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Government of the People's Republic of Bangladesh
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Notification

Date: 31st Bhadra, 1422 BS corresponding to 15th September 2015
SRO No. 291-Act/2015. The government formulates the following rules by dint of powers given in the section 351 of the Bangladesh Labor Act, 2006 (Act No. 42 of 2006) such as:

First Chapter Preliminary

1. **Title and commencement: (1)** This rules will be called Bangladesh Labor Rules, 2015.
(2) It will immediately be effective.
2. **Definitions: (1)** If there is nothing contrary to the subject or context, in these rules:
 - (a) **'Act'** means Bangladesh Labor Act, 2006 (Act No. 42 of 2006)
 - (b) **'Competent Person'** means any person or institution experienced in the field concerned nominated by the government or the Inspector General or Labor Director with a view to implementing the purposes of these rules;
 - (c) **'Lifting machinery'** means crane, winche, hosists, Derrick Boom, Derrick and Mast Band, Goose Neck, Eyebolt, Spreader and machineries fitted permanently with derrick, mast and deck used in lifting works regarding any process;

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- (d) **Ship** means any vessel not entirely pulling used in the naval transport. But any local boat or barge won't be included with this.
- (e) **'Telephone Service'** means any service regarding telecommunications including mobile operators and land phone operators.
- (f) **'Contracting organization'** means the firm registered under the section 3a which supplies workers under any contract for the implementation of any work.
- (g) **'Supervising Officer'** means such person authorized by the owner or the managing authority in writing who determines the target of any work and service, controls the extent of the work, the implementation activities, assesses or reviews the work, gives direction or supervises the work of any section of the factory or firm by dint of powers given to him.
- (h) **'Schedule'** means any schedule of these rules.
- (i) **'Section'** means any section of this act.
- (j) **'Any person bestowed the responsibility of administrative or managerial work'** means person authorized by the owner or the managing authority in writing who appoints workers or employees, determines the salaries and allowances, terminates the services or removes from the services, pays off the final dues and approves or controls the expenditures of the firm.
- (k) **'Process'** means loading goods or fuels in vessel moored beside another ship or unloading goods or fuel or oil from the ship and ancillary works will also be included with it.
- (l) **'Premises'** means dock, wharf, quay or any place used fro loading and unloading goods or fuels or oil from the ships.
- (m) **'Pulley block'** means such pulley, block, gin or such gear that aren't specially made crane or block fitted permanently for using with crane.

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- (n) **'Form'** means any form of these rules.
- (o) **'Board'** means security fund managing board, minimum wage board, central fund managing board, workers' participation and workers' welfare fund managing board, provident fund trustee board, tea garden workers provident fund trustee board or apprentice activities managing board.
- (p) **'Press workers'** means any journalist, administrative worker or newspaper press worker engaged in any print and electronic media.
- (q) **'Hatch'** means mouth of any deck for conducting the process or ventilation.
- (r) **'Hatchway'** means the entire space of hatch from the upper side of the deck to the internal side.
- (s) **'Hotel and restaurant operators'** means any person who operates any hotel and restaurant being authorized by any contract or lease or any other way.
- (2) Any expression used in these rules but not defined will be used in the meaning in which it has been defined in the act.

Second Chapter
Conditions of appointment and service

- 3. **Submission of the service rules: (1)** If the owner of any firm wants to introduce his own service rules with a view to controlling the services of the workers or workers of the special class, he/she will submit at least five copies of the draft of this service rules to the inspector general.
- (2) The description of the service conditions of the workers engaged in the firm should be mentioned in the draft service rules submitted by the owner to the inspector general under the sub-section (2) of the section 3 and the draft of the service rules should be attached as per the information form No. 1.
- (3) The law and provisions concerned mentioned in these rules should be reflected in the draft service rules and these provisions shouldn't be less beneficial than the similar provisions mentioned in the law for the workers.
- (4) The number of workers engaged in the service of the firm and necessary information of the trade union (if any) should be added as per form-2 and 2(a) respectively with the draft service rules submitted to the inspector general.

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- (5) If different firms of same kind of the same owner or a group of different owners of the same firm wants to formulate service rules, the said owner or owners or the person responsible for the group can submit the same draft service rules including the following subjects, such as:
 - (a) List of owners of the said group and names and full addresses of their firms.
 - (b) A declaration hereby that they will be bound to comply with all conditions of the service rules submitted on behalf of the group.
 - (c) A declaration hereby that if any firm joins in such group, the responsible persons concerned will inform this to the inspector within next seven days.
- (6) If any firm leaves the group, the service rules of the group will remain applicable on the said firm until the approval of it own service rules isn't completed.
- (7) At least one copy of the approved service rules should be sent to each firm of the group by the responsible person concerned within five working days after the approval.
4. **Method of approving the service rules: (1)** The inspector general will send the letter of acknowledgement by registered post to the owner of the firm concerned and trade union (if any) within 10 (ten) days of the receipt of the draft service rules and a notice will also be sent as per the form-3 with it.
 - (2) The owner concerned will paste the notice with the draft service rules on the notice board of the firm within 7 (seven) days of the receipt of the said notice and hereby certify to the inspector general that notice has been published with the date of publishing the same.
 - (3) The workers or trade union will submit their proposals or objections (if any) on the draft service rules attached with the notice to the inspector general with reasons as per Form-3(a) within 10 (ten) days.
 - (4) Within 14 (fourteen) days after getting objection or proposal from the workers or trade union, the inspector general will hear the objections or proposals on a fixed date and if any objection or proposal is thought to be reasonable, the inspector general will send the same to the owner within next 10 (ten) days of holding the hearing.
 - (5) The owner will inform the opinions of his/her firm to the inspector general within 10 (ten) days on the objections or proposals under the sub-rule (4).

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- (6) The inspector general will take the decision within 15 (fifteen) days whether the draft service rules will be accepted with amendments or without amendments after considering the opinions received under the sub-rule (5) and if the decision of finalizing the draft of service rules with the proposed amendments, the inspector general will give direction to the owners to submit 5 (five) copies of the draft service rules including the amendments received within 7 (seven) days.
- (7) The inspector general will approve after the receipt of the draft amended under the sub-rule (6) and inform it to the owner.
- (8) With amendments or without amendments, if the inspector general thinks the draft service rules is contrary or contradictory to the law or insufficient to meet the objectives of the law, he can give the direction to the owner for submitting a fresh service rules with necessary amendments.
- (9) The owner will submit a fresh service rules to the inspector general within next 7 (seven) days as per the sub-rule (8) and the inspector general will take conclusive decision after hearing statements of the parties together on this.
- (10) The appeal can be preferred to the government within 30 (thirty) days of receipt of the order in this regard against the decision of the inspector general and the government will dispose the appeal within 45 (forty five) days of the submission of the same.
- (11) Within 15 (fifteen) days of the approval of the draft service rules by the inspector general, the owners will properly sign on at least 5 (five) copies of the said service rules with date and seal and send the same to the inspector general.
- (12) The inspector general will sign on the copy received under the sub-rule (11) with seal.
- (13) As per the sub-rule (12), if 30 (thirty) days isn't elapsed from the date of signing with seal by the inspector general or the appeal is preferred against the decision of the inspector general under the sub-rule (4), the service rules won't be effective.
- (14) The inspector general will preserve one original copy of the service rules in his office and send a copy each to the labor director, owner and CBA representative, if any.
- (15) A register should be kept in the office of the inspector general as per Form-4 in this regard.
- (16) If any person or firm or authority pays the real costs of the photocopy in the office of the inspector general, the true copy of the service rules will be given within 03 (three) working days.

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5. **Existing service rules: (1)** The firms which have their own service rules, the owners of this firms will submit the draft prepared will be submitted to the inspector general in conformity with the law and rules within three months of issuing these rules.
 - (2) In case of submitting the service rules under the sub-rule (1), the provisions of the rule 3 and in case of the approval of this, the provisions of the rule 4 should be followed as far as possible.
6. **Amending the service rules:** In case of amending the rules 3 & 4, the following methods should be followed.
7. **Application of granting, issuance and renewal of the registration and licence of the contracting firm: (1)** Application should be submitted to the inspector general as per Form-77 for taking the registration and license with a view to conducting the activities with an aim to supplying workers to any firm by any contracting firm.
 - (2) The following documents and information should be submitted with the application mentioned in the sub-rule (1), such as:
 - (a) 5 (five) copies of passport-sized photographs of the applicant (If the applicant is a company, firm, person, partnership business, association, the photographs of all directors and partners in appropriate cases).
 - (b) Nationality certificate of the applicant (If the applicant is a company, firm, person, partnership business, association, the nationality certificates of all directors and partners in appropriate cases).
 - (c) Photocopy of the national ID card of the applicant (If the applicant is a company, firm, person, partnership business, association, the national ID cards of all directors and partners in appropriate cases). But in case of foreign national, valid passport and residence documents.
 - (d) Attested copy of the trade license.
 - (e) Attested copy of TIN certificate (Tax Identification Number- Certificate).
 - (f) Attested copy of value added tax registration certificate.
 - (g) Certificate of bank as the proof of the financial solvency.
 - (h) If the applicant is a company, firm, person, partnership business, association, the attested copies of the partnership deed or memorandum of association and articles of association and attested copy of the registration certificate.

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- (i) The money determined in the schedule-7 should be deposited with any bank approved by the government as the security in favor of the inspector general.
- (j) Bank draft, pay order or treasury challan of the licence fee given as per the rule 10.
- (k) Description of the location and office management including the address of the private service providing or workers' supplying firm.
- (l) List of modern equipments of communication such as fax, phone, internet connection etc as well as necessary documents on the arrangements of other facilities.
- (m) The arrangement of own training facilities on necessary efficiency for the positions for which the workers are supplied or agreement with any such approved training providing organization which is able to provide training (if any).
- (3) If application is received under the sub-rule (1), the inspector general will give direction to any officer under him for submitting the written report with a view to scrutinizing the accuracy of the information provided in the application and in necessary case, the pre-identity of the applicant should be verified by District Special Branch or City Special Branch of Police or any competent organization determined by the government.
- (4) Under the sub-rule (3), the instructed officer will physically inspect the place mentioned in the application and after examining the information and searching in this connection, a complete report will be submitted to the inspector general.
- (5) As per the sub-rule (4), if the inspector general is pleased after the receipt of the report, he/she will grant the application for the issuance of the licence or inform the applicant in case of not granting the same.
- (6) The inspector general can't delegate the power to any officer under him/her to receive the application for the licence, issue the licence, renew or reject the same under these rules.
- (7) If the application for the licence is rejected under the sub-rule (5), the licence should be issued as per Form-8 and the information regarding this should be kept in the register as per Form-79.
- (8) All processes of the application for the licence and issuance the same can be done through online. But the printed records regarding this should be kept.

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8. **Restrictions on licensee and receivers of services:** (1) The licensee can't take service charge from any worker without the prior permission of the inspector general.
 - (2) In regard of the breach of any condition of the agreement executed between the contracting organization and service receiving firm, parties can apply to the licence issuing authority to dispose the same.
 - (3) In the appointment letter executed between the contracting organization and worker, the conditions which are less favorable as described in law won't be inserted.
9. **Confiscation or refund of the security of the licensee:** (1) If any fraudulent activities is found or the information provided are proved wrong or the workers are recruited in exchange of money without the permission of the security money in case of providing services by any contracting organization under these rules, the security money will be confiscate in favor of the government subject to proving the said allegations and legal actions can be taken against this organization.
10. **Determination of the licence fee, renewal fee etc:** (1) If the inspector general grants the application for the licence, the fixed licence fee should be paid within 10 (ten) working days from the date of granting the same.
 - (2) For the renewal of the licence, application should be submitted to the inspector general as per the rule 355 (3).
 - (3) The security money, licence fee and licence renewal fee will be determined as per Schedule 7(6) and should be deposited with the government exchequer through the treasury challan.
 - (4) The contracting firm will be considered as an institution and the authority regarding the inspection of the inspector general and other inspector will be applicable in case of the contracting organization.
11. **Security, security fund management board, investment, payment of the legal arrears of the workers etc:** (1) Each contracting firm should deposit the money fixed as the security with 'Contracting firm security firm' for the issuance of the licence.
 - (2) The security money will be determined as per item6 of the schedule-7.
 - (3) A board in the name of 'Contracting firm security fund management board' will be formed comprising the following members for the management of the contracting firm security fund, such as:
 - (a) Hon'ble minister in charge of Ministry of Labor & Employment and he/she will be the chairman of it.
 - (b) The secretary of Ministry of Labor & Employment will be the vice-chairman of it.

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- (c) Inspector general will be the member secretary of it.
 - (d) One official of Ministry of Labor and Employment with the rank of at least joint secretary.
 - (e) Three representatives of the owner's side engaged in the business nominated by the government.
 - (f) Three representatives of the workers and workers' association engaged in the sector concerned nominated by the government.
 - (g) Two officials or distinguished personalities nominated by the government.
- (4) The inspector general will deposit the security money with the bank approved by the government for this purpose on the decision of the board.
- (5) If the government thinks necessary, the security money can be invested in any sector owned by the government.
- (6) The legal arrears of any worker engaged in the sector concerned can be paid with the profit from the security or invested money subject to the justification of the application.

Provided that such arrears can be paid to the worker of the firm or his/her heirs and if the money is paid from the security money, the contracting firm concerned will make up it with the money of that amount in an immediate manner.

12. **Period and resignation of the members of the contracting firms security fund management board: (1)** The period of the members of the contracting firms security fund management board will be 2 (two) years from the day of its nomination.

(2) Any member can resign from his/her own position tendering a letter with the signature to the chairman and the position will deem vacant from the day of receiving by the chairman.

13. **Ineligibility of the members:** No person will be eligible to be the member of the board under the rule 11, if:

- (a) he/she is adjudged insane or bankrupt by any competent court.
- (b) he/she is nominated twice as the member of the board consecutively.
- (c) he/she is convicted at least one year imprisonment by any court for any offence of moral degradation and five years isn't elapsed after his/her release.
- (d) he/she is absent from three meetings of the board consecutively without the permission of the chairman.

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14. **Removal of the members:** The board can remove any member by order in writing subject to the approval of the government, if he/she-
 - (a) fails or denies to observe the duties vested on him/her.
 - (b) is considered incapable to perform the duties at the discretion of the government.
 - (c) misuses his/her position as the member at the discretion of the government.
15. **Approval of rules relating to the recruitment of the workers: (1)** The application should be submitted to the inspector general attaching three copies of the workers' recruitment rules provided as the condition of the application for the licence and after the approval, the inspector general will forward one copy each to the applicant and the labor director.
 - (2) In case of giving the approval mentioned in the sub-rule (1), in case of the approval mentioned in the sub-rule (1), the inspector general will follow the provisions of the approval of the service rules described in the rule 4.
16. **The workers supplied in the firm or criteria of the wages of workers and available facilities: (1)** The firm to which the contracting firm will supply workers can't pay wages and allowances less than the firm under which group it is.
 - (2) If any contracting firm makes any agreement for doing any specific work of any firm, the provisions of the law in regard of the wages, working hours, leisure, overtime allowances, leave of the workers and employees supplied by the contracting firm.
 - (3) The contracting firm should hereby sure that the firm supplies the workers, is run in compliance with all rules and provisions regarding the occupational health and security of law in the workplace.
 - (4) In case of failure in getting the surety mentioned in the sub-rule (3), if any breach is made regarding the occupational health and security of law in the workplace, the provisions of the law will be equally be applicable against the owner and the contracting firm.
 - (5) The wages and allowances of the workers and employees less than the amount fixed in the agreement executed between the contracting firm and the workers recruiting firm and the workers recruiting firm can't recruit any workers or employee in any post of its permanent workforce structure through the contracting firm.
17. **Special security fund for the workers: (1)** Each contracting firm should open an account with any scheduled bank in the name of 'Workers' Social Security Fund' with the name of the firm within six months of the receipt of the license.

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- (2) The money equivalent to the original wage of one month as the compensation for working full one year against each worker appointed in the contracting firm or different firms or gratuity (if any) as per the section 2(10) should be deposited with the account which will be paid to the worker through cheque as the part of the compensation or gratuity as per law in case of the termination.
- (3) The government will issue necessary directions for opening and operating account in the scheduled bank.
18. **Classification of the workers:** Each owner will formulate the organogram with the service rules for his/her firm and it should be approved by the inspector general and the class, number and type of the workers will be mentioned in the organogram.
19. **Giving letter of appointment and identity card and maintaining the confidentiality: (1)** No owner can appoint any worker without giving the letter of appointment.
 - (2) Any person working in any firm can only once be given the letter of appointment.
 - (3) If the letter of appointment of any worker is lost or damaged, the photocopy kept in his/her personal file or true copy can be supplied subject to the application of the workers.
 - (4) The worker should mention the following information in the letter of appointment of the worker under the section 5, such as:
 - (a) Name of worker,
 - (b) Father's Name,
 - (c) Mother's Name,
 - (d) Spouse Name,
 - (e) Address: Present
Permanent
 - (f) Designation, type of work, date of joining,
 - (g) Class of worker,
 - (h) Wages or pay scale (Wages or salary and the rate of the increase of annual salary, if any),
 - (i) Other payable financial facilities (house rent, medical, education, food, conveyance, festival and attendance allowances and gratuity if any, and
 - (j) It is to be mentioned hereby that all appointment conditions, existing service rules (if any), and labor act will be complied with.

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- (5) Each owner will provide identity card with the photograph to each worker working in the firm at the costs of the owner as per Form-6.
 - (6) If the identity card of the worker is lost, the fresh identity card can be issued subject to the payment of Tk. 50/-.
 - (7) The information regarding the letter of appointment, identity card and service book should be kept as per Form- 6 (a).
 - (8) Notwithstanding anything contained in these rules, any worker engaged in the factory or firm or any person with administrative and management responsibility will maintain the confidentiality of the business strategy of the firm in case of performing the duties or changing the job.
20. **Service book, size and division of information: (1)** Service book will be as per Form-7 and there will be 16 printed pages of durable paper with hard cover in it.
- (2) The pages except the cover will be divided into the following parts with a view to including the information in the service book as per Form-7, such as:
 - (a) First part: Information for identifying the workers
 - (b) Second Part: Information of the owner and job (Page 2-5)
 - (c) Third Part: Service record, information on the wages and allowances (page 6-9)
 - (d) Fourth Part: Description of the leave enjoyed (page 10-13)
 - (e) Fifth part: Record of the behavior of the workers (page 14-16)
21. **Including information in the service book: (1)** The owner will write down the necessary information of the worker in the service book within one month from the day of making permanent.
- (2) The new information of the worker should be written down in the service book within 15 (fifteen) days of the occurrence takes place in the following cases, such as:
 - (a) changing the pay scale or the rate of wages,
 - (b) transferring to other branches or jobs of the same firm or different firms of the same owner,
 - (c) Taking any training or acquiring special efficiency by the worker,
 - (d) Enjoying or encashing the yearly leave,
 - (e) Curtailing, discharging, dismissing, terminating from the service and resigning or taking retirement.
 - (f) Imposing any fine and giving prize or expressing praises,
Provided that it can't be written down in the service book until the allegations of the misbehavior brought against the worker are proved.

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22. **Supplying service book, depositing and supplying the duplicate of the service book: (1)** The owner will make arrangements for opening separate service book for each worker within 15 days of the appointment or after the completion of the probation period and the owner will bear the costs of taking photographs of the worker for adding to it.
- (2) The worker will deposit his/her previous service book, if any, to the owner before joining the service and the owner will issue him/her a receipt as per Form-7(a).
- (3) Any worker can keep the duplicate of the service book on payment of Tk. 20/- (Twenty) as the value of the book to the workers' recruiting agency.
- (4) 'Duplicate' will be mentioned in the service book mentioned in the sub-rule (3).
- (5) The owner or the managing authority will issue the duplicate of the service book within 7 (seven) days of the payment of the amount mentioned in the sub-rule (3) by any worker.
- (6) If the service book kept in the worker is lost or damaged, it should be informed to the owner in writing and the said owner can collect the duplicate of the service book again on payment of Tk. 30/- in cash to the authority.
- (7) The owner will return the service book within two working days of the termination of any worker.
- Provided that during the payment of the final arrears, the worker will bring it and write down the information of the payment of arrears in it.
- (8) The authority can preserve a duplicate copy in the personal record of the worker while the service book is provided with the worker.
- (9) The service book can be preserved in digital method and the copy should be provided to the worker in that case.
23. **Workers' register: (1)** A workers' register should be preserved as per Form-8 for workers of all classes working in each firm and it will be designed as per the classification of the workers.
- (2) All descriptions of the register will be included in Bengali and the date will be written as per Christian calendar.

Provided that the firm can keep the register in English side by side Bengali.

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- (3) If any firm keeps the workers' register in the digital method in the prescribed form, its printed copy will be considered as the workers' register.
24. **Leave register: (1)** In accordance with the section 10, the leave register will be kept as per Form- 9 and the descriptions of the leave mentioned in the sections 115, 116 and 117 will be written down in it.
- (2) If any firm keeps the leave register in the digital method in the prescribed form, its printed copy will be considered as the leave register.
- (3) If the leave register is kept in the digital method, its printed copy should be inserted in the personal record of the worker concerned.
25. **Giving notice to the inspector regarding laying off the firm: (1)** If any worker is laid off under the sub-section (8) of the section 12 or any firm is laid off as per the section 13, the lay off notice mentioning the number of affected and jobless workers as per the section 13 and a statement under the Form-10 should immediately be sent to the inspector concerned.
- (2) If the lay off period is more than 45 days, the workers can be curtailed paying off all arrears under the section 20.
- Provided that if any firm is closed under the section 13, the workers won't get the notice under the section 20(2) (a) or the wages instead of the notice.
- (3) Any factory or firm laid off can't get involved in the production or service providing process making lease or rental agreement with any owner or firm without paying off all legal arrears of the workers.
26. **Master roll of the workers laid off:** The list of the workers laid off should be kept under the Form 10(a).
27. **Notice of curtailment:** The following information should be mentioned in the notice of the curtailment of the workers under the item (a) of the sub-section (2) of the section 20, such as:
- (a) Name of firm,
 - (b) Name, designation and card number of the workers,
 - (c) Reason of the curtailment,
 - (d) Date on which the curtailment comes into effect,
 - (e) Total duration of service,
 - (f) Availability of the workers:
 - (i) Notice pay (in appropriate case),
 - (ii) Gratuity or compensation

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- (iii) The wages of the annual leave unenjoyed;
 - (iv) Outstanding wages, other allowances and overtime allowances (if any outstanding); and
 - (g) Date of the payment of the arrears.
28. **Discharge from the service: (1)** The inability certificate of the workers given by the registered physician mentioned in the section 22 should be in accordance with Form-11 and one copy of that should be given to the worker concerned.
- (2) If the worker or the owner isn't satisfied at the certificate given by the registered physician, he/she can submit the same for the re-examination to any specialist physician with the rank of at least assistant professor of the government medical college within 10 (ten) days of the receipt of it and the applicant should bear the expenses of this re-examination.
29. **Punishment for the misconduct: (1)** If the owner or any officer authorized by him/her seeks any kind of explanation as per the item (b) of the sub-section (1) of the section 24 for verifying whether any behavior of the worker is misconduct or not and the response of the worker is satisfactory-
- (a) it seems the dispute has been disposed and this won't make any impact in the next of the job of the workers;
 - (b) isn't satisfactory the owner will direct the manager or any officer authorized by him to complete the investigation procedures after forming an investigation committee and submit the report to him within 60 (sixty) days.
- (2) The said investigation committee will be formed comprising maximum 6 members.
- (3) The investigation committee can form sub-committees.
- (4) The report of the sub-committee will be submitted to the investigation committee for the finalization.
- (5) The investigation committee will forward the investigation report to the authority for necessary decision.
- (6) In the committee, the representative of the owner will be appointed from the factory or firm by the owner or any officer authorized by him.
- (7) The representative of the worker will be nominated in the investigation committee from the workers engaged in the factory or firm subject to the written proposal of the worker charged.

Provided that anyone below the position of the worker charged can't be nominated as the representative:

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Also provided that if allegations are made against any worker or employee under the items (b) & (g) of the sub-section (4) of the section 23, the charged worker or employee can nominate any member of the trade union of the firm (if any) or if there is no trade union, any labor representative of the participating committee as his representative.

(8) Conducting any procedure with a view to realize the legal arrears of the workers without making any hindrance to the production or daily activities of the firm and damaging properties of the firm, won't be considered as indiscipline mentioned in the item (f) of the sub-section (4) of the section 23.

30. Special provision regarding the fine as the punishment of the misconduct: The fine should be recorded in a register as per Form-12 in accordance with the section 25 and the voucher or receipt of the money spent should be attached with the register.

31. Job certificate: In case of the termination of the job under the section 31, the certificate should be issued as per Form-13 within 15 (fifteen) days of the application of the worker.

32. Owner-worker relationship due to the disaster or loss out of control: The relationship between owner and workers will be as follows, such as:

- (a) In case the stoppage of the production activities of the factory permanently:
 - (i) In case of sudden natural disaster or disasters out of human control or emergency, the owner should inform all information to the inspector general or any inspector authorized by him within 3 (three) days as per the prescribed Form-10;
 - (ii) The owner will lay off workers and pay off the legal arrears;
Provided that if there is the possibility of resuming the production activities in the said factory or firm, the owner can declare the layoff;
 - (iii) It will be considered the worker was engaged in the factory with full pay till the stoppage of the factory or firm;
 - (iv) If the owner want to employ the worker in another firm under him/her in the same position, the provisions mentioned in the item (b) will be applicable;
 - (v) The owner can stop the work as per the section 12 without stopping permanently and in that case the worker will be entitled to get the benefit of lay off;

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(vi) If any objection or dispute arises in case of the payment of arrears, the owner will pay off the arrears of the workers subject to the discussion with trade union of the firm concerned (if any) or the workers (if there is no trade union) or under the section 124a;

(vii) If any question or allegation arises regarding the truth of the sudden natural disaster or disasters out of human control or emergency, the decision of the government will deem conclusive in this regard.

(b) In case of shifting the factory or the firm:

(i) If the factory is shifted within 40 km,

(1) and the workers aren't willing to go to the shifted place, the workers will get benefits under the section 20;

(2) If the factory is shifted more than 40 km of the existing factory and the workers aren't willing to go to the shifted place, the workers will get benefits under the section 20.

(ii) If the workers join in the shifted place, the continuation and conditions of their job will remain unchanged;

(iii) If any objection or dispute arises in regard of shifting the factory and paying off the arrears, the owner will pay off the arrears of the workers as per the section 124a or subject to the discussion with the trade union (if any) of the firm concerned;

(iv) The owner will inform all information including the address of the shifted place of the factory to the inspector general or the director authorized by him/her within 7 (seven) days as per Form-10.

33. **Allegation method:** Any allegation regarding the job in accordance with the section 33(3) should be submitted in the labor court as per Form- 14:

Provided that if the labor court considers the same reasonable, it can accept the written allegation in compliance with Form-14.

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Third chapter
Appointment of adolescent workers

34. **Certificate of age and competence:** If any child or adolescent has no birth certificate or school certificate to prove the age and it is necessary to certify the competence, any registered physician will give the age and competence certificate as per Form-15 and the description of such examination will separately been kept in the register as per Form- 15(a).

(2) During the preparation of the certificate of age and competence, the necessary descriptions should be filled out in the certificate and its folio and the impression of the left thumb of the worker concerned should be taken in both part of the certificate.

(3) If he/she is appointed as the worker as per the information of the said certificate, he/she will keep the copy of the said certificates in the personal record.

35. **Notice regarding the working hours of the adolescents:** (1) The notice of the working hours of the adolescents should be approved by the inspector as per Form-16.

(2) After the approval of the inspector, one copy of the notice should be placed in a visible place for the information of the workers.

(3) The approved notice should be preserved and kept available for the examination of the inspector.

36. **Appointing adolescents in dangerous machineries and hazardous work:** Adolescents can't be appointed in hazardous work declared by the government as per the section 39(1) and 40 and the dangerous works mentioned in the sections 39(3) and 40 and no adolescent can be appointed in the dangerous operations mentioned in the rule- 68.

Chapter Four
Pregnancy Welfare Benefits

37. **Responsibilities of the owner and other workers to the pregnant workers:** The owner and other workers should have the following responsibilities to a pregnant worker, such as:

(a) Such behavior or comment should be made so that she gets insulted or humiliated;

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(b) Not engage her in hazardous work declared by the government or any work hazardous for her health.

(c) To transfer or post her to any work where there is no hazard.

(d) To give priority to use the lift during the work.

(e) After the delivery, to make opportunity for breastfeeding and ensure the congenial atmosphere for this.

38. Explanation for what leave she is entitled to get: In case of the section 46(2), 'for what leave is entitled to get' means the annual earned leave and medical leave:

But provided that in case of adjusting the medical leave, the pregnancy certificate is will be considered as the medical certificate.

Further provided that if more leave is needed after adjusting the above-mentioned leave, the owner of the firm can grant the worker concerned leave without pay in that case.

39. Notice of pregnancy: (1) The necessary notice as per the section 47(1) should be given before the delivery of the baby in accordance with Form- 18 and as per the section 47(2) after the delivery should be given in accordance with Form-18 (a).

(2) In case of providing the post-delivery pregnancy benefits, if any pregnant worker is unable to take this being present in person, the same should be given to any person authorized by in writing by her.

(3) In case of giving oral notice by the worker, such leave granting officer of the firm will record this in the above-mentioned form and take the signature or left thumb impression of the worker concerned on it.

(4) The information of the workers taking the pregnancy welfare benefits should be preserved as per Form-19.

(5) As per the conditions of the section 45(3), the competence certificate of the pregnant worker should be given as per Form-17.

(6) Monthly return comprising the information of the worker who take the pregnancy welfare benefits and annual return should be submitted within 10th day of the next month and 15th February of the next year respectively.

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**Fifth Chapter
Health Protection Measures**

40. Removing wastes: (1) With a view to fulfilling the purposes of the section 51(a), wastes should be removed in the box with lid as the appropriate measure so that bad smell or germs can't be spread from these.

