may be entitled to enjoy leave as per entitlement, and the entitlement of leave shall be counted as per Calendar year.

(2) Any worker may be allowed to enjoy any general or special holiday in addition to his entitlement as may be declared by the Government.

(3) The Authority shall determine the procedure of leave and other matters relating thereto.

(4) The Authority may at any time declare general holiday in any one enterprise or all enterprises together in any Zone or all enterprises in all Zones:

Provided that the above-mentioned holiday shall be deemed to be general working days, and the employer shall pay the wages to the workers for such days.

10. Payment of wages for un-availed leave.—If the service of a worker terminates due to retrenchment, discharge, removal, dismissal, retirement, resignation or any other reason and any annual leave is due to him, the employer shall pay him wages in lieu of the un-availed leave at the rate he is entitled to the payment of wages during the period of leave in accordance with the provisions of this Act.

11. Stoppage of work.—(1) Any employer may, at any time, if necessary in the event of fire, serious catastrophe, epidemics, wide spread riots, stop work in any section or sections of his enterprise, wholly or partly, for such period as the cause for such stoppage continues to exist:

Provided that it shall be informed to the Authority forthwith after order of such stoppage and the decision of the Authority shall be deemed to be final in this regard:

Provided further that an employer may, with the prior permission of the Authority, at any time, if necessary in the event of sudden catastrophe, breakdown of machinery, stoppage of power supply, or any other cause beyond his control, stop any section or sections of his enterprise, wholly or partly, for such period as the cause for such stoppage continues to exist.

(2) If such order of stoppage is given after the working hours, the employer shall notify the concerned workers, by a notice on the notice Board or by affixing or hanging the notice in a conspicuous place before the beginning of the next working hours.

(3) A notice under sub-section (2) shall contain the direction as to when the work shall be resumed and when such workers are to remain at their place of work before the resumption of work.

(4) If such stoppage occurs during working hours, the employer shall, as soon as may be, notify the concerned workers by a notice in the manner specified in sub-section (2) and such notice shall contain the direction as to when the work shall be resumed and whether such workers are to remain at their place of work.

(5) Where workers are directed to stay at their place of work following such stoppage, the staying workers may not get wages, if the period of their stay does not exceed 1 (one) hour, and if it exceeds the said period they shall get wages for the whole period of their stay.

(6) If the period of stoppage of work does not exceed 1 (one) working day, any worker, unless entitled to wages under sub-section (5), may not get any wages.

(7) If the period of stoppage of work continues for more than 1 (one) working day, each worker, other than a casual worker, shall be paid wages for all stopped working days exceeding 1 (one) day.

(8) If the period of stoppage of work exceeds 3 (three) working days, the concerned workers shall be laid off in accordance with the provisions of section 15.

(9) The lay-off mentioned in sub-section (8) shall be effective from the first day of stoppage of work, and any wage paid to a worker for the first 3 (three) days may be adjusted against the compensation payable to such worker for the period of such lay-off.

12. Closure of enterprise.—(1) Any employer may, with the prior approval of the Authority, in the event of an illegal strike in any section or department of any enterprise, close down either wholly or partly such section or enterprise, and in cases of such closure the workers participated in the strike shall not be entitled to any wages.

(2) Where by reason of closing down of any section or department of any enterprise under sub-section (1) any other section or department is so affected that it is not possible to keep that section or department open, that section or department may also be closed down and the workers affected thereby shall be paid wages equal to the amount of compensation payable in the case of lay-off up to a period of 3 (three) days and, may not get any wages for any additional period exceeding thereto.

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

13. Calculation of “one year”, “six months” and “wages” in certain cases.—(1) For the purposes of this Chapter, any worker who, during the preceding 12 (twelve) calendar months, has actually worked in an enterprise at least 240 (two hundred forty) days or 120 (one hundred twenty) days, shall be deemed to have completed “1 (one) year” or “6 (six) months” respectively of continuous service in that enterprise.

(2) For the purposes of calculation of the number of days, any worker actually worked in an enterprise mentioned in sub-section (1), the following days shall also be counted, namely:

- (a) the days of his laying-off;
- (b) the days of his leave with or without wages due to sickness or accident;
- (c) the days of out of work due to legal strike or illegal lock-out;
- (d) in the case of female worker, maternity leave not exceeding 16 (sixteen) weeks.

(3) For the purposes of calculation of compensation under section 18, 19 or 21 or of wages under section 20, 21, 22 or 23, “wages” shall mean the average of the basic wages and dearness allowance and ad-hoc or interim wages, if any, paid to a worker during the period of 12 (twelve) months immediately preceding the date of his retrenchment, dismissal, removal, discharge, retirement or termination of employment.

14. Restrictions on application of sections 11, 15, 16 and 17.—Notwithstanding anything contained elsewhere in this Chapter, the provisions of sections 11, 15, 16 and 17 shall not apply to any enterprise where at least 5 (five) workers are not employed or were not employed during the preceding 12 (twelve) months.

15. Right of compensation for laid-off workers.—(1) Whenever any worker, other than any casual worker, whose name is on the muster-roll of an enterprise and who has completed at least 1 (one) year of service under the employer is laid-off, he shall be paid compensation by the employer for all days during which he is so laid-off, except for weekly holidays.

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

(3) Any worker whose name is on the muster-roll of an enterprise shall not be treated as temporary or other worker for the purpose of this section, if he has completed 1 (one) year of continuous service in that enterprise.

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

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

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

(7) In any case, during a calendar year, if any worker is to be laid-off after the first 45 (forty five) days as aforesaid, for any continuous period of 15 (fifteen) days or more, the employer may, instead of laying off such worker, retrench him under sub-section (1) of section 19.

16. Muster-roll for laid-off workers.—Notwithstanding that the workers employed in an enterprise are laid-off, the employer shall maintain a muster-roll, and cause to be recorded therein the names of those who may, from amongst the laid-off workers, present themselves for work at the enterprise during normal working hours.

17. Laid-off workers not entitled to compensation in certain cases.—

(1) Notwithstanding anything contained elsewhere in this Chapter, no compensation shall be payable to any worker who has been laid-off, if he—

- (a) refuses to accept on the same wages, any alternative employment not requiring any skill or previous experience in the same enterprise or in any other enterprise belonging to the same employer and situated in the same town or village or situated within 8 (eight) kilometers of the EPZ;
- (b) does not present himself for work at the enterprise at the appointed time during normal working hours once a day if so required by the employer.

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

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

18. Compensation for death.—If any worker dies while in service for at least more than 1 (one) year continuously under an employer, such employer shall pay as compensation 30 (thirty) days wages or, in the case of his death while working in the enterprise or in the case of his death followed by an accident while working in the enterprise 45 (forty five) days wages for each completed year of his service of any part thereof exceeding 6 (six) months, to the nominee of the deceased worker or, in the absence of the nominee, to his dependant and this money shall be in addition to the retirement benefit to which the deceased worker would have been entitled had he retired from service.

19. Retrenchment and re-employment of retrenched workers.—(1) Any worker may be retrenched from service of any enterprise on the ground of redundancy and the matter shall have to be informed to the Authority.

(2) If any worker has been in continuous service under an employer for not less than 1 (one) year, the employer, in the case of retrenchment of such worker, shall-

- (a) give him 1 (one) month's notice in writing mentioning the reasons for his retrenchment or, in lieu of such notice, pay him wages for the period of notice; and
- (b) pay him as compensation 30 (thirty) days' wages for his each year of service.

(3) Where any worker is retrenched and the employer intends to employ again any worker within a period of one year of such retrenchment, the employer shall send a notice to the last known address of the retrenched worker asking him to apply for service, and any worker who applies for re-employment in response to such request shall be given preference, and if more than one such retrenched workers apply, preference shall be given on the basis of their seniority in their previous services.

20. Discharge.—(1) Any worker may be discharged from service on the ground of physical or mental incapacity or continued ill-health certified by a medical practitioner of a medical centre of a Zone or a registered medical practitioner.

(2) If any discharged worker completes not less than 1 (one) year of continuous service he shall be paid by the employer 30 (thirty) days' wages as compensation for his each year of service.

21. Punishment for misconduct and conviction.—(1) Notwithstanding anything contained as to lay-off, retrenchment, discharge and termination of service elsewhere in this Act, any worker may be dismissed without a notice or without wages in lieu of a notice if he is—

- (a) convicted for any criminal offence; or
- (b) found guilty of misconduct prescribed by regulations.

(2) Any worker charged for misconduct may be suspended during the period of investigation into the charge and, unless the matter is pending before EPZ Labour Court, the period of such suspension shall not exceed 60 (sixty) days:

Provided that during the period of such suspension, any worker shall be paid by his employer half of average wages, dearness allowances and ad-hoc or interim wages, if any, as subsistence allowance and other allowances in full.

(3) Misconduct and punishments, punishments orders, methods of investigation, etc. and other matters related thereto under this section shall be prescribed by regulations.

22. Termination of employment of worker by an employer other than dismissal, etc.—(1) The employment of any worker may be terminated by an employer, other than in the manner provided elsewhere in this Chapter, by giving him a notice in writing of—

- (a) 120 (one hundred twenty) days, if he is a permanent worker;
- (b) 60 (sixty) days, in case of other workers.

(2) Where an employer intends to terminate the employment of a worker without any notice, he may do so by paying the worker wages for the period of notice, in lieu of the notice, under sub-section (1).

(3) Where the service of any permanent worker is terminated under this section, he shall be paid by the employer compensation at the rate of 30 (thirty) days' wages for his each completed year of service, and this compensation shall be in addition to any other benefit which is payable to such worker under this Act.

(4) In order to maintain security and law and order of concerned enterprise including the Zone under this section, in case of termination of employment of 10 (ten) or more workers at a time, the employer shall have to consult with the concerned Additional Inspector General of the Zone.

23. Resignation by workers from employment.—(1) Any permanent worker may resign his service by giving the employer 30 (thirty) days notice in writing.

(2) Any temporary worker or any other worker may resign his service by giving the employer 15 (fifteen) days notice in writing.

(3) Where any worker intends to resign his service without any notice, he may do so by paying the employer an amount equal to the wages for the period of notice, in lieu of notice under sub-section (1) or (2).

(4) Where any permanent worker resigns from employment under this section, the employer shall pay to the worker compensation-

(a) at the rate of 15 (fifteen) days' wages for his each completed year of service, if he completes five years of continuous service or more but less than ten years under the employer;

(b) at the rate of 30 (thirty) days' wages for each completed year of service if he completes ten years of continuous service or more but less than twenty five years under the employer;

(5) The compensation under sub-section (4) shall be in addition to any other benefit payable to such worker under this Act.

24. Retirement from employment.—(1) Notwithstanding anything contained elsewhere in this Chapter, any worker employed in an enterprise shall retire from employment on the completion of 60 (sixty) years of his age:

Provided that any worker, at any time, after completion of his 25 (twenty five) years of service, may take retirement by submitting 30 (thirty) days' prior notice in writing before such retirement.

(2) For the purpose of counting age of any worker under this section, the date of birth recorded in the service book of that worker shall be deemed to be a conclusive proof.

(3) If any permanent worker retires from employment under this section, the employer shall pay the retired worker the wages of 45 (forty five) days as compensation for each completed year of his service, and this compensation shall be in addition to any other benefit payable to such worker under this Act or the retired worker shall be paid according to the service rules of the enterprise.

25. Payment of provident fund.—If any worker is a member of any provident fund and is entitled to any benefit from such fund including the employer's contribution as prescribed by regulations, he shall not be deprived of such benefit due to retrenchment, discharge, dismissal, retirement, removal or termination of service or death.

26. **Worker's wage period and payment of wages.**—(1) The wage period of any worker shall not be more than 1(one) month.

(2) In relation to wage period, wages payable to any worker shall be paid within 7 (seven) working days after completion of such wage period.

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

28. **Procedure of complaint.**—(1) If any worker including any worker who has been laid-off, retrenched, discharged, dismissed, removed, or otherwise terminated from employment has any complaint in respect of anything under this Chapter, and intends to get redress thereof under this section, he shall send his complaint in writing to his employer, by registered post within 30 (thirty) days of being informed of the cause of such complaint:

Provided that if the employer or appointing authority accepts the complaint directly and acknowledges the receipt thereof in writing, such complaint shall not be required to be sent by registered post.

(2) Enquiry, settlement and other matters related to the complaint under subsection (1) shall be prescribed by regulations.

CHAPTER III

MATERNITY BENEFIT

29. **Prohibition of engagement of female worker in work in maternity period.**—(1) No employer shall engage any female worker in his enterprise within 8 (eight) weeks immediately following the day of her delivery.

(2) No female worker shall work in any enterprise within 8 (eight) weeks immediately following the day of her delivery.

(3) No employer shall employ any female worker for doing any work which is of an arduous nature or which involves long hours of standing or which is likely to adversely affect her health, if he has reason to believe or if the female worker has informed him that she is likely to deliver a child within 10 (ten) weeks or the female worker has delivered a child within the preceding 10 (ten) weeks.

30. Right to maternity benefit and liability for its payment.—(1) Each female worker shall be entitled to maternity benefit from her employer for the period of 8 (eight) weeks preceding the expected day of her delivery and 8 (eight) weeks immediately following the day of her delivery, and her employer shall be bound to give her such benefit:

Provided that any female worker shall not be entitled to such benefit unless she has worked under her employer for a period of not less than 6 (six) months immediately preceding the day of her delivery.

(2) No such benefit shall be payable to any female worker if at the time of her delivery she has 2 (two) or more surviving children, but in that case she may enjoy any leave which is due to her.

31. Procedure regarding payment of maternity benefit.—If any pregnant female worker is entitled to maternity benefit under this Act, she shall give notice in such manner as may be prescribed by regulations and the employer shall provide maternity benefit with leave to the concerned female worker.

32. Amount of maternity benefit.—(1) The maternity benefit which is payable under this Act shall be paid at the rate of daily, weekly or monthly average wages, where which is applicable, calculated in the manner laid down in sub-section (2), and such payment shall be made wholly in cash.

(2) For the purpose of sub-section (1), the daily, weekly or monthly average wages shall be calculated by dividing the total wages earned by the concerned female worker during 3 (three) months immediately preceding the date on which she gives notice under this Chapter by the number of days she actually worked during that period and that shall be fixed as her daily wages.

33. Payment of maternity benefit in case of death of any female worker.—(1) If any female worker entitled to maternity benefit under this Chapter dies at the time of her delivery or within 8 (eight) weeks following thereof, the employer shall pay the amount of maternity benefit in such manner and to such persons as may be prescribed by regulations.

(2) If any female worker dies during the period for which she is entitled to maternity benefit but before giving birth to a child, the employer shall be liable to pay such benefit for the period preceding including the day of her death, but if any such benefit already paid to her exceeds the amount of such benefit now payable shall not be recoverable, and if any amount in this regard is due to the employer till the time of death of the female worker, he shall pay it to the nominee of the female worker under this Chapter, or if there is no nominee, to her legal representative.