(2) Metallic objects, wastes with terrible odor, chemical wastes and medical wastes should be removed in separate boxes everyday.

41. Washing: With a view to fulfilling the objectives of the section 51(b), each working room should be washed in the following way, such as:

(a) To wash it or make free from germs with chemicals, solution depending on the situation.

(b) To wipe out with wet cloths depending on the situation.

(c) To use germicides, if necessary.

42. Draining water: If there is the possibility that the floor or the working room may get wet due to the production process as per the section 51(c):

(a) The said floor should be made with impervious material;

(b) The construction of the floor should be sloping and should be connected with the main drainage system of the factory through the proper channel so that drained water or any liquid can't get stagnated into the floor.

43. Whitewashing and painting: If all internal walls, partitions, rooftops, staircases and passages of each firm are painted or burnished as per the section 51 (d) and the external side is smooth, the same should be washed with water, brush and detergent at least once after each fourteen months.

44. Maintaining the register of cleanliness: The date of completing these activities mentioned in the section 51(d) should be recorded in the register as per Form-20 with a view to fulfilling the objectives of the section 51(e).

45. Ventilation and temperature: (1) As per the section 52(2), the temperature of each working room of the firm should be kept in a tolerable limit and there will be windows of sufficient numbers in each room for the proper ventilation of pure air.

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Provided that where it isn't possible to make the arrangement of ventilator, exhaust fan can be installed there.

Further provided that if there is the provision of air conditioning (dry and wet) in the workplace, the above-mentioned provision of the ventilation won't be needed.

(2) At least one thermometer should be kept operative in each working room as per the section 52(2) and this should be of good quality and it should be placed in a visible place of the wall of the working room.

46. **Dust and smokes:** (1) For implementing the section 53(1), suitable exhaust equipment including 'dust sucker' should be installed in each firm or working room with a view to effectively exhausting the dust and fume and it should be installed in such a way so that dust or fume can be spread in the working room.

(2) The workers engaged in such places with dust and fume should wear mask.

(3) The inspector general can fix the highest emission of the dust and smoke.

47. **Removal of wastes:** (1) As per the section 54, the arrangements of removing the wastes and liquids should be in accordance with the existing law and direction of the country and the clearance issued by the environment and health authorities concerned on the measures taken should be submitted to the inspector.

(2) Whatever in the sub-rule (1), if the inspector thinks, direction can be given to take additional measures to remove the wastes in consideration of the health of the workers.

(3) All drains carrying wastes and water should be constructed with impervious materials with strong and durable lids so that there will be regular water flow and those wastes should be removed after making free from pollution.

(4) After being satisfied about both matters mentioned above, the inspector will give approval regarding the measures taken for removing the wastes of the said factory.

48. **Temperature in the yarn and knitting factory and artificial moisturizing:** As per the sections 52 and 55, the ventilation and temperature in the yarn and knitting factory should be controlled in the way mentioned in the schedule-1 and the artificial moisturizing record should be preserved as per Form- 21.

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49. **Arrangement of lighting:** (1) As per the section 17, the arrangements of lighting of the workplace of the workers should be at least 350 Lux at the height of 1.0 meter from the floor.

(2) If it seems to the inspector general that the above-mentioned provisions aren't necessary for a certain firm, he/she can exempt the said firm from such provisions or determine the standard of the arrangement of necessary lighting for the production process.

50. **Drinking water:** (1) As per the section 58, there will be provision of pure drinking water in easily accessible and suitable place for all workers in each firm and the water should be stored in a hygienic way.

(2) The place of storing the drinking water should be located at least 6 meter off from the wash room or toilet of the firm.

(3) As per the sub-rule (1), the water supplied-

(a) should be kept in the suitable container free from germs;

(b) should be changed once everyday;

(c) Pragmatic steps should be taken to keep water from all kinds of germs.

Provided that if arrangement is made to supply water with the container purified in the modern water purification process, it won't be needed to change daily.

(4) The place where the water is supplied for the workers should be kept neat and clean and the drain should be attached.

(5) In case of the underground water or supplied in other way or tube well water, the owner should procure and preserve the certificate from public health engineering department of the government or any other organization approved by the government whether the water is free from arsenic and germs and drinkable or not at least once a year if directed by the inspector.

(6) In a firm where generally more than 250 workers work, the water should be supplied after cooling with the water cooler to the canteen, dining room and rest room once a year from 1st April to 30th September.

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(7) If heat that is more than the tolerable limit is created for any machine used in the factory, oral saline or drink made of sugar or molasses should be supplied as per the section 58(4) to the workers who work near the said place and the quantity of such drink made of sugar or molasses for each worker should be at least 2 liters per day.

51. Toilet and wash room: (1) As per the section 59, the number, location and cleanliness of the toilets and wash room should be in accordance with the schedule-2.

52. Garbage bin and spittoon: (1) As per the section 60, in each factory-

- (a) at least one garbage bin should be kept for each 100 workers;
- (b) The spittoon must be filled with sand and bleaching powder should be on the sand;
- (c) The spittoons should be cleaned and made free from germs after each spittoons and one layer of sand should be changed every day;
- (d) The garbage bin should be made of plastic and it should have lid and the garbage deposited in it every day should be removed and cleaned with germicide in both cases;
- (e) The said spittoon and the garbage bin should kept near the door of the working room and it should be kept in such a way so that bad smell can't be spread and the garbage can't be seen.

(2) None can spit or dump garbage in another place except the spittoon and the garbage bin and a notice regarding this should be hung in a suitable place which is easily visible.

Sixth Chapter Security

53. Security of the building, machineries and other structures: (1) At the time of implementing the section 61(1), the inspector will take into consideration any wall, chimney, bridge, tunnel, road, gallery, staircase, ramp, floor, platform, railway or road for the vehicles of electrical or mechanical method or any other structure, either it permanent or temporary, so that it becomes dangerous for the life of security;

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But provided that in case of any factory established or introduced before these rules come into effect, the certificate should be submitted to the inspector whether the provisions of other existing laws have been complied with in case of the durability and the load capacity of the building and machineries and the construction of any structure and can direct to the owner to show the same and justify.

(2) After these rules come into effect, if any factory building or factory is set up in any building, the certificate should be taken from the construction firm hereby that the building has been constructed as per the latest policy issued by the government in case of Bangladesh Building Code or appropriate cases.

(3) As per the section 61(2), if any owner fails to take certain measures directed by the inspector within the timeframe given by him/her, it will be considered the continuous offence i.e the offence committed everyday.

54. Adopting cautions regarding the fire incident: (1) Each room of the factory building where more than 20 workers are engaged, there will be at least two exits in that case and these exits should be located in such way so that every person can reach with ease and without interruption from the workplace to the exit.

(2) Such exits won't be located more than fifty meters off from the workplace of the workers and these won't be less than 1.15 meters in width and 2.00 meters in height.

(3) Where more than 20 workers work in the building of a factory or in any part of the building on the ground floor or where combustible or explosive materials are used or stored or the building or its part is located below the ground level, there will be two durable and separate staircase made permanently inside and outside the building to come out in emergency and these will be made with fire-resistant materials and will comprise the direct and interrupted movement.

(4) Each staircase to be used for coming out in case of fire should be with durable hand rail and the said staircase and its rail will be made with non-conducting and fire-resistant materials and the staircase will be rough.

(5) If such staircase is made after these rules come into effect, hand rails should be attached to both sides.

Provided that if the rails aren't attached to the staircases made earlier before the rules come into effect, rails should be attached in both sides within next six months.

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Further provided that if the width is less than 1.15 for setting up the said staircase railing, this condition won't be applicable.

(6) No staircase can't be constructed at the angular distance of more than 45° from the surface.

(7) No staircase of 6-storied building won't be wide less than 1.15 meter and the staircase of the building more than six stories won't be less than 2.00 meter and in case of multi-storied building, the provisions of Bangladesh National Building Code will be applicable for building without sprinkler and with sprinkler:

But provided that in case of all multi-storied factories constructed before the issuance of these rules, the width of the staircase won't be less than 1.15 meter in any case with a view to giving highest priority in regard of the security of the workers engaged.

Further provided that where there is no opportunity to increase the width of the staircase due to old infrastructure.

(8) Two exits or staircase won't be located at the distance of more than 50 meter and adjacent to each other and the ends of at least half of the stairs will be outward of the building.

(9) There will be proper ventilation and lighting in the staircase so that the staircase won't be dark and the door of the garret can't be closed or locked during the working hours.

(10) There will be at least one window without grill that will be hinged so that one can come down with ladder or rope after opening the hinge in emergency situation and there will be a net of strong rope on the ground floor so that one can land on the net through rope in an emergency situation during the fire incident.

(11) As per the section 62, if any owner fails to take certain measures directed by the inspector within the timeframe given by him/her, it will be considered the continuous offence i.e the offence committed everyday.

55. Fire extinguisher and water supply: (1) A drum filled with water with the capacity of 200 ltr for each 1000 meter floor area on each floor of the factory and four empty buckets of red color made of metal with the capacity of 10 ltr should be kept and maintained and each bucket-

(a) should be standard as per Bangladesh standard specification;

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(b) should be kept in a location approved by the inspector and can't be used in another works except the fire extinguishing and should be written 'Use for Fire Extinguishing';

(c) should always be kept empty except where there is a risk of catching fire from the combustible liquid or other matters;

But provided that if the factory is protected with fire hydrant or sprinkler, the above-mentioned provisions won't be applicable.

(d) A hose reel should be set up in a place approved by the inspector as per the specification of the fire service department on each floor for each 850 sqmt space of each building and there will be the arrangement of uninterrupted water supply in it and it should be tested at least once a year.

But provided that the inspector general can relax the compliance of the provisions of this paragraph in case of any factory after recording it being confirmed about the alternative measure of the fire fighting.

(2) In the factory with the floor area more than 90 sqmt and where fire incident can occur from other combustible objects except the combustible liquid, electric equipments and combustible metals, a dry chemical powder fire extinguisher or such kind of portable fire extinguisher should be installed for each additional 90 sqmt of the designated bucket mentioned in the sub-rule (1).

(3) The factory where fire incident can occur from the combustible liquid or glues or paint, the fire extinguisher of the capacity mentioned in the sub-rule (2) should be installed and these should be like foam type, dry chemical powder (ABC Type), Carbon di-oxide

(4) The factory where there is a possibility of fire incident from the electrical appliances, the fire extinguisher of the capacity mentioned in the sub-rule (2) should be installed and that should be made of Carbon di-oxide, dry chemical powder or similar materials.

(5) The factory where there is a possibility of fire incident from the powder of magnesium, aluminum or zinc or other combustible metals, Carbon di-oxide or foam type fire extinguisher can't be used there and dry chemical powder (D type), sufficient clean fine dry sand, rock powder and other incombustible materials should be stored for extinguishing fire.

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(6) Each portable fire extinguisher should be kept in the place approved by the inspector:

But provided that if the inspector general gives opinions hereby that adequate automatic fire fighting equipments have been installed in the way approved and recognized by the fire fighting authority (Directorate of Fire Service & Civil Defence) in the building or room of the factory and the conditions of this sub-rule can be relaxed there, he/she can hereby give a certificate mentioning in writing the extent of the conditions that have been relaxed.

(7) Each fire extinguisher mentioned in the sub-rule (2):

(a) should be installed in such a place from where all can see it;

(b) should be installed in an accessible place from every part for using it instantly;

(c) should be installed near the exit or stair landing of each floor as far as possible.

But it should be kept watch so that the emergency exit isn't intercepted in any way;

(d) In applicable case, supporting wall or cabinet made of wood, metals or plastic should be installed in such a way so that the bottom of the fire extinguisher remains 1000 mm high from the ground level;

(e) should be installed in the same place of each floor;

(f) should be installed in fire prone areas of the building such as: kitchen, crowded area, warehouse, electric dividing point, area with combustible materials etc and it should be portable;

(8) The arrangement should be made to show evacuation plan of exit in one or more places easily visible in each floor of each floor of the factory.

(9) Spare charge of adequate quantity should be stored for the fire extinguisher of each type in each factory and maximum spare charge should be stored and kept ready in such a way that can be used in necessary.

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- 10) (10) If possible, all workers or at least 18% of the workers employed in each department have to be trained on fire-fighting, emergency rescue operation, first aid and the usage of portable fire-repellant instruments. And the security has to be ensured by dividing the trained workers into fire-fighting team, rescue team and first aid team (6% members in each team) and the records related herewith have to be preserved in accordance with Form- 22.
- 11) The members of fire fighting team, rescue team and first aid team must wear the prescribed uniform while conducting their respective operations and the dress code shall be as follows:
 - a) Fire fighting team: Yellow colored apron, in rear of which 'FIRE' shall be written in red color.
 - b) Rescue team: Yellow colored apron, in rear of which 'RESCUE' shall be written in red color.
 - c) First aid team: White colored apron, in rear of which 'FIRST AID' shall be written in red color.
- 12) A trained officer shall be recruited in the factory/institute where at least 500 workers are employed. The duties of the officer shall be ensuring the preservation and maintenance of all fire-fighting equipments and keeping them fit and arranging trainings for the three teams mentioned in Sub-section 10 after every six-month period.
- 13) The Manager of the factory/institute shall prepare a 'Fire Fighting Plan', detailing the necessary steps to be taken if fire breaks out and the plan shall also include the procedures for making the same as effective.
- 14) As per Section 62(8), fire drills and emergency evacuation drills have to be arranged at least once in every six month period and the same has to be preserved in respective record books, in accordance with Form- 22. In addition, the concerned Inspector and nearby Fire Service Station have to be informed minimum 15 days before the drills are held.
- 15) A water reservoir having the capacity of minimum 5000 liters has to be arranged in each institute and the reservoir must remain filled with water and it should remain attached with Hose Reel. Above all, the water reservoir should not put too much pressure upon the structure of the building:

However, if there is more than one factory/institute in the same building, the Owners of the factory and the Owner/s of the building can jointly install the reservoir in the aforementioned way.

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- (16) In order to fire extinguishing in a convenient place jointly by the owners of some factories or companies located side by side in the same area, if they wish attaching by pipe jointly with every factory or company can measure of deep tube well or electric pump water reservoir;

But, provided that, in this case the General Inspector or the Inspector authorized by him can exempt in maintaining the sub-clause (15).

- (17) The system of deep tubewell or water reservoir mentioned in sub-clause (15) and (16) have to be installed by the approval of the Plan or Design General Inspector or the Inspector authorized by him.

- (18) In case of maintaining the matters mentioned in this rules, if it is required to maintain some other things as per Fire Extinguishing Act, 2003 and the rules mentioned in those, that must be executed.

56. **Security related warning-** In case of surroundings the equipments violating any clause of section 63(1), for taking any additional measure if the Inspector give the written instruction, same instruction will be effective for equipments.

57. **To work in the running equipments or near to those-** (1) In order to fulfilling the purpose of section 64(1) recording the list of the laborers engaged in handling the equipments, examination and repairing as per list form- 23 and those have to be kept.

- (2) If there is no sufficient training about experiments of the running machineries or handling the same and if there is no any practical knowledge about the danger related to the work of the running machineries, no person will be appointed.

- (3) As per the rule of section 64(1) for making done the such kind of work the specific laborers have to be paid the risk allowances and the owner will provide him the required tight fit cloth and personal protective materials.

- (4) As the cloth mentioned in sub-clause (3) at least one pair coarse tight fit pant and tight fit hand cutting wearing of cotton have and if the next cloths is provided old dress and if the service of the laborer is terminated the said provided cloth have to be returned back to the garments owner.

58. **Warning about the electric danger-** (1) The line of power supplying in every company and all electric appliances have to be in appropriate size and in sufficient strength and have to be made and kept and effective, so that it is not the cause of any physical risk of any person.

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- (2) The factory of the company before going to production or business or service, they must be take appropriate certificate of electric wiring from any person or institution approved by the government.
 - (3) Every company where there is any electric supplying and electric appliances are used , there is such automatic technical technique have to be installed , result of which in any incident of electric of fire accident happened , any kind of electric appliances will be inactive automatically.
 - (4) If Inspector is confirmed about installation of said kind of technical technique, in case of electric appliances in the time of considering the availability of the maintenance system taken in case of electric appliances and other matters , he will consider the said technical technique.
 - (5) Every portable hand lamp must be surrounded by any insulation and its bulb must be kept in the cage of disconnection way from metal part of lamp holder.
 - (6) Socket have to be attached in flexible way of the practical portable equipments and With three pin plug and switch making design the middle connection of the connection line, so that it is not possible wrong access.
 - (7) All of the electric wiring and switch boards have to be complete by the non-passing elements through 'conceal wiring'.
 - (8) To ensure the secure power system, after every 12 (twelve) months or before ending of the term given in the certificate at least for one time by a appropriate license holder Wiring Inspector or Institution making experiment of the full earthing of wiring of the factory or the company certificate have to he kept with result.
 - (9) The duty of electric wiring and keeping the same cannot be given any other persons except the person certified from the government or the company approved by the government.
 - (10) The type of the usage electric appliances, plan and any part of the factory where flammable or explosive mixture is used or amassed, in case of connecting the electric wire of the part , must be informed to the General Inspector.
59. **Installation of equipments and rout-** In case of installation of any equipment in any place of the company , the distance of the equipment from the wall must be at least 1 meter and near the installed equipment or the row of the equipments at least 1 meter wide passage must have:

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Provided that, at present in case of the running institution if there is no place, the distance of equipment from the wall and passage can be kept at least 0.75 meter.

60. **Crane, Host. Lift, Copicle and other lifting equipments-** (1) In case of following the section 68 and 69 following measures must be taken, such as:

(A) In any company without only the rope of fine yarn or bracket of rope of yarn, any other lifting equipment and any chain, rope or the rope of heavy weight as per Cipical form-30 by the declared expert person not checking or not examining all of the equipments cannot be use for the first time and mentioning the safe bearing capacity of the same checking person or mentioning the running capacity with the result of the same checking a certificate have to be taken and for inspection of the same that have to be kept.

(B) All of the Jib crane will be constructed in such way, so that making up and down in the moving part the difference of the safe bearing is possible, for leaning the jib or indicating the proper bearing capacity with the parameter of burden, the automatic indicator must be attached with the automatic indicator jib;

(C) It has been using such kind of and all size of chain, rope or heavy weight shown the secure heavy weight capacity, from various corners of various pots of a compound hanged chain of various patterns making pattern of heavy weight pattern cannot be used in warehouse or chain of copical and in the body of any heavy weight copical in its safe bearing burden capacity or in the compound hanged chain from various corners of every leg the heavy weight capacity clearly if written in its body, that will not be applicable the rules of the sub-clause in that case:

(D) In case of section 68 (Ka)(3) and 69 (1)(Ga), in the report of every experiment the following matters recording in the register kept as per the following form-24 and that have to be kept for inspection of the same, such as:-

(A) Name and address of the institution;

(B) Name of the owner;

(C) Lifting equipment, chain, rope or heavy weight chain and identification mark in the copical, number and particulars;

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(D) In which date Lifting equipment, chain, rope or heavy weight chain in the company were used;

(E) As per clause (Ka) after experiment and verification the number and date of the given certificate and name and address of the person who issued the certificate;

(F) Date of examining the term related materials and by whom the said experiment has been executed;

(G) The date on which the said hoest or various equipments of the lift, Lifting equipment, chain, rope or other parts has been kept removed by pine or heat and name and address of the person who done the said work;

(Aa) If any fault against bearing the safe burden in the time of examination its particulars or for removing the same kind of fault if pine has been given or any other system is taken its particulars;

(Uma) Except the rope of the hanging Lifting equipment, chain, rope or heavy weight chain are not released by the General Inspector, after the specific time as per form-30 under the supervision of the declared expert person the following pine have to be given, such as:

(A) If made from the melted metal or metallic materials or made by half inch or Bar smaller than this all of the chains, hanged chain, ring, huk, kulup and ring will be one time after every 6 (six) months; and

(B) In general usage any other chains, hanged chain, ring, huk, kulup and ring at least one in 12 (twelve) moth:

But provided that, not used frequently, such chain and lifting rope, copical, only when will be required, then as per the approval of the General Inspector pine have to be given and same pine is given that have to recorded in the register mentioned in clause (Gha);

(Cha) In case of the following class of chain and lifting rope or copical, any thing of clause (Uma) will not be applicable, such as:-

(A) Chain made of the flexible casting iron;

(B) Plate connection chain;

(C) Chain, ring, huk, kulup made of Ispat of non-iron metal;

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- (D) Toothed wheel or effectively joined chain in the rooted wheel;
- (E) Attached chain, copical system or permanently attached huk with machine of bearing weight and ring or kulup;
- (F) Huk with screw with part like yarn and kulup or ball bearing or other hard box;
- (G) Socket barricade attached with rope of wire with cover of hard tin mixed with metal by product;
- (H) Boredeaux connection;

But, provided that, then chains or lifting rope or in changing of giving pine in copical has been operated heat applying process in the name of "Normalizing", those chains or lifting rope of copical in every 12 (twelve) months at least one time have to be checked fully by the proper person;

- (Chha) Except the rope of fiber or rope of fiber used in the work of hanging , all of the lifting machines, chains, rope or copical etc if welding or in any other process expanded in length or changed or if repair, before using those again , those have to examined by the proper person sufficiently and for the same examination and verification certificate have to be provided;
- (Ja) The rail on which active crane is operated and on which lines the vehicles of transport are move or ply , those runway have to be of proper size and strong and the bottom of those must be plain and parallel every rail or lines must be properly set up and must be capacity of bearing the burden and those have to be kept properly;
- (Jha) In operating magnetic crane, if power is failure , for connected the power flowing, there have to be measure of power supply by battery or generator;
- (Niw) Any person, below 18 years will not be appointed for giving sign to the driver in sufficient strength or operated in any other ways or the driver;

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(Ta) Upper part of the moving crane must be safe staircase or ladder have to be attached for coming and going up to Cab of crane and from cab to bridge;

(Tha) The coming and going way in the bridge of the upper part of moving crane or the platform if not safe thing for changing the wheel or repairing, in the last edge of both of the edge for this purpose safety platform have to be prepared;

(Da) In case of the over burden of capacity of lift, there will have to be system of stopping of its automatically and in case of this rule to mean the appropriate authority will mean the workshop superintendent person of mechanical Department of any Engineering College and the government can declare any person or institution as appropriate as per form-30.

(2) In regard to upper part of any special moving crane of any factory, the General Inspector as per his written condition it will be exempted from applying any rule of this rules.

61. **Rotating Equipment-** As per section 70(3) for controlling the additional equipment of the rotating equipment, there must be system of disconnection of electricity automatically.

62. **Pressure Plant-** (1) Without the working cylinder or main moving machine every plant used in the company or the machinery if operated in more pressure than the normal pressure of the atmosphere-

(Ka) Must be made by the proper power effective element in faultless and properly;

(Kha) It must be preserved in safe condition and properly;

(Ga) Must be equipped or fitted by the following equipment, such as:

(A) Maximum capacity of working presser, so that is not excesses, for indication of that a safety bulb or correspondence technique;

(B) Easily visible proper pressure gauge or meter;

(C) Appropriate stop bulb; and

(D) For emitting the amassed liquid element connection of proper drain cock or bulb:

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But, provided that, if the safety bulb, pressure gauge and stop bulb remain above the nearing pipe line near to vessel, in that case, this must be as per this clause and if in any plant if one or more than one vessel move in the same pressure load, in that case one set of mounting have to be added, but this will not be disconnected from each other;

(Gha) This must be checked by the skilled person, such as:-

- (A) For ensure the general condition of the vessel and the effectiveness of its fittings, outdoor one time after every six month;
- (B) In inner side one time in every twelve month, inside of vessel and outside wall, effectiveness of simos and spare parts of time vessel and the fault of seroson:

But, provided that, if it is not possible to check the inner part for the contractual cause of the vessel, in that case, after every two years Hydrolic make to be checked:

It is further provided that, this timetable can be increased up to four years;

(C) Hydraulic check at least one in four years:

But, provided that, for pressure vessel of the thin wall like sizing cylinder made from copper or any other non-iron metal, hydraulic test have to be made as per rule mentioned in sub-clause (B).

- (2) for pressure vessel of the thin wall like sizing cylinder made from copper or any other non-iron metal, the pressure of safety work have to be reduced at the rate five percent in every year five year from the main working pressure and in any condition same cylinder more than 20 years by any means.
- (3) If any information is not found about the date of the construction, density of the wall and safety working pressure, receiving any other information from factory Manager by discussion with the General Inspector any skilled person can fixed by how many days of it.
- (4) Before using every new and old thin walled cylinder those are repaired and safety has been inconvenience, those must be checked.

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- (5) Without the part of prime mover operated in the pressure more than the air pressure and maximum approved working pressure or minimum pressure of the supplying source of every vessel constructed in such way which safety is not ensured and that must be joined with the concerned reducing bulb related with other automatic machine.
- (6) If any doubt is seen in the time of checking about the safety of any vessel prior to the next checking mentioned in these rules, any efficient person lessening the pressure as per form-25 or frequently checking or resorting both of the ways providing report can give permission of operating the vessel.
- (7) Any such vessel that has been repaired and re-ordered before checking perusingly by any efficient person, that cannot be used.
- (8) The result of same kinds of all of the tests recording as per form-25(Ka), he who tested must signed and that must be prepared for inspection of the Inspector.
- (9) Before using any vessel that has been used in any other place that must be checked and if report has been given as per rules that cannot be used.
- (10) In case of any new vessel, certificate about the maximum approved working pressure from the manufacturer or from any efficient person is must and if vessel or any part of it is tested, in that case, that cannot be used until getting report.
- (11) The said certificate must be prepared for the inspection of the Inspector and the certified vessel have to be kept in such marked condition , so that it can be identified easily.
- (12) According to this rule in the report of any test if any condition of safety usage has been imposed, that cannot be used without imposing the said imposed condition.
- (13) According to these rules, after testing by any efficient person give report of making less of maximum approved working pressure of any vessel of any test or after the test if it is seen that, if it is needed in any part for repairing immediately or in delaying , in that case, by seven days of ending the test report have to sent to the Inspector.
- (14) The rules and regulations in this rule are not against in any existed laws, rules or regulations; those will be regarded as the additional of the said rules.

- 15) Nothing in this Act shall be applicable in pressure plants under the Boiler Act, 1923 (Act No. V of 1923) and in the portable vessel cylinders used in the transportation of gas.
- 16) If the Inspector General thinks that the structure of any vessel is weak or the same has to be tested, he/she can exempt the vessel from any/all regulations of this Rule.

Explanation - in order to fulfill the purposes of this Rule:

- a) Here, 'Competent Person' means any person who is at the supervisory level of the workshop from Mechanical Department of any Engineering University. In addition, persons or institutes announced from time to time as per Form-30 by the government shall also be included in this definition.
- b) 'Vessel' means any kind of closed vessel that has holding capacity. However, the instruments that are used Feed Pump, Steam Pump, Turbine Canning, Compressor Cylinder, Bulb, Air Vessel or Pump, Pipe Foil of general sampling, cylinder, Interking Guard and rills, with less than 465 square meters of capacity and gas holders having slightly high pressure from normal air pressure, vessels of liquid materials and Hydraulic Operating Cylinders without air-filled accumulators shall not be included in this definition.

63) Extra Weight:

- 1) No man or woman can be employed for lifting, carrying or discharging weights with hands or head except the weights that are cited below without using any auxiliary instruments or without taking help from others:
 - a) Adult Male- 50 kilograms and
 - b) Adult Females- 30 kilograms
- 2) The road used for transport has to be obstacle free in such a way so that the worker does not slip while moving. In addition, the passage way cannot be slippery.
However, if the weights have to be carried above, the aforesaid amount must be less as per the order of the Inspector, which would never be more than 40 kilograms in case of adult male workers and 25 kilograms in case of adult female workers.
- 3) No woman, teenager or pregnant woman can be employed for carrying, lifting or removing weighty goods and instruments in any institute.

- 4) As per weight limit mentioned in Sub-section (1), the wage for the male worker who carries 50 kgs of weights and the wage for the female worker who carries 30 kgs of weights shall be equal, irrespective of the way he or she is employed.
- 64) **Safety of eye:**
- 1) Arrangement of appropriate goggles, hand shields/gloves, if needed, and black cloth or board curtain must be made effectively for the safety of the employed workers and the workers working nearby in places where the following works are done:
 - a) Activities related with revolving wheel run by mechanical power or applying metallic substances in grinding activities in disks and rotational activities of iron and non-iron substances
However, in cases where using curtain or eye-glasses becomes clumsy due to craft requirements, alternative arrangements instead of eye-glasses can be made, after ensuring adequate safety measures.
 - b) Electrical welding, arc welding, oxyacetylene or metal welding using these processes or cutting the same or usage of chemical products;
 - c) Cold rivet, cutting bolts or arranging them, slicing stones, hard-rocks or similar types of materials with hand machines or manually operated appliances, making sheets of metals, trimming the same, breaking or polishing them;
 - 2) Effective machine guard or eye safety goggles must be installed/used in all cases where the possibility of having injuries in the eye is high.
- 65) **Safety measures in case of hazardous smokes:**
- 1) If any place is marked as dangerous and if there is a risk of people entering into the hazardous area, the place or well or hole or the tunnel way or any other closed place must be marked/adorned with oval, rectangular shape and it must abide by the following rules:
 - a) If the shape is oval or rectangular, the length and breadth must be no less than 40.65 centimeters and 30.50 centimeters respectively.
 - b) If the shape is circular, its diameter should not be less than 40.65 centimeters.
 - c) The amount of oxygen in the air should not be less than 19%.
 - d) The area should be risk free from entering water or water clogging.
 - e) There must be a strongly built staircase covering from the entry path to the respective floor in order to facilitate easy movement to the upward and downward directions.