34. Restrictions on termination of employment of a female worker in certain cases.—If any notice or order of discharge, dismissal, removal or otherwise termination of employment is given by the employer to a female worker within a period of 6 (six) months before and 8 (eight) weeks after her delivery and such notice or order is given without sufficient cause, she shall not be deprived of any maternity benefit to which she would be entitled under this Chapter if such notice or order has not been given.

CHAPTER IV

OCCUPATIONAL SAFETY AND HEALTH, CLEANLINESS, SAFE WORK, SAFETY AND WELFARE MEASURES

35. Health and safety related general rules.—(1) It is the duty and responsibility of each employer to ensure and to maintain a safe and secure healthy and congenial condition of work in his enterprise.

(2) Each employer shall take the following measures in his enterprise in such manner as may be prescribed by regulations-

- (a) to provide and maintain the safe factory building and internal system of the building, floor, stairs and passage and machinery and plant and working system for the safety and security of lives;
- (b) to ensure the absence of any risk to safety and health while using, preserving and carrying any substance, materials etc.;
- (c) to aware each worker about the hazard of the work through necessary instructions and training, as the case may be, in order to ensure the protection and safety of personal health in working place;
- (d) to provide appropriate protective dress and personal protective equipments and safety appliances to the workers, free of cost to avoid any accident for using risky machinery, poisonous chemical or in any special cases;
- (e) to provide and maintain first aid appliances, sufficient fire fighting equipments in each floor of the factory building and to provide necessary instructions or notice of using such appliances and equipments;

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- (f) to ensure safety measures of the machinery and equipments during the time of use or remaining in other condition;
 - (g) to take all measures to prevent any explosion where gas, fumes, vapour or dust is produced due to manufacturing process or it is of such nature or to such extent which is likely to be exploded or ignited;
 - (h) to provide separate and adequate lavatory and toilet for male and female workers in each enterprise and to keep it clean and hygene;
 - (i) to provide adequate pure drinking water facilities at any suitable point in each enterprise for all workers working therein;
 - (j) to maintain safety record book, to form safety committee, to appoint welfare officers, to ensure washing facilities, canteen, child corner, etc. as welfare measures;
 - (k) to take effective precautionary measures in case of bodily injury, poisoning or diseases for any person employed thereto.
- (3) The Authority shall ensure the following matters relating to health and safety, by regulations, in the enterprises—
- (a) to take effective arrangements for disposal of wastages and effluents due to manufacturing process;
 - (b) to make arrangement for cleanliness, ventilation and temperature, dust and fume, artificial humidification, overcrowding, lighting, dustbin and spittoon, etc.;
 - (c) to take precautionary measures and to protect eyes from the fencing of machinery, work on or near machinery in motion, striking gear and devices for cutting off power supply, cranes and other lifting machinery, hoist and lift, revolving machinery, pressure plant, excessive weights, explosive or inflammable gas, dust, smoke, etc.;
 - (d) to make arrangement of notice regarding dangerous operation, dangerous occurrences, accident, diseases etc.;
 - (e) to ascertain defective parts or power to testify the stability of the machinery, power to direct for enquiry into cases of accident or disease, power to collect samples, power of Additional Inspector General in case of certain dangers, to provide information about dangerous building and machinery, restriction of employment of females in certain work;
 - (f) safety of factory building and precaution as to fire.

36. Introduction of compulsory group insurance.—(1) In all enterprises where at least 25 (twenty five) permanent workers are employed, the employer shall introduce group insurance in accordance with the existing insurance laws.

(2) The amount claimed as insurance shall be in addition to the other dues of any worker under this Act:

Provided that the recovery of the insurance claim due to death of a worker shall be the responsibility of the employer and he shall make arrangement for payment of the amount so recovered from such insurance claim directly to the dependants:

Provided further that notwithstanding anything contained contrary in any other law, where any insurance claim is made under this section, it shall be settled by joint initiatives of the insurance company and the employer within 120 (one hundred and twenty) days.

37. Medical centre.—(1) In each Zone there shall be a medical centre.

(2) Each industry shall be the member of the medical centre of the concerned Zone and the subscriptions of the members and other subject matters shall be determined by the Authority.

CHAPTER V

WORKING HOURS AND LEAVE

38. Daily working hours.—No worker shall ordinarily work or be required to work in an enterprise for more than 8 (eight) hours in a day:

Provided that subject to the provisions of section 40, any such worker may work in an enterprise up to 10 (ten) hours in a day.

39. Interval for rest or meal.—In an enterprise no worker shall be liable to-

- (a) work for more than 6 (six) hours in a day, unless he is given an interval of 1 (one) hour for rest or meal during that day;
- (b) work for more than 5 (five) hours in a day, unless he is given an interval of 30 (thirty) minutes for rest or meal during that day; or
- (c) work for more than 8 (eight) hours in a day, unless he is given 1 (one) interval under clause (a) or 2 (two) intervals under clause (b) for rest or meal during that day.

40. Weekly working hours.—(1) No worker shall ordinarily work or be required to work in an enterprise for more than 48 (forty eight) hours in a week.

(2) Subject to the provisions of section 45, a worker may work for more than 48 (forty eight) hours in a week:

Provided that the total working hours of such worker shall not exceed 60 (sixty) hours in a week and on the average 56 (fifty six) hours per week in a year:

Provided further that the Authority may, in cases of some particular industries, under conditions imposed by order in writing, relax the provisions of this section or exempt from the provisions of this section at a time for a period of not exceeding 6 (six) months, if the Authority is satisfied that such relaxation or exemption is necessary for the public interest or economic development.

41. Weekly holiday.—Any worker employed in an enterprise shall be entitled to 1 (one) day holiday in a week and no deduction shall be made from his wages for such holiday.

42. Compensatory weekly holiday.—Where, as a result of the passing of an order or making of a rule or regulation under the provisions of this Act exempting an enterprise or the workers employed therein from the provisions of section 41, a worker is deprived of any of the weekly holidays provided for in that section, he shall be allowed within following 6 (six) days, compensatory holidays of equal number to the holidays so deprived of according to the circumstances.

43. Night-shift.—Where the shift work of any worker in an enterprise extends beyond midnight—

- (a) for the requirement of section 41, a holiday for a whole day for the worker shall mean 24 (twenty four) consecutive hours beginning from the end of his shift; and
- (b) the following day for him shall mean 24 (twenty four) consecutive hours beginning from the end of his shift, and the hours he has worked after midnight shall be counted to the hours of his works of the previous day.

44. Restrictions of working hours on vehicles.—No worker shall work or be allowed to work on one or more than one vehicles in excess of the time permitted under this Act.

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

46. **Limited hours of work for female workers.**—No female worker shall, without her consent and the consent of Additional Inspector General of concerned Zone, be allowed to work in any enterprise between 8 (eight) pm. to 6 (six) am.

47. **Restrictions on double employment.**—No worker shall be allowed to work in more than one enterprise on the same day, without permission of the Additional Inspector General and on such conditions as may be imposed by him.

48. **Notice of hours of work for workers.**—(1) In each enterprise a notice showing the time clearly in writing when the workers employed therein are required to work shall be displayed and maintained in the enterprise.

(2) Working hours and other related matters of the workers engaged in any enterprise shall be prescribed by regulations.

49. **Working hour corresponding with notice and register.**—No worker shall work or be required to work other than in accordance with the notice under section 48 (1) and the entries made beforehand against his name in the register maintained under section 8.

50. **Casual leave.**—(1) Each worker shall be entitled to casual leave for 10 (ten) days with full wages in a calendar year.

(2) If such leave is not availed for any reason, it shall not be accumulated and the leave of any year shall not be availed in the succeeding years.

51. **Sick leave.**—(1) Each worker shall be entitled to sick leave with full wages for 14 (fourteen) days in a calendar year.

(2) No such leave shall be granted unless a registered medical practitioner appointed by the employer or, in the absence of such medical practitioner, any other registered medical practitioner, after examination, certifies that the worker is ill and requires leave for treatment or cure for such period as mentioned in the certificate.

(3) Such leave shall not be accumulated and leave of any year shall not be availed in the succeeding years.

52. **Earned leave.**—(1) Each worker who has completed 1(one) year of continuous service in an enterprise shall be allowed during the following period of 12 (twelve) months leave with wages for days calculated on the basis of the works of the preceding 12 (twelve) months at the rate of 1(one) day for every 18 (eighteen) days of works.

(2) Each worker shall be allowed to encash his accumulated earned leave in each calendar year and the Authority shall determine the encashment procedure.

53. **Festival leave.**—(1) Each worker shall be allowed in a calendar year 11 (eleven) days of festival holiday with full wages in such manner as may be prescribed.

(2) The employer or the person authorized by him shall fix the day and dates of such leave.

(3) Any worker may be required to work on any festival holiday, but 2 (two) days compensatory holidays with wages shall be provided for him within following 30 (thirty) days in such perspective.

(4) The employer or the person authorized by him shall pay festival bonus equivalent to 2 (two) months basic wages to each permanent worker in each calendar year during their own religious festival.

CHAPTER VI

WAGES, PAYMENT OF WAGES, ETC.

54. **Special definition of wages.**—Unless there is anything repugnant in the subject or context, in this Chapter, "wages" means the wages as defined in clause (34) of section 2 and includes the following dues, namely:-

- (a) any bonus or any other additional remuneration payable under the terms of employment;
- (b) any remuneration payable for leave, holiday or overtime work;
- (c) any remuneration payable under any order of any Court or any award or settlement between the parties;
- (d) any sum payable under any agreement or this Act for the reason of termination of employment, retrenchment, discharge, removal, resignation, retirement, dismissal or by whatever means; and
- (e) any sum payable due to lay-off or suspension.

55. Responsibility for payment of wages.—Each employer shall be liable to pay all wages to each worker employed by him:

Provided that the Chief Executive Officer or any other person authorized by the employer or any person responsible to the employer for the supervision and control of any enterprise shall also be liable for such payment.

56. Time for payment of wages.—All wages payable to the worker shall be paid within 15 (fifteen) working days following the day of separation of employment of the worker by way of retirement, retrenchment, discharge, dismissal or termination etc.

57. Method of payment of wages.—(1) All wages shall be paid by the employer to the worker in such manner as may be prescribed by regulations.

(2) The employer shall follow the orders or circulars issued from time to time for fixation of the wages of the worker.

58. Deductions which may be made from wages.—(1) No deduction shall be made from the basic wages of any worker except the cases for deduction authorized by this Act.

(2) Only the following kinds of deductions may be made from the wages of any worker in accordance with the provisions of this Act, namely :—

- (a) deductions for subscription for the provident fund or deduction for advance payment from it;
- (b) deduction for subscription for the Workers' Welfare Association through check-off system;
- (c) deductions for unauthorized absence from duty.

(3) Deduction of wages of any worker under sub-section (2) shall be made in such manner and conditions as may be prescribed by rules.

59. Payment of unpaid wages of deceased or missing worker.—(1) Subject to the other provisions of this Chapter, all sums payable to any worker as wages shall, if not possible to be paid due to his death or on account of his whereabouts is not being known,—

- (a) be paid to the person nominated by the concerned worker in this behalf in such manner as may be prescribed by rules;
- (b) if there is no such nominee or if, for any reason, not possible to be paid to the nominee, be deposited to the EPZ Labour Court, and such Court shall take measures in this behalf in accordance with rules.

(2) Where, under the provisions of sub-section (1), all sums payable to any worker as wages is paid by the employer to the person nominated by the concerned worker or is deposited to the EPZ Labour Court, the employer shall be relieved from his liability in respect of payment of such wages.

60. Claims arising out of deductions from wages or delay in payment of wages.—(1) Where any deduction is made from the wages of a worker in contravention of the provisions of this Act or the wages of any worker is not paid or payment of his wages or provident fund payable under any rule is delayed, he or, in the case of his death, any of his heirs or any legal representative may apply to the EPZ Labour Court for recovery of wages or arrear or delayed wages or other dues.

(2) The time, place and any award of compensation by the EPZ Labour Court under the provisions of sub-section (1) and other related matters shall be prescribed by rules.

61. Application for realization of claims.—(1) Only a single application may be submitted under section 60 on behalf of all or more than one worker who were not paid wages or whose wages were deducted, and in such case compensation shall be payable under section 60.

(2) The EPZ Labour Court may consider all the separate applications submitted by more than one worker under section 60 belonging to the group of workers who are not paid wages as a single application, and may accordingly dispose of them as a single application and the provisions of sub-section (1) shall apply in such case.

(3) For the purpose of this section, “the group of workers who are not paid wages” includes only the workers who are employed in the same enterprise, and whose unpaid wages or delayed wages are for the same wage period.

62. Appeal.—(1) An appeal against an order of the EPZ Labour Court under section 60 may be preferred to the EPZ Labour Appellate Tribunal within 30 (thirty) days from the date on which the order was passed.

(2) Other provisions relating to appeal shall be prescribed by rules.

63. Conditional attachment of property of the employer or of any other person responsible for payment of wages.—(1) Where at any time—

- (a) after submission of an application under section 60, the EPZ Labour Court; or
- (b) after preferring an appeal by any worker under section 62, the EPZ Labour Appellate Tribunal;

is satisfied that the employer or any other person responsible for the payment of wages under section 55 is likely to evade the payment of money directed to be paid under section 60 or 62, such EPZ Labour Court or, as the case may be, the EPZ Labour Appellate Tribunal may, after giving the employer or the person an opportunity of being heard, attach his property for the payment of money so directed to be paid:

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

Provided further that such amount of property may be attached, which, in the opinion of the EPZ Labour Court or the EPZ Labour Appellate Tribunal, is sufficient to satisfy the amount directed to be paid.

(2) The provisions of the Code of Civil Procedure regarding attachment of property before trial shall be applicable to the attachment under sub-section (1).

64. Recovery of money from the employer in certain cases.—Where the EPZ Labour Court or the EPZ Labour Appellate Tribunal is unable to recover any money, ordered to be paid, from any other person responsible for the payment of wages under section 55, the Court may recover the money from the employer.

CHAPTER VII EPZ WAGES BOARD

65. Establishment of the Minimum Wages Board.—(1) The Government may, for the purpose of fixing the minimum wages of the workers, establish EPZ Minimum Wages Board, hereinafter referred to in this Chapter as the Wages Board, with the following members, namely:-

- (a) Executive Chairman or a person appointed by the Government, who shall also be its Chairman;
- (b) 1 (One) member of the Authority;
- (c) 1 (one) representative from the Prime Minister's Office;
- (d) 1 (one) representative from the Finance Division, Ministry of Finance;
- (e) 1 (one) representative from the Ministry of Labour and Employment;

- (f) 2 (two) representatives from the Authority;
- (g) 2 (two) representatives from the employers;
- (h) 2 (two) representatives from the workers.