- 2) 'Competent Person' mentioned in Section 77 means the employee recruited by the Explosives Department in this regard. In addition, the person or the institute announced by the government as per Form-30 shall also be included in the range of 'competent person'.
- 66) **Smoking in the office and prohibition of open lighter/ignition source:** There has to be prohibition of smoking and usage of the source of ignition (such as- candle, match, gas lighter etc.) in hazardous places or in places where the Inspector thinks fit. In addition, the concerned institute must write and notify precautionary statements in easily understandable Bengali language in noticeable places in cases where the possibility of fire accidents is high.
- 67) **Supply of personal safety materials for the workers:**
- (1) Safety measures and health safety must be arranged in accordance with the directions of this Rule or the regulations of the concerned govt. department for the workers who are employed in the procedures of manufacturing processes that have high risks of physical injury or loss.
- 2) In addition to the arrangement of safety and health protection measures mentioned in Sub-section (1), the concerned manufacturing institute must provide necessary equipments, including safety shoes, helmets, goggles, masks, hand gloves, ear muffs, ear plugs, waist belts, aprons etc. and arrange training programs for the workers in using these materials and ensure their usage.
- 3) No worker can be employed in the relevant works without ensuring safety and health protection measures and the training related therewith. In addition, personal safety equipments must be preserved in accordance with Information Form-23.

Chapter Seven

Special Regulations regarding Health, Health Rules and Safety

- 68) **Hazardous activities:**
- 1) The following activities shall be considered as hazardous in order to fulfill the purposes of Section 79:
1. Producing 'aerated water' and performing relevant activities;
 2. Corrosion/oxidation of metallic substances through electrical process with chromic acid or any other chromium compound or coating with metallic substances through electrical analysis;
 3. Manufacturing electrical accumulator or repairing the same;
 4. Producing glass or glass materials;

5. Sharpening metals or making it shiny;
6. Making compounds of lead or working with leads or repairing the same;
7. Producing gas from hazardous petroleum;
8. Cleaning or smoothening materials with Air Compressor or steams or haphazard products;
9. Liming and tanning raw hides and the activities related therewith;
10. Softening activities of jute, 'shon' or other types of fiber with instruments;
11. Storing bundles of goods that weigh more than 50 kgs, adorning them or carrying them to any ship or other forms of transport;
12. Producing cellulose solution, using or storing the same;
13. Producing chromic acid or sodium bi-chromate or potassium bi-chromate or ammonium bi-chromate and reclaiming the same;
14. Performing works with lead in printing house or type foundry;
15. Producing compressed hydrogen or compressed oxygen;
16. Producing ceramic goods or potteries;
17. Producing rayon through alkali metals;
18. Processing of plastic or polythene goods;
19. Breaking old ships and working in places that have the possibility of storing toxic gas, for example: abandoned or closed well, septic tank, sewerage line etc.;
20. Producing chemical fertilizers or chemical substances;
21. Breaking or crushing bricks, hard-rocks with machineries;
22. Working in places that are at least 3 meter high above the ground or at least 2 meter deep below the ground;
23. Working in electrical wiring or electricity conductive lines;
24. Working in brick furnace;
25. Working in mines;

26. Melting metallic substances in high temperatures and converting, cutting and pairing the same;
27. Manufacturing environment where the sound level is more than 80 decibels;
28. Grinding hard-rocks or stones that are used in power press (without hydraulic press) and metal trade;
29. Working with cutter machines;
30. Working with circular saws;
31. Working with plate printing machine and
32. Fishing in deep sea.

- 2) The Inspector General can declare the activities that are excluded from Sub-section (1) and the related activities as hazardous if he/she thinks those activities as risky.
- 3) Employment of children, teenage laborers in the activities that are mentioned in Sub-section (1) and (2) and the activities that declared as dangerous from time to time by the Inspector General or his representative is prohibited. This is to notify that Inspector General can declare the activities that are unfit for female workers and pregnant women.
- 4) The owner of the institute shall conduct the physical fitness test of the workers on his/her own cost, by a registered Physician, for the activities that are described in Sub-section (1) and (2) and he/she would receive a Medical Certificate of each worker as per Form-26, certifying his fitness for performing the activities.
- 5) The owner must receive the physical fitness certificate of each worker mentioned in Sub-section (4), which has to be certified by a registered Physician, at least once a year.
- 6) The concerned Physician and the owner must preserve the copies of physical fitness certificate in separate registers as per the description of Form-26 (a) and the certificate should follow the description mentioned in Sub-section (4) and (5).
- 7) If any worker is found to have occupational exposure to toxicity or if he/she is found to be sick from toxic substances, the certifying Doctor and the Owner of the institute or the concerned worker or the person assigned by him must inform the Inspector through Notice as per Form- 29 within 24 hours of the happening. The Inspector shall rapidly send the worker to District Civil Surgeon for further investigation.

- 8) After conducting medical tests of the concerned worker, the Civil Surgeon shall submit a Report to Inspector General or his/her authorized representative. Thereafter, the Inspector shall send a letter to the Owner of the institute for taking necessary steps in this regard. This is to be noted that all costs/expenses regarding medical test reports of the worker must be borne by the Owner.
- 9) The data about the disbursement of personal safety equipments that are required for performing the activities mentioned in Section 79 (d) must be preserved as per Form-23.
- 10) The owner shall place Material Safety Data Sheet (MSDS) of dangerous materials in an easily noticeable place so that the employed worker can be well informed about the possible hazards.
- 11) The institute, having consultation of Inspector General or his/her authorized representative, must arrange snacks or nutritious foods (Tiffin) for the workers who are employed for performing the aforementioned hazardous activities in order to maintain their health and hygiene.
- 69) **Notifying about the accident:**
 - 1) If a person dies due to an accident or if there remains no possibility of him/her attending the workplace within the next 20 days of the happening, the accident shall be considered as 'Fatal' or 'Serious' as per the severity and extent of the losses. Right after the happening, the Chief Representative of the institute must notify the following persons or institutes through telephone, fax, email or special messenger:
 - a) General Inspector;
 - b) The concerned Deputy Commissioner;
 - c) The concerned Inspector;
 - d) Nearby Fire Service Station;
 - e) Nearby Hospital or Health Center and
 - f) In case of death or fatal accident, the Officer-in-Charge of the concerned Police Station under which the institute is located or Industry Police has to be informed;
 - 2) The Notice sent through telephone, fax or email must be sent within two days of the happening in compliance with the description of the Form-27. If the Notice is submitted with the help of special messenger, the Notice should follow the description of the Form-27.

- 3) Within 2 months of the accident or after the workers' joining the workplace, the Owner of the institute or his/her authorized representative shall submit a Final Report to the concerned Deputy Inspector General of the District, describing the latest status of the accident, in accordance with the description of Form-27(a).
- 70) **Notifying about the minor accidents:** If a worker cannot join the workforce within 48 hours of the accident and if he/she remains absent from the workplace for maximum 20 days, the happening shall be considered as Minor Accident. At this, the concerned institute must notify about the accident in accordance with Form-27 to the concerned authorities mentioned in Clause (a), (b) and (c) of Sub-section (1) of Rule 69, within 7 days of the happening.
- 71) **Notifying about hazardous incidents:** In case of explosion, fire, building collapse or malfunction of machineries, the concerned institute must notify about the accident in accordance with Form-27 (b) to the concerned authorities mentioned in Clause (a), (b) and (c) of Sub-section (1) of Rule 69, within 3 workdays of the happening though no worker/employee is injured therein.
- 72) **Place of fatal accident:**
 - 1) In case of mutilation (loss of organs) or death, the occurrence place must be preserved in the intact state, which was prevalent after the incident, up to minimum 3 days until the Inspector visits the spot.
 - 2) The Inspector shall collect data for conducting investigation of the incident and he/she would inform the Owner of the institute about the next due procedures.
 - 3) In order for conducting rescue operation and saving lives and properties, the concerned person can violate all regulations coded in Sub-section (1) and (2).
- 73) **Register of the accidents and Report of half-yearly accidents:**
 - 1) Authority of every institute shall preserve the record of each accident or mishap in the Register in accordance with Form-28. The authority would also accurately record the steps taken by the institute in relevant Register.
 - 2) The recorded data as per Sub-section (1) shall be submitted to the Inspector as Half-Yearly Accident Data Report within 10 working days after expiry of 6 months over the records.
- 74) **Notice about occupational diseases and toxicity:** 1) As per Section 82, if the Owner gets informed that the worker has been affected by any of the diseases that are mentioned in Schedule No. 2, the Owner or the concerned worker or the representative of the worker shall notify the Inspector about the happening within the next 24 hours in accordance with the description of Form-29.

- 2) After being r and sea ports and for breaking buildings, bridges and other types of constructions. informed as per Sub-section (1), the Inspector shall send the worker to District Civil Surgeon in order for conducting further investigations.
- 3) After conducting medical tests of the concerned worker, the Civil Surgeon shall submit a Report to Inspector General or his/her authorized representative. Thereafter, the Inspector shall send a letter to the Owner of the institute for taking necessary steps in this regard.
- 4) This is to be noted that all costs/expenses regarding medical test reports of the worker must be borne by the Owner.
- 75) **Supplementary rule regarding safety:** The concerned institute must obey the regulations mentioned in Schedule-3 regarding the occupational safety and health related issues of the workers who are employed for loading and unloading of goods and materials in business compounds, vehicles, ships, rive

Chapter Eight Welfare Arrangements

- 76) **Equipments of Primary Aid:** 1) As per Section 89(1), At least a Primary Aid Box or Cupboard/Almirah must be there in each department, section and floor. The box or cupboard must be marked with Red Crescent or Cross symbol. In addition, there shall be additional equipments as per the description of sub-section 2, 3 and 4 mentioned below, basing on the number of workers or employees.
 - 2) If the number of workers/employees is not more than 10 in the concerned institute, department, section and floor where mechanical power is used or if the number of workers/employees is not more than 50 in the workplace where mechanical power is not used, the following equipments must be each cupboard or almirah of those workplaces:
 - a) 6 small sterile bandages;
 - b) 3 packets of disinfected cotton, weighing 0.5 ounce each;
 - c) 3 medium sized disinfected bandages;
 - d) 3 large sized sterile bandages;
 - e) 3 large sized sterile bandages that are used in case of burns;
 - f) 1 bottle of Hibisol or Hexasol, weighing 1 ounce;
 - g) 1 bottle of rectified Spirit, weighing 1 ounce;
 - h) 1 pair of scissors;

- i) 1 copy of leaflet regarding primary aid;
- j) Analgesic and antacid type of tablets, ointments used for burnt parts, ointments for eyes and antiseptic solution appropriate for surgery and
- k) 3 packs of edible saline.
- 3) Following equipments and supplies shall be preserved in the Primary Aid Box or Almirah of the institute, department, section and floor where the number of employees/workers is more than 10 but less than 50:
 - a) 12 small sized sterile bandages;
 - b) 6 medium sized packs of disinfected cotton;
 - c) 6 large sized sterile bandages;
 - d) 6 large sized sterile bandages that are used in case of burns;
 - e) 6 packs of disinfected cotton, weighing 0.5 ounces each;
 - f) 1 bottle of Hibisol or Hexasol, weighing 2 ounces;
 - g) 1 bottle of rectified Spirit, weighing 2 ounces;
 - h) Instruments of clogging/stopping bleeding such as Turniccate;
 - i) 1 roll of adhesive plaster;
 - j) 1 pair of scissors;
 - k) 1 copy of leaflet regarding primary aid;
 - l) Analgesic and antacid type of tablets, ointments used for burnt parts, ointments for eyes and antiseptic solution appropriate for surgery and
 - m) 6 packs of edible saline.
- 4) Until next regulation is issued by the General Inspector, following equipments and supplies shall be preserved in the Primary Aid Box or Almirah of the institute, department, section and floor where the number of employees/workers is more than 50:
 - a) 12 packs of disinfected cotton, weighing 0.5 ounces each;
 - b) 12 medium sized packs of disinfected cotton;
 - c) 12 large sized packs of disinfected cotton;
 - d) 24 small sized disinfected bandages;

- e) 12 large sized packs of sterile bandages used in case of burns;
 - f) 12 roller bandages, having breadth of 4 inches;
 - g) 12 roller bandages, having breadth of 2 inches;
 - h) 6 triangular bandages;
 - i) Instruments of stopping bleeding such as Turniccate;
 - j) 1 bottle of Alcoholic solution, bearing 2% of iodine, weighing 4 ounces;
 - k) 1 pair of scissors;
 - l) 1 bottle of rectified Spirit, weighing 4 ounces;
 - m) 2 packs of safety pin;
 - n) 12 slices of bamboo or wood, which is used in case of bone fracture;
 - o) Analgesic and antacid type of tablets, ointments used for burnt parts, ointments for eyes and antiseptic solution appropriate for surgery and
 - p) 12 packs of edible saline.
 - q) 1 copy of leaflet regarding primary aid.
- 5) The person employed for the supervision of the box or almirah and the relevant accessories and supplies must test the usefulness of the materials at least once in every 3 months' period. In addition, the relevant materials have to be replaced one month before the expiry of them.
- 6) If an institute that has a treatment unit/room with adequate supplies of appropriate materials or if the institute has all necessary things, preserving the minimum requirements in Primary Aid Box as per the description of Sub-section (2) shall suffice for the institute;
- provided that the institute shall preserve/store the additional supplies that are ordered by the Inspector from time to time.
- 77) **Treatment Room/Unit:** 1) At least one registered Physician shall be in each Treatment Unit of the institute or factory with the facility of dispensary. Additionally, at least one trained compounder or medical assistant, nurse and subordinate employee shall be employed for helping him/her, provided that at least two registered Physicians shall be recruited in case of an institute where more than three thousand employees/workers work and necessary number of medical assistant and nurse shall be recruited for helping the Doctors.

- 2) The medical room must be separate from all other parts of the institute as much as possible and it must lie far off the sections of the institute that produces high level of sound and noise.
- 3) The layout and land of the building or parts thereof meant for using as Patient Room must be approved by the Inspector General or his/her authorized representative.
- 4) The floor of the Treatment Unit must be smooth, impervious and strong. The walls thereof shall be impervious and 1.50 meter high. It must have adequate air ventilation facilities and it should have natural light and artificial facilities of illumination.
- 5) The medical room shall be used for primary aid and the comforts of patients. It must have at least following furniture and equipments:
 - a) 1 coated pot of hot and cold water;
 - b) 1 table measuring 1.85 X 1.10 meters with smooth surface;
 - c) Arrangement of disinfecting equipments;
 - d) 2 beds for lying, 2 stretchers and 1 wheel chair;
 - e) 2 buckets or pots with closely-fitted lids;
 - f) 1 kettle for boiling water and Spirit stove or any other appropriate arrangement;
 - g) 12 wooden 'choti' of general type, measuring 91.44 cm X 10.16 cm X 0.63 cm;
 - h) 12 wooden 'choti' of general type, measuring 35.56 cm X 7.62 cm X 0.63 cm;
 - i) 6 wooden 'choti' of general type, measuring 25.40 cm X 5.08 cm X 0.63 cm;
 - j) 6 woolen blankets;
 - k) 1 pair of artery forceps;
 - l) 2 middle sized sponges;
 - m) 6 hand towels;
 - n) 4 trays;
 - o) 4 carbolic soap;
 - p) 2 glass pots;

- q) 2 thermometers and several hypodermic syringes;
 - r) Gas measurement tools and tea spoons;
 - s) Eyewash station;
 - t) 1 bottle of 1:20 carbolic lotion;
 - u) 3 chairs;
 - v) 1 curtain;
 - w) 1 electric hand torch;
 - x) One primary aid box or almirah as per Section 76(1);
 - y) Adequate supply of serum that is preventive of Tetanus and
 - z) Instruments for stopping bleeding, for example- Turnicate.
- 6) If there is no arrangement of transports from the hospital, the institute must arrange speedy transports in the appropriate and efficient state in order for tackling the accidents or sickness efficiently.
- 7) All documents and records related with treatment history and accidents must be preserved in the Medical Unit and the unit, if needed, must show them to the Inspector.
- 8) The medications that are issued by the Inspector from time to time must be preserved in the dispensary in accordance with the directions.
- 78) **Health Center:** 1) As per the regulations of Section 89(6), if minimum 5000 workers and employees work in the institute/s that is/are owned by the same Owner:
- a) The Owner of the institute shall establish a Health Center. Following number of medical staff must be in the Health Center in order to provide treatment facilities to workers/employees:
 - i) At least 2 registered Physicians for 5000 to 7500 workers-employees;
 - ii) At least 3 registered Physicians for more than 7500 workers-employees;

iii) At least 1 trained Nurse and an able Dresser with minimum quality for each Doctor,

provided that at least one female Doctor must be recruited if there is a rule for recruiting more than one Physician.

- b) As per Section 77, there is no need for separate medical room. However, minimum 6 beds must be in each Health Center.
- c) The number of beds must be increased at the rate of one bed per 1000 in addition to 5000 workers-employees. Side by side, at least 3.72 square meters of land/space should be allotted for each bed. However, informing the General Inspector, the Owner can relax the floor area in emergency period.
- d) Following facilities must remain in each Health Center of the institute:
- i) Separate bed for male and female workers;
 - ii) Separate bathroom and toilet and separate room for infectious diseases;
 - iii) Separate room for outdoor patients along with sitting facilities;
 - iv) Separate room for examining patients privately;
 - v) Dressing room for minor operations;
 - vi) Store for preserving the medicines of dispensary;
 - vii) Providing free medications and food to the workers under treatment;
 - viii) Arrangement for providing data, training and consultation regarding family welfare and reproduction health'
 - ix) Arrangement for providing service and consultation to the pregnant workers before and after childbirth;
 - x) As per the advice of registered Physician, if conducting clinical x-ray, physical therapy etc. proves to be necessary, the cost of conducting the same has to be borne by the owner;

However, if the Owner, having permission from the Inspector General or his/her authorized representative, can manage to provide free medication and treatment to the worker in the nearby hospital, there is no need to have clinical laboratory, x-ray and physical therapy department in the Health Center. This is to be noted that the Owner, having permission from the Inspector General or his/her authorized representative, can provide free medication and treatment facilities by any approved hospital nearby as per written agreement if there remains no space for building Health Center in the institute.

- 2) Following facilities must remain in the Health Center:
 - a) Indoor and outdoor treatment facilities for all workers in the institute;
 - b) If the medical tests or treatments are to be conducted in any contracted hospital or pathological clinic, the Owner shall bear the costs of carrying the worker/s from the workplace to the concerned clinic.
- 3) The Owners residing in adjacent building or in the same building can jointly establish Health Center and the Health Center shall be subject to following conditions:
 - a) The Health Center shall be constructed as per the layout and plan approved by the appropriate authority.
 - b) Treatment facilities shall be conducted as per Sub-section (1) and (2).
- 4) If an Owner wishes to provide health facilities to the workers in a jointly established Health Center, he/she can do the same, having joint consent from the neighborhood Owners. The fact has to be notified to the Inspector General or the Inspector authorized by him/her. In that case, the Inspector General or the Inspector authorized by him/her can exempt the Owners of jointly established Health Center from the conditions set in Sub-section (1).
- 5) All equipments, injections and medications that are determined by the Inspector General or the Inspector authorized by him/her in consultation with the Director of Public Health Department of Bangladesh must remain in all Health Centers.
- 6) All responsible medical officers of each Health Center must preserve the medical records of each patient who has received treatment from it.

- 7) Annual Returns related with the administration of Health Center must be sent in accordance with Form-81 (i) and Section 362 (2) (b).

79) Welfare officer: 1) As per Section 89(8), if the number of employees in any institute is 500 or more and if the number of workers in a Tea Garden is 500 or more, there must be an able Welfare Officer.

However, if the number of employees exceeds 2000, one additional Welfare Officer must be recruited for every additional fraction.

- 2) The following responsibilities are assigned upon the Welfare Officer:
- a) Encouraging the formation of different unions, joint manufacturing committees, co-operative society and welfare committee of the workers and supervising their activities;
 - b) Observing different facilities including, canteen, waiting room, childcare center, adequate number of toilets and latrines, drinking water etc.
 - c) Helping the workers for having leaves granted with salary facilities and informing the workers about all kinds of leaves and other relevant regulations;
 - d) Observing all kinds of labor facilities including, house financing, foods, recreational and social facilities in all co-operative societies, arrangement of health and hygiene maintenance, educational facilities of children of the workers;
 - e) Trying to improve the works and standard of living of the workers and recommending for their welfare and benevolence;
 - f) Providing advice to the respective authority for arranging training for the new workers, developing the standard of education of the workers and encouraging them to be enrolled in technical institutes and helping them to receive approval for doing the same;
 - g) Providing necessary help and advice to the workers and the Management Authority in order to implement the regulations of the institute;
 - h) Maintaining contact with the medical officers and the authority of the factory/institute to provide better treatment facilities to the workers;
 - i) Taking steps for the development of worker-owner relationship;

- j) Having discussion between the representative of the workers and the Owner Party about the conditions of service/labor contract;
- k) Taking steps rapidly for reconciliation if there happens to be disagreement between the Owner and the workers;
- l) Hearing the statements of the workers and helping the Owner and the workers in order to remove the difference of opinions between the two parties;
- m) Notifying to the authority for speedy disposal of the objections that the workers have individually or collectively; and
- n) Making connections and arranging dialogue between the parties for maintaining co-operative relationship between the Owner and the workers;

3) The Welfare Officer should have following conditions:

- a) At least honors degree and relevant training and expertise in the field of labor and industrial setting; and
- b) Expertise in respect of labor law, industrial relationship and disposal of complaints;

4) The Manager or the Owner of the business institute must inform the Inspector General or the Inspector authorized by him/her in written form about the recruitment of Welfare Officer or about his/her termination from the post within 15 days. In case of termination from the post, the vacancy must be filled up as soon as possible.

5) The authority shall provide all kinds of help and support to the Welfare Officer to execute the responsibilities detailed in Sub-section (2).

80) Preserving Safety Record Book and showing Safety Data Board: 1) As per Section 90, following data and information must be preserved in the Safety Record Book of each factory or industry unit and the book has to be shown to the Inspector if the same is sought by him/her:

- a) List of equipments and chemical products that might pose severe health hazard or risk;
- b) Preventive measures taken against hazardous products, possible effects of them upon the health of the workers and the arrangement of primary aid;
- c) Description of personal protection instruments preserved for workers and details about the instruments used by the workers;

- d) Complete list of instruments;
- e) The date on which fire drill was conducted and the number of participants in it;
- f) Date of refilling the fire-extinguishing instruments and containers;
- g) Information about the electrical wiring and the tests conducted about the usefulness of the instruments;
- h) List of the members of safety committee and the date of arranging training related therewith and the number of trainees in it;
- i) And other types of data related with safety that is taken by the Owner;

2) Major data recorded in Safety Book must be shown in a Safety Data Board that is hung in an easily noticeable place of the institute.

81) Formation of Safety Committee and other issues: 1) As per Section 90 (a), the Owners of the institute where 50 or more workers are employed or were employed in a certain period of time in the year shall form Safety Committee. However, Safety Committee must be formed within 6 (six) months of the application of this Code in the present factories/institutes or within 9 (nine) months of the application of this Code in the newly established factories/institutes. In addition, as per Section 183 if the institutes of a business group remains scattered in more than one sub-district/upazila or if the Owners work region-wise, then upazila/sub-district wise Safety Committee must be formed.

- 2) Total number of members in the Safety Committee shall not be less than 6 (six) or more than 12 (twelve) and there shall be equal number of representatives in it from the Owner Party and the Worker Party.
- 3) There shall be a President, a Vice President and a Member Secretary and other members in the committee.
- 4) All members shall unanimously select a Member Secretary in the first meeting of the committee.
- 5) The committee can distribute the responsibility of different departments, sections and the responsibility related with occupational health and safety upon its members.
- 6) The committee shall nominate its President. On the other hand, the Owner of the factory or Managing Director of the industry unit shall nominate their representative for the committee. In addition, Vice President and the Representative on behalf of the workers shall be nominated through joint bargaining or Collective Bargaining Agent (CBA) or by the representatives of the workers.

- 7) The ratio of the members in the Safety Committee shall be determined by the number of employees in following ways:
 - a) Total number of Members in the Safety Committee shall be 6 (six) in case of 50 to 500 workers employed in any factory/industry unit.
 - b) Total number of Members in the Safety Committee shall be 8 (eight) in case of 501 to 1000 workers employed in any factory/industry unit.
 - c) Total number of Members in the Safety Committee shall be 10 (ten) in case of 1001 to 3000 workers employed in any factory/industry unit.
 - d) Total number of Members in the Safety Committee shall be 12 (twelve) in case of 3001 or more workers employed in any factory/industry unit.
- 8) The Representative for joint bargaining shall nominate Workers' Representative from the workers working in each section, department, floor, storehouse and unit separately. Then, the nominated/elected Representative shall be included in the Safety Committee.
- 9) If there is no Representative for joint bargaining in any institute/factory, the Representatives included in the committee on behalf of the workers shall nominate the Workers' Representative (joint bargaining) for the Safety Committee, from the workers who are employed in various sections, departments, floor, storehouse and units.
- 10) If there was no initiative for arranging the nomination of Workers' Representative in the Safety Committee due to inevitable reasons or as per Sub-section (8) and (9), the Inspector General or the Inspector authorized by him/her, after being informed about the issue, shall arrange election among the employed workers for electing the workers' Representative.

However, in this case, the Representative for joint bargaining or the committee shall nominate the Workers' Representative within 30 (thirty) days' of formation of the committee as per Sub-section (8) and (9).

- 11) Within 7 (seven) days of the nomination of Workers' Representative, the Owner shall nominate his/her representative. Within 15 (fifteen) days of this type of nomination, the President shall call the first meeting of the Safety Committee, having discussion with the Vice-President and other members.
- 12) The President shall inform the Inspector General about the formation of Safety Committee through written form within 10 (ten) days of holding the first meeting.
- 13) If there are at least one-third of female workers in any institute, at least one-third of the Workers' Representative must be nominated from female.
- 14) If the Safety Committee thinks that there is a need for taking expert help regarding the safety of the factory, the committee can implement the same type of views.

82) Vacancy of the posts in Safety Committee and filling up the vacancy: 1)

After the formation of the committee, if there is an announcement of vacancy in the Member posts due to resignation, retirement, termination of jobs, death of a Member, the vacancies can be filled up, having support from minimum two-third Members of the Safety Committee;

Provided that the Workers' Representative shall be nominated from the workers and the Owner's Representative shall be nominated by the Owner.

2) The Inspector General or the Inspector authorized by him/her must be informed if any change occurs in the posts of Safety Committee.

83) Term of Safety Committee: The term of Safety Committee shall last for 2 (two) years after holding the first meeting.

84) Special rule: The factory or industry unit or group of institutes, where less than 50 (fifty) employees work, can follow this Code in order to ensure occupational health and safety.

85) Duties, responsibilities and power of Safety Committee: Safety Committee shall fulfill the duties and responsibilities mentioned in Schedule-4.

86) **Cleaning and washing facility:** 1) As per Section 91, every institute shall have adequate and appropriate bathroom and washing facilities for all workers and the same must be maintained duly.

2) The arrangement of soap, germicide, nail brush in applicable cases, other appropriate arrangement for cleaning nails must be included in washing facilities. These facilities must remain easily reachable, clean and orderly.

3) As per Section 91 (1) (a), bathroom shall include following arrangements:

a) At least 2 (two) separate bathrooms for the first 25 (twenty five) male and female workers and 01 (one) bathroom for every subsequent 50 (fifty) workers must be arranged in the working conditions that require instant washing of the whole body of the workers or if the whole body is not washed, there remains a severe health hazard.

However, the previous washing facilities as per previous rule shall remain effective in this regard.

b) Following arrangement must be included in bathroom facilities without harming the generality of previous rule:

- i. Tap after minimum 0.60 meters of distance or water trough with jets;
- ii. Wash basin with tap attached;
- iii. Tap upon the straight tube;
- iv. Tap controlled shower or fountain
- v. and circular water trough with fountain shape;

provided that the Inspector shall determine the aforementioned facilities in due proportions after careful observation of the workers' need and habit.

4) The surface of every trough basin must be impervious and smooth. In addition, pipe and flash system must be added therewith.

5) The floor or surroundings of every trough, tap, wash-basin, straight tube and fountain must be designed in such a way so that the surface area becomes smooth and impervious and the used water are extracted soon.

- 6) One tap must be installed for every 15 (fifteen) workers who are to touch or handle hazardous and poisonous materials.
- 7) In case of female workers, separate bathrooms must be arranged for them. Additionally, washing facilities must be covered in such a way so that the male workers cannot see the inside area of the bathrooms while working or moving
- 8) A clear and easily understandable notice stating, "Only for females" must be placed in the entrance of female bathrooms/washrooms and the instruction has to be presented with pictures.

87) Canteen: 1) The Owner of the institute where more than 100 (one hundred) workers are employed shall arrange a canteen for the workers, facilitating adequate space for minimum 10% of total number of workers.

However, if the aforesaid canteen can accommodate 30% of the total workers for having meals, the Owner is not obliged to arrange a separate meal room as per Section 93.

- 2) The layout and position of the canteen of the institute have to be approved by the Inspector General or the Inspector authorized by him/her.
- 3) No canteen can be constructed within the distance of 6 (six) meters from bathrooms and toilets and 15 (fifteen) meters from boiler house, heaps of coal, source of smoke or harmful gases.
- 4) Every canteen building must have at least dining hall, kitchen room, storehouse, pantry and separate arrangement of washing utensils of the male and female workers.
- 5) The height of each room of the canteen building from the floor to the ceiling must not be less than 3 (three) meters. The floor and internal wall (up to 1.20 meter high) shall be impervious and smooth.
- 6) The doors and windows of canteen building must be adorned with mosquito and fly preventive nets.

- 7) The prescribed facilities must be kept operative by the canteen committee.
 - 8) Following instructions must be obeyed:
 - a) The internal walls, ceiling, passage way and stairs of the canteen building must be lime-washed at least once a year or the same has to be painted or burnished at least once in every three year period.
 - b) All wooden furniture must be painted or burnished minimum once a year.
 - c) Iron structures and materials made of steel must be painted or burnished minimum once a year.
 - d) The internal wall of the kitchen room must be plastic painted or the same has to be lime-washed at least once in every 6 month period.
 - e) The date of lime-washing, painting and burnishing has to be preserved in the respective Registers as per Form-20.
 - 9) There have to be separate rooms in the canteen for male and female workers. However, arrangement of partitions or curtains can be made in cases where having separate rooms is impossible.
 - 10) Canteen building must be kept clean and orderly. It has to be maintained following the rules of hygiene. Additionally, the area attached thereby has to be kept clean and healthy.
 - 11) The waste water of canteen must be extracted with covered drains. The waste water should not be kept inhibited as it may create uncomfortable situations.
 - 12) There have to be appropriate arrangement of placing waste in specific bins and extracting the same.
- 88) **Instruments of canteen:** 1) Adequate number of utensils, spoons, furniture and other instruments has to be kept in the canteen for well management.
- 2) Special clothes have to be arranged for the caterers and workers of the canteen and the clothes have to be kept neat and clean.

- 3) Furniture, utensils and other instruments have to be kept clean and the same has to be maintained in hygienic way.
- 4) All types of food items have to be preserved and served in such a way so that the food items cannot be polluted or come in contact with mosquito, flies and dusts.
- 5) If there is an arrangement of service counters in canteens, the surface of it must be smooth and the counter shall be made of impervious materials.
- 6) There has to be appropriate arrangements for washing utensils and other instruments in addition to the supply of hot water in it.

89) **Prices of foods:** 1) The foods, drinks and other materials supplied in the canteen shall be sold without gaining profits. The quality and price of the supplied food items shall be fixed and approved by the Management Committee.

2) Nutritious foods have to be supplied in the canteen. Canteen Committee shall prioritize the quality and nutritious value in selecting the food items.

3) The price list of supplied food items, drinks and other materials has to be hung on the wall.

90) **Canteen Management Committee:** 1) Canteen Management Committee shall be formed with participation of the representatives nominated by the Owner Party and the representatives selected from the workers under the supervision of Welfare Officer having majority of opinions regarding them among the workers. The number of representatives shall be equal from both parties.

2) The Worker Members cannot be less than 2 or more than 5 in the committee.

3) If there are Joint Bargaining Representatives in the institute, they shall nominate Worker Representatives;

However, in the absence of Joint Bargaining Representatives, the existent trade union organization or trade union organizations shall nominate equal number of Worker Representatives. In the absence of trade union organizations, the participating committee shall nominate the Worker Representatives.

4) The Owner of the institute or his/her authorized Welfare Officer shall supervise the activities of Canteen Management Committee.

91) **Consultation with Management Committee:** The Owner or his/her authorized officer shall have counseling from Canteen Management Committee regarding the following issues:

- a) The quality and amount of foods supplied in the canteen;
- b) Food lists and settlement of the prices of foods;
- c) Time of serving foods in the canteen;
- d) And other necessary issues for effective management of the canteen.

92) **Dining Room:** As per Section 93,

- a) The Dining Room must accommodate at least 15% of total workers.
- b) Adequate number of tables and benches with impervious surface must be arranged in proportion to the number of workers;
provided that the Inspector General, considering the special situation, can change the percentage of the accommodation of workers in the Dining Room through a written notice.
- c) Part of the Dining Room and service counter thereof shall be kept separated for female workers with the use of curtain.

93) **Rest Room/Guest House and the quality of Dining Room:** The layout, quality and shape of Rest Room and Dining Room must be approved by the Inspector General or the Inspector authorized by him/her.

- 94) **Children's Room:**
- 1) The layout, quality and position of the Children's Room or the separate Children Building or the adapted building must be approved by the Inspector General or the Inspector authorized by him/her.
 - 2) A separate and screen covered area must be kept preserved for the breastfeeding mothers so that they can lactate their babies maintaining secrecy and modesty.
 - 3) The floor of the Children's Room and the internal walls thereof with a height of 1.22 meters must be made smooth and impervious.
 - 4) 0.25 liters of milk for each child and nutritious foods must be supplied for the children staying in Children's Room.

- 5) Neat and clean clothes must be provided for the employees working in Children's Room.
- 6) Females must be prioritized while recruiting employees for the Children's Room.

95) **Washing facilities:** Appropriate washing room must be constructed for performing washing activities and changing clothes in the Children's Room and the room adjacent therewith.

2) Following standards shall be followed in the washing room:

- a) The surface of internal walls up to the height of 1 meter and the floor shall be made smooth and impervious.
- b) The room shall have sufficient lightening and ventilation facilities. Effective drainage system must be added with the floor. It should always be kept neat and clean.
- c) Sufficient supply of water along with the basin facilities for 5 (five) children at a time has to be ensured. If it seems to be feasible, at least 5 (five) liters of water per child should be supplied through taps.
- d) And sufficient amount of clean clothes, soap and towels have to be arranged.

96) **Various facilities in tea gardens:** As per Schedule- 5, different facilities including recreation, education, treatment, shelter and other daily necessities have to be ensured in the tea gardens.

97) **Treatment facilities for the media workers:** 1) As per Section 98, indoor and outdoor treatment facilities have to be arranged on the cost of the institute for each worker/employee and the dependants thereon employed in print and electronic media.

However, the medical expenses meant for media workers-employees shall not exceed 2 (two) lac taka and the medical expenses meant for the dependants thereon shall not be more than 1 (one) lac taka.

2) The Owners of print and electronic media shall conduct the fitness test of each worker-employee at least once a year with the help of a registered physician.

3) In cases where the treatment facilities provided by the Owners of print and electronic media are not sufficient, the worker-employee, having approval from the Owner, can have treatment facilities in any hospital located in the country on the costs of the Owner.

4) If the worker-employee becomes injured or gets wounded or becomes sick due to performing occupational responsibilities, the Owners of the print and electronic media shall bear all treatment costs until he/she recovers from the disease or injury.

98) Introduction of obligatory group insurance policy: 1) All Owners to whom Section 99 applies shall initiate group insurance policy for each worker.

2) Group insurance policy shall be applicable in case of the death of workers and their permanent disabilities.

3) The Owner can have agreements with all insurance companies approved by the government in order to launch the insurance policy.

4) Annual premium of the policy shall be paid by the Owner. The premium amount cannot be deducted from the wages of the workers.

5) In case of death of the worker while remaining on employment, the insurance money has to be paid to the person nominated by the worker or to his/her legal heir/s.

6) Annual premium of insurance and the insurance money shall be free from income tax.

7) Monetary facilities received from insurance policy and the facilities received from other regulations shall not be alternative to each other.

Chapter Nine Working Hours and Leave

99) Daily working hours: Irrespective of whatever is there in other rules and regulations, the daily working hours of all adult workers shall be 8 (eight) hours, excluding the time for having meals and the break period.

However, as per the regulation of Section 108, the workers can be made to work for maximum 10 hours on the condition of giving remuneration for overtime hours.

In addition, in that case, the worker's consent has to be gained and he/she has to be informed minimum two hours before the commencement of overtime works.

Furthermore, if there are more favorable agreements or traditions for the workers regarding the working hours, overtime duty and overtime allowance, the agreements or the traditions shall remain effective.

2) The workers who are employed in construction, re-rolling, steel mills, ship breaking industry and hazardous works mentioned in Section/Rule 68 cannot be made to work again without giving them half an hour break after every two hours of work alternately.

However, in order to materialize the purposes mentioned in Section 101 (d), the Owner cannot deduct the wages of the workers for giving this type of rest.

3) The Owner cannot oblige the workers who are employed in the industries and activities mentioned in Sub-section (2) to work for more than 10 (ten) hours a day including the overtime.

100) **Weekly leave of the institute and factory:** As per the regulations of Section 103 and 114, weekly leave of any factory or institute shall be considered as weekly holiday of it.

However, the Inspector General can issue gazettes notifying about region-wise holiday of the institute or the factory for the benefit of mass people. The leaves and holidays mentioned in this Section/Rule shall be applicable in the factories and institutes that are run by the family members of the Owner or the institutes where no workers work in exchange of wages.

101) **Weekly leaves with compensation/salary:** 1) As per Section 103, if weekly leaves cannot be given to the workers, the due leaves must be given to them within the next 3 (three) working days.

2) No worker cannot be made to work for more than 10 (ten) days consecutively without giving him/her the weekly leave.

3) As per Section 104, the dues of exempted workers must be paid to the workers within 30 days of receiving any weekly leaves with compensation facilities.

4) After the approval of the leaves with compensations, the Manager of the institute shall hang a notice of the type of leave as per Section 104.

However, if there is a need for bringing change in the leave notice, the change has to be brought before at least 3 (three) days of that leave.

- 5) If the job of any worker gets terminated before enjoying the leaves with compensation, the worker has to be paid full wages for the unconsumed/un-enjoyed leaves along with paying all other dues.
- 6) The Owner of the institute shall preserve a Register of leaves with compensation in accordance with Form-33. The Register has to be preserved for 3 (three) years after the last entry. The Register has to be submitted to the Inspector whenever he/she wants it.

102) **Method of calculating the general rate of overtime allowance:** 1) As per Section 108, if there are not different agreements, the general rate of overtime allowance per hour shall be calculated in the following ways:

- a) 1/8 of daily wage amount in case of the workers employed in terms of daily wage;
- b) 1/48 of weekly wage amount in case of the workers employed in terms of weekly wage;
- c) 1/208 of monthly wage amount in case of the workers employed in terms of monthly wage;

N.B: $52 \div 12 \times 48$ hours = 208 hours shall be calculated as one month period. The rate of overtime allowance per hour = monthly basic wage and allowance and ad-hoc or interim wage (if any) $\times 2 \times$ overtime hours/208 hours.

- 2) If overtime duty is performed by any worker of the institute, the Owner of the institute or his/her authorized officer, after the end of the work, shall give the worker a card or slip where his/her signature shall be attached.
- 3) The production target for the worker, employed in terms monthly, weekly or daily basis or contractual basis or in accordance with piece-rate, shall not be fixed in such a way so that Section 100 is violated.
- 4) The calculation of overtime duty shall be kept preserved in Registers in accordance with Form-34.

103) **Working hours of female workers:** 1) Written consent of the female worker as per Form-35 has to be obtained if she is to work from 10:00 PM (22:00 hours) to 06:00 AM (06:00 hours).

2) The consent of the female worker, which is mentioned in Sub-section (1), shall remain valid for 12 (twelve) months if she does not withdraw the same.

- 3) In case of withdrawing/revoking the consent, the female worker shall apply according to the Form-35 (a).
- 4) The data about the night duty of female workers has to be preserved in Registers in accordance with Form-36.

104) The conditions for letting the workers work in more than one institute:

In accordance with the regulation of Section 110, the Inspector General or the Inspector authorized by him/her shall abide by the following conditions while permitting the workers to work in more than one institute on the same day.

- a) The institutes must be owned by the same Owner.
- b) No worker should be made to work for more than the time limit prescribed by the law.
- c) The time to move from one workplace to another workplace shall be included in the working hours.
- d) Overtime allowance shall be given for extra hours of work in accordance with the law. The Owner shall arrange vehicles for the workers or bear the actual costs of transport in order to shift them to another workplace.

105) Notice of the working time of adult workers: 1) The working hours of adult workers have to be approved by the Inspector in accordance with Form-37, 37(a) or 37 (b) in respective cases.

2) After receiving approval of the Inspector on the notice mentioned in Sub-section (1), the copy of the approved notice must be hung in an easily noticeable place so that all workers can be informed about it.

3) The approved notice has to be preserved and the same should be kept ready for inspection and audit purpose.

106) Casual and Sick leave: As per the regulations of Section 115 and 1169, the worker can take the Casual and Sick leave before or after the weekly leave or occasional leave. In that case, the weekly or occasional leave shall not be considered as Casual leave.

However, if the weekly or festival leave falls into the Casual or Sick leave, the leave shall be included in the original leave.

In addition, the worker can enjoy the leave proportionately if he/she joins the workplace in any part of the year.

107) **Annual leave with wage facility:** 1) As per Section 117, in case of calculating the Annual or Earned leave, the presence of the worker in the workplace for the previous 12 (twelve) months has to be considered.

2) Any worker can have cash money against the unspent Earned leave.

However, more than the half of the Earned leave cannot be cashed out at the end of the year. This type of cashing can be done only once in a year.

3) If any worker dies while having unused leaves with wage facility, the wages against his unused leaves have to be paid to his/her legal inheritor/s or to the person/s nominated by the worker.

108) **Leave Book:** 1) The Owner or the Manager shall provide a Leave Book to each worker in accordance with Form-9.

2) The Leave Book is considered to be the property of the worker. The Manager of the factory or his/her authorized representative cannot take or claim or hold the book for more than 7 (seven) days consecutively except for inserting necessary information therein.

3) All insertions in the Leave Book shall be clearly written with ink and the updated information must be preserved.

4) If any worker loses the Leave Book, the concerned Manager shall provide another copy of the book in exchange of 10 (ten) taka from him/her. The Manager would include therein all necessary information recorded in his/her book.

5) If any institute preserves the record of leaves through computer, the printed copy of the computerized file shall be considered as Leave Book.

109) **Granting leaves together to the workers of same family:** 1) As per Section 115, the workers of the same family such as, husband-wife and children, have to be granted leaves on the same day as much as possible.

2) A worker can exchange the leaves with another worker after having approval from the Manager of the factory.

3) In order to fulfill the purposes laid out in Section 115, 116 and 118, year shall refer to English Calendar.

- 110) **Festival Leave:** 1) Every Owner, having discussion with the Joint Bargaining Representative (if any), shall fix the leaves of festival for the next year within 31 December of each year, the number shall not be less than 11 (eleven) days.
- 2) The Owner should hang the list of leaves in the Notice Board for general information of all workers. He/she would send a copy of the notice to the concerned Inspector.
- 3) In the absence of Joint Bargaining Representative, the Owner, discussing the matter with the participating committee, shall settle the leaves of festival in accordance with the recommendations received from the committee.
- 4) In the absence of Joint Bargaining Representative or Participating Committee, the Owner shall fix the days of festival leave, discussing with the workers as much as possible.

Chapter Ten
Wage and its Payment

- 111) **Wage and keeping records of it:** 1) Every factory or institute shall preserve the records of wage payment of all of workers in order of their sequence in the registry, as per wage time, in compliance with Form-38. The person responsible for the payment of wages can preserve the record in computer for his/her convenience. However, the signature of the workers must be taken in the printed copy along with using revenue stamp while paying the wages.
- 2) If any worker wants to receive the wage amount through his/her bank account, the Owner can pay the wages through bank cheque and bank transfer. The Owner shall provide the wage slip to them. In this case, the authority shall provide necessary help and support to female workers about opening of bank accounts and running the same.
- 3) The Owner shall give Wage Slip to each worker at the time of paying wages as per Form-38, where payable amount of wages, overtime allowance, deduction (if any) and total payable amount of wages shall be mentioned.
- 4) Before employing a worker in any factory or institute, the Owner must declare his/her wage amount.
- 5) The workers who have completed one year of service/job consecutively must be given two festival bonuses in a year.

However, each festival bonus shall not be more than the basic wage amount. This amount of money shall be considered as extra.

- 6) The calculation of piece-rate wage shall abide by the following regulations:
- a) After having primary ideas from the workers through Floor-in-Charge of the factory, the Owner shall determine the piece-rate based wage amount.
 - b) Pay Slip shall be given to each worker while paying piece-rate based wages and section wise, detailed description shall be included in the Pay Slip.
 - c) If any objection arises about the wage rate of piece based work of a particular type from any stage of production, the authority has the jurisdiction of reconsidering the objection.
 - d) In case of partial works, if there is any deficit in the minimum wages of the workers of specific grades, the Owner shall fulfill the deficit.
 - e) Due to deficiency of work, if any worker receives less amount of money than the minimum wage as per his/her grade in spite of the fact that he/she attended the workplace in all working days of the month, the authority of the factory must fulfill the deficiency of the claimed wage amount.
 - f) The workers have to be paid as per the wage that is more in comparison with piece-rate based wage or normal wage that is determined by the specific grade of the workers.
 - g) If there is no work in the factory, the basic wage as per the specific grades of the workers must be paid to them.
 - h) The Inspection Department of the factories and institutes shall keep an eye to verify whether aforementioned regulations regarding piece rate based wages are being duly maintained.

112) Duration of payment of wages and providing notice related therewith: 1)

The workers have to be notified about the wages of the workers, which is fixed in terms of monthly, weekly, daily, contractual or piece-rate basis. In addition, the time and method of paying their wages must be mentioned in the Notice.

2) The Owner or the Paymaster shall issue a notice in easily understandable Bengali language at least 10 (ten) days ago, detailing about on which dates the wage of the workers would be paid and he/she would hang the Notice in the entrance or nearby open place.

3) If there is a need to change the notified dates, a Re-notice has to be issued as soon as possible, mentioning the reasons of changing the Notice and the changed dates.

However, this change must be brought at least 3 (three) days before the specified dates and it shall not exceed the duration fixed by law.

4) If a worker's job is scrapped/cancelled due to layoff, discharge, termination, expel, resignation by the worker or for any other reasons, the arrear wages of the worker have to be paid within 7 (seven) working days after cancellation of the job and the compensation and other dues must be paid within maximum 30 (thirty) working days after cancellation of the job.

113) Reconciliation about the wage and other dues: 1) In case of illegal deductions or similar type of issues, the worker or the Joint Bargaining Representative assigned by him/her shall inform the Owner through written form about the issue.

2) The Owner shall take necessary steps to reconcile the issue of discord within the next 10 (ten) days.

3) As per Sub-section (2), if the Owner fails to reconcile the issue, the claimant party, in accordance with Section 124(a), shall apply to Inspector General or the Inspector assigned by him/her in written form to mitigate the issue.

4) After receiving the application submitted under Sub-section (3), the Inspector General or the Inspector authorized by him/her shall take effective steps for disposing the issue within maximum 20 (twenty) days and he/she would provide written decisions after disposing the issue within 30 (thirty) days of taking the aforesaid steps.

5) In order to fulfill the purposes laid out in Section 124(a), the Inspector General or the Inspector authorized by him/her shall be considered as intermediary. He/she would hear both parties and review the documents (if any) and then take a decision in order to mitigate the conflict.

6) The decisions of the Mediator or Negotiator selected unanimously shall be considered as obligatory for both parties. In case of the decisions taken without unanimous accord, the aggrieved party can apply to Labor Court within the 6 (six) months of declaring the disputed decision.

7) In order to fulfill the purposes laid out in Section 161(3), the Owner can apply to the Inspector General or the Inspector authorized by him/her to ascertain the amount of compensation to be given by the Contractor due to his/her violating the code of conduct, within 15 (fifteen) days of submitting the receipt of total compensation money.

- 8) After reviewing and verifying the agreements accomplished between the Owner and the Contractor, the Inspector General or the Inspector authorized by him/her shall take decisions.
- 9) In order to fulfill the purposes of Section 124(a) and 161(3), the Inspector General can assign his/her power and responsibility to region wise Inspector/s by the office order.
- 10) If the Inspector General or the Inspector authorized by him/her gives notice as per Section 124(a), both parties shall be obliged to be present.

114) Wage calculation method in case of incomplete month: 1) If the job of any worker gets terminated before the completion of his/her wage period or if the worker joins the workforce after the commencement of a month, in both cases, his/her weekly leaves and other regulated leaves must be considered in the calculation of the wages of incomplete month.
2) The wage of an incomplete month shall be calculated after dividing the total wage including house rent allowance, travel allowance and medical allowance by the total number of days of that month and at last multiplying the quotient by the number of days of the worker.

115) Deductions for absence from duty: 1) As per Section 126 (2), in case of deduction of wages due to absence from duty, here 'wage' shall mean the basic wage, allowances and ad-hoc or interim wages (if any). Daily wage amount has to be calculated by dividing the basic wage, allowance and ad-hoc or interim wages (if any) by 30 (thirty) and the worker has to be informed about the issue of deduction.
2) Wages cannot be deducted due to absence except for the cases that are regulated by law or code of the institute.

116) Record of deduction in case of loss or damage: 1) In order to fulfill the purposes of Section 127, all records of deduction and realizing the deducted money have to be preserved as per Form-39.
2) Annual Statement of deduction of wages has to be submitted to the Inspector General or the Inspector authorized by him/her in due forms, after the end of the calendar year, within 15 February of the next year.

117) Advance: 1) More than two months of estimated wages cannot be disbursed to the workers in advance in case of giving advance money to them.
2) The disbursed advance money can be collected within maximum 12 (twelve) months through installments. No installment shall exceed one-third of wage amount.

3) All advance amounts and realization of them shall be kept preserved in Registers in accordance with Form-40.

118) Payment of undisbursed wages and other dues in case of death of workers:

Following the description of Form-41, every worker must nominate a person who can receive undisbursed payment and other dues in the absence of him/her, at the time of his/her employment in the workforce.

2) The worker's photo and a photo of the nominated person have to be attached in the nominee form:

provided that the worker can change the nominee from time to time following the same procedures.

119) Submission of undisbursed wage of deceased worker: 1) If nominee of the deceased worker is not found or if he/she has no heirs or legal representative, the Owner shall submit the due amount of the worker to Labor Court, in accordance with Form-42.

2) The court shall preserve an acknowledgement receipt of the submitted money, in accordance with Form-43.

120) Application to Labor Court for payment of wage: As per Section 132, if the worker himself or his/her legal representative/s in case of his/her death wants to receive the wage payment and other dues, he/she/they must apply to Labor Court through Form-44, 44(a) or 44(b), in applicable cases, for the payment of dues in favor of him/her/them.

**Chapter Eleven
Wage Board**

121) Nomination of the Representatives of workers and the Owner in Wage

Board: 1) In order to implement Section 138(6), the government, as per Sub-section (2) of that Section, shall try to nominate Representatives of workers and the Owner in Wage Board, from the highest representative federations of the workers and the Owner. In addition, the government would also seek nomination from highest representative owner associations, trade union federations or highest representative unions in the absence of federations in order to implement Sub-section (3).

2) Membership of the federations as per the record of Labor Director has to be considered in case of seeking nomination under Sub-section (1).

3) In both cases, nomination has to be sought through Director of Labor:

Provided that, if there is no registered union in case of nominating the Representative of any industry, the Director of Labor shall seek nomination from the organization of national federations, which has involvement with the industry. However, if no involvement is found, the government shall nominate those persons who can individually represent the workers and the industry owner.

4) If the highest representative organization does not nominate representatives, the government shall seek nomination from the second and third largest representative organization.

122) **Wage Board Meeting:** 1) Discussing with the Chairperson, the Secretary of the board will call meetings by providing written notice to each member. The time and place of the meeting shall be determined by the Chairperson.

2) The meeting shall be held in the way determined by the board.

3) Chairperson shall preside over each meeting. However, a neutral person can preside over the meeting in the absence of the Chairperson.

4) As per Section 139, in the first meeting on the issues sent to the board, quorum shall be formed with the presence of Chairperson of the board, a neutral Member, a Representative of the Owner and a Representative of the workers:

Provided that the progress of the activities of the board shall not be impeded if any Member remains absent from the subsequent meetings and the activities of the board shall not be discarded if a Member cannot attend the meeting.

5) As per Section 139, the board shall dispose the issue within 6 (six) months of reception of the issue by it:

However, no recommendation shall be discarded only for delay.

123) **Term of the board:** 1) Unless there is anything contradictory in law and in this rule, the term of the board shall be last for 3 (three) years after the recruitment of the Members of it is published in government gazette.

2) Irrespective of whatever is in Sub-section (1), the Members of the board shall remain in their respective posts before their recruitment is published through government gazette.

- 3) All Members shall be eligible for re-employment after the end of his/her service tenure.
- 4) Any Member can resign from his/her post by giving a written notice to the government and the post shall be considered as vacant from the day of receiving the Resignation Letter by the government.
- 5) If any Member (except the Chairperson) remains absent from three meetings consecutively, the government can declare his/her post as vacant by issuing gazette.
- 6) The government can terminate the Member's post if his/her staying in the post is considered as dangerous for the interest of mass people due to his misconduct or other reasons.
- 7) Any vacancy of the board shall be fulfilled in such a way so that representation in the board is not infringed.
- 8) If any Member is recruited for filling up the contemporary posts, he/she would remain posted for the remaining period of his/her previous predecessor.

124) **Member's leaving Bangladesh:** 1) If any Member, except the Chairperson, leaves Bangladesh, he/she would inform to the Chairperson about the possible dates of leaving and returning to the country.

2) If any Member wants to stay outside Bangladesh for more than 6 (six) months, the Chairperson shall inform the government for employing an alternative Member on the temporary basis in the respective post for the remaining period.

3) If the Chairperson goes outside Bangladesh in a long vacation or on deputation, the government can employ another person or a neutral Member as Chairperson for his/her absence period, on a temporary basis, for discharging the due responsibilities.

125) **Allowance of Board Members:** All Members, except the Chairperson, shall receive allowance in the prescribed rate determined by the government, for attending the meetings.

126) **Recruitment of Board Employee:** The government can recruit a Secretary and other employees if needed:

Provided that, no officer/employee below the post of Assistant Labor Director or Assistant Inspector General can be recruited as Secretary of the board.

127) Responsibilities of Board Secretary: 1) The Secretary shall attend all meetings of the board and he/she would assist the Chairperson in executing following activities:

- a) Convening meetings;
- b) Keeping records of meeting minutes;
- c) Taking actions as per the decisions/resolutions of the meeting;
- d) And complying with the legal orders issued by the Chairperson.

2) The Secretary cannot participate in the discussion of the meeting and he/she cannot vote. He/she can present relevant documents or data in the meeting, as per decision of the board or direction of the Chairperson.

128) Method of determining minimum wage rate: 1) The board shall publish recommendation of minimum wage rate through issuing government gazette so that the parties involved therein can inform about their objections and recommendations in written form within 14 (fourteen) days of publishing the notice.

- 2) After considering the objections and recommendations received under Sub-section (1), the board can amend or retain the original proposal and it will forward the recommendations received in that way to the government.
- 3) Being requested by the Owner and Worker Party, the Chairperson can invite any Specialist, Advisor or any Official from the Inspection Department of Industries and Institutes, if needed, to the meeting of the board, in order to participate in discussions.
- 4) The invited specialist, advisor or the official under Sub-section (3) can give views and opinions regarding the topic of the meeting, but he/she shall not have any voting power.
- 5) The concerned parties shall bear the costs of Board Members and Advisors, except the costs of Chairperson and neutral Member.

129) Disposal of activities: 1) The decisions of the board shall be taken with the consent of majority of Members present in the meeting. If there is equal number of votes of both parties regarding an issue, the Chairperson can have a Casting Vote in order to settle the issue:

Provided that, if the representatives of Owner and Worker Party are unequal in number, the Chairperson, under his/her jurisdiction, can order the concerned party to give 'votes by sides'.

- 2) Votes shall be counted with raising hands. However, Chairperson can arrange for hidden voting system if he/she thinks it fit.
- 3) Name of the Members present has to be recorded in each Meeting Minute of the board. Chairperson shall determine the method of recording it. One copy of Meeting Minute has to be sent to the Members as soon as the meeting is finished.
- 4) The Minutes of each meeting must be approved in the next meeting and the same has to be signed by the Chairperson.

130) **Formation of committee:** 1) The board can form different committees to submit recommendations after conducting investigations regarding any particular issue. After conducting investigations and submitting recommendations, the board can order similar types of committees to assist the board in ascertaining minimum wage rate of any locality or any class of industry workers.

- 2) An Owner Representative and a Worker Representative and a neutral Member (who can also be the Chairperson) must be included in that committee.
- 3) In order to conduct the investigation procedures successfully, Chairperson of Investigation Committee shall enjoy similar types of power the Chairperson of the board enjoys.
- 4) As per Section 132, Chairperson of the committee or a Member or an Advisor or a Specialist thereof shall enjoy the power enjoyed by the Chairperson or a Member or an Advisor or a Specialist of the board.
- 5) The government shall fix the salary of Chairperson and Members of the committee.

131) **Presence of witnesses:** In order to conduct the investigation procedures lawfully, the Chairperson of the board shall enjoy the power detailed in Code of Civil Procedures- 1908 (Act No- 05 of 1908), including forcing the concerned parties and witnesses to be present along with necessary documents and deeds.

132) **Power of the board about the collection of data and information:** In order to implement the purposes of law, the Chairperson or a Member of the board or an Advisor, a Specialist or Official of the board authorized by the Chairperson:

- a) can enter all places and premises of factories and industry units at any logical time.

- b) can investigate any Register or other documents and have testimony of any person in field level.
- c) and can collect data through distributing questionnaire and using other ways.

133) **Obligation to pay the minimum wage and publishing the wage rate:** 1) No Owner or Contractor or Management Authority can give less amount of money than the minimum wage rate declared by law to any worker or employee.

- 2) If an Owner or Contractor or Management Authority gives less wage than the declared minimum wage rate, the concerned worker or employee can claim 50% of the arrear money, as extra compensation, from the authority.
- 3) The government shall take necessary steps to inform the concerned Owner and worker about the minimum wage rate.
- 4) The Owner shall make an arrangement for hanging the declaration of minimum wage rate in Bengali language, in an appropriate place of the industry.
- 5) Irrespective of whatever is there in Sub-section (4), the Notice of minimum wage rate can also be shown in English language if the same is needed.
- 6) A Notice mentioning the wage rate determined by the government and the date of publishing gazette related therewith has to be given to all factories or industry units where minimum wage rate is applicable and where workers are employed by the Owner or Contractor.

Chapter Twelve **Compensation for Injuries of the Workers due to Accidents**

134) **Review of monthly wage rate payable as compensation due to temporary disability:** As per Section 153, the application of reviewing monthly compensation money can be submitted to the Labor Court without Medical Certificate under following cases:

- a) The Owner has ascertained the right of compensation of the worker and wage of worker has increased.
- b) The worker has ensured the right of compensation and wage of the worker has decreased.