(2) The Authority shall nominate the members under clauses (g) and (h) of sub-section (1) represented the employers and workers respectively:

Provided that if no nomination is made from the representatives of the employers or workers in spite of more than one effort, the Authority may, in its own opinion, nominate such persons whom it considers to be fit to be representatives of employers or workers.

(3) The Minimum Wages Board established under sub-section (1) may co-opt necessary number of members as it deems fit.

(4) Notwithstanding anything contained in other provisions of this section, the Government may, if necessary, re-establish the Wages Board.

66. Recommendation of minimum rates of wages.—The Government may direct the Wages Board to recommend the minimum rates of wages of the workers within a reasonable time.

67. Power to declare the minimum rates of wages for the workers.—

(1) Upon approval of the recommendation of the Wages Board by the Government under section 66, the Authority may, by notification in the official Gazette, declare that the minimum rates of wages recommended by the Wages Board for the various kinds of workers shall be the minimum rates of wages for such workers.

(2) Unless any date is specified in this behalf in the notification under sub-section (1), the declaration thereunder shall take effect on the date of its publication.

(3) The minimum rates of wages declared under this section shall be final and no question or objection, in any manner, shall be raised in this behalf in any Court or before any authority.

68. Factors to be considered in making recommendation.—In making any recommendation, the Wages Board shall take into account the minimum wages or scale of salary of the industries located outside the Zones and other relevant factors.

69. Periodical review of minimum rates of wages.—If any change in the factors specified in section 68 and other relevant factors so demand, the Government may direct the Wages Board to review its recommendation and to amend or modify the minimum rates of wages declared under section 67.

70. **Minimum wages to be binding upon all employers.**—The minimum rates of wages declared under section 67 shall be binding on all employers concerned and each worker shall be entitled to be paid wages at the rate not less than the rates of wages so declared or published.

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

(2) Nothing contained in sub-section (1) shall prejudice, the right of any worker to continue to receive wages at a rate higher than the minimum rates declared or published under this Chapter or other facilities, if under any agreement or award or for any other reason, he is entitled to receive wages at such higher rate or to enjoy such facilities under any customs.

(3) If any employer shall pay wages less than the declared minimum wages, the Authority may take appropriate action against the said employer or the person liable to pay wages on behalf of said employer by written order or direction.

72. **Fixation of wages and other benefits.**— For carrying out the purposes of this Act, the Authority may determine the method of fixation of workers wages and other benefits.

CHAPTER VIII

COMPENSATION FOR INJURY CAUSED BY ACCIDENT

73. **Liability of the employer to pay compensation.**—(1) If any worker is bodily injured by an accident arising out of the course of his employment, the employer shall be liable to pay him compensation in accordance with the provisions of this Chapter or rules or regulations, as the case may be.

(2) Any employer shall not be liable to pay such compensation, if—

- (a) any worker does not lose the ability to work, total or partial, for a period exceeding 3 (three) days due to injury;
- (b) the cause of injury to any worker, not resulting in death, by the accident directly attributed to—
 - (i) the worker having been under the influence of drink or drugs at the time of accident;

- (ii) the willful disobedience by the worker of a clear order or rules made for the purpose of securing the safety of workers;
- (iii) the willful removal or disregard by the worker of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workers.

(3) If—

- (a) any worker, employed in any employment specified in Part-A of the THIRD SCHEDULE, is attacked with any disease specified therein as an occupational disease peculiar to that of employment; or
- (b) any worker, while in the service of an employer for a continuous period of not less than 6 (six) months in any employment specified in Part-B of the THIRD SCHEDULE, is attacked by any disease specified therein as an occupational disease peculiar to that employment,

being attacked of such disease shall be deemed to be an injury by accident within the meaning of this section, and, unless the employer proves the contrary, such accident shall be deemed to have arisen out of the course of his employment.

Explanation.—For the purpose of this sub-section, a period of service shall be deemed to be continuous if the service of the same kind under any other employer is not joined therewith.

(4) The Authority may, by regulations, add any description of employment to the employments specified in the THIRD SCHEDULE, and in that case, shall specifically mention what shall be the occupational disease peculiar to that employment, and thereafter the provisions of sub-section (3) shall be so applied as if such disease were declared as occupational disease peculiar to that employment under this Chapter.

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

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

(7) No suit for damages in respect of any injury shall be instituted by any worker in any Court, if—

- (a) he submits an application claiming compensation in respect of such injury before any EPZ Labour Court; or
- (b) there is an agreement between him and his employer providing for the payment of compensation in respect of such injury in accordance with the provisions of this Chapter.

(8) For the purposes of this Chapter “worker” means any person employed in any post specified in the FOURTH SCHEDULE by the employer directly, whether the contract of his employment is oral or in writing, expressed or implied, and any reference to any injured worker shall, if he dies, include his nominated persons or dependants or any of them.

(9) No compensation payable in respect of any worker died from injury and no lump sum amount payable as compensation to any person under a legal disability, shall be paid other than by making deposit to the EPZ Labour Court and the EPZ Labour Court shall take steps on such matters in such manner as may be prescribed by rules.

(10) If any compensation mentioned in sub-section (8) is paid directly by an employer, it shall not be deemed to be a payment of compensation, unless the concerned worker, during the period of his employment, has nominated any of his heirs in such manner as may be prescribed by rules to receive the compensation in case of his death due to injury and the compensation is paid to that nominated heir.

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

- (a) where death results from the injury, the sum payable to the concerned workers mentioned in the second column of the FIFTH SCHEDULE:

Provided that this amount of compensation shall be in addition to the compensation relating to his normal compensation for retrenchment, dismissal, termination, or resignation;

- (b) where permanent total disablement results from the injury, the sum payable to the concerned worker specified in the third column of the FIFTH SCHEDULE shall be payable;

- (c) where permanent partial disablement results from injury, in the case of injury specified in the FIRST SCHEDULE, such percentage of the compensation which would have been payable in the case of permanent total disablement which is equal to the ratio specified therein as being the percentage of the loss of earning capacity caused by that injury, and in the case of an injury not specified in the FIRST SCHEDULE, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury; and
- (d) where temporary disablement, whether total or partial, results from the injury, a monthly compensation shall be payable on the first day of the month following the month in which it is due after the expiry of a waiting period of 4 (four) days from the date of disablement and thereafter shall be payable for the period of disablement or for a period as specified in the last column of the FIFTH SCHEDULE, whichever is shorter.

(2) Where more than one injury is caused by the same accident, the amount of compensation payable under clause (c) of sub-section (1) shall be aggregated, but not in such a way as to exceed the amount which would have been payable if permanent total disablement would result from the injuries.

(3) If the disablement ceases before the date on which any monthly compensation is payable, a sum proportionate to the duration of the disablement in that month shall be payable in respect of that month.

75. Method of calculating wages.—(1) For the purposes of this Chapter “monthly wages” means the amount of wages deemed to be payable for work of 1 (one) month, whether the wages is payable by month or by other period.

(2) The wages under sub-section (1) shall be calculated as follows, namely :—

- (a) where the worker was in the service of the employer who is liable to pay compensation for a continuous period of not less than 12 (twelve) months immediately preceding the accident, the monthly wages of the worker shall be one-twelfth of the total wage to be paid to him by the employer for the preceding 12 (twelve) months;

- (b) where the worker was in the service of the employer who is liable to pay the compensation for a continuous period of less than 1 (one) month immediately preceding the accident, the monthly wages of the worker shall be the sum equal to the monthly average of income which, during the 12 (twelve) months immediately preceding the accident, was being earned by any worker employed on the same work by the same employer, or, if there was no worker so employed, by any other worker employed on similar work in the same Zone;
- (c) in other cases, the monthly wages shall be the sum arrived at on the basis of 30 (thirty) times of the total wages earned from the employer who is liable to pay compensation for a continuous period of service immediately preceding the accident divided by the number of days comprising such period.

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

76. Review.—Any monthly compensation payable under this Chapter, whether under an agreement between the parties or under an order of the EPZ Labour Court, may be reviewed by the EPZ Labour Court, if-

- (a) an application is made either by the employer or by the worker accompanied by a certificate of a registered medical practitioner stating that the condition of the worker has been changed; or
- (b) besides such certificate, an application is made either by the employer or by the worker on the ground that the compensation was fixed by fraud or undue influence or other improper means or from the record it is clearly seen that such fixation was wrong.

77. Recovery of money recoverable under this Act.—(1) Subject to this Act, any money directed by the EPZ Labour Court or the EPZ Labour Appellate Tribunal to be paid under any section of this Act or any money payable by any person under any provision of this Act or any money payable by any person or an employer under any settlement or agreement or under any award or decision of a Conciliator or an Arbitrator or the EPZ Labour Court or the EPZ Labour

Appellate Tribunal may, on the application by any person entitled to receive such money and at his option, be recovered by or at the direction of the EPZ Labour Court by any of the following ways, namely :—

- (a) as a public demand;
- (b) by attachment and sale of the movable properties belonging to the person who is liable to pay such money in such manner as may be prescribed by rules;
- (c) if the entire money could not be recovered in the aforesaid manner, by attachment and sale of the immovable property belonging to such person in such manner as may be prescribed by rules; or
- (d) as a money decree of a civil court.

(2) Where any worker is entitled to receive from the employer any benefit, which is capable of being computed in terms of money under any settlement or agreement or under any decision or award of a Conciliator or an Arbitrator or the EPZ Labour Court or the EPZ Labour Appellate Tribunal, such benefit being computed in money may be recovered, subject to rules, under the provisions of sub-section (1).

(3) No application for recovery of any money shall be accepted under this section unless it is submitted within 1 (one) year from the date on which money becomes payable:

Provided that any such application may be accepted after the expiry of the period, if the EPZ Labour Court is satisfied that the applicant had sufficient cause for not making the application within the period:

Provided further that the matter of payment of the dues to the worker shall get highest priority.

78. Compensation is prohibited to assign, attach or charge.—Any lump sum or monthly compensation payable under this Act shall not be assigned, attached or charged in any way, or shall not be transferred to any person other than the worker by operation of any law, or shall not be set off any claim against the same.

79. Notice and claim.—No claim for compensation shall be considered by the EPZ Labour Court, unless a notice of the accident is given in such manner as may be prescribed by rules, as soon as possible may be after the occurrence thereof, and unless the claim is preferred within 2 (two) years of the occurrence of the accident or in case of death within 2 (two) years of the date of death.

80. Power to require statement from employer regarding fatal accident.—(1) Where any EPZ Labour Court receives information from any source that any worker has died as a result of an accident arising out of, and in the course of, his employment, it shall send, by registered post, a notice to the employer of the worker requiring him to submit, within 30 (thirty) days of the service of the notice, a statement, in such form as may be prescribed, giving reasons and circumstances attending the death of the concerned worker, and indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death.

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

(3) If the employer is of the opinion that he is not liable to deposit compensation, he shall, in his statement, state the grounds of it.

(4) If the employer gives the statement under sub-section (3), mentioning that he is not liable to deposit compensation, the EPZ Labour Court may, after such enquiry as it may think fit, inform any of the dependants of the deceased worker that it is open to the dependants to prefer a claim for compensation, and may provide them such other information, as the EPZ Labour Court thinks fit.

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

82. Medical examination.—(1) Where any worker gives notice of an accident, the employer shall, within 3 (three) days of service of such notice, cause the worker to be examined by a medical practitioner of the medical centre of the Zone or any Registered medical practitioner at the expenses of the employer and the worker shall present himself for such examination:

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

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

(3) The medical examination, treatment and other related matters under sub-section (1) shall be prescribed by regulations.

83. Insolvency of the employer, liability of insurer, etc.—(1) Where any employer is entered into an agreement with any insurer in respect of any liability of the workers under this Chapter in that case the employer—

- (a) is declared insolvent; or
- (b) make a scheme of arrangement with his creditors; or
- (c) if the employer commences to wind up his company;

the right of the employer against the insurer in respect of such liability shall, notwithstanding anything contained in any other law for the time being in force relating to insolvency or the winding up of a company, be transferred to and vested in the worker:

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

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

84. Return as to compensation.—The Authority may, by a notice in writing, direct that each person or any group of such persons employing workers shall send, at such time and in such form and to such Authority, as may be specified in the notification, a return specifying the number of injuries in respect of which compensation was paid by the employer during the previous year and the amount of such compensation, together with such other particulars as to the compensation as the Authority may direct, if any.

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

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

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

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

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

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

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

90. **Appeal.**—(1) An appeal shall lie to the EPZ Labour Appellate Tribunal against the following orders of the EPZ Labour Court under this Chapter, namely:—

- (a) an order awarding as compensation a lump sum whether by way of redemption of a monthly payment or otherwise, or disallowing a claim, in full or in part, for a lump sum;
- (b) an order rejecting an application to allow redemption of a monthly payment by payment of money;
- (c) an order providing for the distribution of compensation among the dependants of any deceased worker, or an order disallowing any claim of any person alleging himself to be such dependant;
- (d) an order allowing or disallowing any claim for any amount of compensation under any agreement;
- (e) an order rejecting to register a memorandum of agreement or registering the same or providing for registration thereof, subject to conditions; or
- (f) an order relating to distribution of compensation.

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

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

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

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

91. Withholding of certain payments subject to decision of appeal.—Where the employer prefers an appeal under clause (a) of sub-section (1) of section 90, the EPZ Labour Court may, subject to the decision of the appeal, withhold payment of any sum deposited to it.

92. Power to make rules.—For the purposes of this Chapter, the Government may, by notification in the official Gazette, make rules on the following matters, namely:

- (a) notice of diseases affected by any worker mentioned in SCHEDULE TWO, reason of diseases and matters relating to investigation;
- (b) occupational diseases relating to service;
- (c) distribution of compensation;
- (d) mode of payment of compensation;
- (e) agreement, registration of agreement, effect of failure to register the agreement;
- (f) compensation of deceased worker due to injury and compensation distribution for legally disabled person and matters relating thereto;
- (g) any money recoverable under this Act;
- (h) review of monthly compensation awarded by the EPZ Labour Court; and
- (i) to prescribe the procedure of execution of transfer of money as compensation under any arrangement made with any other state.

CHAPTER IX
WORKERS' WELFARE ASSOCIATION AND INDUSTRIAL
RELATIONS

93. **Special definition of worker.**—In this Chapter, unless there is anything repugnant in the subject or context, “worker” means any worker as defined in clause (48) of section 2, and includes, in the case of initiating proceedings under this Act in relation to an industrial dispute under this Chapter, any worker who has been terminated, dismissed, retrenched, laid off or otherwise removed from employment in connection with or as a consequence of such dispute or whose termination, dismissal, retrenchment, lay off or removal has been led to that dispute; but does not include the following persons, namely :—

- (a) watch and ward member, driver, confidential assistant, cipher assistant casual workers and workers employed by kitchen or food preparation contractors;
- (b) worker employed in a clerical post.