- c) The Owner has stopped providing compensation money to the worker though physical condition of the worker has not improved.
- d) The rate of presently applicable compensation money has been fixed fraudulently or forcefully by the Owner or the worker through illegal means.
- e) The worker or the Owner has noticed mistakes in the respective record files while settling the amount of compensation money.

135) **Method of applying for reviewing the compensation:** 1) If the Labor Court, after examining the application of decreasing or stopping the compensation money payable by the Owner, finds that the Owner has legal reasons to decrease or stop the compensation money, it can issue orders to postpone paying of the monthly compensation money completely or partially, giving details about the findings.

2) In cases where application has been made to Labor Court as per Section 154, the court, calculating the possible duration of the worker's physical disability, shall ascertain the total amount of compensation:

provided that the fraction of one taka shall be excluded from the calculation.

3) As per Sub-section (2), if Labor Court fails to ascertain about physical disability, the court can postpone its decision about the application for two months at various times.

136) **Nomination of heir/legal representative in order for receiving compensation:** As per Sub-section (2) of Section 155, the worker must nominate a heir/legal representative at the time of joining the workforce, in accordance with Form-41, in order for receiving the compensation money after his/her death.

137) **Submission of compensation money to Labor Court:** 1) In case of death of the worker due to injuries, the Owner shall, as per Section 155 (1), submit a statement in compliance with Form-45 to Labor Court for paying compensation money to it and submit another statement in accordance with Form-46 in order for paying other compensation money. In both cases, the court shall provide an acknowledgement receipt in accordance with Form-47 to the payer.

2) In case of fatal accidents, if the Owner cites in the statement mentioned in Sub-section (1) while paying/submitting the compensation money that he/she is willing to participate in the distribution activities, the Labor Court shall give opportunity to the Owner in order for proving that the nominated representative of the Owner is legal heir of the deceased worker or the worker does not have any legal heir.

138) **Publishing the list of deposited compensation money:** The Labor Court shall publish a list of deposited compensation money in accordance with Section 155 (1). The list shall mention the name and address of the Payers/Depositors and the name and address of those deceased or injured persons due to whom the compensation money has been deposited.

139) **Application for depositing compensation money to Labor Court:** 1) In case the Owner did not legally give compensation money to the injured worker or to the dependents or legal representatives of the deceased worker or to the Labor Court, the worker himself/herself or any dependent/legal representative of the deceased worker can apply to Labor Court for issuing an order to the respective Owners in order to pay the due money. In addition, the application has to be submitted in accordance with Form-48, 48(a) or 48(b) in applicable cases.

2) After receiving the application of disbursing compensation money:

- a) If this is proved, after conducting the investigation, to the Labor Court giving opportunity to the Owner for hearing that the compensation money has not been paid legally or submitted to the court, it shall order the Owner to submit the compensation money as per Section 155(1).
- b) The Labor Court shall, after receiving the compensation money, issue orders in order for notifying the worker's dependants who have applied for the compensation money. The Notice shall also mention the date on which the dependants or heirs shall appear before the court.
- c) The court shall ensure that the persons related with the application should not be deprived of the compensation money if they cannot appear before the court on the specified date.

3) An Owner, while submitting the compensation money as per Section 155(4), shall present a statement attached therewith. On the other hand, the Labor Court shall give him/her a receipt of acknowledging the money, as per Form-47.

140) **Transfer of undisbursed money and investment:** 1) As per Section 155(7), if any dependent or legal heir of the worker is not found within two years, the undisbursed money deposited in Labor Court shall be transferred to Worker Welfare Fund, which is formed by Bangladesh Worker Welfare Foundation Act-2006.

- 2) In case the deposited money in the court is payable to the person considered disable as per law, the Labor Court can transfer the money to the Worker Welfare Fund mentioned in Sub-section (1) in order for financial wellbeing of the worker.
- 3) The disable person under law shall receive refund of the aforesaid money after he/she is recovered from the disability.
- 4) If the money is invested in any profitable sector approved by the government, the worker shall receive the total amount including profits earned on the money, within thirty days of receiving the application.
- 5) When the disable person under law recovers from disability, he/she would be given his compensation money along with profits earned on it.
- 6) The Labor Court shall preserve the records of activities performed under Sub-section (1) or (2), in compliance with Section 162.

141) **Giving statement of fatal accidents by the Owner:** As per Section 158(1), the Owner is obliged to submit any report under Section 159 or any statement regarding fatal accidents to the Labor Court, in compliance with Form-49.

142) **Treatment of the injured worker:** 1) The treatment of the worker injured in the workplace has to be performed under the supervision of the Owner and the Owner is obliged to bear the expenses related therein.

2) The workers who are receiving monthly compensation allowance cannot be compelled to go outside of their residence more than two times in the next month of the accident and more than once in the subsequent months in order for health test.

143) **Decision about clarity of injury:** 1) As per Section 160(10), if any conflict arises regarding specification and stability of the worker's injury, the decision of the registered physician shall be considered as final in that regard.

2) The fees of the physician mentioned in Sub-section (1) shall be borne by the Owner or worker in applicable cases.

- 144) **Health test after temporary suspension of the right of receiving compensation:** If the worker, whose right of compensation has been temporarily suspended under Sub-section (5) or (6) of Section 160, applies for conducting health test immediately, the Owner shall take necessary steps for conducting fitness test of the worker within three days of receiving the application.
- 145) **Fitness test of the female workers:** 1) In case any female physician is not found immediately, a male physician in the presence of another female worker can conduct the fitness test of the female worker.
- 2) If any female physician is not found nearby and if a female worker submits fees for conducting her fitness test by a female physician, no order can be issued for conducting her health test by a male physician.
- 146) **Method of disposing application regarding compensation:** Unless there is anything repugnant in this law, the Labor Court shall conduct its activities as per Section 26 and Schedule-6, in order to dispose compensation suits.
- 147) **Memorandum of Agreement:** As per Section 170 (1), the Memorandum of Agreement, unless otherwise directed by the Labor Court, has to be prepared in two copies. In addition, the memorandum has to be made in pursuance of Form-50, 50(a) or 50 (b) as much as possible.
- 148) **Method of registering or not registering the Memorandum of Agreement by Labor Court:** 1) If the Labor Court, after receiving the Memorandum of Agreement, thinks that the memorandum is worthy of being preserved, the court, fixing a date for recording the memorandum, shall issue a notice to the corresponding parties in accordance with Form-51 before seven days of the fixed date, saying that the memorandum shall be recorded on the prescribed date unless there is any objection of concerned parties in it.
- 2) If any party attends the Labor Court on the prescribed date and if the party seeks hearing, the court shall record the memorandum if it thinks the same as fit after making him hear about the issue.
- 3) If the Labor Court decides that the memorandum should not be recorded on the prescribed date, the court shall inform the concerned parties about its decision and the reasons of it. In addition, although there is no party present, which is willing for recording it, the court shall inform the party in accordance with Form-51(a) about its decisions.
- 4) If the Labor Court, after receiving any Memorandum of Agreement, thinks that there are logical reasons for not recording it, the court shall fix a date for hearing the statement of the respective parties and it shall give notice to the parties at least 7 days before the prescribed date, in accordance with Form-51(b) or 51(c).

153) **Memorandum for sending money:** As per Section 151 and 152, if the Labor Court issues order to send money, the court itself shall prepare a brief description of the suit. In addition, it shall record issuance of the order and name and address of the persons to whom the money would be sent and at last, it will sign the memorandum.

154) **Steps taken by the Labor Court:** If the Labor Court itself is not entitled authority, it shall send two copies of the memorandum mentioned in Section 155 to the entitled authority. The court can transfer the money to the authority or it can transfer the money as per the order of the authority. However, if the Labor Court itself is entitled authority, it shall take steps in accordance with Section 155.

155) **Steps taken by Entitled authority :** If the entitled authority is satisfied to know that the memorandum has been executed, the responsible person of the entitled authority shall, at his/her own discretion, send the memorandum and the compensation money related therewith to the authority employed in this regard. However, if there is no such authority, he/she send the same to the authority empowered by the government in this regard and he/she would request the authority to take the following steps:

- a) Taking steps for sending the compensation money in the way described in the memorandum.
- b) And sending a report of the actions taken as per description of the memorandum and returning the money if it cannot be sent for any reason.

156) **Sending money to the labor court under the jurisdiction of which the suit has been filed:** 1) If the labor court, under the jurisdiction of which the suit has arisen, is not the entitled authority, the court shall send a copy of the report to the labor court that is requested under Section 149.

2) As per Section 155, the refunded money shall be distributed as per law.

157) **Transferring money received from abroad to the entitled authority:** 1) The entitled authority shall be the appropriate authority for receiving money from the transferor authority.

2) If the labor court that is not considered as entitled authority and other government employees receive money from any transferor authority, the concerned person shall send the aforesaid money and the deeds and documents related therewith to the entitled authority and disburse the same as per the order of the entitled authority.

158) **Sending to Labor Court:** The entitled authority shall send the money received by it or parts thereof to the Labor Court in order for disbursing the same at its discretion.

159) **Disbursing money:** The money received from the transferor authority has to be disbursed according to applicable laws and the regulations of this Code as much as possible.

However, if the transferor authority issues special orders regarding disbursement of the money, the court shall comply with that order.

160) **Report of disbursed money:** 1) The entitled authority shall give a report on how the money received from transferor authority has been distributed.

2) If the labor court that is not considered as entitled authority disburses part of the money, the court must send to the entitled authority two copies of a report detailing about how the money has been disbursed. As per Section 167, if the concerned person receives money from another labor court, he/she has to send a report through the labor court.

Explanation: In order to fulfill the purposes of this Chapter:

- a) 'Entitled Authority' means any authority or labor court that is approved by the government for receiving and disbursing compensation money.
- b) 'Transferor Authority' means any authority of Bangladesh or other countries, which takes steps for sending the worker's compensation money payable in one installment, for the welfare of the person residing in Bangladesh or willing to live here, to the country or part of the country.

161) **Welfare Fund of workers:** 1) If the Labor Court, after conducting investigation, is satisfied that the deceased worker has no dependent or legal heir, the court shall, after two years of receiving the compensation money, transfer the same to Worker Welfare Foundation that is formed under Bangladesh Worker Welfare Foundation Act- 2006, on the condition of acknowledging the aforesaid money.

2) The fund money has to be deposited in Banks and the Bank account shall be run by the signature and seal of Labor Court.

162) **Preserving the accounts of Fund:** The accounts of Welfare Fund shall be preserved by the Labor Court according to Form-53 and the same shall be subject to periodical audit and inspection.

2) The data about fund related activities and accounts thereof shall be included in the report that is to be submitted to the government every year, detailing about the steps taken by Labor Court as per the description of this chapter.

163) **The cost of sending money:** In accordance with this Code, if any authority transfers money to another authority, the transferor authority shall bear the cost related with the transfer.

164) **Registration of suits:** 1) The Chairperson of Labor Court shall preserve a Register according to Form-54.

2) After receiving any appeal/application, the Chairperson shall include it in the Register mentioned in Sub-section (1).

3) After dismissal of the suits, the Chairperson shall, certifying about suit-entry in the prescribed columns, attach his/her signature.

165) **Record of suits and preservation of Register:** 1) The Register mentioned in Section 164 shall be written in Bengali and the same has to be preserved for 20 (twenty) years.

2) The records of the compensation suit that is rejected due to absence from the court have to be preserved for 1 (one) year, starting from the date of publishing final order.

3) The records of compensation suit that is disposed ex-parte on the basis of confession have to be preserved for one year, starting from the date of publishing final order along with appeal order (if any) or for one year, starting from date of payment of compensation money, whichever is later.

4) The records of compensation suit, which is discarded through arguments/competition have to be preserved for one year, starting from the date of publishing final order along with appeal order (if any) in case of no need to pay compensation or for one year, starting from the date of publishing final order along with appeal order (if any) in case of suspense of the claims partially or completely or up to the date of repaying the due/liabilities, whichever is later.

166) **Preservation of Memorandum of Agreement:** 1) In order for registering the Agreement Deed/Memorandum of Agreement, the records of filed litigation have to be preserved for one year, starting from the date of publishing final order along with appeal order (if any) or for one year, starting from the date of repayment of due/liabilities, whichever is later.

2) The Register of Memorandum of Agreement under Sub-section (1) has to be preserved for 3 (three) years, starting from the date of publishing final order along with appeal order (if any) or for 3 (three) years, starting from the date of repaying the dues/liabilities, whichever is later.

Chapter Thirteen
Trade Union and Industry Relationship

- 167) **Application for membership of Trade Union:** 1) The worker or employee or Owner or Union or Federation willing to join in any Trade Union Organization or Federation of Trade Unions or Confederation shall apply for membership in accordance with Form- 55(a), Form- 55 (b) or, if applicable, Form 55(c).
- 2) The person or organization willing to have membership in a new union or federation or Confederation cannot receive membership from the same without submitting written Resignation Letter to the previous Union or organization.
- 3) If the application of any worker is accepted as per Sub-section (1), he/she must be given a certificate in accordance with Form- 55(d), Form- 55(e) or, if applicable, Form- 55(f), mentioning his/her Membership No. of the union or federation or confederation in it.
- 4) Every upazila/Sub-district or, if applicable, every District shall be considered as 'group of institutes or farms' if there is at least five workers in each agricultural farm. Minimum 400 (four hundred) workers, being united, can form Union in accordance with this law.
- 168) **Necessary requirements for registration:** 1) As per Section 179(1)(c), Form- 56(a), Form- 56(b) or, if applicable, Form- 56(c) has to be used in order for having registration in Trade Union, Trade Union Federation or Confederation.
- 2) The corresponding Members have to attach Certificates along with the application under Sub-section (1).
- 3) After receiving registration of Trade Union in the group of institutes, the applicant shall publish Public Notice at his/her own cost as per Form- 56(d).
- 4) Labor Director shall collect information in accordance with Form- 56(e) after reviewing necessary documents as the same is mentioned in Section 176(e) and 179 (2) (a).
- 5) The description of the officials of Trade Union, Federation or Confederation shall be submitted in accordance with Form- 56(f), 56(g) or, if applicable, 56(h).
- 6) The description of the Members of Trade Union, Federation or Confederation shall be submitted in accordance with Form- 57(a), 57(b) or, if applicable, 57(c).

7) The activities from the start of registration application to providing registration can be performed online through using computer. However, printed copy of all activities has to be preserved for future reference.

169) **Number of Members in the Executive Committee:** 1) As per Section 179(1) (i), the number of Members in the Executive Committee of a trade union shall be proportionate to the number of general Members of it in following ways:

Number of General Members			Number of Members in the Executive Committee	
Not more than 50			Minimum	5
51	to	100	Maximum	7
101	to	400		9
401	to	800		11
801	to	1500		13
1501	to	3000		17
3001	to	5000		25
5001	to	7500		30
7501	to	more		35

2) If 20% of the total workers/labor force, for which Trade Union is to be formed, is female, the number of female Members in the Executive Committee of union must be minimum 10%.

3) The regulations of Sub-section (1) and (2) shall be applicable in the registration of Trade Unions comprising of group of institutes/companies.

However, if possible, at least one worker from each institute/company of Trade Union must be included in the Executive Committee.

4) The worker shall not be eligible to be selected in Executive Committee if he/she is not employed as permanent worker of the institute.

However, the Members of Executive Committee can be selected by following partial condition of Section 180 applicable in respect of state-owned industry sector.

170) **Preserving Register, Ledger, and Meeting Minute Book etc.:** 1) As per Section 181(a), the description of each Member has to be preserved by Trade Unions, in accordance with Form- 58(a).

- (2) Under clause (a) of section 181 each trade union federation has to keep the received finance account in the register as per form-58 (b).
- (3) Under clause (a) of section 181 each trade union confederation has to keep the received finance account in the register as per form-58 (c).
- (4) Under clause (b) of section 181 Each registered trade union or trade union federation or trade union confederation has to keep the income and expenditure ledgers in the register as per form-58(d) and these books of accounts will be kept in accordance with the binding and numbered each page or will be kept in a digital manner.
- (5) The member has to give receipt with signature of collector and donor in case of collecting subscription under this rule.
171. **Register of trade unions, trade unions' federation and confederation.**- as per section 182 the Labor Director or the entitled officer will keep ledger of trade union as per form-59 (a), ledger of trade union federation as per form-59 (b), ledger of trade union confederation as per form-59 (c).
172. **Certification of registration- (1)** after receiving an application from any trade union, its federation and confederation, if the Labor Director or entitled officer hereby becomes satisfied that, the union, federation and confederation can be registered under law, then he/she will instruct the applicant in written to pay the specified fee in the government treasury through treasury challan for receiving certification of registration
- (2) Under section 189, certification of registration of the Trade Union, Trade Union Federation or confederation will be provided as per form-60.
173. **Registration fee-** (1) registration fee of the trade union organization will be as follow which to deposited in the government treasury through treasury challan, namely:-

Sl.No.	Type of trade union organizations	Registration Fee
1.	Trade Unions	500 / -
2.	Industry based trade union federation	1,000 / -
3.	National -based Trade Union Federation	3,000 / -
4.	National based Trade Union Confederation	5,000 / -

- (2) The Labor Director may provide certified copy of constitution of any document or information of the registered trade unions, trade union federations or confederations to any of its member or representative of the owner.
 - (3) For obtaining a copy mentioned in sub-rule (2), Tk. 120/- (one hundred twenty) for the first 200 words or less, and additional Tk. 60/- (sixty) for the reducing and the rest words to be paid in govt. treasury through challan.
 - (4) In accordance with Article 18, registered trade union, federation or confederation may collect the second copy of the registration certificate from the labor director by depositing Tk. 300/- (three hundred) in the govt. treasury through treasury challan.
174. **Name or address change-** (1) if any trade union changes its name and office address, the trade Union president and general secretary will apply to the Director of Labor to record that within 15 (fifteen) days of change.
- (2) After acceptance of changes mentioned in sub-rule (1), the labor director or entitled officer will issue new certificate in accordance with rule 172 as per demand.
 - (3) For a change of name or address in the constitution of trade union, federation or confederation Tk. 1,000 / - (one thousand) to be deposited in the government treasury through treasury challan as registration fee.
175. **Audit-** Final account of trade union, federation or confederation to be audited by recognized Chartered Accountant as per Bangladesh Chartered Accounts Order, 1973 (P.O No. 2 of 1973)
- Provided that, if the number of members of any trade union does not cross 500 in any time of the year, then audit can be performed by one or more person who is the first member of the Union or is not otherwise involved with the trade union but is experienced in the audit and he or they will be nominated by the Executive Council of the Union for the purposes.
176. **Annual returns submission-** (1) the annual return for each calendar year as per section 201 (1) will be submitted to Labor Director within or before April 30 in the next year as per consequently form -61 (a) and 61 (D), 61 (b) and 61 (d) and 61 (c) and 61 (d) by trade union, the Federation of Trade Unions and the Confederation, and the Labor Director or entitled officer by recording the received annual return will notify the decision.

- (2) If the trade union does not submit returns for consecutive two times and Trade Federation or confederation of unions for three times, then the Labor Director or entitled officer will instruct to submit the returns within 30 days and if fails to comply with such order, Labor Director or entitled officer will apply to the Labor Court demanding cancellation of registration of the trade Union or federation or confederation of trade unions.
- (3) Registration application and all work of relevant to the annual returns submission can be done online by using internet through computer, however, in this case a print copy to be saved for all works done.
177. **Collective bargaining agent selection- (1)** According to section 202 sub-section (2) all unions take action for election of collective bargaining agent (CBA) by selecting election commissioner within not more than 15 days of the expiration of the period of the collective bargaining agent (CBA).
- (2) If the unions fail to take action under sub-rule (1) labor director or an officer authorized by him of its own accord or being requested by the management authority or the trade union will arrange CBA election.
- (3) Under section 202 (8), any objection regarding the list of workers to be submitted within 15 (fifteen) days of the publication of the list.
178. **Ballot paper- (1)** there will be a ballot with print of competing trade unions' name, registration number and respective symbol allotted by the Director of Labor.
- (2) If multiple competing trade unions want the same symbol, then the labor director will give a decision about this and his decision will be final.
179. **Poll workers' recognition or identity card- (1)** under section 202 (1) each worker included in the list must give to the Identity Card with photo issued by the owner to the presiding officer at the time of vote, which The presiding officer will give to the owner's representative at the end of the vote count and the representative will return that to the worker.
- (2) According to section 202 (13) the owner, if requested by the Director of Labor, will arrange the provision of the necessary facilities including finance for conducting election, but the owner and the Director of Labor will not interfere or influence the election.

- (3) If the presiding officer does not become satisfied about voter ID of the voter, then he may refuse to allow him to vote by secret ballot and in this regard his decision will be final.
180. **Nominate a representative-** Each competitor can nominate maximum one person as the representative to be present during vote by secret ballot in each polling booth by applying in written to the presiding officer of every trade union polling center.
181. **Result announcement- (1)** Under section 202 (15) (d), the presiding officer himself will be sign results of the concerned center at the end of counting votes, and will ensure the signatures of representatives present therein.
- (2) Presiding officer will give one copy of the signed election result to the present representatives of unions and the owner's representatives.
- (3) After receiving the results from the presiding officer, which trade union obtain the greatest number of votes will be declared as collective bargain Representative by the director of labor by form-62 as per section 202 (15) (e).
182. **The Collective Bargaining Agent (CBA) office allotment- (1)** the owner will allot an office room for the Collective Bargaining Agent (CBA) according to the organization's infrastructure and at the site in conformity with ventilation and facility of movement of workers inside and outside the organization.
- (2) The owner to provide required number of office chairs, tables, cabinets, power supply, electric ceiling fan, light, notice boards, etc. in the office room mentioned in sub-section (1).
- (3) If dispute rises for establishing the office of the CBA or the allocation of seats or furniture then labor director will take appropriate measures by consulting with the both parties.
183. **Formation of participating committee- (1)** the owner of each company, where at least fifty permanent workers work, will form a participating committee within 3 months of starting operations.
- (2) The total number of members of the two sides participating in the committee will be less than 6 and not more than 30.

- (3) The number of workers participating in the committee will be determined as mentioned proportional rate of workers in the factory or organization mentioned in the table, namely: -

'Table'

The number of general workers			The number of workers participating in the committee	
1	To	100	not more than	6
101	To	400	same	10
401	To	800	same	12
801	To	1500	same	14
1501	To	3000	same	18
3001	To	5000	same	22
5001	To	7500	same	24
7501	To	more	same	30

184. **Nomination of representative in participation Committee by collective bargain agent and trade unions- (1)** in accordance with section 205 (5) to send representatives of workers in the participating committee the current registered trade unions will submit the names and details of the representatives to the owner as per form-63 by receiving the request from him within 10 (ten) days.
- (2) It should be ensured that, nomination of worker representatives by the representatives of trade unions and collective bargaining agent is from the range of different class, branch or departments of the organization:
Provided that, if there is female worker in any class, branch or division of the organization, nomination of women workers in the participating committee will be given priority.
185. **Nomination of owner representatives in the participating committee- (1)** Usually the chief executive or chief of the division or branch or welfare officer will be the representative of the owner on behalf of the organization, and where there is no such division or branch, acting officer of department or branch or welfare officer will be representative of the owner on behalf of the organization.
- (2) In every case mentioned in sub-section (1), that representative will be nominated by the owner.
186. **Name announcing of the sent representatives to the participating committee- (1)** the owner will form participating committee through notice within 7 (seven) days of receive nominations from the collective bargain agent and trade union, and the notice will be displayed on the notice boards, and copy will be sent to other trade unions and Labor Director along with the collective bargain agent:
Provided that, for job termination by retirement, dismissal, or voluntary leave, or inability due to not performing the duty for physical or mental default, or convicted of or involving moral turpitude, if any representative in the participating committee nominated by collective bargaining agent or trade union, the post of that representative of the committee will be vacant.
- (2) Collective bargain agent or trade union may nominate a new candidate of the vacant office of the representative mentioned in sub-section (1), and the

owner will reconstruct the participating committee with the new representative within seven (7) days of receiving the nomination.

187. **If there is no trade union in the organization, the election procedure of worker representatives in participating committee by informing the labor director- (1)** where there is no trade union or collective bargaining agent (CBA) in that case the organization will help in the election of worker representative of participating committee by secret ballot by informing the labor director.

(2) If requested the Director of Labor can monitor such aspects of the work of the election, and the owner of the factory or organization cannot influence such conduct directly or indirectly.

(3) The election conduction committee will send list of elected workers' representatives to the director in writing within 10 (ten) days from the election.

188. **Election Conduction Committee- (1)** the owner will form an Election Conduction Committee of 3 (three) to 5 (five) members from the employer and the worker for conducting the election not less than thirty (30) days prior to the election, and will send a copy thereof to the Director of Labor.

(2) The ratio of representative from the owners and workers in the election conducting committee mentioned in sub-section (1) will be 2:3.

(3) The committee formed under sub-rule (1) will announce a schedule of the election by campaigning through the notice, where make a list of the voters, nomination paper submission, scrutinized, denial, publishing the final list of candidates, and allotment of electoral symbol and the date of the election will specified:

Provided that, opportunity of nomination paper submission to be given within not more than 7 days of notification, and election will be completed within 15 working days after the finalization of the candidacy.

189. **Qualification of the candidates for being elected representative in the participating committee- (1)** any adult workers, whose job duration is not less than six months in the organization can be a candidate held by secret ballot to represent the participating committee:
- Provided that, if the age of an organization is less than one year the job duration of the candidates will not apply in the election.
- (2) The owner will determine how many representatives will be elected from of different classes, branch or department of the establishment.
- (3) If there 50 workers or 10% of total workers are female, there should be provision of representative election from the female workers in the proportion rate.
190. **The voter eligibility- (1)** All workers who are employed by an organization at least 3 (three) months excluding temporary, replacement, trainee, seasonal workers and workers employed be the contractor, can vote representative election of the worker in participating committee.
- (i) A copy of the voter list will be displayed in both public notice board and the open places of the organization, and a copy of the voter list to be sent to the labor director or registrar of Trade Unions.
191. **Nomination- (1)** any voter can propose or support the name one voter for electing the representative in the participating committee.
- (2) In accordance with article 205 (6) the nomination paper supplied by the election conducting committee will be as per form-64, and that to signed by the proposers and supporters and candidates.
- (3) Each nomination paper to be submitted to the election conducting committee by the candidate or his proposer on or before the day of submission of nomination, and committee will receive the nomination paper with written acknowledgement.
192. **Selection- (1)** the candidate himself or his proposer or any other person authorized by him can be present during nomination selection.
- (2) Election Committee will be examine nomination papers before present persons during nomination selection as per sub-section (1), and will dispose of the objections being raised against any nomination paper.

- (3) The Committee may cancel any nomination if satisfied with:
 - (A) The candidate is unfit to be representative of the workers according to the law or the rules; or
 - (B) Disobey any of the rules of the concerned regulation in the case of submission of nomination papers.
- 193. **Voting in election- (1)** if the number of the candidates, whose nomination papers are accepted as valid, is equal to the number of representatives to be elected, in that case all candidates will be declared elected by the election committee through notification.
 - (2) If candidates are more than the seats in any class, branch or sections, then vote will be held by secret ballot on the scheduled date for election.
 - (3) Candidate's name of the candidate and assigned symbol against the candidate's name will be in each ballot paper.
 - (4) The candidate or his proposer or supporter of a representative authorized by the candidate may be present during vote.
 - (5) The election committee agent will announce the result after the end of counting votes and publish that to the owner with the signatures of the candidate or representatives present therein.
- 194. **Officers of participating committee- (1)** the owner or his authorized person will be Chairman of the participating Committee, and will preside over the meetings of participating Committee.
 - (2) The representatives of the workers will select Vice-President from among them, and he may preside over the meeting in the absence of the president.
 - (3) Personnel officer or welfare officer or any such charged officer will be the official representative for the owner in the committee, and will serve as member-secretary, and he shall be responsible for recording the minutes of the committee meetings and will convene meetings.
- 195. **Notice and minute of the meeting-** (1) notice of a meeting participating committee to be issued by giving seven days, but 24 hours notice will be issued in the event of an emergency meeting.

- (2) all copies of reports and minutes of meetings of participating committee to be sent to the organization's chief executive officer, duty officer, collective bargaining agent, each union having representatives in the committee and Director of Labor for the implementation of the decisions.
196. **Quorum of the meeting-** two-thirds of the members present at the meeting will make a quorum of the meeting.
197. **Duration of activity- (1)** duration of activity will be for a period of 2 (two) years from the date of formation of the participating committee.
- (2) The next committee to be formed within 3 (three) months of the expiration of the Committee period, and existing committee will be acting until the new committee will be in charge.
- (3) If any member of the committee is selected for the purpose of meeting any temporary vacancy, he will be a member for the remaining period of the committee.
198. **Vacancy- (1)** if any member be absent in three consecutive meetings without the prior permission of the Chairman, his membership in the Committee will be cancelled.
- (2) If any labor representative is not engage in the organization, or leaves the job or loses the membership of the committee, the participating committee will fill up the vacant post from concerned class, branch or department.
- (3) If the membership of any person is void due to resignation or dismissal or any other reason, his post will be vacant and that trade union will nominate the representative again for that case.
199. **Facilities of the meetings-** the owner will provide all necessary facilities for the management and the work of committee meeting.
200. **Formation of units participating committee- (1)** if participating committee is formed in any organization, that committee can recommend to the owner to separate committees in any branch, department or region of the organization which consist of at least fifty workers.
- (2) After receiving such recommendation the owner will ensure all measures for the formation of the committee of the branch, division or region as per the recommendations.