94. **Formation of Workers' Welfare Association.**—(1) The workers employed in any enterprise in any Zone shall, subject to the provisions of this Chapter, for the purpose of performing functions relating to industrial relations, have the right to form and join the Workers' Welfare Association subject to its constitution.

(2) If the workers employed in an industry in any Zone intend to form a Workers' Welfare Association, not less than 20% (twenty percent) of the permanent workers of the industry shall apply to form a Workers' Welfare Association on behalf of all workers in a prescribed form with signatures or thumb impressions, to the Executive Director (Labour and Industrial Relations).

(3) The permanent workers under sub-section (2) shall submit their National Identity Cards, Identity Cards and a copy of passport size photographs of each with their applications to form any Workers' Welfare Association.

(4) No employer shall in any manner discriminate any worker for being a party to application under sub-section (2) and if any such discrimination is made, it shall be deemed to be an unfair labour practice of the employer under section 115.

(5) In any enterprise where Workers' Welfare Association shall be formed, minimum 30% (thirty percent) post of the Executive Council shall be filled up from the permanent female workers:

Provided that this provision shall not apply where there is no female worker.

(6) If an employer is registered as a company with a separate Certificate of Incorporation in any Zone, there shall be one Workers' Welfare Association under the company in that Zone:

Provided that if there are 2 (two) or more industrial units in any Zone under an employer registered as a company, the units shall be deemed to be one industrial unit for the purposes of this section.

Explanation.—For carrying out the purposes of this Act, “industrial unit” means any industrial unit authorized by the Authority to establish in any Zone owned and managed by the same employer.

95. Application for registration of Workers' Welfare Association.—(1) When the workers express supports to form Workers' Welfare Association under section 94, a convener shall apply with his signature to the Executive Chairman for its registration mentioning the following things, namely:-

- (a) the name and address of the Workers' Welfare Association;
- (b) the date of formation of the Workers' Welfare Association;
- (c) the titles, names, ages, addresses and occupation of the members of the Workers' Welfare Association;
- (d) a complete statement of members paying subscriptions;
- (e) total number of workers and the name of the enterprise where Workers' Welfare Association is attached.

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

96. Constitution of the Workers' Welfare Association.—(1) No provision of the constitution of the Workers' Welfare Association shall be contrary to any provision of this Act.

(2) A Workers' Welfare Association shall not be entitled to registration under this Act unless the following matters are contained in the constitution of such Workers' Welfare Association, namely :—

- (a) the name and address of the Workers' Welfare Association;
- (b) the objectives of the formation of Workers' Welfare Association;
- (c) the eligibility and manner to be a member of the Workers' Welfare Association;

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- (d) a General Council, the members of which shall be the permanent workers enlisted as members of that Workers' Welfare Association;
 - (e) the number of the representatives of Workers' Welfare Association which shall not be less than 5 (five) and not more than 15 (fifteen) in the prescribed manner;
 - (f) the sources of the fund of the Workers' Welfare Association and the fields in which such fund shall be spent;
 - (g) the conditions under which a member shall be entitled to any benefit assured by the constitution of the Workers' Welfare Association and under which any fine or forfeiture may be imposed on him;
 - (h) the maintenance of a list of the members of the Workers' Welfare Association and of facilities for the inspection thereof by the representatives and members of the Workers' Welfare Association;
 - (i) the procedure of amendment, change or cancellation of constitution;
 - (j) the safe custody of the funds of Workers' Welfare Association, its annual audit, the manner of audit and adequate facilities for inspection of the account books by the representatives and members of Workers' Welfare Association;
 - (k) the procedure of cancellation of the Workers' Welfare Association;
 - (l) the procedure of election of the Executive Council;
 - (m) the procedure about resignation from the General Council of the Workers' Welfare Association and cancellation of membership;
 - (n) the procedure for motion for no-confidence in any representative of the Workers' Welfare Association; and
 - (o) the meetings, of the Executive Council and, of the general members of the Workers' Welfare Association shall be, in the case of the Executive Council, at least once in every 3 (three) months, and, in the case of the general members, at least once in each year.
- (3) No Workers' Welfare Association shall obtain or receive any fund from any source outside of the Zone without the prior approval of the Executive Chairman.

97. Registration of Workers' Welfare Association.—(1) If the Executive Chairman is satisfied that the Workers' Welfare Association has complied with all the provisions of this Act and the constitution framed thereunder, he shall register the Workers' Welfare Association in such manner as may be prescribed within a period of 60 (sixty) days from the date of receipt of the application under section 95.

(2) If the Executive Chairman finds that there is deficiency of any matter or matters in material respect in the application, he shall communicate his objection in writing to the Workers' Welfare Association within 15 (fifteen) days from the date of receipt of the application and the Workers' Welfare Association shall reply thereto within 15 (fifteen) days from the date of receipt of the objection.

(3) If the Executive Chairman is satisfied with the reply of the objection raised under sub-section (2), the Executive Chairman shall register the Workers' Welfare Association in the time mentioned in sub-section (1), and may reject the application if the reply of the objection is not satisfactory.

(4) If the Executive Chairman does not register within the period mentioned in sub-section (1), or rejects the application of the Workers' Welfare Association may apply to the EPZ Labour Court; and the EPZ Labour Court may, direct the Executive Chairman to register the Workers' Welfare Association and to issue a certificate of registration, or reject the application.

(5) No Workers' Welfare Association shall be registered under this Chapter unless 20% (twenty percent) of the permanent workers employed in that enterprise becomes its members:

Provided that, where more than one enterprise under the same employer within the same Zone allied to and connected with one another for the purpose of carrying out the same industry, they shall, irrespective of their place of situation, be deemed to be one enterprise for the purpose of this sub-section.

98. Certificate of Registration of Workers' Welfare Association.—If any Workers' Welfare Association is registered under section 97, the Executive Chairman shall issue a Certificate of Registration in the prescribed form.

99. Notice as to amendment of constitution and Executive Council.—(1) Each amendment made in the constitution of the Workers' Welfare Association, each change in its representatives, and change in its name and address, shall be communicated to the Authority or the person empowered by the Authority by a notice sent by a registered post or delivered by hand within 15 (fifteen) days of such amendment or change, and the Authority or the person empowered by it shall after receipt of such notice send forthwith a copy thereof to the concerned employer for his information.

(2) The Authority or the person empowered by it may refuse to register any such amendment or change if it is made in contravention, of any provision of this Act or, of the constitution of the Workers' Welfare Association.

(3) Every inclusion or exclusion of any member of the Executive Council of Workers' Welfare Association shall be communicated to the Authority or the person empowered by it by a notice sent by a registered post within 30 (thirty) days of such inclusion or exclusion.

(4) If there is any dispute in relation to the change of any representative of the Workers' Welfare Association, or if any Workers' Welfare Association is aggrieved by the order of refusal of the Authority or the person empowered by it under sub-section (2), any member or representative of such Workers' Welfare Association may prefer an appeal to the EPZ Labour Court.

(5) The EPZ Labour Court may, after hearing the appeal within 7 (seven) days of receipt thereof under sub-section (4), if it thinks fit, direct by recording reasons in writing the Authority or the person empowered by it, to register the amendment or change in the constitution or the representatives of the Workers' Welfare Association or to hold fresh election of the Association under his supervision of the Authority or the person empowered by it.

100. Restriction in respect of number of Workers' Welfare Association.—There shall not be more than one Workers' Welfare Association in any industry of any Zone.

101. Determination of ownership of an industrial unit.—If any doubt or dispute arises as to whether any 2(two) or more industrial units are under the same employer or are allied to or connected with each other within the same Zone, the decision of the Executive Chairman on that issue shall be final.

102. Membership and activities of Workers' Welfare Association.—
(1) Any worker shall be entitled to be a member of only such Workers' Welfare Association of the enterprise in which he is employed.

(2) The activities of the Workers' Welfare Association shall be limited within the area of the concerned enterprise.

(3) The responsibility of each member of the Workers' Welfare Association shall be to discharge his duties during working hours, to inculcate and develop sense of belongingness to the enterprise among the workers and employers, to aware the workers of their commitments and responsibilities to the enterprise, to endeavour to promote mutual trust and faith, understanding and co-operation among the employers and the workers, to foster a sense of discipline and to fulfill production target, increase productivity and prevent wastage.

(4) Any Workers' Welfare Association shall not associate or affiliate in any manner with any other Workers' Welfare Association within or outside the Zone except the right to form a federation of Workers' Welfare Association under section 113.

103. Election of Executive Council.—(1) Where any Workers' Welfare Association is registered under section 97, the workers shall give a notice, at least 60 (sixty) days before, to the Authority requesting to arrange the election of the Executive Council.

(2) After receipt of the application of the workers, the representatives of the Executive Council of any Workers' Welfare Association shall be elected by the permanent workers of the concerned enterprise through secret ballot in an election in such manner as may be prescribed:

Provided that the election of the Executive Council shall be ineffective if the majority of the permanent workers of the concerned enterprise do not cast their votes.

(3) If the election of the Executive Council becomes ineffective for the reasons mentioned in the proviso to sub-section (2), the workers may go for further election in such manner as may be prescribed after the expiry of 06 (six) months.

(4) Only the permanent workers shall be entitled to be elected in the Executive Council of the Workers' Welfare Association of the concerned enterprise and to cast votes under this Chapter.

104. Approval of the Executive Council.—If the Executive Council is elected under this Act, the Executive Chairman shall approve it within 15 (fifteen) days of the declaration of results of the election.

105. Tenure of the Executive Council.—Unless cancellation of registration earlier or otherwise ceases to exist, the tenure of the Executive Council of any Workers' Welfare Association shall be 3 (three) years from the date of approval under section 104.

106. Holding of next election.—(1) The next election of the Executive Council of any Workers' Welfare Association shall be held within 90 (ninety) days prior to the date of expiration of its fixed term.

(2) If the Executive Council of any Workers' Welfare Association is dissolved prior to expiration of its fixed term, the next election shall be held within 90 (ninety) days after such dissolution.

107. Disqualifications for being a member of Workers' Welfare Association.—Notwithstanding anything contained in the constitution of the Workers' Welfare Association, any person shall not be entitled to be or remain as member of the Workers' Welfare Association if he has been convicted of an offence involving moral turpitude or an offence punishable under this Act or any other law and sentenced to imprisonment for any term, unless a period of 2 (two) years has elapsed since his release.

108. Maintenance of register, etc. by a registered Workers' Welfare Association.—Each registered Workers' Welfare Association shall maintain the following matters in the prescribed form and manner, namely:

- (a) a register, where description of subscriptions paid by each member shall be mentioned;
- (b) an accounts book, where information as to income and expenditure shall be mentioned; and
- (c) a minute book, where minutes of meetings shall be recorded.

109. Cancellation of registration of Workers' Welfare Association.—
(1) The Executive Chairman may cancel the registration of any Workers' Welfare Association on any of the following grounds, namely :—

- (a) if it is wound up or dissolved for any reason;
- (b) if the registration is obtained by fraud or misrepresentation of information;
- (c) if it contravenes any of the basic provisions of the constitution;
- (d) if it commits any unfair practice;
- (e) if it inserts any provision in the constitution inconsistent with this Act, rules or regulations;
- (f) if it fails to submit annual report to the Executive Chairman as required under this Act;
- (g) if it elects any person as representative who is disqualified under this Act to be elected as such representative; or
- (h) if it contravenes any of the provisions of this Act, rules or regulations.

110. Appeal against cancellation of registration.—(1) If any Workers' Welfare Association is aggrieved by the cancellation of registration of any Workers' Welfare Association under section 109, such Workers' Welfare Association may, within 30 (thirty) days from the date of the cancellation, prefer an appeal to the EPZ Labour Court against the cancellation of registration and the EPZ Labour Court may uphold, reject or amend the disputed order.

(2) If any Workers' Welfare Association is aggrieved by the order of the EPZ Labour Court under sub-section (1), the Workers' Welfare Association may prefer an appeal to the EPZ Labour Appellate Tribunal within 60 (sixty) days from the date of such order and the decision of the EPZ Labour Appellate Tribunal shall be deemed to be final in this case.

111. Prohibition on functioning by the Workers' Welfare Association without registration.—(1) An unregistered Workers' Welfare Association or whose registration is cancelled shall not function as Workers' Welfare Association or Collective Bargaining Agent.

(2) No subscription shall be collected for the Workers' Welfare Association mentioned in sub-section (1).

112. Registered Workers' Welfare Association is a body corporate.—(1) Each registered Workers' Welfare Association shall be a body corporate, having perpetual succession and with a common seal, with power to contract and to acquire, hold and dispose of property in the registered name, and may, by the said name sue or be sued.

(2) The employer shall provide space within the enterprise for administering the activities of the Workers' Welfare Association.

113. Federation of Workers' Welfare Association.—(1) If more than 50% (fifty percent) of the Workers' Welfare Association in any Zone agree, they may form a federation of the Workers' Welfare Association in that Zone.

(2) Unless earlier cancelled or dissolved, a federation formed under sub-section (1) shall exist for 4 (four) years from the date of its being approved by the Executive Chairman.

(3) A Federation of Workers' Welfare Associations within a Zone shall not affiliate or associate in any manner with any other federation in another Zone or with any other federation outside the Zone.

(4) The Authority shall determine the procedure of formation, election and other matters in respect of federation of the Workers' Welfare Associations by regulations.

114. Employers' Association.—(1) Where the majority of the employers of industries in any Zone agree to work as representative of employers regarding industrial relations, they may form an Employers' Association in that Zone and join in such Association:

Provided that each industry shall have one vote and all voters shall be the members of Employers' Association.

(2) An Employers' Association shall not associate or affiliate in any manner with any other Association outside the Zone.

(3) The Authority shall determine the procedure of formation, election, registration, tenure of the Executive Council of the Association and other matters by regulations.

115. Unfair practices on the part of employers.—(1) If an employer or any person authorized by the employer or any person acting as employer does any of the following acts shall be deemed to be an unfair practice, namely:-

- (a) to impose any condition in a contract of employment to restrain the right of any person who is a party to such contract to join in any Workers' Welfare Association or continue his membership of any Workers' Welfare Association;
- (b) to refuse to continue in employment of any worker on the ground that such person is or is not a member or representative of any Workers' Welfare Association;
- (c) not to give promotion or to dismiss, discharge or remove or threaten to dismiss, discharge or remove or threaten to injure the employment of any worker on the ground that such worker-
 - (i) is or intends to become a member or representative of any Workers' Welfare Association, or persuade any other person to become a member or representative;
 - (ii) participates in the promotion, formation or activities of any Workers' Welfare Association; or
 - (iii) exercises any right under this Act;
- (d) to induce any person to refrain from becoming or to cease to be a member or representative of any Workers' Welfare Association or to resign if he is a member or representative and for that purposes give or not to give extra advantage;

- (e) to compel any representative of the Workers' Welfare Association to sign any agreement or memorandum by intimidation, coercion, pressure, threat, confinement to a place, physical injury, disconnection of water, power or telephone or resorting to any other similar technique;
- (f) to interfere with or influence on any manner in the process of voting in any election held under this Act; or
- (g) to recruit any new worker during the period of strike under section 131, or during the continuation of a strike which is not illegal:

provided that if the Executive Chairman is satisfied that complete cessation of work in an industry is likely to cause serious damage to the machinery or unit, he may permit temporary employment of limited number of workers in the concerned section.