- (3) Provisions applicable for formation of committee and management of the participating committee of the organization will be applicable for formation of committee and management of the participating committee of the unit.
 - (4) In the case of the representative nomination by the trade union nomination will be among the members of that branch, department or region.
 - (5) The participating committee will be for which units for the branch or department, workers only of that branch or department can be the member of the committee.
 - (6) All copies of reports and minutes of the meeting of units participating committee to be sent to the organization participating committee.
201. **Implementation of decisions or recommendations of the participating committee-** (1) after receiving the recommendation or decision of each meeting of the committee the owner or the authority take the initiative for implementation and execution of that decisions or recommendations urgently, and the owner or the authority will inform the progress of implementation of the decisions or recommendations of the previous meeting in the next meeting of the participating committee.
- (2) Labor director or his authorized officer will observe, monitor and follow-up that either decisions or recommendations of the participating committee is being implemented in the applicable factories or industries properly or not, and will take appropriate action for the decisions or recommendations of the participating committee by law and given power, if required.
202. **Avoiding some actions-** any trade union, trade union federation or confederation, the collective bargaining agent, participating committee or any member thereof will avoid the following actions: -
- (1) Interfere in the administrative functions of the organization;
 - (Ii) Interfere in the employment, replacement and promotion of officers, employees or workers of the organization;
 - (3) Adoption of any vehicles, furniture or any monetary benefits from the authority;
 - (4) Interfere in the production and normal activities of organization; And
 - (5) Convening any strike by not following the rule 204.

Chapter XIV**Dispute dispose, labor courts, labor appellate tribunals, legal proceedings, etc.**

203. **Disposal execution-** disposal paper will be signed in accordance with Form - 65 to fill up the purposes of section 210 (3) and of 210 (8).
204. **Arrangement of secret vote for a strike notice- (1)** collective Will request the arbitrator in written for arranging secret vote for the purpose of providing notice of strike within 7 (seven) day of receiving the certificate of the failure according to Article 211 (1).
- (2) The arbitrator will arrange secret vote counting the contributor members to the CBA in the organizations as voters within the next 15 (fifteen) days of receiving the request, and according to the recommendation of the arbitrator CBA union will take the necessary measures to arrange secret vote.
- (3) "yes" or a symbol in favor of the strike and "no" or any against the strike will be in two boxes in each ballot paper or Electronic Voting Machine used in the secret vote.
- (4) Each participating member will vote by giving "tick" or thumb press or push in one of the two boxes as per his wish.
- (5) The arbitrator will issue the results of the vote in written to collective bargaining agent in the next 4 hours of secret vote, and copies thereof will send to the owner and labor director.
205. **Filing case in labor court or appeal tribunal- (1)** in accordance with article 33 (3) any complaint will be filed as per form-14.
- (2) In accordance with article 132(2) complaints may be lodged as per form-44, 44 (a) or, as the case may be, 44 (b).
- (3) In accordance with article 166 complaints may be lodged as per form-48, 48 (a) or, as the case may be, 48 (b).
- (4) In accordance with article 219 the appeal will be filed as per form-19.

- (5) In case of other offenses inspector general or labor director or controller of provident fund or board of directors or any authority or his authorized officer will legally apply in white paper.
206. **Nomination of member labor court- (1)** in accordance with article 214 (7) in purposes of appointment of a member for the labor court government, owners and workers will call the representatives from the owners and workers of organizations at the national level who are fit and experienced in labor laws.
- (2) There will two different panels in the court to represent the owners and workers, and there will be six members in each panel.
- (3) Each organization which has been requested as per sub-rule (1) will send the name and résumé with photograph for including in the panel and appointment of member in the labor court within fifteen days of receipt of the request.
- (4) Where nomination has been sorted in accordance with sub-rule (1), but has not received in the prescribed period in accordance with sub-rule (2), there Government will have jurisdiction to appoint any such person in the panel to save the interest of owner and workers as per the government consideration.
207. **Resignation by a member- (1)** any member of the Labour Court can resign from the post by written resignation letter to the Chairman.
- (2) By obtaining the resignation letter the chairman will transmit to the Government and the government will take it on that date will be the date of the resignation.
208. **Elimination of a member-** Government can eliminate a member of the labor court by notification in the official gazette, if he-
- (A) loses the character of representation;
- (B) is sentenced for any offense punishable under the law or moral offenses;
- (C) fails to provide a written opinion in any case after being requested by the Chairman of the Labor Court;
- (D) is adjudged bankrupt; or
- (E) was absent in three consecutive meeting of that Labor Court where he is a member, without informing the chairman.

209. **Filling up the vacant post of the member- (1)** in case of vacancy due to death or resignation, the Government will fill up the vacant post within 1 (one) month by that process, which process was used to form the main panel.
- (2) Any member included in the panel under sub-section (1), may remain a member of the panel for remaining term.
210. **Informing for absence-** any member of the labor court may be absent for 6 (six) months in the proceedings of court by informing the chairman.
211. **Allowance-** any member of the labor court will be paid daily allowance determined by the Government to participate in court proceedings.

Chapter Fifteen

Workers taking part in the company's profits

212. **Formation of central fund integrating the buyer and owner in hundred percent export oriented industrial sector.- (1)** within 6 (six) months from the date of Act comes into force, the Government, for fulfilling the purposes of sub-section (3) of Section 232, will create a separate fund namely central fund for the hundred percent export oriented industry to sector wise fund management.
- (2) For the management of the funds described in sub-section (1) the government will form Board of Directors by coordinating the representative of owner and worker of concerned export industries by notification in the official gazette.
- (3) Provisions of Rule 212 of to Rule 226 will be applicable for hundred percent export oriented industrial sector.
213. **Fund management and office.- (1)** the main office of the board for fund management will be at Dhaka.
- (2) The Board may, if necessary, establish branch offices anywhere in the country.
- (3) For the management of the fund of the Board of Directors the Board will appoint a Secretary of, who will act as Secretary Member of the Board of Directors too:

But provided that, until the Board appoints a Secretary, any Government official may act as temporary secretary.

- (4) There will be required personnel under secretary for management of the fund, who will maintain accounts of income and expenditure of the fund.
 - (5) The board may allocate a portion of the profits obtained from investment of fund for payment of the office, salaries, allowances, equipment purchase, management and other expenses and allowances specified in the rule 222.
214. **Sources of the fund.- (1)** after the commencement of these rules fund will be recoverable by the following rate and way, namely: -
- (A) 0.03% of the total amount against each work order fully export oriented industries;
 - (B) Voluntary donations from buyer or work order provider organizations;
 - (C) Voluntary made by the Government;
 - (D) Voluntary donations from foreign individuals or organizations; And
 - (E) Profit from the investment of fund.
- (2) The owner of the hundred percent export oriented industry will inform buyers or work order providers about the donation at the time of receiving order.
 - (3) Lien bank of each organization will deposit the money with separate statement in the fund by collecting as government payment from money export orders stated in clause (a) of sub-rule (1).
 - (4) For fulfilling the purposes of this rule, instruction issued by the Bangladesh Bank from time to time should be followed.
 - (5) Voluntary donations described in clause (b), (c) and (d) of sub-rule (1) may be deposited in the fund directly.
215. **Eligibility for getting benefits from the fund and use of money.- (1)** For fulfilling the purposes chapter fifteen of the Act, eligible to receive benefits of the fund means a person described in the definition of beneficiaries in Article 233(1).
- (2) Each owner will provide the list of all beneficiaries and their successors to the Board of Directors.

- (3) 2 (two) accounts will be opened under the Central Fund of which one is beneficiaries welfare account and the other is emergency accounts.
- (4) 50 (fifty) percent of the total amount of the fund will be deposited in welfare beneficiaries account and the remaining 50 (fifty) percent will be deposited in the emergency account.
- (5) The money collected in the fund will be given at a time for death or permanent disability due to accident or loss of any body part of the beneficiaries of the concerned sector, and may be used for the social security and welfare activities of the beneficiaries.
- (6) Money obtained from the accounts stated in sub-rule (3) will be additional to legal other advantages derived from the factory or institution under the Act.
- (7) Grants will be given from the beneficiaries welfare account in case of the followings, namely:
 - (A) In case of death or late death for an accident at work or occupational disease, or permanent disability for an accident at work or occupational disease, three lac taka donation to the default beneficiary or a appropriate successor and host;
 - (B) In case of death form disease during the work period, or death or permanent disability for an accident outside the work place, two lac taka donation to him or his appropriate successor;
 - (C) any of the beneficiaries of his mutilation of the accident on the job, which is not the cause of permanent disability, whatever the case may be, he will be provided grant money of not exceeding one lac;
 - (D) Arranging treatment or provide financial grants to the ill beneficiaries;
 - (E) Providing scholarships for the education to the talented member of the family of the beneficiaries;
 - (F) Taking other actions for fund management and administrative functions; (G) Establishment of Specialized Hospital as social security benefits; and
 - (H) Taking any necessary action to perform the aforementioned functions and any other performance for the fulfillment of the purposes of this Act.

- (8) Grants will be given from the emergency account in case of the followings, namely:
- (A) As per section 28 (a) the transfer or permanently close any factory or establishment, the whole or partial payment of owed money to the beneficiaries by the Board in accordance with Rule 3:
Provided that, the Board will pay the payment by verifying the owner's inability;
- (B) Payment of annual premiums of group insurance for the beneficiaries:
Provided that, under Rule 98, compulsory insurance is in which institutions, that cannot be suspended until the fund established under this rule is not fully active; and
- (C) Introduction of health insurance scheme for the beneficiaries to ensure the health measures.
216. **Investment of the fund money.-** Board of directors may invest the money of the funds in any profitable and risk free sector, approved by the Government.
217. **Procedure of collecting the fund money.- (1)** lien bank of the organization will transfer the money of clause (a) of the sub-section (1) Rule 214 to the bank account of the fund immediately after liquidation of export work order.
- (2) Money described in clause (b) of sub-rule (1) of section 214 in case of Buyer or buyer organization can voluntarily refer the portion in LC (Letter of credit) at the time of opening LC.
- (3) If lien bank fails to submit the money within the specified time the board may direct for depositing that in the next 30 days.
- (4) If lien bank fails to submit the money in the fund as per clause (a) of sub-section (1) of Rule 214, that will be realized as the government claims, and the board may take other necessary legal action.
218. **Formation of the board of directors.-** the government will form the Board of Directors with integration of the following members, namely:
- (A) Minister or Minister of State for the Ministry of Labor and Employment, Ex-officio, will be its chairman;

- (B) Labor and Employment Secretary, ex officio, its Vice-Chairman;
 - (C) President of the owners' association for the highest foreign currency earning export oriented industrial sector, ex officio, will be its Vice-Chairman;
 - (D) Three members nominated by owners' association for export oriented industrial sector;
 - (E) Three members Workers' Federation in export oriented industrial sector nominated by the Government;
 - (F) Board Secretary, who will be its Member-Secretary.
219. **Term of the member and resignation.- (1)** duration of all members will be the next three (3) years from the date of their nomination.
- (2) Any member can resign from his post by the signed resignation letter to the chairman, and the post will be considered vacant from the date on it received by the chairman.
220. **Disqualification of the member.-** any person will not be qualified to be a member Under clause (c), (d) and (e) of rule 218, if-
- (A) the competent court declares him insane or bankrupt;
 - (B) he has been nominated as a member of the Board twice before;
 - (C) he has been convicted for an offense involving moral turpitude and sentenced to at least 1 (one) year imprisonment by the court and after his release five years have not been elapsed; And
 - (D) he is absent from three consecutive meetings of the Board without the consent of the Chairman.
221. **Elimination of a member.-** with the approval of the government by written the order the board can eliminate any designated member mentioned in clause (C), (d) and (e) of article 218, if he-
- (A) fails or refuses to comply with his duties under the Act and these regulations, or is considered as unable to perform the duties;

- (B) abuses his office as a member by the government consideration;
- (C) achieves or holds anything profitable directly or indirectly regarding welfare fund;
222. **Allowances.**- each member including the Chairman of the Board of Directors will receive daily allowance for attendance at per meeting at the rate determined by the board.
223. **Salaries, costs grant and employee recruitment power of the secretary.**-
- (1) secretary, approval by the Board of Directors, by the Board, from time to time, will receive salary and allowances at the specified rate.
- (2) The secretary may grant, with permission of the Chairman of the Board, highest one lac taka annually as per budget allocation for any sudden expenses, supplies and materials needed for the ongoing of the fund management.
- Provided that, approval of the board concerning the granting of such expenditure will be needed at the next meeting of the Board.
- (3) Board may appoint the required number of employees including the creation of the post efficient management of the fund administration.
- (4) Employee hiring process, staff job terms, salaries, allowances, etc. under sub-rule (3) will be made by the Board by prescribed regulations on the approval of the government.
- (5) In the absence of the secretary, any officer, designated or appointed by the board, will perform such other duties administrative responsibilities.
224. **Meeting of the Board of Directors.**- (1) Board meetings will be held at least once in every four months, and Board Secretary, by consultation with the Chairman, will fix date, place and time of each meeting, notice will be sent to the address of each member by registered post or by any other means acceptable to the members at least seven days before the date of each meeting of the meeting, but in case of emergency meetings, notice of such meetings to be sent in the three days before the meeting.
- (2) Notwithstanding anything contained in the reference of sub-rule (1), if at least half of the members of Board of Directors request in writing, the secretary, by consult with the Chairman, will convene board meeting within 10 (ten) days of receiving request.

- (3) The Chairman will preside at each meeting and if in a meeting of the Board the chairman is absent, Secretary, Labor and Employment Ministry, the Vice-Chairman of the Board, will preside over the meeting and will sign the meeting's resolution.
 - (4) At least one of the members representing the owners and workers and more than half of the members will be in attendance to make the quorum at a meeting of the Board of Directors.
 - (5) Notwithstanding anything contained in Sub-rule (4), If the quorum of any meeting does not form in one hour, the meeting will be adjourned and the adjourned meeting will be held in the next ten days and if the quorum is not formed in adjourned meeting, then for the third meeting in the presence of any number will be treated as the quorum.
 - (6) All things regarding the fund will be raised in the board meeting, and decision will be taken by a majority vote of the members and in any case where equal number of votes is given, the Chairman will give the determining or casting vote.
 - (7) Minute of each meeting with names the present members will be given to each member and the government within the next 7 (seven) days, which will be consolidated in the next meeting of the Board.
225. **Accounts and Audit.- (1)** a central account will be conducted for which sectors this rule applies.
- (2) Board will preserve the money deposited in the central account as per different industries.
 - (3) The Board will properly maintain the accounts of the funds and prepare an annual report.
 - (4) The board will audit fund through an authorized auditor each years.
 - (5) for the purpose of observing the purpose of Sub-rule (ii) an auditor may check all records, documents, cash or bank accounts, securities, treasury and other property and examine any member, officer or employee of the board.
226. **Annual reports of two funds.-**the board will submit accounts of the previous year as a report to the Government by 31 March of each year.
227. **Management of Workers Participation Fund and the Workers Welfare Fund.-** (1) after the commencement of Workers Participation Fund and Workers Welfare Fund By a company in accordance with section 234, a Trustee Board will be formed within 30 (thirty) days for the management of two funds in accordance with section 235(1).

- (2) The nominee from the company's accounts department will perform the functions as secretary of the fund.
 - (3) In order to assist the Board in conducting the work of the Board the company's expense has to arrange the office of the Chairman, and official employee as required.
 - (4) The secretary will prepare a list of names of those beneficiaries who are entitled to get the privileges of from two funds.
228. **Accounts maintain of two funds.- (1)** referred to in Rule 227 the Trustee Board will open account in any scheduled bank to operate two funds.
- (2) Four members of the Board will be entitled to operate the accounts and a company representative and a worker representative can withdraw money from the bank accounts by joint signatures.
 - (3) In case of termination of employment of any member of the Trustees Board, his representation will be omitted immediately and in such a case or otherwise such a void of any member of the Trustees Board, the vacant post will be filled up within 15 (fifteen) days by election or nomination for the party that has lost representation the board of trustees as per Article 235(1).
229. **Activity of the Board.- (1)** The meeting will be convened within 15 (fifteen) days from the Board has formed, and its performance management system should be prepared:
- Provided that, if Board enacted anything contrary to any law or the rules of procedure will be deemed void.
- (2) Under sub-section (1) the following matters may be included in the work procedure approved by the board, namely:
 - (A) Following the publication of the company's annual accounts set up, payment, investment of the part of the fund in favor of each eligible beneficiary and determining the method of the annual meeting of the Board for use of the welfare fund;
 - (B) Determine the method of additional meetings for the hearing of a complaint against the cancellation of the beneficiary in the fund;

- (C) Formation of an executive committee for the daily performance of the Board comprising an equal number of representatives of the Company and the beneficiary parties;
 - (D) Determine the decision-making process of any question by sending the documents to the Board of Trustees real problems in terms of holding meetings;
 - (E) Determine the requirements of quorum for Board meetings and notice; and
 - (F) Resting the responsibilities of office, records and functions management on the Secretary.
230. **Duration of Board.- (1)** Duration of an elected or nominated Trustee of the board will be for a period of three (3) years.
- (2) The trustees of the board will receive no remuneration for the duties, but company will bear their reasonable travel expenses to attend the meeting of the Board.
231. **Limitations of the capacity of trustees.-** Trustees will not vote during decision making of the scheme of self-interest or in the question of own right or facilities.
232. **Eligibility for benefits from two funds.- (1)** for fulfilling the purposes of the Fifteenth chapter of the Act, eligible beneficiaries means a person described in the definition of beneficiaries in Article 233(1)(i).
- (2) Each owner will provide such a list of all the beneficiaries or workers and their heir or nominee list as per form-41 to the Board.
233. **Distribution of Funds.-** within 2 months of receiving the money of participation fund Trustee board will equally distribute 80% money as per Article 233(1)(i) following the section 242(1) among such person or the beneficiaries in cash regardless of rank whose job duration is 9 (nine) months on the date of transfer of dividend in fund.
234. **Accounts and Audit.-** followed by section 248 the Board to maintain the accounts of two funds separately and annual audit to be done and every member to provide the statement of his received accounts within 90 (ninety) days of the audit is done.
235. **Annual report of two funds.- (1)** The Board will submit statements of account of the previous year as a report to the owner in accordance with for-81 (j) by 31 March of each year.

- (2) After receiving statements by the Board, the owner has to submit a copy to the Factories and Establishments Inspection Department.
- 236. **Miscellaneous.- (1)** All acts and decisions of the Board should be equal for all beneficiaries and no discrimination cannot be done regarding the facilities among the workers.
- (2) Under Chapter fifteen of the Act, any income or benefits of the workers cannot be mortgaged, exchanged or sold.
- (3) The owner cannot receive any advance or loan from of fund for any type of personal needs or any other business purposes.
- (4) If acts of fifteenth chapter become repealed for any company, assets will be distributed among beneficiaries on the basis of the net asset value on the date of such repeal, and the allocation will be either cash or asset that will be determined by the Board.

Chapter Sixteen

Provident Fund

- 237. **Formation of provident fund and the rules.- (1)** Formation and management of provident fund in a non-governmental organization will be governed by the seventeenth chapter of the act, these rules and the organization's own approved jobs rules.
- (2) A non-governmental organization may make its own rules for development and management of the provident fund:

Provided that, no provision of its own rules cannot be subversive of the provisions of the seventeenth chapter of Act and these Rules.
- (3) If a provident fund is formed in a non-governmental organization to the In the absence of organization's own rules it will be governed by these rules.
- (4) Immediately after the formation of provident fund the owner will constitute a board of trustees in accordance with the provisions of Article 264 of the organization for these purposes.
- (5) in accordance with Article 264 (10), if not less than three-fourth of the workers in the organization submit a written petition to the owner of the organization the owner will be bound to a form a Board of Trustees to manage the fund for this purpose.

- (6) For the purposes of this chapter, the worker means all employed in the company regardless of rank, except the owner or partner, or members of the Board of Directors.

238. Eligibility to be a member of provident fund.- (1)

Provident fund of any organization established under the law and the rules all employed in the company regardless of rank, except the owner or partner, or members of the Board of Directors, minimum for one year, will be members.

Provided that, the illegal lock-out, legitimate strike, lay-off days and weekly vacation, sick leave, casual leave, maternity leave of more than sixteen weeks and any kind of authorized leave or absence of workers due to the holiday or vacation will not shorten the continuation of the employment in the organization.

- (2) Within 15 (fifteen) days to qualify to be a member of the fund the owner will submit name and other information of the worker and his chosen successor to the Board of Trustees as per form-67.
- (3) If nomination has not given at the time of joining, the owner will direct the worker to submit the nomination with a passport size photo of him and his nominee within 10 (ten) days of become a member and the worker will submit his information in the specified form to the owner within the next 10 (ten) days of receiving the direction, which the owner will submit to the trustee board within 5 days of receiving that.
- (4) Any question raised regarding become or continue the membership in the fund or about the date of being member the Trustee Board will decide regarding that.
- (5) Within thirty (30) days of being notified that against the decision of the Board the aggrieved worker may lodge appeal to directorate general or entitled officer of Factories and Establishments Inspection Department.
- (6) If such an appeal has been filed by the person to whom it is filed, will the settle that within 30 (thirty) days by giving the both parties an opportunity to hear an appeal.

- 239. Distribution of account numbers.-** after receiving information from the owner, the Board of Trustees, as soon as possible, will grant the worker an account number as per form-68 in specified way by the board, and will notify the owner and the worker through the owner.

240. **Nomination of members of the Board of Trustees.- (1)** the Board of Trustees of the fund of the organization will consist of not more than 7 (seven) members.
- (2) Representatives of owner will be nominated by the owner:
Provided that, officials of the accounts department will be given priority for such nomination.
- (3) Collective Bargaining Agent of the organization will nominate the workers' representatives for the representative of workers:
Provided that, where there is no collective bargaining agent, workers' representatives will be nominated by the existing trade unions:
Provided further that, where there is no trade union organization in that case, workers' representatives will be nominated by the workers' representatives of the participating Committee:
Provided further that, where there is no collective bargaining agent or a trade union organization or participating committee, in that case, workers' representatives will be nominated from the workers of that organization under supervision of welfare officer.
- (4) An equal number of owner and workers' representatives will be the members of the Board of Trustees.
- (5) Members from themselves will nominate a Vice-Chairman for one (1) year.
241. **Term and resignation of the member.- (1)** duration of all members will be the period of 2 (two) years from the date of his nomination.
242. **Disqualification of the member.-** any person will not be qualified to be a member under rule 240, if-
- (A) the competent court declares him insane or bankrupt;
- (B) he has been nominated as a member of the Board twice before;

- (C) he has been convicted for an offense involving moral turpitude and sentenced to at least 1 (one) year imprisonment by the court and after his release five years have not been elapsed; And
 - (D) he is absent from three consecutive meetings of the Board without the consent of the Chairman.
243. **Elimination of a member.-** with the approval of the government by written the order the board can eliminate any designated member mentioned in clause (C), (d) and (e) of article 218, if he-
- (A) fails or refuses to comply with his duties under the Act and these regulations, or is considered as unable to perform the duties;
 - (B) abuses his office as a member by the government consideration;
 - (C) achieves or holds anything profitable directly or indirectly regarding welfare fund;
244. **Secretary of the Board.-** members of the trustee board, will nominate one person from among its members other than the Chairman.
245. **Meeting Board of Trustee Board.- (1)** Trustee Board meetings will be held at least once in every four months, and Board Secretary, by consultation with the Chairman, will fix date, place and time of each meeting, notice will be sent to the address of each trustee by registered post or by any other means acceptable to the trustee s at least seven days before the date of each meeting of the meeting, but in case of emergency meetings, notice of such meetings to be sent in the three days before the meeting.
- (2) Notwithstanding anything contained in the reference of sub-rule (1), if at least half of the members of Board of Directors request in writing, the secretary, by consult with the Chairman, will convene board meeting within 10 (ten) days of receiving request.
 - (3) The Chairman will preside at each meeting and if in a meeting of the Board the chairman is absent, Secretary, Labor and Employment Ministry, the Vice-Chairman of the Board, will preside over the meeting and will sign the meeting's resolution.
246. **Quorum of Board- (1)** At least one of the trustees representing the owners and workers and more than half of the trustees will be in attendance to make the quorum at a meeting of the Board of trustees.

- (2) Notwithstanding anything contained in Sub-rule (4), If the quorum of any meeting does not form in one hour, the meeting will be adjourned and the adjourned meeting will be held in the next ten days and if the quorum is not formed in adjourned meeting, then for the third meeting in the presence of any number will be treated as the quorum.
247. **Resolution.-** All things regarding the fund will be raised in the board meeting, and decision will be taken by a majority vote of the trustees and in any case where equal number of votes is given, the Chairman will give the determining or casting vote.
248. **Minutes of the meeting.-** Minutes of each meeting with names the present trustees will be given to each trustee and the government within the next 7 (seven) days, which will be consolidated in the next meeting of the Board.
249. **Employment of workers.-** Board may employ workers for conducting the administrative activities of the fund.
250. **Subscription.- (1)** wages of the workers is provided in which way, the payable donation rate will be determined by calculating on the basis of not less than seven and not more than eight percent of the monthly original wages.
- (2) during payment of wages the worker by deducting the specified money for donation for the provident fund with an equal amount of money to be deposited in the fund through pay order or bank draft by the owner within fifteen days after the end of the month and the bank charges for pay order or bank draft will be borne by the owner.
- (3) Within fifteen days after the end of each month, the owner will send a monthly report to the board and in the report the amount deducted from each worker and the amount refers to the amount of money given by the owner will be stated and if money is collected from the wages of the workers in any month for any reason that will be deducted from the next month's wage.
- (4) In accordance with Sub-rule (2), the Secretary will acknowledge it within ten days of receiving the money.
251. **Return due to the termination of employment.-** the workers who are members of the fund and whose employment has been terminated in the previous month, a list of such workers will be transmitted to the Board within 15 (fifteen) days at the end of each month in the form of return by the owner.
252. **Maintaining the accounts of provident fund.- (1)** the Secretary will deposit all money received in the fund by opening of an account of a scheduled bank determined by the Board.

- (2) the bank account will be jointly governed by the Chairman of the Board of Trustees, representatives of the owners and workers parties and money can be withdrawn by the joint signature of the Chairman and another member approved by the Board.
 - (3) Money deposited with the subscription of the employer and the worker, and the earned profit or revenue or profit to be kept separately in the register in account of each member.
253. **Owner's accounts and statements.- (1)** Every owner will keep the accounts of his own parts and labor donations in the provident fund by the method directed by the board time to time.
- (2) as soon as possible after the end of each year, the Board Will provide a written and signed statement containing opening balance at the beginning of the year, the donation of the year, deposited profit at the end of the year, received advance and paid installment and the balance of the year-end in the fund to each member.
 - (3) The members themselves will be ensured regarding the annual accounts, and will send the statement to the Board within 3 (three) months of receiving such amendment if any error occurs, and the board will back a report to the member within next 10 (ten) days after necessary verification and amendment that if defect found.
254. **The annual report on the actions of the fund.- (1)** The Board will submit accounts statement of the fund of the previous year to the owner in accordance with form-81(k) within March 30 in each year.
- (2) After receiving the accounts statement the owner will send a copy of that to the Factories and Establishments Inspection Department.
 - (3) The Board will prepare an annual summary of a classified statement of the assets of the fund as per form-69 and a balance sheet and will enclose the copies of those with the annual report to be submitted to the Inspector General of Factories and Establishments Inspection.
255. **Revenue Account.-** A revenue account of the provident fund to be opened in which all profits and other investment, earned profit and any money forfeited to the fund will be deposited separately and by the same way money to be shown in the costs sector as securities sales, lowering by securities price reduction, security tax and grants.

256. **Member's account.- (1)** An account to be opened in the name of each member in the ledger of the office fund in which paid subscription, owners part in favor of the worker, proportional share received dividend from profits and investment will be submitted.
- (2) Within three months after the end of each year, the Board Secretary will examine the things shown in the account of each member and if any error appears that will be amended and a signed sector wise statement will be provided to each worker.
257. **Investment of money of the fund.-** money of the fund, by the decision of the board, may be invested in sectors stated in section 264(12) and to purchase the moveable assets in Bangladesh.
258. **Operating costs.-** The owner will execute the salaries, allowances, etc. and all administrative expenses, audit accounts and legal expense, stationary expenses, forms, furniture, rent, tax and other reasonable expenses of the fund.
259. **Type of the account.-** the owner or the Secretary will maintain the operation account including fund account in the manner prescribed by the board.
260. **Account audit.-** The annual accounts will be audited by the recognized audit firm in accordance with the provisions of the Companies Act 1994.
261. **Dividends or profit.- (1)** dividends or profits earned by investment of the deposited money in the fund to be deposited in a proportionate in account of as every member at the end of the year.
- (2) The accumulated profits in the accounts of the members to be shown in the fund as cost.
- (3) Profit from the first day to last day to be deposited in the deposit sector of each member.
- (4) Profit on the payment claim or partial term to be paid at the rate of profit of the previous year and will be deposited as monthly rate for months of partial term.
262. **Nomination of nominee.- (1)** Every member will provide nomination with the photo of his nominee in accordance forms-41 by giving the right of receiving the money of the fund in his name in case of his death.
- (2) In which case member has family during the time of nomination, in that case nomination will be one or more members of the family, otherwise it will not be accepted.

- (3) If a member wishes to divide money in his name proportionately to the nominated people, then he may state it his nomination paper.
 - (4) If the designates person dies before the member, the member will provide a new nomination.
 - (5) The nomination given by the member can be changed at any time based on a written notice from the member.
 - (6) Any nomination or any change to it will be effective from date the Board receives that.
263. **Conditions for payment of the fund money.- (1)** If termination of any job of any member happens after completing two years of service the organization, he will receive all his deposited money in his name with the part of the owner.
- (2) Any member can withdraw his membership from the fund by applying in writing to the board if he does not intend to hold his membership, and if such withdrawal of membership happens after completing two years of service in the organization then he will receive all his deposited money in his name with the part of the owner.
 - (3) If tenure of service of any member is less than two years or member of a fund for less than a year, he will receive his part form the fund:
Provided that, anyway the tenure is, due to the death or closure of the organization the member will receive the both part deposited in the fund.
264. **Payment of the money of the dead member.-** before the money in the fund is payable, or after being payable but before paid if the member dies-
- (A) In case of valid nomination, money deposited in the name of the member or any part of that will be paid to the designated person or persons in accordance with the nomination.
 - (B) If the nomination does not exist or if any of nomination is not applicable on any part of the deposited fund, in that case complete deposit or on which part is not applicable that part will be payable to his family members according to the law of deceased's family.

265. **Payment of the money of Provident Fund.- (1)** in which case money deposited in the name of any member or after cutting the remaining money is payable in accordance with rules, in that case the Board will close the account of that person and the money is payable to which person, a written notice will be issued to him specifying the amount of payable money.
- (2) If conflict or doubt arises for any part of the amount payable, in respect of that the board will pay that part immediately where there is no conflict or doubt, and will settle the matter as soon as possible.
- (3) In accordance with rules money is being paid to the person who is minor or insane, in that case money to be paid to any guardian for a minor person as per Guardian and Wards Act, 1890 (Act No. VIII of 1890) and to any manager assigned for insane person as per Lunacy Act, 1912 (Act No. IV of 1912) and where there no guardian or manage is not appointed, in that case money to paid to the legally entitled person for the minor or insane.
- (4) As per this rule Upon receipt of this in accordance with the the interested person has to apply to the Board in written and money can be sent through cross check by money-order or registered post as per the person's wish, or through bank draft or pay order by hand delivery with acknowledgement.
266. **Receiving Advance form the fund.- (1)** Any member can take in advance as per the following terms and conditions on the approval of the Board of Trustees from balance of the his account, namely:-
- A) For execution of medical expenses of the contributor or any member of his family;
- B) For execution of any other essential expenses of the marriage, death rites of the contributor or any member of his family;
- C) For execution of expenses to build or repair homes or to buy homes or flat or to buy land to build home;
- D) To pay the life insurance premiums of a contributor or his wife;
- E) For execution of expenses of sea or air travel of a contributor or any member of his family; and
- F) For execution of education expenses of the children of any contributor member.
- (2) Any advance will not be more than 80% (eighty) percent of the total balance of income tax-free contributions and dividends deposited in the account of the member, and no other advance will be granted until the previous one is fully paid.

- (3) Money received as advance to be paid in not more than 60 sixty equal monthly installments:
Provided that, no installment of the advance will be more than one-third of the monthly wages of the worker.
- (4) By sharing the money received as advance into equal installments for the payment of the main advance, a further installment will be paid out as interest thereon.
- (5) The money collected in the fund will be considered as money of the members and the owner cannot take any advance or loan for the company or any other commercial purposes or personal need.
267. **Operating the functions of the Board.**- All orders and documents will be submitted and executed in the name of the Board, that will be certified by any officer entitled to such matters
268. **Penalty for violation, etc.- (1)** If any person-
- (A) Fails to pay any fee payable in accordance with these rules without sufficient cause;
- (B) Cuts or tries to cut the owner's part from the wages or other remuneration of the member;
- (C) Fails or refuses to submit return, statement or any other document that is required or instructed to submit;
- (D) Submits false returns, description, or provides false statements;
- (E) Becomes guilty for not fulfilling or breaking the requirements of these regulations or for any other purpose;
- (F) Takes advance or debt by the influence the owner or by any machinations;
Then he will be punishable in accordance with Article 298.
- (2) If the Board of Trustees gives loan at interest rates lower than bank, or permits to use the money in the business of the owner, or allows for own gain, then the owner and members of the Board of Trustees will be punishable under section 409 of the Penal Code, 1860 (Act No.5 of 1860).

269. **Necessity of the provident fund:-** in this chapter-
- (A) Provisions of Rule 268 of 237 will be applicable for non-governmental organizations;
 - (B) Provisions of Rule 70 of the 302 will be applicable for tea gardens; and
 - (C) Provisions of Rules 327 and 303 will be applicable for the workers of the newspaper.
270. **Provident fund in tea-garden:-** Tea garden worker provident fund will be treated as formed as per rules of trustee board Act.
271. **The obligation to be a member of the provident fund.- (1)** Followed by the provision of Article 268 (1) every worker who completed one year of service in tea gardens except the trainee to be a member of the fund, and at the time of being member photo of the member and nominee to be submitted to the office of the controller.
- (2) Any question raised regarding become or continue the membership in the fund or about the date of being member the Trustee Board will decide regarding that.
 - (3) Within 15 (fifteen) days to qualify to be a member of the fund the owner will direct the worker to submit his information in the specified form to the owner within the next 5 (five) days of receiving the direction, which the owner will submit to the trustee board within 5 (five) days of receiving that.
- Provided that, where the same worker is already a member of the fund, in that case the owner inform the controller by registered post with name, account number and other details of the previous owner within seven days of appointment and will collect the receipt.
- (4) As per form-67 each owner will send a return to the controller about each worker eligible to be a member within 30 (thirty) days of being this rules effective.
272. **Distribution of account numbers.-** after receiving information from the owner, the Board of Trustees, as soon as possible, will grant the worker an account number as per form-68 in specified way by the board, and will notify the owner and the worker through the owner.

273. **Meeting of the Board of Trustees.- (1)** Board meetings will be held at least once in every two months.
- (2) Controller, by consultation with the Chairman, will fix date, place and time of each meeting, notice will be sent to the address of each member by registered post or by any other means acceptable to the trustees at least 14 (fourteen) days before the date of each meeting of the meeting, but in case of emergency meetings, notice of such meetings to be sent in the 7 (seven) days before the meeting.
- (3) Notwithstanding anything contained in the reference of sub-rule (2), if at least half of the members of Board of Directors request in writing, the secretary, by consult with the Chairman, will convene board meeting within 14 (fourteen) days of receiving request.
- (4) The Chairman will preside at each meeting and if in a meeting of the Board the chairman is absent, the present trustees will make one trustee to be president of the meeting, and he will preside over the meeting and will sign the meeting's resolution.
- (5) All things regarding the fund will be raised in the board meeting, and decision will be taken by a majority vote of the members and in any case where equal number of votes is given, the Chairman will give the determining or casting vote.
- (6) If vote is needed to take decision then vote can be given by raising hand and chairman can arrange the secret ballot if the majority of the trustees claim vote in secret ballot.
274. **Quorum of the meeting:- (1)** At least one of the members representing the owners and workers and at least trustees will be in attendance to make the quorum at a meeting of the Board of trustees.
- (2) Notwithstanding anything contained in Sub-rule (1), If the quorum of any meeting does not form in one hour, the meeting will be adjourned and the adjourned meeting will be held in the next ten days and if the quorum is not formed in adjourned meeting, then for the third meeting in the presence of any number will be treated as the quorum.
275. **Minutes of meeting:-** Minutes of each meeting with names the present members will be given to each member and the government within the next 7 (seven) days, which will be consolidated in the next meeting of the Board.

276. **Fee and Allowances.- (1)** Provision of first class employee benefits for travel on government work will be applicable for the Chairman and each Trustee of the Board.
- (2) If any trustee receives any travel or other allowance he cannot claim allowance from the board for the same travel.
- (3) Chairman of the Board of trustees will receive monthly remuneration and members will receive daily allowance for attendance at per meeting at the rate determined by the board.
277. **Salaries, costs grant and employee recruitment power of the controller.- (1)** The controller, approval by the Board of Directors, by the Board, from time to time, will receive salary and allowances at the specified rate.
- (2) The controller may grant, with permission of the Chairman of the Board, highest one lac taka annually as per budget allocation for any sudden expenses, supplies and materials needed for the ongoing of the fund management.
- Provided that, approval of the board concerning the granting of such expenditure will be needed at the next meeting of the Board.
- (3) Board may appoint the required number of employees including the creation of the post efficient management of the fund administration and employee hiring process, staff job terms, salaries, allowances, etc. will be made by the Board by prescribed regulations on the approval of the government.
- (4) In the absence of the controller, the assistant controller will perform such other duties administrative responsibilities.
278. **Subscription.- (1)** wages of the workers is provided in which way like daily, weekly, fortnightly or monthly, the payable donation rate will be determined by calculating on the basis of the monthly original wages.
- (2) during payment of wages the worker by deducting the specified money for donation for the provident fund with an equal amount of money to be deposited in the fund through pay order or bank draft by the owner within 15 (fifteen) days after the end of the month and the bank charges for pay order or bank draft will be borne by the owner.
- Provided that, in case of deposit and payment of money by check of bank in small-town, in that case check to be paid by adding the check collection fee.
- (3) If the contribution of the workers is not deducted in any month, for any reason or mistake that will be deducted in the next month's wages, and likewise if an additional amount more than the fixed rate is deducted in any month that will be adjusted during the deduction in the next month.

- (4) Retainer allowance paid to any worker in any garden during the time excluding the monsoon, which will be treated as wages to fulfill the purpose of these rules.
 - (5) In accordance with Sub-rule (2), the controller will acknowledge it within ten days of receiving the money.
 - (6) Within fifteen days after the end of each month, the owner will send a monthly report to the board and in the report the amount deducted from each worker and the amount refers to the amount of money given by the owner will be stated and if money is collected from the wages of the workers in any month for any reason that will be deducted from the next month's wage.
 - (7) Deducted money from the wages of any worker as payable subscription in the provident fund will be treated in custody of the owner until the controller receives it.
279. **The member will not pay the part of subscription payable by the owner:-** The owner cannot deduct the part of subscription payable in the fund by him from the wages of the worker, or cannot collect in other way.
280. **Return:-** The workers who are members of the fund and whose employment has been terminated in the previous month, a list of such workers will be transmitted to the Board within 15 (fifteen) days at the end of each month in the form of return by the owner.
281. **Owner's accounts:-** Every owner will keep the accounts of his own parts and labor donations in the provident fund by the method directed by the board time to time.
282. **Accounts of provident fund.- (1)** the controller will deposit all money received in the fund by opening of an account namely "Provident Fund Account" in a scheduled bank determined by the Board, and the profit account with subscription of the owner and worker will be separately shown in the register.
- (2) A revenue account to be opened in which all profits and other investment, earned profit and any money forfeited to the fund will be deposited separately and by the same way money to be shown in the costs sector as securities sales, lowering by securities price reduction, security tax and grants.
 - (3) There will be a separate account namely operating account in which all administrative expenditure will be displayed.

283. **Member's Account:- (1)** An account to be opened in the name of each member in separate register of every tea garden in controller's office, in which the follow fund will be deposited, namely:-
- (A) his paid contribution;
 - (B) the owner's part in favor of the member; and
 - (C) profit in accordance with the law.
- (2) Profit to be deposited separately with the workers contribution and the owner's part and before the end of each year the controller will examine the things shown in the member's account and if any error appears he will correct it.
284. **Investment of funds:-** All fund, by decision of the Board, to be deposited in the scheduled bank and not less than 50% of that can be invested in one or more sectors as follows, namely:-
- (A) In government's unconditionally guaranteed profit-based savings and bonds;
 - (B) In government's unconditionally guaranteed schedule bank's term deposits;
 - (C) Stock or debenture of other company whose profit is guaranteed by the government;
 - (D) Buying of immovable property situated in Bangladesh:
- Provided that, the property will not be the leased the total value of property will not be more than one-third or in case of building, it will not be more than half of the mortgaged money.
- (2) If any money has been spent in any investments or losses, that will be charged to the account of revenue.
 - (3) The controller will prepare an annual summary of a classified statement of the assets of the fund as per form-69 and a balance sheet (up to 30th June of each year) and will enclose the copies of those with the annual report to be submitted to the Inspector General of Factories and Establishments Inspection.
285. **Operating costs.- (1)** Fees and allowances of trustees of the board, the salaries, allowances, etc. of the employees and all administrative expenses, audit accounts and legal expense, stationary expenses, forms, furniture, rent, tax and other reasonable expenses of the fund will be spent from the operation account as per approval of the board.

- (2) The controller will maintain the fund accounts including “operation account” in the manner prescribed by the board.
286. **Account audit.- (1)** The annual accounts will be audited by the recognized audit firm in accordance with the provisions of the Companies Act 1994.
- (2) Auditor appointed under sub-section (1) will audit the fund account and will send three copies of the duly signed and sealed audit report to the Board and will send a copy thereof to the Government.
287. **Budget:- (1)** The controller, by preparing a budget for the next year within the first fortnight of June in every year, will submit it to the Board in which the potential amount of the collection, levy of the administrative expenses and the proposed expense for the next year will be displayed.
- (2) During formulation of the budget, the cost of the overall management can be spent from collected money special precautions to be taken for that and if the Board feels any cost unavoidable then such costs will require the prior approval of the government.
288. **Profit:- (1)** The earned profit from the fiscal accounts to be deposited in each member’s account proportionately by the end of the year.
- (2) The total profit deposited in the members’ accounts will be shown as revenue expenditure.
- (3) Profit to be deposited in the deposit sector of each member from the first days to last day:
- Provided that, in the name of the members deposits money is payable, then from the first day of the current term that the money be taken from the day to day of the previous month to the day, or refund the money due to be paid until the end of the month for the next six months previously, that will be credited to the profit:
- Provided further that, profit on payment claim or partial term will be paid at the rate of previous year’s profit, and will be deposited at monthly rate for the partial months.
- (4) The Board will, if considered necessary, such reasonable rates on the money withdrawn for the payment in Life Insurance Policy by the member, may result in charges to meet the cost of similar charges for the similar policy premium, as determined by the Board, after the realization of ways, the fund will be credited to revenue.

289. **Nomination of nominee.- (1)** Every member will provide nomination in accordance forms-41 by giving the right of receiving the money of the fund in his name in case of his death.

Provided that, if the member is minor, he cannot make any nomination before his maturity.

Provided further that, if that minor dies before being mature, all money deposited in his name in the fund will be payable to his family members as per law.

(2) If a member wishes to divide money in his name proportionately to the nominated people, then he may state it his nomination paper.

(3) In which case member has family during the time of nomination, in that case nomination will be one or more members of the family, otherwise it will not be accepted.

Explanation: In this rule, “member in family” means for the male member wife, married and unmarried children, adopted son-daughter, dependent father-mother, and the wife and children of the dead son, for the female member husband, married and unmarried children, adopted son-daughter, dependent father-mother of the member or her husband, and the wife and children of the dead son.

(4) If the designates person dies before the member, the member will provide a new nomination.

(5) The nomination given by the member can be changed at any time based on a written notice from the member.

(6) Any nomination or any change to it will be effective from date the Board receives that.

290. **Payment in life insurance policies:- (1)** for payment in life insurance policies how much money comprising of the subscription and profit on that has been deposited in the name of any member of the fund in the past year, no more than that amount of money to be can be withdrawn not exceeding once in twelve months:

Provided that, until submission of details of the proposed life insurance policy to the controller in the prescribed form and until it is accepted as appropriate, no permission can be given to withdraw this money and no permission can be given to withdraw more money than the originally payable money as premium or subscription.

Provided further that, if allowed to withdraw such money, the controller will pay that money to that insurance company directly and take the receipt of that payment.

- (2) In case of new policy, after receiving the first premium the insurance company will deposit the insurance policy in favor of the appointment of the Board and the controller, taking the title and signature of the member, will keep the policy in safe custody.
 - (3) Within three months of first money withdrawal from the fund the policy, for the security of the money raised, the Board will appoint the right and that to be transferred the controller.
 - (4) Before granting permission to withdraw as the old policy the moderator to be satisfied by whether this is the policy has any right to be appointed by sending the matter to the policy company.
 - (5) Without the prior approval of the Controller any condition of the policy can be changed or any that cannot be replaced by the any new policy and the details regarding conditions change or new policy to be submitted to the Controller by means determined by the controller.
 - (6) Where the rights of the policy is not assigned and delegated to it that case if withdrawal of money as policy in respect to the money at the rate of five percent of the members, otherwise the controller will instruct to deduct the money from the wages of members.
 - (7) the accepted policy according to this rule will be effected on the member's life and legal title will be appointed by the member to the Board.
291. **Saving the money raised from the bonus:- (1)** during the policy is active if the withdrawal of the money of the bonus is optional by a member according to the terms of the policy, the member may withdraw the bonus money and the member cannot be prevented to withdraw bonus money in accordance with the conditions of the policy.
- (2) For the interests of withdraw bonus money the member to provide that in the fund and such amount will be adjusted against the withdrawn money, or if the member fails to deposit it, in that case the controller, will instruct to deduct the money from the wages of members.
 - (3) If any policy to the Board is matured or the member get money through other way be before leaving job, in that case board will collect that money with the earned bonus and will deposit that money in the fund in the name of the member.

292. **Employment of re title of the policies:- (1)** Where a member
- (A) Retires due to age or length of service;
 - (B) Retires due to permanent physical or mental inability;
 - (C) Receives permission to withdraw the deposit in the fund by being entitled by the Board or by the Controller of the Board;
 - (D) Withdraw the deposit in the fund by being entitled by the Board or by the Controller of the Board and deposited again in that case the Board will re-submit the same title of the Board in the name of the member in written and the member will receive that.
- (2) If any member dies before leaving the service then the Board, in that case, will appoint the re-right to nominated person (if any) or other person who may is found legal to get it, and the insurance company will transfer that to such person.
293. **Conditions of payment in the fund:- (1)** A member can withdraw all money in his name in the following cases, namely:-
- (A) if takes retirement normally from service in the garden in accordance with the law;
 - (B) If takes retirement for total inability due to physical or mental disability under certification of the qualified doctor:
Provided that, any outgoing member may withdraw the deposited money after three months of the retirement.
- (2) In the case other than retirement, no member will, on the application of the law that applies to no more than three months in any garden, there is a continuous unemployed by the Board if the regulator is entitled as a member of the fund to allow withdrawal of money.
- (3) In case of the voluntary retirement of any member:-
- (A) If the term of his membership in the fund is less than three years, 50 percent of the owner's part with profit will be forfeited in fund;
 - (B) If the term of his membership in the fund is more than three years but less than five years, 25 percent of the owner's part will be forfeited in fund;

- (C) If the term of his membership in the fund is more than five years but less than ten years, 15 percent of the owner's part will be forfeited in fund.
 - (4) As per sub-rule (3) if any member takes a job in the garden again after withdrawal the money, then he has to join the fund as a new member.
 - (5) Any forfeited money in the fund will not be handed over to the owner, it will be credited to the revenue.
 - (6) The garden authority will provide the money paid by the retired members from the provident fund office to the receiver through crossed checks and acknowledgment of the recipient to be sent to the controller within the next 7 (seven) days.
294. **Transfer of the member account:-** if any member join in another garden after leaving or termination of jobs otherwise from a garden and he did After employment or, any other you've had arrived at the garden withdraw his deposited the money in the fund, then as per his application, the controller may continue his membership and as per article 268 (1) the worker is entitled to get the membership in the fund as worker of the new garden from which date, from that date the controller will transfer the account in the register of the new garden and in such case interest deposit of the worker will continue to on the previous deposit.
295. **Payment of the money of the dead member.-** before the money in the fund is payable, or after being payable but before paid if the member dies-
- (A) Money deposited in the name of the member will be paid to the designated person or persons in accordance with the nomination; or
 - (B) If the nomination does not exist or if any of nomination is not applicable on any part of the deposited fund, in that case complete deposit or on which part is not applicable that part will be payable to his family members according to the law of deceased's family.
296. **Payment of the money of the terminated employee:-** Any worker may become terminated, discharged, seized or suspended but he cannot be deprived from the deposited money of the fund in his name.
297. **Payment of the money of Provident Fund.- (1)** If conflict or doubt arises for any part of the amount payable, in respect of that the board will pay that part within 3 (three) months where there is no conflict or doubt, and will settle the matter within 6 (six) months.

- (2) In accordance with rules money is being paid to the person who is minor or insane, in that case money to be paid to any guardian for a minor person as per Guardian and Wards Act, 1890 (Act No. VIII of 1890) and to any manager assigned for insane person as per Lunacy Act, 1912 (Act No. IV of 1912).
 - (3) where there no guardian or manage is not appointed, in that case if money is not more than Tk. 30,000/- (thirty thousand), then the controller, and if money is more than Tk. 30,000/- (thirty thousand), then chairman by the decision of the board will pay to the legally entitled person for the minor or insane.
 - (4) As per this rule upon receipt of this in accordance with the interested person has to apply to the garden manager in written.
 - (5) As per the wish of the person to be paid the money the controller will pay the bank draft or pay order of that money through concerned garden manager.
298. **Annual statement member's account:- (1)** Within the next 6 (six) months after the end of each year, the controller will provide a written and signed statement containing opening balance at the beginning of the year, the donation of the year, deposited profit at the end of the year, received advance and paid installment and the balance of the year-end in the fund to each member.
- (2) The members themselves will be ensured regarding the annual accounts, and will send the statement to the Board within 3 (three) months of receiving such amendment if any error occurs.
 - (3) The controller will back a report to the member within next 10 (ten) days after necessary verification and amendment that if defect found.
299. **The annual report on the actions of the fund.- (1)** The Board will submit accounts statement of the fund of the previous year to the government within September 30 in each year.
- (2) Workers of which garden have been member of the fund, the owner of such gardens to be sent a copy of that report without any cost.
300. **Operating the functions of the Board.-** All orders and documents will be submitted and executed in the name of the Board, that will be certified by any officer entitled to such matters

301. **Power to issue guidelines:-** For fulfilling the purposes of these act and rules or in the purpose to settle the crisis in fund management including paying the deposited money to the members after ending of membership in the fund, the government will provide guidance to the board from time to time.
302. **Penalty for violation, etc.- (1)** If any person-
- (A) Fails to pay any fee payable in accordance with these rules without sufficient cause;
 - (B) Cuts or tries to cut the owner's part from the wages or other remuneration of the member;
 - (C) Fails or refuses to submit return, statement or any other document that is required or instructed to submit;
 - (D) Submits false returns, description, or provides false statements;
 - (E) Becomes guilty for not fulfilling or breaking the requirements of these regulations or for any other purpose;
 - (F) Takes advance or debt by the influence the owner or by any machinations;
- Then he will be punishable in accordance with Article 298.
- (2) If the Board of Trustees gives loan at interest rates lower than bank, or permits to use the money in the business of the owner, or allows for own gain, then the owner and members of the Board of Trustees will be punishable under section 409 of the Penal Code, 1860 (Act No.5 of 1860).
303. **Provident fund in newspaper organization:- (1)** Provident Fund to be mandatorily formed in each newspaper organization according to the section 273 and in the absence of any organization's own approved rules of employment, if will be conducted by rules 303 to 325.
- (2) Initiative to be taken to form the Board of Trustees in the purpose of management of the provident fund in accordance with Article 264.
304. **Participation of the workers in the fund- (1)** Every worker who completed 2 (two) years of service in the organization to be a member of the fund.

- (2) Any question raised regarding become or continue the membership in the fund or about the date of being member the Trustee Board will decide regarding that.

Provided that, during the 2 (two) years mentioned in sub rule (1)-

- (a) The illegal lock-out, legitimate strike, lay-off days;
 - (b) Weekly vacation, sick leave, casual leave, authorized leave or absence of workers due to the holiday or vacation;
 - (c) Maternity leave of more than sixteen weeks and any kind of will not shorten the continuation of the employment in the organization.
- (3) The owner will direct the worker to submit the nomination with a passport size photo of him and his nominee and the worker will submit his information in the specified form.
- (4) The owner will submit the information received in sub rule (3) to the board.
- (5) As per form-67 each owner will send a return to the controller about each worker eligible to be a member within 30 (thirty) days of being this rules effective.

305. **Distribution of account numbers.-** The Board of Trustees will grant the worker an account number as per form-68 in specified way by the board, and will notify the worker.

306. **Secretary of the board:-** Trustees of the trustee board will assign a one among the other trustee except the chairman as member secretary.

273. **Meeting of the Board of Trustees.- (1)** Secretary, by consultation with the Chairman, will fix date, place and time of each meeting, notice will be sent to the address of each member by registered post or by any other means acceptable to the trustees at least 7 (seven) days before the date of each meeting of the meeting,

Provided that, in case of emergency meetings, notice of such meetings to be sent in the 3 (three) days before the meeting.

- (2) The Chairman will preside at each meeting.

- (3) If in a meeting of the Board the chairman is absent, the present trustees will make one trustee to be president of the meeting, and he will preside over the meeting and will sign the meeting's resolution.
 - (4) At least one of the members representing the owners and workers and at least trustees will be in attendance to make the quorum at a meeting of the Board of trustees.
 - (5) If the quorum of any meeting does not form in one hour, the meeting will be adjourned and the adjourned meeting will be held in the next 10 (ten) days
 - (6) If the quorum is not formed in adjourned meeting, then for the third meeting in the presence of any number will be treated as the quorum.
 - (7) All things regarding the fund will be raised in the board meeting, and decision will be taken by a majority vote of the members.
 - (8) In any case where equal number of votes is given, the Chairman will give the determining or casting vote.
 - (9) Vote can be given by raising hand and chairman can arrange the secret ballot if the majority of the trustees claim vote in secret ballot.
308. **Minutes of meeting:-** Minutes of each meeting with names the present members will be given to each member and the government within the next 7 (seven) days, which will be consolidated in the next meeting of the Board.
309. **Subscription.- (1)** 8% of the original wages to be deducted as subscription.
(2) During payment of wages the worker by deducting the specified money for donation for the provident fund with an equal amount of money to be deposited in the fund through pay order or bank draft by the owner within 15 (fifteen) days after the end of the month
- (3) Within fifteen days after the end of each month, the owner will send a monthly report to the board and in the report the amount deducted from each worker and the amount refers to the amount of money given by the owner will be stated
310. **Current Account:-** The secretary will deposit the bank draft or check received from the owner to a schedule bank specified by the board.

- (2) Account will be governed by joint signature of 3 (three) members.
- (3) At least one will be from the workers among the members mentioned in sub rule (2).
- 311. **Return:-** Each owner will submit a return to the board within 15 (fifteen) days at the end of each month in which-
 - (a) A list of such workers who have been qualified to be members in the previous month;
 - (b) A separate list of such workers whose employment has been terminated in the previous month.
- 312. **Owner's accounts:-** Every owner will keep the accounts of his own parts and labor donations in the provident fund by the method directed by the board time to time.
- 313. **Accounts of provident fund.-** The secretary will deposit all money received in the fund by opening of an account namely "Provident Fund Account" in a scheduled bank determined by the Board, and the profit account with subscription of the owner and worker will be separately shown in the register.
- 314. **The annual report on the actions of the fund.- (1)** The Board will submit accounts statement of the fund of the previous year to the owner in accordance with form-81(k) within March 30 in each year.
 - (2) After receiving the accounts statement the owner will send a copy of that to the Factories and Establishments Inspection Department.
- 315. **Revenue Account:-** A revenue account to be opened in which all profits and other investment, earned profit and any money forfeited to the fund will be deposited separately and by the same way money to be shown in the costs sector as securities sales, lowering by securities price reduction, security tax and grants.
 - (3) There will be a separate account namely operating account in which all administrative expenditure will be displayed.
- 316. **Member's Account:- (1)** An account to be opened in the name of each member in separate register of every tea garden in controller's office, in which the follow fund will be deposited, namely:-
 - (A) his paid contribution;
 - (B) the owner's part in favor of the member; and
 - (C) profit in accordance with the law.

- (2) Before the end of each year the controller will examine the things shown in the member's account and if any error appears he will correct it.
- (3) A sector wise statement signed and sealed by the secretary will be provided to each worker.
317. **Investment of funds:-** All fund, by decision of the Board, to be deposited in the scheduled bank and not less than 50% of that can be invested in one or more sectors as follows, namely:-
- (A) In government's unconditionally guaranteed profit-based savings and bonds;
- (B) In government's unconditionally guaranteed schedule bank's term deposits;
- (C) Stock or debenture of other company whose profit is guaranteed by the government;
- (D) Buying of immovable property situated in Bangladesh:
Provided that, the property may not be purchased which is leased.
- (2) If any money has been spent in any investments or losses, that will be charged to the account of revenue.
- (3) The controller will prepare an annual summary of a classified statement of the assets of the fund as per form-69 and a balance sheet (up to 30th June of each year) and will enclose the copies of those with the annual report to be submitted.
318. **Operating costs.- (1)** Salaries, allowances, etc. of the employees and all administrative expenses, audit accounts and legal expense, stationary expenses, forms, furniture, rent, tax and other reasonable expenses of the fund will be spent from the operation account as per approval of the board.
319. **Account audit.- (1)** The annual accounts will be audited by the recognized audit firm in accordance with the provisions of the Companies Act 1994.

(2) Auditor appointed under sub-section will send three copies of the duly signed and sealed audit report to the Board.

320. **Profit:- (1)** The earned profit from the fiscal accounts to deposited in each member's account proportionately by the end of the year.

(2) The total profit deposited in the members' accounts will be shown as revenue expenditure.

(3) Profit to be deposited in the deposit sector of each member from the first days to last day:

Provided that, in the name of the members deposits money is payable, then from the first day of the current term that the money be taken from the day to day of the previous month to the day, or refund the money due to be paid until the end of the month for the next six months previously, that will be credited to the profit:

Provided further that, profit on payment claim or partial term will be paid at the rate of previous year's profit, and will be deposited at monthly rate for the partial months.

321. **Nomination of nominee.- (1)** Every member will provide nomination in accordance forms-41 by giving the right of receiving the money of the fund in his name in case of his death.

(2) If a member wishes to divide money in his name proportionately to the nominated people, then he may state it his nomination paper.

(3) In which case member has family during the time of nomination, in that case nomination will be given to one or more members of the family, otherwise it will not be accepted.

(4) In which case member has not family during the time of nomination, in that case nomination will be given to one or more person, but when the member gets family that nomination will be cancelled and nomination will be given to one or more members of the family.

(5) If the designates person dies before the member, the member will provide a new nomination.