(2) Nothing in sub-section (1) shall prejudice the right of an employer from requiring any person on being appointed or promoted to managerial post of the enterprise shall cease to be or be disqualified from being a member or representative of any Workers' Welfare Association.

116. Unfair practices on the part of workers or Workers' Welfare Association.—(1) No worker or member or any representative of the Workers' Welfare Association shall be engaged in any activities of the Workers' Welfare Association without the permission of his employer; if engaged it shall be an act of unfair practices for any worker or member or representative of the Workers' Welfare Association:

Provided that nothing in this sub-section shall apply if the President or General Secretary of a Collective Bargaining Agent of any enterprise engage in the activity of any committee, discussion, arbitration, conciliation or any other proceedings of any Workers' Welfare Association under this Act, if duly informed the employer thereof.

(2) If any worker or Workers' Welfare Association and any person assigned or acting on behalf of such worker or Workers' Welfare Association does any of the following acts shall be deemed to be an unfair practice, namely:-

- (a) to incite a worker to join or refrain from joining Workers' Welfare Association during working hours;

- (b) to intimidate any person to become, or refrain from becoming, or to continue to be or to cease to be a member or representative of Workers' Welfare Association;
- (c) to induce any person to refrain from becoming, or cease to be member or representatives of Workers' Welfare Association, by conferring or offering to confer any advantage on or by procuring or offering to procure any advantage for, such person or any other person;
- (d) to compel or attempt to compel the employer to sign a memorandum of settlement by intimidation, coercion, pressure, threat, confinement to a place, physical injury, disconnection of telephone, water or power facilities or resorting to any other similar technique; or
- (e) to compel or attempt to compel any worker to pay or refrain from paying any subscription to the fund of any Workers' Welfare Association by intimidation, coercion, pressure, threat, confinement to a place, physical injury, disconnection of telephone, water or power facilities or resorting to any other similar technique;
- (f) to commence or continue an illegal strike or a go-slow or instigate any other person to take part in it;
- (g) to resort to gherao (confinement), obstruction to transport or communication system or destruction of property to achieve any demand or objects of any Workers' Welfare Association.

(3) If any worker or Workers' Welfare Association exercises any undue influence on voting of an election under this Act or interferes by intimidation, impersonation or by bribery through its Executive Council or through any person acting on its behalf shall be an unfair practice for the worker or Workers' Welfare Association.

117. Enforceability of agreement.—(1) An agreement executed between any Workers' Welfare Association and the employer shall be binding upon the parties and it shall be enforceable through EPZ Labour Court.

(2) No suit shall lie in any civil court for enforcement or recovery of compensation for the breach of the agreement under this section.

118. Submission of returns and information.—Each Workers' Welfare Association shall cause audit, within a time specified by the Authority, income-expenditures up to 31 December of the previous year and shall submit a general statement of its assets and liabilities of that year along with audit report to the Executive Chairman.

119. Collective Bargaining Agent.—(1) The elected representatives of any registered Workers' Welfare Association in an industry shall be the Collective Bargaining Agent for that industry.

(2) The Collective Bargaining Agent shall have the right to negotiate with the employer on wages, working hours and other terms and conditions of employment and the employer shall not deny any reasonable request of any Workers' Welfare Association for information for the purpose of negotiation.

(3) The Collective Bargaining Agent in relation to any industry shall have the following rights in addition to the rights mentioned in sub-section (2), namely:—

- (a) to undertake collective bargaining with the employer on matters connected with employment and the condition of work;
- (b) to represent all or any of the workers in any proceedings; and
- (c) to give notice of, and declare, a strike in accordance with the provisions of this Act.

(4) In any enterprise where there is any registered Workers' Welfare Association, only the minimum starting wages, at the entry level, shall be applicable for the workers employed therein which is determined by law or other applicable legal orders and the other matters relevant to wages, such as increment of wages, promotions or other enhanced benefits shall be determined by negotiation between the Workers' Welfare Association and the employer.

120. Deduction of subscription.—(1) If the Executive Council of the Workers' Welfare Association requests, the employer shall, with the written consent of the workers, deduct from the wages of the workers such amount fixed by employer and workers mutually with the approval of the Authority as subscription according to the demand statement furnished by the Workers' Welfare Association, and deposit it to the fund of the Workers' Welfare Association.

(2) No amount shall be deducted from the wages of any worker under sub-section (1) without his written consent.

(3) If any employer makes any deduction from the wages under sub-section (1), he shall deposit the entire amount so deducted to the account of the Workers' Welfare Association on whose behalf such deductions have been made within 15 (fifteen) days thereafter.

(4) The employer shall provide full facilities to the Executive Council ascertaining whether deductions from the wages of the workers is made under sub-section (1).

(5) The Executive Council shall, at the beginning of each calendar year, submit its revenue budget stating income and expenditure of the current year along with the financial statement of the previous year to the Executive Chairman or an officer authorized by him in this behalf for approval and inform such budget to all general members of the Workers' Welfare Association.

121. Special provisions as to security of service of the representative of Workers' Welfare Association.—(1) No employer or industry shall discriminate, in any manner, against any worker for being a representative of any Workers' Welfare Association.

(2) No employer or industry shall do any of the following actions, namely:—

- (a) to transfer any representative of any Workers' Welfare Association from one Zone to another Zone or from one industrial unit to another industrial unit without his consent;
- (b) to dismiss, terminate or otherwise remove from the employment of the President, General Secretary or any other representative of the Executive Council of any Workers' Welfare Association :

Provided that the employer shall not be deemed to be barred to suspend any representative of Workers' Welfare Association or drawing up disciplinary proceedings against him on the allegation of prohibitory or unfair practice under this Act, rules or regulations.

(3) Prior approval of the Executive Chairman shall be taken in case of transfer of any representative with his consent under clause (a) of sub-section (2) and taking any proceedings against any representative under clause (b), and the Executive Chairman, if necessary, may verify the fact through enquiry.

(4) The Executive Chairman shall have the authority to decide on the legitimacy of any action of the employer under sub-sections (2) and (3), and he may uphold or set aside the decision of the employer and to direct to reinstate the representative to his position and reimburse him with unpaid wages and benefits.

122. **Participatory Committee.**—(1) The Participatory Committee may be formed in any enterprise where there is no Workers' Welfare Association or the Workers' Welfare Association is dissolved:

Provided that the Participatory Committee shall be dissolved automatically with the formation of the Executive Council of the Workers' Welfare Association in the concerned enterprise.

(2) The Participatory committee shall consist of the representatives of the employers and the workers and there shall be equal number of representatives of the employers and workers.

(3) The total representatives of the both parties shall not be less than 6 (six) and not more than 16 (sixteen) and the tenure of the Participatory Committee shall not be more than 2 (two) years.

(4) The representatives of the workers shall be selected or nominated from the workers employed in the concerned enterprise.

(5) The employer shall not transfer any selected or nominated workers' representative of the Participatory Committee without his consent during the tenure of the Council.

123. **Functions of the Participatory Committee.**—The functions of the Participatory Committee shall be to inculcate and develop sense of belongingness to the enterprise among the workers and employers and to aware the workers of their commitments and responsibilities to the enterprise, and, in particular —

- (a) to endeavour to promote mutual trust and faith, understanding and co-operation between the employers and the workers;
- (b) to cooperate to implement this Act;
- (c) to foster a sense of discipline and to improve and maintain safety, occupational health and working condition;
- (d) to encourage vocational training, workers' education and family welfare training;
- (e) to take steps for improvement of welfare services for the workers and their families; and
- (f) to fulfill production target, increase productivity, reduce production cost, prevent wastage and raise quality of products.

CHAPTER X**CONCILIATION AND ARBITRATION**

124. **Negotiation as to industrial disputes.**—(1) If, at any time, any employer or any Collective Bargaining Agent finds that an industrial dispute is likely to arise between the employer and the worker, the employer or, as the case may be, the Collective Bargaining Agent shall communicate his or its views in writing to the other party.

(2) Within 15 (fifteen) days of the receipt of a communication under sub-section (1), the party informed shall, in consultation with the representatives of the other party, arrange a meeting with the representatives of the other party for collective bargaining on the issues raised in the communication with a view to reaching an agreement thereon through a dialogue.

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

125. **Appointment of Conciliator, Arbitrator and Counselor.**—(1) For carrying out the purposes of this Act, the Authority shall appoint necessary number of Conciliators and Arbitrators for the Zone or Zones in such manner as may be prescribed and specify their functions.

(2) The Authority shall appoint necessary number of Counselor for the purposes of this Act.

(3) The Executive Chairman shall specify the Zone or Zones for which the Counselors are appointed and determine their functions.

126. **Conciliation before notice of strike, etc.**—Where the parties fail to reach a settlement by negotiation under section 124, any of the parties may inform the Executive Chairman and the Conciliator that the negotiations have failed and request the Conciliator in writing to conciliate the dispute and the Conciliator shall, on receipt of such request, proceed to conciliate the dispute.

127. **Notice of strike or lock-out.**—(1) If the Conciliator fails to settle the dispute within 15 (fifteen) days from the date of receipt of a request under section 126, the Collective Bargaining Agent or the employer may, subject to the provisions of sub-section (2), and in accordance with the provisions of this Act, serve on the other party to the dispute 30 (thirty) days' notice of strike or lock-out, as the case may be.

(2) The Collective Bargaining Agent shall not serve any notice of strike unless two-thirds of the members of the Executive Council of the Workers' Welfare Association have given their consent to it through secret ballots specifically held for that purpose, in such manner as may be prescribed by regulations, if not prescribed by regulations in such manner as may approved by the Authority.

128. Conciliation after issuing notice of strike or lock-out.—(1) Where a party to an industrial dispute serves a notice of strike or lock-out under section 127, it shall, deliver a copy thereof to the Conciliator who shall proceed to conciliate or, continue to conciliate the dispute notwithstanding the notice of strike or lock-out.

(2) Before proceeding to conciliate in the dispute, the Conciliator shall satisfy himself as to the validity of the notice of strike, and if the notice does not confirm to the provisions of this Act or rules or regulations or the Constitution of the concerned Workers' Welfare Association, the notice of strike shall not be deemed to have been given under the provisions of this Act, and in such case the Conciliator may, at his discretion, decide not to proceed with the conciliation.

129. Proceedings before Conciliator.—(1) The Conciliator shall, as soon as possible, call a meeting of the parties to the dispute for the purpose of settlement of the dispute through conciliation.

(2) The parties to the dispute shall appear before the Conciliator in person or through their nominated representatives, and they may authorize such representatives to negotiate on their behalf and to enter into agreement to be binding on them.

(3) The Conciliator shall perform such functions in relation to a dispute before him as may be fixed, and may, in particular, suggest to either party to the dispute such concessions or modifications in its demand as are, in the opinion of the Conciliator, likely to promote an amicable settlement of the dispute.

(4) If a dispute is settled by conciliation, the Conciliator shall send a report thereof to the Executive Chairman together with a memorandum of settlement signed by both parties.

(5) If no settlement is arrived at within the period of the notice of strike or lock-out, the conciliation proceedings may be continued for such further period as may be agreed by the parties in dispute.

130. **Arbitration.**—(1) If the conciliation fails, the Conciliator shall try to persuade the parties to agree to refer the dispute to an Arbitrator, and if the parties agree, the Conciliator shall send a joint request in writing for settlement of the dispute to an Arbitrator agreed upon by them.

(2) The Executive Chairman shall prepare a panel of Arbitrators for the purposes of sub-section (1) and shall amend such panel from time to time.

(3) The Arbitrator shall give his award within 30 (thirty) days from the date of receipt of request under sub-section (1) or within such further period as may be agreed upon in writing by the parties.

(4) After giving award the Arbitrator shall forward the copy of the award to the parties and a copy to the Executive Chairman.

(5) An award given by the Arbitrator shall be final and binding upon the parties, and no appeal shall lie against it.

(6) An award given by the Arbitrator shall be valid for a period fixed by him or not exceeding 2 (two) years.

(7) If the parties do not agree to refer the dispute to an Arbitrator, the Conciliator shall, within 3 (three) days of failure of the conciliation, issue a certificate to the parties to the dispute to the effect that it has failed.

131. **Strike and lock-out.**—(1) If no settlement is arrived at by conciliation proceedings and the parties to the dispute do not agree to refer it to an Arbitrator under section 130, on the expiry of the period of the notice under section 127, or upon the issuance of a certificate by the Conciliator to the parties to the dispute to the effect that the conciliation proceedings have failed, whichever is the later, the workers may go on strike or, as the case may be, the employer may declare a lock-out.

(2) The parties to the dispute may, at any time, either before or after the commencement of a strike or lock-out, make a joint application to the EPZ Labour Court for adjudication of the dispute.

(3) If strike or lock-out continues for more than 30 (thirty) days, the Executive Chairman may, by order in writing, prohibit the strike or lock-out.

(4) Notwithstanding anything contained in sub-section (3), if the Executive Chairman is satisfied that such strike or lock-out is causing serious harm to productivity or is prejudicial to public interest or national economy, he may, by order in writing, prohibit a strike or lock-out at any time before the expiry of 15 (fifteen) days.

(5) If the Executive Chairman prohibits a strike or lock-out, he shall refer the dispute to the EPZ Labour Court forthwith.

(6) The EPZ Labour Court shall, after giving both the parties to the dispute an opportunity of being heard, make such award as it deems fit as expeditiously as possible, but not exceeding 40 (forty) days from the date on which the dispute was referred to it.

(7) The EPZ Labour Court may give an interim award on any matter of the dispute, and any delay caused by the EPZ Labour Court in making an award shall not affect the validity of any award made by it.

(8) The award of the EPZ Labour Court shall be valid for such period as may be specified in the award, but shall not be valid for more than 2 (two) years.

(9) The strike or lock-out shall be prohibited in a new enterprise for period of 3 (three) years from the date of commencement of the production therein:

Provided that the arbitration shall be binding on settlement of any dispute in such enterprise.

CHAPTER XI

EPZ LABOUR COURT, EPZ LABOUR APPELLATE TRIBUNAL, ETC.

132. **Application to EPZ Labour Court.**—Any Collective Bargaining Agent or any employer or any worker may apply to the EPZ Labour Court for the enforcement of any right guaranteed or conferred by this Act or any award or any settlement or any agreement.

133. **EPZ Labour Court.**—(1) For carrying out the purposes of this Act, the Government may, by notification in the official Gazette, establish necessary number of EPZ Labour Court and where more than one EPZ Labour Court is established, the Government shall specify the jurisdiction of the Zone or Zones Under each EPZ Labour Court in the notification.

(2) The EPZ Labour Court shall consist of a Chairman appointed by the Government and one representative of the employers and one representative of the workers to be appointed in such manner as may be prescribed by regulations to advise the Chairman.

(3) Notwithstanding anything contained in sub-section (2), in case of trial of any offence or settlement of any matter under CHAPTER VI and VIII, the EPZ Labour Court shall consist of the Chairman only.

(4) The Chairman of a EPZ Labour Court shall be appointed by the Government from amongst the sitting District Judges or Additional District Judges.

(5) The powers and functions of the EPZ Labour Court shall be as follows, namely :—

- (a) to adjudicate and settle any industrial dispute or any other dispute or any question referred to or brought or filed before it under this Act;
- (b) to enquire into, adjudicate and settle any matter relating to the implementation or violation of the conditions of settlement referred to it by the Executive Chairman;
- (c) to try offences committed under this Act and such other offences under any other law as the Government may, by notification in the official Gazette, specify in this behalf; and
- (d) to exercise and perform such other powers and functions as are or may be conferred upon or assigned to it by or under this Act or any other law.

(6) Notwithstanding anything contained in the Bangladesh Labour Act, 2006 (Act No. XLII of 2006), the Government may, by notification in the official Gazette, give jurisdiction to any EPZ Labour Court to exercise powers or perform functions of the Authority under the said Act, and upon having such jurisdiction, the EPZ Labour Court shall exercise the powers and perform the functions of such Authority under the said Act.

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

134. Procedure and powers of EPZ Labour Court.—(1) Subject to the provisions of this Act, the EPZ Labour Court shall, in matters of criminal proceedings, follow, in so far as possible, the summary procedure as specified in the Code of Criminal Procedure.

(2) The EPZ Labour Court shall, for the purpose of trying an offence under this Act, have the same powers as are vested in the Court of a Magistrate of First class under the Code of Criminal Procedure and for imposing a penalty, it shall be deemed to be a Court of Session Judge under the Code.

(3) The EPZ Labour Court shall, for the purposes of adjudicating and settling any matter, question or industrial dispute, other than offences under this Act, be deemed to be a civil Court and shall have the same powers as are vested in such Court under the Code of Civil Procedure.

(4) No worker shall pay any court fee for filing suits, exhibiting or recording any document, or obtaining any document from the EPZ Labour Court.

135. Awards and decisions of the EPZ Labour Court.—(1) The award or decision of the EPZ Labour Court shall be given in writing and delivered in open Court and a copy thereof shall be forwarded forthwith to the Executive Chairman.

(2) The award or decision of an EPZ Labour Court shall be delivered within 25 (twenty five) days from the date of filing of the case, unless the parties to the dispute give their consent in writing to extend the time.

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

(4) All decisions of the EPZ Labour Court, other than the award referred to in sub-section (2), and the penalty imposed under sub-section (2) of section 134, shall be deemed to be final and shall not be called in question in any manner before any Court or authority.

136. EPZ Labour Appellate Tribunal.—(1) For carrying out the purposes of this Act, The Government shall, by notification in the official Gazette, establish an EPZ Labour Appellate Tribunal and the EPZ Labour Appellate Tribunal shall consist of one member to be appointed by the Government by notification in the official Gazette.

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

(3) The EPZ Labour Appellate Tribunal may, after considering the appeal, upheld, amend or modify or set aside the award of an EPZ Labour Court or return the case to the EPZ Labour Court for re-hearing; and shall, save otherwise provided, exercise all the powers conferred by this Act of a EPZ Labour Court.

(4) The EPZ Labour Appellate Tribunal shall settle the appeal within 40 (forty) days from the date of preferring an appeal.

(5) The EPZ Labour Appellate Tribunal shall follow the procedure prescribed by rules.

(6) The EPZ Labour Appellate Tribunal shall have authority to punish for contempt of it or of any EPZ Labour Court like the High Court Division.

(7) Any person convicted by the EPZ Labour Appellate Tribunal under subsection (6) to imprisonment for any period, or to pay a fine exceeding 10 (ten) thousand Taka, may prefer an appeal to the Appellate Division, subject to leave granted by that Division.

137. Special Provision for establishment of EPZ Labour Court and the EPZ Labour Appellate Tribunal.—(1) Until the EPZ Labour Court and the EPZ Labour Appellate Tribunal are established, the Labour Court established under section 214 and the Labour Appellate Tribunal established under section 218 under the Bangladesh Labour Act, 2006 (Act No. XLII of 2006), hereinafter referred to as the Labour Act, for carrying out the purposes of this Act, shall be deemed to be the EPZ Labour Court and the EPZ Labour Appellate Tribunal respectively.

(2) If there are more than one Labour Courts established under the Labour Act, the Government shall, by notification in the official Gazette, specify the Zone or Zones of jurisdiction of such courts.

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

138. Settlements or awards binding on whom.—(1) A settlement arrived at through conciliation, an award of an Arbitrator, a decision or award of the EPZ Labour Court under section 135, or order or the decision of the EPZ Labour Appellate Tribunal under section 136 shall be binding on the following persons, namely :—

- (a) all parties to the industrial dispute;
- (b) all other persons, whom the EPZ Labour Court summons to appear in any proceedings for involving in an industrial dispute;
- (c) where the employer of an enterprise which is a party to a dispute, the heirs or successors of the employer; and

(d) where a Collective Bargaining Agent is one party to a dispute, all workers employed in the enterprise to which the dispute relates on the date on which the dispute first arose or employed thereafter that date.

(2) A settlement arrived at by an agreement between the employer and Workers' Welfare Association other than conciliation, shall be binding on the parties to the agreement.

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

(a) on the date which is agreed unanimously by the parties to the dispute; and

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

(2) A settlement shall be binding for such period as is agreed by the parties, and if no such period is agreed, for a period of 1 (one) year from the date on which the memorandum of settlement is signed by the parties.

(3) An award given under sub-section (1) of section 135 shall, unless an appeal is filed against it to the EPZ Labour Appellate Tribunal, become effective on such date and remain effective for such period, not exceeding 2 (two) years, as specified therein.

(4) The Arbitrator, the EPZ Labour Court, or the EPZ Labour Appellate Tribunal, as the case may be, shall mention the date from which the award on various demands shall be effective and the conditions on which it shall be implemented.

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

(6) Notwithstanding the expiry of the period for which an award is to be effective under sub-section (3), the award shall continue to be binding on the concerned parties until the expiry of 2 (two) months from the date on which either party inform its intention to the other party in writing.

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

- (2) A conciliation proceeding shall be deemed to have concluded—
- (a) where settlement is arrived at, on the date on which a memorandum of settlement is signed by the parties to the dispute; and
 - (b) where it is not possible to arrive at a settlement, in that case—
 - (i) if the dispute is referred to an Arbitrator under section 130, on the date on which the Arbitrator has given his award, or otherwise;
 - (ii) on the date on which the period of the notice of strike or lock-out expires.
- (3) The proceedings before a EPZ Labour Court shall be deemed to have commenced—
- (a) in relation to an industrial dispute on the date on which an application has been made under section 131 or section 132; and
 - (b) in relation to any other matter, on the date on which it is referred to the EPZ Labour Court.
- (4) The Proceedings before an EPZ Labour Court shall be deemed to have concluded on the date on which the award or decision of the EPZ Labour Court is delivered under sub-section (1) of section 135.

141. **Certain matters to be kept confidential.**—(1) Any information collected or received by the Executive Chairman, Conciliator, Arbitrator, EPZ Labour Court or EPZ Labour Appellate Tribunal in the course of any investigation or enquiry as to any business carried on by any Workers' Welfare Association or person, enterprise or company or employer, which is not available otherwise than through the evidence given before such authority, and if the concerned Workers' Welfare Association, person, enterprise or company, or employer has made a request in writing to the authority that such information shall be treated as confidential, shall not be included in any report, award or decision given under this Act; and such information shall not be disclosed in the proceedings of the case without the consent in writing of the President of the Workers' Welfare Association or the concerned person, enterprise or company or the employer, as the case may be.

(2) Notwithstanding anything contained in sub-section (1), nothing contained in this section shall apply to disclosure of any such information for the purposes of prosecution under section 193 of the Penal Code, 1860 (Act No. XLV of 1860).

142. **Raising of industrial dispute.**—No industrial dispute shall be deemed to have arisen, unless it is raised by an employer or by a Collective Bargaining Agent in accordance with the provisions of this Chapter.

143. **Prohibition on serving notice of strike or lock-out during proceedings is pending.**—No notice of strike or lock-out shall be served by one party to the other party of an industrial dispute during conciliation or arbitration proceedings or any case relating thereto is pending before the EPZ Labour Court or the EPZ Labour Appellate Tribunal.

144. **Powers of the EPZ Labour Court and the EPZ Labour Appellate Tribunal to prohibit strike, etc.**—(1) Where a strike or lock-out in pursuance of an industrial dispute has already commenced, and such strike or lock-out continues at the time of submitting an application to the EPZ Labour Court under section 132, in relation to that industrial dispute, or when it is under consideration of the EPZ Labour Court, the EPZ Labour Court may, by an order in writing, prohibit the continuance of such strike or lock-out.

(2) Where an appeal is preferred to the EPZ Labour Appellate Tribunal in respect of an industrial dispute under section 136, the EPZ Labour Appellate Tribunal may, by an order in writing, prohibit the continuance of any strike or lock-out in pursuance of such industrial dispute which was in existence on the date of such appeal.

145. **Illegal strike and lock-out.**—(1) A strike or lock-out shall be illegal, if—

- (a) it is declared, commenced or continued without giving to the other party to the dispute a notice of strike or lock-out in such manner as may be prescribed by regulations, or before or after the date specified in such notice or in contravention of section 143; or
- (b) it is declared, commenced or continued in consequence of an industrial dispute raised in a manner other than that provided in section 142; or
- (c) it is continued in contravention of an order made under section 144; or
- (d) it is declared, commenced or continued on the matters decided by settlement or award during the period in which a settlement or award is in operation.

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

146. Terms and conditions of service to remain unchanged while proceeding is pending.—(1) An employer shall not, during the continuance of any conciliation proceedings or proceedings before an Arbitrator, EPZ Labour Court or EPZ Labour Appellate Tribunal in any matter relating to an industrial dispute, alter to the disadvantage of any worker who is involved in such dispute the conditions of service applicable to him before the commencement of such proceedings, or shall not discharge, dismiss or otherwise punish any worker or terminate his service, except for misconduct not connected with such dispute, without the permission of the Conciliator, Arbitrator, EPZ Labour Court or EPZ Labour Appellate Tribunal, when, where or before which such proceedings are pending.

(2) Notwithstanding anything contained in sub-section (1), any representative of the Executive Council of the Workers' Welfare Association shall not, during the pendency of any proceedings under sub-section (1), be discharged, dismissed or punished for misconduct except with the prior permission of the EPZ Labour Court.

147. Protection of certain persons.—No person refusing to take part or to continue to take part in any illegal strike or illegal lock-out shall, by reason of such refusal, be subject to expulsion from any Workers' Welfare Association or to any fine or penalty or to the deprivation of any right or benefit which he or his legal representatives would otherwise be entitled, or, be liable to be placed under any disability or disadvantage, directly or indirectly, as compared with other members of the Workers' Welfare Association.

148. Representation of parties.—(1) Any worker who is a party to an industrial dispute shall be entitled to be represented in any proceedings under this Chapter by a representative of the Executive Council of the Workers' Welfare Association of his enterprise, and, subject to the provisions of sub-sections (2) and (3), any employer who is a party to an industrial dispute shall be entitled to be represented in any such proceedings by him or by a person duly authorized by him.

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

(3) A party to an industrial dispute in any proceedings before an Arbitrator may be represented by a legal practitioner with the permission of the EPZ Labour Court or the EPZ Labour Appellate Tribunal.

149. **Interpretation of settlements and awards.**—(1) If any difficulty or doubt arises as to the interpretation of any provision of any settlement or award, it shall be referred to the EPZ Labour Appellate Tribunal constituted under this Act.

(2) The EPZ Labour Appellate Tribunal may, after giving the parties concerned an opportunity of being heard any matters referred to him under sub-section (1), decide the matter and its decision thereon shall be final and binding on the parties.

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

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

CHAPTER XII

PENALTIES AND TRIALS

151. **Penalty for unfair practices.**—(1) If any person commits any act mentioned in sub-section (1) of section 115, he shall be punished with fine which may extend to 50 (fifty) thousand Taka and, in default, to simple imprisonment which may extend to 6 (six) months.

(2) If any worker commits any act mentioned in sub-section (1) of section 116, he shall be punished with fine which may extend to 2 (two) thousand Taka and, in default, to simple imprisonment which may extend to 6 (six) months.

(3) If any Workers' Welfare Association or any person other than a worker commits any act mentioned in sub-section (1) of section 116, he shall be punished with fine which may extend to 20 (twenty) thousand Taka and, in default, to simple imprisonment which may extend to 6 (six) months.

152. **Penalty for committing breach of settlement.**—If any person commits any breach of any term of any settlement, award or decision which is binding on him, he shall be punished—

- (a) for the first offence, with fine which may extend to 5 (five) thousand Taka and, in default, to simple imprisonment which may extend to 6 (six) months; and
- (b) for each subsequent offence with fine which may extend to 10 (ten) thousand Taka, and in default, to simple imprisonment which may extend to 6 (six) months.

153. **Penalty for failing to implement term of settlement, award or decision, etc.**—If any person willfully fails to implement any term of any settlement, award or decision which is binding on him under this Act, he shall be punished with fine which may extend to 20 (twenty) thousand Taka and, in default, to simple imprisonment which may extend to 6 (six) months.

154. **Penalty for false statements, etc.**—If any person willfully makes or causes to be made any statement in an application or other document submitted under this Act, rules or regulations, which he knows or has reason to believe to be false, or willfully neglects or fails to maintain or furnish any document under this Act, rules or regulations, in that case—

- (a) in case of employer, he shall be punished with fine which may extend to 5 (five) lac Taka and, in default, to simple imprisonment for a term which may extend to 3 (three) months;
- (b) in case of worker, he shall be punished with fine which may extend to 50 (fifty) thousand Taka and, in default, to simple imprisonment for a term which may extend to 3 (three) months.

155. **Penalty for illegal strike or lock-out.**—(1) If any worker commences, continues or otherwise acts in furtherance of an illegal strike, he shall be punished with fine which may extend to 5 (five) thousand Taka or with imprisonment for a term which may extend to 6 (six) months, or with both.

(2) If any employer commences, continues or otherwise acts in furtherance of an illegal lock-out, he shall be punished with fine which may extend to 20 (twenty) thousand Taka or with imprisonment for a term which may extend to 1 (one) year, or with both, and in the case of a recurrence of offence, with a further fine which may extend to 2 (two) thousand Taka for each day after the first offence during which the offence continues.

156. **Penalty for instigating illegal strike or lock-out.**—If any person instigates or incites any other person to take part in or supplies money or otherwise acts in furtherance of an illegal strike or an illegal lock-out, he shall be punished with fine, which may extend to 10 (ten) thousand Taka or with imprisonment which may extend to 6 (six) months, or with both.

157. **Penalty for contravention of provision of section 146.**—If any employer or company contravenes the provisions of section 146, he shall be punished with fine which may extend to 10 (ten) thousand Taka or with imprisonment for a term which may extend to 6 (six) months, or with both.

158. **Penalty for misappropriation of provident fund and Workers' Welfare Fund.**—(1) If any person misappropriates or embezzles or spends to his own use with ill intention any money of the provident fund of the workers, he shall be punished with imprisonment for a term which may extend to 1 (one) year and shall also be liable to fine.

Explanation.—If any employer fails to deposit his own subscription or the subscription of any worker deducted from his wages by him to the provident fund of workers of his enterprise for a period of more than 3 (three) months without any reasonable cause to the satisfaction of the Executive Chairman, he shall be deemed to have misappropriated the money of the provident fund.

(2) If any representative of the Executive Council of any registered Workers' Welfare Association is convicted for misappropriation or embezzlement of any money of the fund of the Workers' Welfare Association, he shall be punished with imprisonment for a term which may extend to 1 (one) year and, in addition to this, be liable to a fine to such extent of amount of misappropriation or embezzlement to be proved to the EPZ Labour Court.

(3) The fine imposed under this section may extend to the amount found by the Court to have been misappropriated or embezzled by, or spent with ill intention to the use of, the accused, and upon realization the amount of fine shall be reimbursed by the Court to the concerned provident fund.

159. **Penalty for other offences.**—(1) If any person contravenes, or fails to comply with any of the provisions of this Act, he shall, if no other penalty is provided by this Act for such contravention or failure, be punished with fine which may extend to 5 (five) thousand Taka.

(2) Provisions shall be made for the contravention of the provisions of any rules or regulations, the penalty of which may extend to 1 (one) thousand Taka or imprisonment for a term which may extend to 3 (three) months, or with both.

160. **Penalty for contravention of provisions of section 129.**—If any person does not appear or send representative before the Conciliator without satisfactory reasons in contravention of the provisions of sub-section (2) of section 129, he shall be punished with fine which may extend to 5 (five) thousand Taka and, in default, to simple imprisonment which may extend to 6 (six) months.

161. **Offences committed by company.**—If an offence is committed by a company under this Act, every director, manager, secretary, partner, officer or employee of the company who has direct involvement in the offence shall be deemed to have committed that offence, unless he proves that the offence was committed beyond his knowledge or he has exercised due diligence to prevent the commission of such offence.

Explanation.—In this section—

- (a) “company” means any commercial establishment, partnership business, association and also includes organization; and
- (b) in respect of commercial establishment, ‘Director’ also includes any partner or member of the Board.

162. **Trial of offences.**—(1) Any offence punishable under this Act shall not be tried by a Court other than the EPZ Labour Court established under this Act.

(2) All offences under this Act shall be non-cognizable and bailable.

163. **Limitation of prosecution.**—Unless otherwise specified in this Act or rules or regulations made thereunder, no Labour Court shall take cognizance of an offence thereunder, unless a complaint is made thereof within 06 (six) months from the date of commission of the offence.

CHAPTER XIII

PROVIDENT FUND

164. **Constitution of provident fund.**—(1) Each employer of each enterprise shall constitute a provident fund for its workers.

(2) The constitution, operation and other matters of the provident fund shall be prescribed by regulations.

(3) No employer shall reduce any existing financial facility or other benefit of the members of the provident fund.

165. **Provident fund not liable to be attached.**—(1) The amount credited to the account of any worker in the provident fund shall not in any way be transferred or charged and shall not be liable to be attached under any decree or order of any Court in respect of any debt or liability incurred by the worker, or no receiver appointed under the Insolvency Act, 1997 (Act No. X of 1997) shall be entitled to claim of such amount.

(2) The amount credited to the account of any worker in the provident fund at the time of his death shall, subject to any deduction authorized under any other law, vest in his nominee and shall be free from any debt or other liability incurred by him or by his nominee before his death.

166. **Payment of subscription to get preference over other debts.**—If any subscription is due under this Chapter is payable before the employer is adjudged insolvent or in the case of a company ordered to be wound up before the date of such order, the liability for unpaid subscriptions shall be deemed to be included among the debts under section 75 of the Insolvency Act, 1997 (Act No. X of 1997) or under section 230 of the Companies Act, 1994 which shall get preference over all other debts in the distribution of the property of the insolvent or the assets of the company.

CHAPTER XIV

ADMINISTRATION, INSPECTION, ETC.

167. **Executive Director (Labour and Industrial Relations), etc.**— (1) For carrying out the purposes of this Act, the Executive Director (Labour and Industrial Relations), Additional Executive Director (Labour and Industrial Relations), Director (Labour and Industrial Relations), Deputy Director (Labour and Industrial Relations), Assistant Director (Labour and Industrial Relations) and other concerned officers as assigned shall perform the functions and responsibilities of labour and industrial relations of the enterprises in the Zones.

(2) The Executive Director (Labour and Industrial Relations) shall have the following powers and functions:

- (a) to supervise and control over the Additional Executive Director (Labour and Industrial Relations), Director (Labour and Industrial Relations), Deputy Director (Labour and Industrial Relations), Assistant Director (Labour and Industrial Relations) and other concerned officers and persons;

- (b) to supervise any election of the Workers' Welfare Association;
- (c) to act as an Arbitrator of an industrial dispute;
- (d) to supervise the activities of the Participatory Committee;
- (e) to exercise and perform such powers and functions as are conferred by this Act and rules and regulations made thereunder.

(3) For carrying out the purposes of this Act, the powers and responsibilities and jurisdictions of the officers appointed under clause (a) of sub-section (2) shall be determined by the Authority and the Authority shall have the power to supervise and control them.

(4) Notwithstanding anything contained in any other law for the time being in force, the Authority shall be responsible for implementation of this Act and to deal with all matters relating to rights of the workers and industrial relations in the Zones.

168. **Chief Inspector, etc.**—(1) The Chief Inspector and other Inspectors may, with the permission of the Executive Chairman, inspect any industry in the prescribed manner.

Explanation:—For the purpose of sub-section (1), “Chief Inspector and other Inspector” means the Chief Inspector and the other Inspector appointed under CHAPTER XX of the Bangladesh Labour Act, 2006.

(2) Notwithstanding anything contained in any other law, in the case of inspection of an industry, the provisions of this Act shall be applicable.

(3) The decision of the Executive Chairman shall be final in the case of inspection.

169. **Inspector General, inspection, powers, etc.**—(1) For carrying out the purposes of this Act, the Inspector General, Additional Inspector General, Joint Inspector General, Deputy Inspector General and other inspection officers and Inspector shall perform inspections and related activities in the industry of the Zones.

- (2) The Inspector General shall have the following powers and functions:
- (a) to supervise and control the industry within his jurisdiction;
 - (b) to delegate, by general or special order in writing, any of his powers or functions upon any Additional Inspector General or any other officer responsible for this;
 - (c) to supervise and control the Additional Inspector General and officers or persons appointed for inspection;

- (d) to act as an Arbitrator of an industrial dispute;
- (e) to supervise the election of the Executive Council of the Workers' Welfare Association;
- (f) to submit complaints to the EPZ Labour Court against violation of any provision of this Act, committing any offence or any unfair practice;
- (g) to exercise and perform such powers and functions as are conferred by this Act and rules or regulations made thereunder.

170. **Additional Inspector General, inspection, powers etc.**—(1) The powers and functions of the Additional Inspector General shall be as follows:

- (a) to supervise and control over all industry of any Zone within his jurisdiction;
- (b) to enter, inspect and examine any industry, place, premises, vehicle at any time together with necessary assistants or associates;
- (c) to call for and to seize any registers, records or any other documents from the employer for the purpose of discharging duties in respect of enforcement of this Act, rules or regulations;
- (d) to supervise and control the officers or persons appointed for inspections;
- (e) to submit complaints to the Inspector General against any offence, unfair labour practice or violation of any provision of this Act;
- (f) to delegate, by general or special order in writing, any of his powers and functions upon any officer or Inspector;
- (g) to exercise and perform such powers and functions as are conferred by this Act and rules or regulations made thereunder.

(2) For carrying out the purposes of this Act, rules or regulations, every employer shall have to produce all records, registers, and any other documents for inspection as per instruction of the Additional Inspector General, and furnish any other information relating thereto as is required.

(3) The employer shall have to consult with the Additional Inspector General or any officer authorized by him before taking any decision of lay-off of any industry.

171. **Appeal.**—If any employer is aggrieved by an order or decision of a person engaged in inspection under this chapter, appeal may be preferred within 30 (thirty) days of the receipt of such order or decision and the decision of the Executive Chairman shall be deemed to be final in respect of appeal.

CHAPTER XV**EMPLOYER-BUYER-WORKER PARTICIPATORY FUND, ETC.**

172. Formation and purpose of Employer-buyer-worker Participatory Fund.—(1) There shall be an Employer-buyer-worker Participatory Fund for the welfare of workers employed in the EPZ.

(2) The objectives of the Employer-buyer-worker Participatory Fund shall be—

- (a) to bear the expense of emergency assistance, social security, etc.;
- (b) to bear the expense of administrative, developmental and other related expenditures for carrying out the purposes of this Act.

173. Source of Employer-buyer-worker Participatory Fund, etc.—The money of the Employer-buyer-worker Participatory Fund shall be recoverable in the following rate and manner, namely: -

- (a) the fixed amount of money received against each purchase order of the industry;
- (b) donations made by the buyer or work order providing organizations;
- (c) donations made by the Government;
- (d) donations made by any domestic or foreign individuals or organization;
- (e) the fixed amount of money paid by the workers; and
- (f) income gained from the investment of the Fund.

Explanation :—For the purposes of this section, "buyer or work order providing organization" means the purchasing company who purchases the products of the industry.

174. Operation, management and use of Employer-buyer-worker Participatory Fund.—The operation, management, use of money of the Employer-buyer-worker Participatory Fund and matters related thereto shall be prescribed by regulations.

CHAPTER XVI**MISCELLANEOUS**

175. **Restrictions on employment of underage workers.**—An underage worker shall not be employed in an industry.

Explanation.—For carrying out the purposes of this Act “underage” means any person who has not completed 18 (eighteen) years of age.

176. **Prohibition of employment by use of force or coercion.**—Any person shall not be employed in any work in an industry by use of force or coercion.

177. **Employer-worker relations in disaster or damage beyond control.**—For any sudden natural disaster or any other disaster which is beyond human control or for urgent necessity, any industry is shifted or production of any industry is permanently closed, the Authority may determine the employer and worker relations in such manner as may be prescribed.

178. **Certain activities of Workers’ Welfare Association or Federation of Workers’ Welfare Association are prohibited.**—(1) No Workers’ Welfare Association shall engage in any activity which is not mentioned in the aims or objectives of its constitution.

(2) No Workers’ Welfare Association or Federation of Workers’ Welfare Association in any Zone shall form or maintain any relation, openly or secretly, with any political party or organization affiliated with any political party or non-government organization.

(3) If it is proved to be true on an enquiry upon a complaint made by an employer against any Workers’ Welfare Association under sub-section (2), the Executive Chairman shall cancel the registration of that Workers’ Welfare Association or Federation of Workers’ Welfare Association, as the case may be, forthwith, and upon such cancellation, the workers in the industry or enterprises, or the Workers’ Welfare Associations, as the case may be, shall not be entitled to form Workers’ Welfare Association or the Federation of Workers’ Welfare Association, as the case may be, for next 1 (one) year.

(4) If the employer is aggrieved by an order of the Executive Chairman under sub-section (3), he may prefer an appeal to the EPZ Labour Court against such Workers’ Welfare Association, or Federation of the Workers’ Welfare Association, and appeal may be preferred against the decision of the EPZ Labour Court to the EPZ Labour Appellate Tribunal, and the decision of the EPZ Labour Appellate Tribunal shall be final in this respect.

(5) For the purposes of this section, “political party” means a political party as defined in Article 152 of the Constitution of the People’s Republic of Bangladesh, and also includes any other organization affiliated with such political party.

179. **Constitution of fund.**—(1) For the purposes of this Act, a fund shall be constituted by collection of donation from the investors.

(2) For the appointment of necessary employees including Judges for the establishment of EPZ Labour Court and EPZ Labour Appellate Tribunal and the salary, allowances and other payments as per terms and conditions of employment of the Conciliators, Arbitrators, Counselors and Inspectors and other administrative and development cost shall be borne from the fund.

(3) The collection of donations, management of operation of fund and use of money, etc. and matters relating thereto shall be determined by the Authority.

180. **Powers and functions of the Executive Chairman.**—The Executive Chairman shall have the following powers and functions, namely:-

- (a) to register Workers’ Welfare Association and maintain a register for that purpose;
- (b) to take necessary action under this Act against the Workers’ Welfare Association or employers for any violation of provisions of this Act, rules or regulations or any unfair practice or commission of an offence;
- (c) to determine the question as to the legitimacy of any Workers’ Welfare Association and its capacity to act as Collective Bargaining Agent;
- (d) to supervise and control of the officer or person appointed under this Act as an ex-officio and exercise his powers and perform functions;
- (e) to perform as an Arbitrator in any industrial dispute;
- (f) to take any decision related to inspection;
- (g) to supervise and control of the enterprises within Zone under his jurisdiction; and
- (h) to exercise powers or perform functions imposed by rules or regulations.

181. **Delegation of power by Executive Chairman.**—The Executive Chairman may, subject to the approval of the Authority, delegate any of his powers under this Act to an officer subordinate to him.

182. **Extension of time by Executive Chairman.**—The Executive Chairman may, on reasonable grounds, extend time if any duty is not discharged or function is not performed within the specified time under any provision of this Act.

183. **Public servant.**—The Executive Chairman, Conciliator, the Chairman and the member of an EPZ Labour Court and the member of the EPZ Labour Appellate Tribunal shall be deemed to be public servant within the meaning of section 21 of the Penal code, 1860 (Act No. XLV of 1860).

184. **Exemption from the provisions of this Act.**—The Government may, by notification in the official Gazette, exempt any owner or group of owners of any industry in any Zone or Zones, or any enterprise or group of enterprises, or any part thereof or any worker or group of workers, from the application or enforcement of any Chapter or section or any provision of this Act.

185. **Approval of design and construction of factory buildings.**—(1) Prior approval of the Authority shall be obtained for the construction, establishment or extension of any factory or class of factory buildings.

(2) The Authority may uphold, or amend or cancel any order given under sub-section (1).

186. **Appeal against certain orders.**—(1) Where an order in writing of the Authority is served on an employer under this Act, he may, within 30 (thirty) days of the receipt of such order, prefer an appeal against it to the Authority, and such Appellate Authority may, subject to rules or regulations made in this behalf, uphold or modify or set aside the order.

(2) Subject to the rules or regulations made in this behalf and subject to such conditions imposed or such performance directed by the Appellate Authority, the Appellate Authority may, if it thinks fit, suspend the order against which appeal is preferred, until the appeal is disposed of.

187. **Obligations of workers.**—Any worker in any enterprise—

- (a) shall not willfully misuse or interfere in the use of any system or appliance provided in the establishment for the purpose of securing the health, safety or welfare of the workers;
- (b) shall not willfully or without any reasonable cause do anything which is likely to endanger himself or any other person;
- (c) shall not willfully neglect to use of any system or appliance provided in the enterprise for the purposes of securing health or safety of the workers.

188. **Obligations of employers.**—If any employer or enterprise fails to comply with the provisions of this Act, and for which workers of that enterprise committed any disorderliness or riot, arson or breakage in any EPZ or Zone or nearby areas the concerned employer or enterprise shall be liable for such occurrences and the Authority may take necessary action against the said employer or enterprise.

189. **Conduct towards females.**—Where any female is employed in any work of any enterprise, whatever her rank may be, no person of that enterprise shall behave with her which may seem to be indecent or unmannerly or which is repugnant to the modesty or honour of that female.

190. **Service of notice and submission of return.**—The Authority may, by rules-

- (a) prescribe the manner of service of any order under this Act; and
- (b) direct an employer to submit such return as mentioned therein, either regularly or time to time, for the purposes of this Act.

191. **Monitoring of elections of Workers' Welfare Association, procedures etc.**—(1) Representatives, being selected or nominated from the Authority, employers, workers and impartial font may monitor any election held for Workers' Welfare Association under this Chapter.

(2) Procedure of monitoring of election and matters related thereto under sub-section (1) shall be prescribed by regulations.

192. **Reservation of existing conditions of service in certain cases.**—If any worker enjoys rights and privileges under any employer at the time of commencement of this Act, he shall be entitled to enjoy all such rights and privileges until he continues to work under that employer, unless the right and privileges are made more favourable under this Act or rules or regulations made thereunder than such rights and privileges.

193. **Abstracts of the Act, rules and regulations to be displayed.**—(1) The employer of each enterprise shall affix a notice containing an abstract of the necessary or important provisions of this Act and rules and regulations at or near the main entrance of the place of work or in a conspicuous and accessible place of the enterprise.

(2) All notices displayed under sub-section (1) shall be maintained in a clear or legible way.

(3) The Authority may direct the employer to hang any board or any notice or poster about the health, safety or welfare of the workers employed in his enterprise.

194. **Power to collect information.**—Any officer on duty or the Authority may direct the employer to supply any record, documents or information or any other act to be performed as determined by him for the purpose of performing the functions thereof under this Act or any rules or regulations, and such employer shall have to implement such direction.

195. **Power to issue order, notice, explanation or circular.**—The Authority may issue and publish orders, forms, notices, explanations or circulars for the enforcement of the provisions of this Act or provisions made thereunder.

196. **Presumption as to employment.**—If any person is found in a factory when work is going on, or at any time except during intervals for meals or rest, or when any of its machinery is in motion, shall, unless contrary is proved, be deemed to have been employed at that time in the factory.

197. **Payment of equal wages for equal work.**—In determining wages or fixing the minimum rate of wages for any worker, the principle of equal wages for male and female workers for work of equal nature or standard or value shall be followed; and no discrimination shall be made in this respect on the ground of being male or female.

198. **Court fees in general cases.**—Subject to the other provisions of this Act, the Government may, by rules, determine the amount of court-fees or other fees payable in respect of any application, proceedings or appeal under this Act.

199. **Restrictions on certain questions, etc.**—No person shall be compelled to answer any question or make any statement under this Act which may tend directly or indirectly to incriminate him.

200. **Protection of actions done in good faith.**—No civil or criminal case or other legal proceedings shall file against any person or authority for anything done or intended to be done in good faith under this Act and rules, regulations, administrative order or instructions made thereunder.

201. **Bar to jurisdiction of other courts.**—Any suit, complaint or other legal proceeding which is cognizable or triable by the EPZ Labour Court or EPZ Labour Appellate Tribunal under this Act shall not be cognizable or triable by any other Court.

202. **Power to amend the Schedule.**—The Government may, by notification in the official Gazette, amend the Schedule.

203. **Power to make rules.**—(1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Until rules are made under sub-section (1), the Government may make provisions relating thereto by administrative order.

204. **Power to make regulations.**—(1) Notwithstanding anything contained in section 3A of the Bangladesh Export Processing Zones Authority Act, 1980 (Act No. XXXVI of 1980), the Authority may, with the prior approval of the Government, make regulations, by notification in the official Gazette, after the commencement of this Act, for the employment of workers, relations between employers and workers, fixation of minimum rate of wages, payment of wages, compensation for workers' injury due to accidents in the working hours, matters related to the health and safety of the workers, inspections, etc. within the jurisdiction of the Authority.

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

205. **Repeal and savings of the Act No. XLIII of 2010.**—(1) The EPZ Workers' Welfare Association and Industrial Relations Act, 2010 (Act No. XLIII of 2010) is hereby repealed.

(2) Notwithstanding such repeal under sub-section (1), any act done or action taken under the repealed Act shall be deemed to have been done or taken under this Act as if this Act was in force.

206. **Repeal and savings.**—(1) The Bangladesh EPZ Labour Ordinance, 2019 (Ordinance No. I of 2019) is hereby repealed.

(2) Notwithstanding such repeal under sub-section (1), any act done or action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

207. **Publication of Authentic English text.**—(1) The Government shall, after the commencement of this Act, by notification in the official Gazette, publish an Authentic English Text of the original Bangla text of this Act.

(2) In the case of conflict between the Bangla and the English text, the Bangla text shall prevail.

SCHEDULES

[See section 2(17)]

FIRST SCHEDULE

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

List of injuries deemed to result in permanent partial disablement

Serial No.	Description of injury	Percentage of loss of earning capacity
1	2	3
1.	Loss of both hands or amputation from higher parts-	100
2.	Loss of one hand or one leg-	100
3.	Loss of sight of both eyes to such an extent as to render the claimant unable to perform any work for which eye-sight is essential-	100
4.	Amputation of both legs or thighs, or amputation of one leg or thigh and loss of any leg-	100
5.	Severe facial disfigurement-	100
6.	Absolute deafness-	100
	Amputation cases-upper limbs (either arm)	
7.	Amputation up to shoulder joint-	80
8.	Amputation below shoulder with stump less than 20 centimeter from tip of acromion-	70
9.	Amputation from 20 centimetre from tip of acromion to less than 11 centimetre below tip of olecranon-	60
10.	Loss of a hand or of the thumb and four fingers of one hand or amputation from 20 centimetre below tip of olecranon-	60
11.	Loss of thumb-	30

1	2	3
12.	Loss of thumb and its metacarpal bone-	30
13.	Loss of four fingers of one hand-	50
14.	Loss of three fingers of one hand-	30
15.	Loss of two fingers of one hand-	20
16.	Loss of terminal phalanx of thumb-	10
	Amputation cases-lower limbs	
17.	Amputation of both feet-	90
18.	Amputation through both feet proximal to the metatarso-phalangeal joint-	80
19.	Loss of all toes of both feet through the metatarso-phalangeal joint-	40
20.	Loss of all toes of both feet from proximal to the proximal inter-phalangeal joint-	30
21.	Loss of all toes of both feet from distal to the proximal inter-phalangeal joint-	20
22.	Amputation from lower part of the hip-	90
23.	Amputation from lower part of the hip with stump exceeding 12.5 centimetre measured from tip of greater trochanter, but not beyond middle thigh-	80
24.	Amputation from lower part of the hip with stump not exceeding 12.5 centimetre measured from tip of greater trochanter-	70
25.	Amputation from middle thigh to 9 centimetre below knee-	60
26.	Amputation below knee with stump exceeding 9 centimetre but not exceeding 12.5 centimetre-	50

1	2	3
27.	Amputation below knee with stump exceeding 12.5 centimetre-	40
28.	Amputation of one foot resulting in end-bearing-	30
29.	Amputation of one foot from proximal to the metatarso-phalangeal joint-	30
30.	Loss of all toes of one foot through the metatarso-phalangeal joint-	20
Other injuries		
31.	Loss of one eye, without any complications, the other being normal-	40
32.	Loss of vision of one eye, without any complications or disfigurement of eye-ball, the other being normal-	30
Loss of fingers of right or left hand (Index finger)		
33.	Whole-	14
34.	Two phalanges-	11
35.	One phalanx of finger-	9
36.	Guillotine amputation of tip without loss of bone-	5
(Middle finger)		
37.	Whole-	12
38.	Two phalanges-	9
39.	One phalanx-	7
40.	Guillotine amputation of tip without loss of bone-	5
(Ring or little finger)		
41.	Whole-	7
42.	Two phalanges-	6
43.	One phalanx-	5

1	2	3
44.	Guillotine amputation of tip without loss of bone-	5
	Toes of right or left foot (great toe)	
45.	Through metatarso-phalangeal joint-	10
46.	Part, with some loss of phalanges-	3
	(Any other toe)	
47.	Through metatarso-phalangeal joint-	3
48.	Part, with some loss of phalanges-	1
	(Two toes of one foot excluding great toe)	
49.	Through metatarso-phalangeal joint	5
50.	Part, with some loss of phalanges-	2
	(Three toes of one foot, excluding great toe)	
51.	Through metatarso-phalangeal joint-	6
52.	Part, with some loss of phalanges-	3
	(Four toes of one foot, excluding great toe)	
53.	Through metatarso-phalangeal joint-	9
54.	Part, with some loss of phalanges-	5

SECOND SCHEDULE
[See clause (a) of section 92]
List of notifiable diseases

1. Lead poisoning;
2. Lead tetra-ethyl poisoning;
3. Phosphorus poisoning;
4. Mercury poisoning;
5. Manganese poisoning;
6. Arsenic poisoning;
7. Poisoning by nitrous fumes;
8. Carbon bisulphide poisoning;
9. Benzene poisoning or poisoning by any of its homologues;
10. Chrome ulceration;
11. Anthrax;
12. Silicosis;
13. Poisoning by halogens;
14. Pathological manifestation due to X-rays or radium or other radioactive substances;
15. Primary epitheliomatous cancer of the skin;
16. Toxic anemia;
17. Toxic jaundice due to poisonous substances;
18. Oil acne or dermatitis due to mineral oils and compounds containing mineral oil base;
19. Byssionosis;
20. Asbestosis;

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21. Occupational or contact dermatitis caused by direct contact with chemical and paints;
 22. Noise induced hearing loss;
 23. Beryllium poisoning;
 24. Carbon- monoxide;
 25. Coal miners' pnuomoconiosis;
 26. Phosgene poisoning;
 27. Occupational cancer;
 28. Isocynates poisoning;
 29. Toxic nephritis;
 30. Jolt induced occupational diseases.

THIRD SCHEDULE
[See section 73]
List of occupational disease

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

PART-B

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|-----|---|---|
| 9. | Poisoning by leptospira ictero haemorrhagia | Works in a rat infested place. |
| 10. | Poisoning by dinitrophenol or homologue | Using or handling of, or exposure to the fumes, dust or vapour of dinitrophenol or its homogenous. |
| 11. | Poisoning by tricresyl phosphate | Using or handling of, or exposure to the fumes, dust or vapour of any substance containing tricresyl. |
| 12. | Chrome ulceration or its sequelae | Using or handling of chromic acid or chromates or bichromate of ammonium, potassium, sodium or zinc, or preparation or solution containing any of these substances. |
| 13. | Contact produced by exposure to the glare of, or rays from molten glass or red-hot metal | Frequent or prolonged exposure to the glare of, or rays from molten glass or molten or red-hot metal. |
| 14. | Poisoning by beryllium | Using or handling of, or exposure to the fumes, dust or vapour of beryllium or a compound of beryllium or any substance containing beryllium. |
| 15. | Carcinoma of mucous membranes of the nose or associated air sinuses of primary carcinoma branchus of lung | Any occupation in a factory where nickel is produced by decomposition of a gaseous nickel compound which involves work in or about a building where that process ancillary or incidental thereto is carried on. |
| 16. | Papilloma of urinal bladder | (a) Works in a building where the following substances are produced for commercial purposes, namely:—
(1) alpha-naphthylamine, beta-naphthylamine or benzadine or any of their salt;
(2) auramine or magenta;
(b) Using or handling of any substances mentioned in paragraph (a) (1), or work in process in which such substance is used or liberated. |

PART-B

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|-----|---|--|
| 17. | Lead poisoning or its sequelae(excluding poisoning by lead tetraethyl) | Any process involving the use of lead or any of its preparations or compounds except lead tetraethyl. |
| 18. | Poisoning by phosphorous or its sequelae | Any process involving the use of phosphorous or its preparations or compounds. |
| 19. | Mercury poisoning or its sequelae | Any process involving the use of mercury or its preparations or compounds. |
| 20. | Poisoning by benzene and its homologues, or the sequelae of it | Handling benzene or any of its homologues and any process in the manufacture or involving the use of benzene or any of its homologues. |
| 21. | Arsenical poisoning or its sequelae | Any process involving the production, liberation or utilization of arsenic or its compounds. |
| 22. | Pathological manifestations due to X-ray, radium and other radio-active substance | Any process involving exposure to the action of X-rays, radium or other radio-active substances. |
| 23. | Primary epitheliomatous cancer of the skin | Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances. |
| 24. | Silicosis | Any employment involving exposure to the inhalation of dust containing silica. |

FOURTH SCHEDULE

[See section 73(8)]

List of persons who, subject to the provision of section 73(8), are included in the definition of worker

Any person who is—

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

FIFTH SCHEDULE

[See section 74]

Amount of compensation payable in certain cases for the purpose of section 74 and CHAPTER VIII

Monthly wages or pay scale of the injured worker or employee	Amount of compensation		Monthly amount of compensation for temporary disablement
	In case of death	In case of permanent total disablement	
1	2	3	4

Whatever be the amount of basic wages of the worker

Tk 2, 00, 000

Tk 2, 50, 000

Compensation shall be paid for the period of disablement or for one year, whichever is shorter.

Such compensation shall be paid at the rate of full monthly wages for the first two months, at the rate of two-thirds of the monthly wages for the next two months and at the rate of half of monthly wages for the subsequent months.

In the case of prolonged occupational disease, compensation for disablement shall be paid at the rate of half of monthly wages during the period of disablement, but such period shall in no case exceed 2(two) years.

By order of the President

M. Toffazzel Hossain Miah
Secretary.