- (6) The nomination given by the member can be changed at any time based on a written notice from the member.
- (7) Any nomination or any change to it will be effective from date the Board receives that.
- 322. **Payment of the money of the dead member.-** before the money in the fund is payable, or after being payable but before paid if the member dies-
 - (A) In case of valid nomination, money deposited in the name of the member or any part of that will be paid to the designated person or persons in accordance with the nomination.
 - (B) If the nomination does not exist or if any of nomination is not applicable on any part of the deposited fund, in that case complete deposit or on which part is not applicable that part will be payable to his family members according to the law of deceased's family.
- 323. **Payment of the money of Provident Fund.- (1)** in which case money deposited in the name of any member or after cutting the remaining money is payable in accordance with rules, in that case the Board will close the account of that person and the money is payable to which person, a written notice will be issued to him specifying the amount of payable money.
 - (2) If conflict or doubt arises for any part of the amount payable, in respect of that the board will pay that part immediately where there is no conflict or doubt, and will settle the matter as soon as possible.
 - (3) Board will follow rule 263 for payment of the money of Provident Fund.
- 324. **Annual statement member's account:- (1)** As soon as possible after the end of each year, the controller will provide a written and signed statement containing opening balance at the beginning of the year, the donation of the year, deposited profit at the end of the year, received advance and paid installment and the balance of the year-end in the fund to each member.
 - (2) The members themselves will be ensured regarding the annual accounts, and will send the statement to the Board within 3 (three) months of receiving such amendment if any error occurs.
- 325. **Receiving Advance form the fund.- (1)** Any member can take in advance as per the following terms and conditions on the approval of the Board of Trustees from balance of the his account, namely:-
 - A) For execution of medical expenses of the contributor or any member of his family;

- B) For execution of any other essential expenses of the marriage, death rites of the contributor or any member of his family;
 - C) For execution of expenses to build or repair homes or to buy homes or flat or to buy land to build home;
 - D) To pay the life insurance premiums of a contributor or his wife;
 - E) For execution of other expenses like the mentioned ones.
- (2) Any advance will not be more than 80% (eighty) percent of the total balance of income tax-free contributions and dividends deposited in the account of the member, and no other advance will be granted until the previous one is fully paid.
- (3) Money received as advance to be paid in not more than 60 sixty equal monthly installments:
Provided that, no installment of the advance will be more than one-third of the monthly wages of the worker.
- (4) By sharing the money received as advance into equal installments for the payment of the main advance, a further installment will be paid out as interest thereon.
- (5) The money collected in the fund will be considered as money of the members
- (6) the owner cannot take any advance or loan for the company or any other commercial purposes or personal need.
326. **Operating the functions of the Board.**- All orders and documents will be submitted and executed in the name of the Board, that will be certified by any officer entitled to such matters
327. **Penalty for violation, etc.- (1)** If any person-
- (A) Fails to pay any fee payable in accordance with these rules without sufficient cause;
 - (B) Cuts or tries to cut the owner's part from the wages or other remuneration of the member;

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- (c) if he fails or refuses to submit returns, statements or any other documents which are required to be submitted as per rule or are directed to be submitted;
 - (d) submits false return, statements or documents or false statements; or
 - (e) is adjudged guilty for non-compliance or violation of any obligation under the provision of this chapter;

Then he will be convicted as per section 298.

(2) If the trustee board provides its money as loan at a rate of interest lower than that of the bank or allows the owner to use the same in business or if the same is employed in own business, then the owner and the trustee board shall be convicted as per section 409 of the penal code, 1860 (Act No. 5 of 1860)

Chapter Seven Apprenticeship

328. Eligible authority: Inspector general of Directorate of Inspection of Factories and Firms shall be treated as eligible authority for this chapter.

329. Formation of a tripartite advisory committee: (1) As per provision of section 276, the tripartite advisory committee on apprenticeship will comprise one chairman, one member secretary and 4 (four) representative members from the government, owner and workers.

(2) The Secretary to the Ministry of Labor and Employment shall ex officio be the Chairman of the said committee.

(3) The Inspector General of Directorate of Inspection of Factories and Firms shall discharge duties as the member secretary of the said committee.

(4) As a member to represent the government in the said committee, the government will send up a member each to represent the labor, skill development, technical education and industry department.

(5) Representatives of the owner the workers shall be selected by the government in consultancy with the organizations or firms making the highest representation of the owner and the workers.

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- 330. Tenure of the committee:---** (1) The tenure of the committee shall be two years from date of publication of the circular of appointment in the government gazette.
- (2) On completion of said 2(two) years, until appointment of any person to supersede through the government gazette, a member shall continue his holding the office.
- (3) In case of cease of membership due to end of tenure of any member and unless he is found unfit otherwise, he shall be eligible for re-appointment.
- (4) If any membership falls vacant due to death, resignation or any other reason, the government may fill up the said vacancy without any prejudice to rights of representation.
- (5) A member may resign by sending a notice in writing to the government whereupon his office shall stand vacant as and when his resignation letter is accepted.
- (6) If retaining a member in the committee is not considered favorable to the public interest, the government may remove him.
- (7) In case of selecting somebody as a member to fill any vacancy caused by misconduct or any other reason, he shall retain the said office only for the remaining tenure of the committee.
- 331. Meeting---**(1) 2 meetings will be held after every 6(six) months provided, however, that meetings may be held for as many times as the chairman may think fit.
- (2) The member secretary shall convene any meeting by serving a notice to each of members in consultancy with the chairman.
- (3) The meeting shall be presided over by the chairman, and in his absence any government assigned by the chairman may preside over.
- (4) The quorum of a meeting shall be fulfilled if 7(seven) members including the chairman are present and out of the remaining members, except chairman, at least one representative from each of government, owner and worker sides are present.
- (5) Decisions shall be taken by majority of votes of members present in the meeting and in case of equal votes for and against, the chairman shall exercise the casting vote.

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332. Functions of the committee :-----(1) Functions of the committee shall be as follows, namely:-----

- (a) To give the suitable authority guidelines as to effecting the eighteenth chapter of the act;
- (b) Ascertaining importance of training and recommend necessary measures to the due authority regarding advancement of training programs of the person under apprenticeship;
- © To give consultancy to the government as to quality of apprenticeship with reference to minimum qualification of the apprentice for admission , course to study, tenure of the syllabus, examination, classification and other necessary issues.

(2) If the committee thinks it necessary, then to assist the committee on any particular matter, it may form one or more sub-committees and may select technical expert to carry out duties in the committee or sub-committee.

333. Apprenticeship policy of the establishment :---(1) Owners of the establishments with provision for apprenticeship may formulate apprenticeship policies for his establishment.

- (2) Policy formulated by any establishment must be approved by the government.
- (3) The said policy and law must not less favorable than these rules.

334. Owner's obligation:-----(1) Each owner to whom the eighteenth chapter of the act applies shall, within 30 (thirty) days of publication of the circular by declaring any specific trade as suitable for apprenticeship, submit a list of trades eligible for apprenticeship in his establishment, number of persons employed in different categories of said trade and a list as per section 277 with a mention of persons under apprenticeship engaged by him.

- (2) Appointment of any person in the trade eligible for apprenticeship at a later period must be communicated to the eligible authority within 30(thirty) days of the appointment.
- (3) Each of the owners shall, as per guidelines of the government in pursuant to rules scrutinize apprenticeship program for purpose of approval of the same with respect to his own establishment and also to scrutinize the apprenticeship program where it is already running as per guidelines and submit the same to the due authority for approval within 1(one) month of the aforementioned guidelines taking effect.

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335. Providing technical advice and guidelines:-----(1) The due authority may, in light of counsel and guidelines of the committee, issue the following directives from time to time, namely:----

- (a) Practical and theoretical subjects and syllabus or different trades under the apprenticeship program;
- (b) Term of apprenticeship for different trades and starting time of them;
- (c) Ascertaining method and conditions to retain in the same position for reason of promotion to next higher class or grade of training or unsatisfactory progress;
- (d) Periodic evaluation of different trades under apprenticeship;
- (e) Determining the minimum qualifications for trainers to conduct trainings of the apprenticeship program;
- (f) To evaluate standard of training, to determine method of taking examinations and giving certificates;
- (g) To determine conditions to continue training;
- (h) Terms and conditions for appointment to service after training;; and
- (i) Necessary other issue related to trades eligible for apprenticeship.

(2) The government may, at time of issuing directives under sub-rule (1), invite advice from the eligible persons engaged in related industry or business.

336. Inclusion in the apprenticeship program: ---(1) The owner, for purpose of selecting candidates for taking part in his establishment's apprenticeship program, may follow the methods described below, namely:----

- (a) To advertise admission into apprenticeship program through different media and nearest service searching center;
- (b) To take written exams of qualified candidates;
- (c) To interview persons passing the written examinations.

(2) In case of participation in the apprenticeship program, women and disabled persons shall be given preference.

(3) Minimum and maximum age limit for inclusion in the apprenticeship program will be respectively 17 (seventeen) and 30 (thirty) years provided, however, that age limit may be relaxed in case of candidate or candidates having prior service background as per wish of the authority.

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(4) For proof of physical fitness of the person under apprenticeship at time of enlistment, the owner arrange at his own cost health examination by a registered physician of said person as per Form-15 and shall keep record of the facts for certificates as per Form-15(a).

(5) Date of interview of the apprentice shall have to be communicated to the due authority and if he so wishes then he may assign an officer with duty of remaining present in the interview and final selection.

(6) None can be admitted as an apprentice without getting him/her signing the agreement and without giving him/her credentials as per section 5.

337. Apprenticeship agreement: (1) At the beginning of admission of the apprenticeship, the owner and apprentice shall enter an agreement between themselves as per Form-70.

(2) The agreement stated in sub-law(1) shall be termed as apprenticeship agreement and both the parties shall abide by terms and conditions thereof.

(3) In case of age of the apprentice being below 18 years, his/her father or mother or legal guardian may sign it.

(4) There will be 3 copies of agreement where owner and the apprentice shall get one copy each and the third copy shall be sent to the due authority for keeping record.

338. Tenure of apprenticeship----(1) The agreement of apprenticeship shall have a mention of tenure of apprenticeship.

Provided, however, that as per government announcement in pursuant to these rules, tenure of apprenticeship may vary from trade to trade.

(2) If any apprentice receives systematic vocational or technical training for some time from any government or recognized organization or firm before his/her admission, then the term of his apprenticeship may be exempted in part, however, in no case the said exemption shall not cover half of the entire term.

(3) Unless an apprentice is not thought to be fittest within the first 3(three) months of apprenticeship, then the owner, if he so wishes, may terminate apprenticeship by serving 1(one) week's notice and the apprentice may terminate the same by giving the owner one week's notice (along with informing the due authority).

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Provided, however, that if for any reason, apprenticeship end before the prescribed term, the owner shall give him/her the certificate.

339. Examination and Certification:-----(1) Each of the owners shall, for purpose of conduction of apprenticeship program in his own establishment, form a 5(five) member board which shall also comprise skilled person in the relevant trades and formation of such committee shall be communicated to the due authority.

(2) The board shall arrange terminal, annual and final evaluation test for apprentices under different trades.

(3) Regarding examination related matters, the board shall follow procedures prescribed by the government.

(4) Examination results shall be recorded in Form-71 and certificates to apprentices succeeding in the final examinations shall be given according to Form-71.

(5) The board shall be responsible for moderation of question papers, taking practical examinations and giving marks to trainees on basis of those examinations.

(6) Date of final examinations of the apprentices shall be communicated to the due authority and if the authority thinks fit, then it may assign an officer to take part in taking final examinations and providing certificates.

340. Giving apprenticeship allowance:--- (1) The owner shall provide allowances to apprentices on daily, weekly and monthly basis in the following manner, namely:-----

- (a) First year of apprenticeship: 50 (fifty) percent of entire wages for skilled workers employed in equal grade of the relevant trade;
- (b) Second year of apprenticeship: 60 (sixty) percent of entire wages for skilled workers employed in equal grade of the relevant trade; and
- (c) Third year of apprenticeship: 75 (seventy five) percent of entire wages for skilled workers employed in equal grade of the relevant trade;

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(2) In case of apprenticeship training period exceeding 3(three) years, then after the third year, rate of allowance for apprenticeship shall equal the entire wages of the skilled worker of the same grade.

(3) An apprentice may not be given allowance on basis of piecework.

(4) Notwithstanding anything contained in other sub-laws of this rule, an owner may willingly provide an apprentice with allowance at higher rate or any other incentives for any remarkable progress in course of his training.

(5) Unless promoted to next higher class or grade of training, the relevant person shall be entitled to allowance prescribed for the class or grade to which the apprentice belongs.

(6) After completion of the period of apprenticeship, the owner, if he thinks fit, may appoint any apprentice as skilled worker to the equal grade of relevant trade.

341. Working hours, leave and closure:--(1) Working hours, leave (excluding annual or earned leave) and closure for the apprentice shall be similar to that of other workers employed in the concerned firm and shall be conducted under laws and rules.

(2) No apprenticeship program shall allow overtime working.

342. Supply of training materials : ---- Each apprentice shall be supplied with necessary equipments, factory uniforms, machinery,. Books, drawing apparatus, raw materials etc free of cost and these articles shall be treated owner's asset.

343. Running and supervision of apprenticeship program:----(1) The owner shall ensure due and effective supervision, guiding and control of the apprentices and in the same purpose shall appoint one or more qualified persons for full time o part time on basis of number of apprentices.

(2) Persons appointed under by-law(1) shall be assigned with specific duty of dexterously running the apprenticeship program and such persons shall be responsible direct to the owner.

(3) Firms with 50(fifty) or more trainees shall have a self-reliant training department with necessary employees.

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(4) Firms with 20(twenty) or less trainees shall have an apprenticeship trainer who shall be the shop foreman or supervisor and for its assistance, an officer of the firm shall have to be given charges in addition to his normal duties.

344. Relevant theoretical education:--(1) As per guidelines issued by the due authority, an owner shall singly or 2 (two) or more owners shall jointly arrange for theoretical education of the trainees.

(2) No deductions shall be made form stipend of an apprentice at the time when he will join the apprenticeship.

(3) In cases where the owner jointly arranges for theoretical education, the owners shall bear expenses proportionately according to the plan prescribed by them and approved by due authority.

345. Shifts of trainees: ----(1) For convenience of training, a trainee may be shifted from firm of one owner to that of other in a trade eligible for apprenticeship.

(2) In case of shift under the by-law (1) above, the accepting owner and the apprentice shall have to have consent.

346. Termination of apprenticeship training before end of term: --Any apprenticeship training may be terminated before the prescribed date by order of due authority if for any logical ground the parties are unable to comply with apprenticeship law, rules and terms of agreement.

347. Change of trade:-----If program is changed for sake of the apprenticeship training, an apprentice's main program can be changed only after informing the due authority.

348. Preservation of records and submission of performance report:-----(1) Each of the owners shall maintaining a register on apprenticeship as per Form-73 concerning each of the apprentices and shall send two copies thereof as and when the academic year begins.

(2) The due authority shall send back a copy of the said form after certification to the owner and another copy shall lie in his office as record.

(3) In case of change in any matter relating to apprenticeship, the owner shall communicate it to the due authority for correction record in this regard in his office.

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(4) Each of the owners shall keep a record of performance for each of the apprentices as per Form-74 and shall preserve it for inspection by the due authority or its assigned officer.

349. Resolution of disputes:---In case of any dispute arising between the owner and the apprentice regarding any issue, the same has to be referred to the due authority and decision of the due authority in that regard will be final.

Chapter Eighteen Administration, Inspection, etc

350. Duties and responsibilities of the director of labor: ---(1) Under section 317, the director of labor or any other officer assigned by him may exercise following powers for implementation of objectives of these rules in addition to duties and responsibilities specified in the act or these rules, namely:-----

(a) To enter such houses which may be reasonably believed to be office of the trade union or federation or office of a registered trade union or trade union federation and to inspect offices or houses and any registers or deeds, records and for purpose of implementation of objectives of the law, claim any clarification and take evidence of any person;

(b) To acknowledge files, records or documents of any trade union or trade union federation or confederation through giving receipts and to maintain them under self-custody within not over 30(thirty) days;

(c) If officers of any trade union or trade union federation or confederation fail or refuse to hand over or files, documents, deeds, accounting ledgers and funds etc to the newly elected executive committee without any logical ground, the in view of the petition of general secretary or president of the newly elected executive committee, accounting books, documents, deeds and funds may be directed for hand over to the outgoing executive committee.

Provided, however, that if any person feels aggrieved at said directives, then he may lodge an appeal to the labor court within 14(fifteen) days of issuance of the order.

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(d) For purpose of exercise of power or discharge of responsibility to fulfill objective of application of the thirteenth chapter of the act, to accept all means or provisions , if necessary, to enter into , inspect, search or carry out related job in any industrial firm, place, building or yard;

(e) For purpose of fulfilling objective of the thirteenth chapter of the act, to search any relevant record, register or any other deeds or documents of the workers organization and owners organization for examination and to seek for any additional information in that regard from the workers and owners organization, if necessary;

(f) Preparation of statements of deed and documents relating to the law and relevant rules, national or international documents or convention or declaration on workers' rights, labor sector, number of workers, union registration, number of union's members, resolution of disputes and claims, filing cases and trade union related documents or information;

(g) Arranging for training course and workshops on rules regarding law and related rules, workers rights related national and international documents or convention or declaration, labor sector, worker and trade union, etc to raise knowledge and skill of the parties;

(h) To take steps to celebrate days nationally and globally recognized with regard to workers and trade union rights.

(2) Director of labor or any other officer under him shall maintain business privacy of a firm during carrying out duties specified in the law or these rules.

351. Powers and functions of the inspector: ----(1) The Inspector General or any other officer empowered by him may exercise the following powers in addition to discharging duties and exercising powers specified in these rules, namely:-

(a) To enquire and investigate any complaint within 10(ten) working days of receipt of the same from any party regarding violation of any rights confirmed under these rules and to direct the party concerned to take action as per law and if the said party fails to take action, then to lodge complaints to the labor court as per Form-14;

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(b) To enter any premises where the owner or worker to whom the lowest wages under law apply does business and to search for of summon any register, wages register, records of wages given to workers and other records or deeds or documents related to paying wages or accounts thereof and to take evidence of any other person at the place of occurrence and to exercise necessary power for fulfillment of objects of the law;

(c) To lodge complaints with or submit report to the labor court in cases as per Form-44(b) and 48(b) for realization of any dues of the workers;

(d) Preparation of statements on information regarding law and rules, workers right related national and international deeds and documents or convention or declaration, labor sector, workers, inspection, registration of industrial firms and number of workers, dispute resolution, lodging complaints, annual return received from the industrial firms etc related deeds or documents or information and publicity and publication and distribution of them subject to approval of due authority.

(e) Arranging for training course and workshops on rules regarding law and related rules, workers rights related national and international documents or convention or declaration, labor sector, worker and trade union, etc to raise knowledge and skill of the parties;

(f) To take steps to celebrate days nationally and globally recognized with regard to workers and trade union rights.

(2) The Inspector shall maintain business privacy of a firm during carrying out duties specified in the law or these rules.

(3) During inspection, the inspector shall attach greater importance to overall work environment including facilities for women and disabled workers working in the factories or firms.

Chapter Nineteen
Miscellaneous

352. Serving notice to the Inspector General before start of work: ---(1) A owner shall have to submit to the inspector general or concerned deputy inspector general two copies of notices as per Form -75 under section 325 before start of work in his firm.

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- (2) The inspector general or the relevant deputy inspector general shall verify and sign and thereupon send back a copy to the owner.
- (3) In case of change in the said submitted information at any time, the same has to be communicated to the inspector general or deputy inspector general concerned in the same manner;
- (4) If the inspector general or the deputy inspector general thinks it fit, then they may direct the owner or possessor of the firm to provide information in addition to those mentioned in the said form.
- (5) These rules shall also apply to factories or firms which are run by the owner in collaboration with his family member or where no workers are employed in exchange of wages.

353. Approval of factory's layout plan and extension lay-out plan:--(1) Before use, change or expansion of any houses, building or premises as factory, approval in writing of the inspector general or any officer empowered by him shall be taken. Provided, however, that the inspector general or any officer empowered by him shall not sanction any approval without any inspection on the spot.

(2) For taking approval under the by-law (1), all applications have to be submitted as per Form-76 which shall be accompanied by the following documents, namely:-

- (a) A list of brief statement along with different production flow chart.
- (b) Two sets of layout plan in ammonia or blue print which shall include the followings, namely:---
 - (aa) Factory's location and the site plan along with entry and drains;
 - (bb) Elevation and necessary sectional elevation of different buildings, provision of normal lighting, ventilation, placement of machinery, location of dining room, toilet etc and exit and entrance plan during fire incident;
- © Layout plan of the factory building as approved by the local or due authority; and
- (d) relevant other information as per requisition of the inspector general.

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(3) If the Inspector General is satisfied then he will send back a copy of the submitted layout plan to the applicant as per sub-rule (2) and if he imposes any other conditions, then subject to said condition(s), he will approve the factory's lay-out plan in cases or will expand, change or amend the lay-out plan or will seek other details for approval of the lay-out plan.

(4) Without written permission of the inspector general, no change in any approved layout plan may be brought.

(5) In case the factory building being brick-built or being a building with more than one storey, then the application shall be accompanied by structural design of the building as certified by a government specified authority, soil test and certificate for construction of building by any recognized engineering establishment.

354. Application for sanction of registration and license for factory, industrial establishment, commercial firm, commercial bank and insurance firm, shop and contracting firm:-----Each of the owners or occupiers shall have to forward application (2 sets) as per Form-77 to the Inspector General for registration and license of factory, industrial firm, commercial firm, shop and contracting firm within the following timeline:---

(a) Six months from date of these rules being in force for factories, industrial firms, commercial establishments, commercial bank and insurance firm, shop and contracting firm existing or engaged in production process to which laws apply and

(b) 30 (thirty) days before start of work for factories, industrial firms, commercial establishments, commercial bank and insurance firm, shop and contracting firm which are established before enforcement of these rules or which are in production.

355. License registration fee and providing license:-----(1) Subject to receipt of fee at rates specified in schedule -7, the inspector general shall sanction a license as per Form-78 and he shall maintain records of sanction of said license and renewal and amendment thereof.

(2) Validity of each of licenses shall continue up to 30 June of the financial year in which the license will be sanctioned.

(3) For renewal of license, an application shall have to be forwarded to the Inspector General as per Form-77 on payment of prescribed renewal fee.

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(4) Unless the license is renewed within one year of expiry thereof on payment of late fee as per rule, the license shall be treated to be automatically cancelled and in that case the authority shall have right to lodge complaints or cases to close that firm.

(5) License of its copies shall have to be shown or hung in a public place of the said factory, industrial firm, commercial firm, commercial bank or insurance firm, shop or contracting firm.

(6) Unless renewal of license is applied within the stipulate time on payment of license renewal fee as per by-law (3), and application is made for renewal within next three months on payment of the same, then additional fee at the rate of twenty five take percent shall have to be paid for renewal of license.

(7) In case of expiry of three months, fifty take percent (50%) along with the renewal fee shall have to be paid.

(8) Unless application is made within six months, then an additional fee equivalent to the renewal fee shall have to be paid;

Provided, however, that if any part of the renewal fee is paid within the stipulate date, additional fee will apply only to the unpaid figure.

356. Amendment of license:-----(1) The Inspector General may amend license on receipt of application.

(2) If any license needs to be amended due to change in class, name, address or ownership as a result of rise or decline in number of workers in factory, industrial firm, commercial firm, commercial bank or insurance firm, shop or contracting firm, then for such amendment an application shall have to be forwarded to the Inspector General in Form-77 on surrender of the original license by stating nature of amendment.

(3) For amendment of license, 500 taka in all cases excepting shops and 200 taka in case of shops have to paid as fee and for increase in class of license of the factory of firm, fees have to be paid as stated in schedule-7 in accordance with number of workers (excluding fees given at time of taking the first license).

(4) In case of change in ownership, the application shall be accompanied by information on dues of and facilities enjoyed by workers working under the previous owner.

357. Loss of license:-----(1) As per these rules, if the license given is lost or destroyed accidentally then an application shall have to be made as per Form-77 to the Inspector General.

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(2) For application, Tk.1000 (one thousand) taka in all cases except shops and Tk. 500 (five hundred) taka fee have to be paid and a replica of the application will be provided.

(3) In case of a making application under sub-rule (1), an advertisement shall have to be given in the newspaper or a general diary shall have to be lodged with the police station and its attested copy shall have to be enclosed with the application.

358. Revocation of postponement of the license:---(1) If any owner permanently closes his firm under these rules or is unable to continue business, then the application with mention of causes of closure along with the original license shall have to be submitted to the Inspector General and the inspector thereupon may revoke any license after a scrutiny.

(2) If it appears to the inspector that any firm or part thereof or ways therein or related thereto are hazardous to human life and security or are defective in such a manner as to cause physical harm to humans, then the inspector may postpone grant of license temporarily until safety of the work place returns and may direct postponement of production until such time.

(3) To restore the revoked or postponed license, renewal fee twice the same for each year counting from the financial year in which it was revoked or cancelled shall have to be paid.

359. Online program via internet:-----The Inspector general or any inspector authorized by him may complete all activities like approval of, providing and renewal of license for factory or industrial firm or commercial firm, etc via online using internet provided, however, that all parties shall preserve documents and evidences thereof.

360. Fee payment:--- As per these rules, original copy of the treasury challan regarding fee payment in head No. "1-3143-0000-1854" shall have to be enclosed with the application.

361. Appeal and its disposal lodged against several orders of the inspector:---

(1) As per section 327, all appeals

(a) shall be submitted in a memorandum form;

(b) The order against which the appeal is being preferred shall be mentioned in the memorandum;

(c) Necessary court fees have to be affixed thereto; and

(d) A copy of the order against which the appeal is being preferred shall lie with the memorandum.

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- (2) The appeal authority shall allow necessary hearing for the appeal and settle the same within 60(sixty) days of receipt of the appeal petition.
- (3) The appeal authority shall fix a date and place for hearing of the appeal and may serve notices to the appellant and the inspector general and in cases the inspector.
- (4) If the appellant requests in his plaint for appointment of an assessor, then he shall also mention name of the registered society to which he belongs as a member.
- (5) In case of request of the appellant for appointment of an assessor or if the appeal authority thinks necessary, then the appeal petition submitted under sub-rule (1) shall be heard with the assistance of two assessors and one of the said assessors shall be appointed by the appeal authority and shall make a request to a prescribed representative firm of the relevant industry to appoint another assessor and unless the said representing firm appoints any assessor within the stipulated time or the assessor selected and appointed by them fails to be present in due time at the appointed place and if the said failure appears to have occurred without any logical ground, then the appeal authority may continue hearing of appeal without assistance of the assessor.
- (6) In absence of any request for appointment of any assessor, the appeal authority may settle any appeal without any assessor.
- (7) If the appellant makes any request to conduct hearing of the case with the help of the assessor, then after receipt of the memorandum, the appeal authority shall direct the appellant to submit money on account of cost against services of assessors.
- (8) If the appellant does not mention in his appeal of the name of association/society to which he belongs as a member, then the appeal authority may at his own discretion invite any eligible society to appoint an assessor.
- (9) The assessor appointed under sub-rule (5) shall be entitled to a specified amount of fee and travel allowance everyday to be paid to him by the appeal authority.
- (9) The government shall pay for fees and travel allowances of the assessor, but where the assessor has been appointed at instance of the appellant, there travel allowances to the assessor shall have to be paid at the deposits made by the appellant under sub-rule (7) and if any figure is left as balance thereafter, the same shall be given back to the appellant.

362. Service of notice and submission of statements:---(1) Each of the order shall be issued in the following manner in pursuant to section 333(a), namely:---

- (a) Through written notice by sending it manually or via the postal means;

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- (b) through formulation of a general circular;
- © through gazette notification.

(2) As per section 333(a), the owner or manager of the establishment shall submit two sets of statements in prescribed form by the stipulated date to the inspector general, namely:---

- (a) Half yearly statements as per Form-80 by 15 July;
- (b) Yearly statements as per Form-81 by 15 February.

363. Maintenance of records:--All notices, orders, receipts, certificates and register shall have to be preserved by the managing authority until a period of three years is completed for purpose of fulfilling objectives of the law and these rules and the same shall have to be produced before the inspector for the asking.

364. Display of gist of law, rules and provisions and display of address of the inspector general:--As per section 337, important provisions of law, rules and regulations have to be rendered in Bengali and thereafter writing the same in an easy-to-understand language for the workers have to be displayed for the workers and along with it, address, email number, online address and telephone number of office of the inspector general and concerned deputy inspector general and name plate of the said establishment and address plus telephone number of the appointed, engaged or enlisted registered physicians have to be displayed at a public place in the form of a notice.

365. Court fees in general cases:--(1) As per section 346, no court fees or other fees shall apply for any petition, proceedings or appeal, however in case of summon of witnesses, a fee of ten taka shall have to be paid for each of witnesses;

Provided, however, that the court may remit in full or lessen the said fee taking poverty of the appellant into consideration.

Provided, further, that no court fee shall apply in case of petition filed by any officer with government privilege.

(2) For collection of copy of the court's judgment or any document submitted to it, the court may fix any fee and subject to payment of said fee, any person may collect the said copy;

Provided, however, that taking poverty of the petitioner into consideration, the court may direct to collect copies free of costs.

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366. Dispute resolution:-----For remedy of any dishonest labor conduct by any worker working in the factory or establishment, a petition shall have to be forwarded to the labor director or any officer authorized by him within 30(thirty) days of occurrence of the same and within 30(thirty) working days of receipt of such petition, the labor director or any officer authorized by him shall resolve the same.

367. Annulment and custody:---(1) Immediately with enforcement of these rules the following rules or regulations shall stand annulled, namely:---

- (a) Rules, regulations or scheme formulated under annulled laws stated in section 353; and
- (b) Bangladesh Apprenticeship Training Rules, 2008.

(2) Despite said annulment, under said annulled rules, regulations or scheme---

(a) any deeds or any issued order, circular or notification or any notices given, lodged complaints or any petition submitted or any proceedings taken up shall keep being valid subject to being consistent with these rules;

(b) If any legal suit or proceedings remain pending with any court or tribunal, the same shall continue in such a way or be resolved that these rules were not formulated.

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Schedule -1

[Vide section 52 and 55 and Rule 48]

Method of control of ventilation and temperature in yarn and weaving factory

(1) Artificial moisturizing:

- (a) Assessing standard of humidity;
- (b) Artificial control of rate of increase in humidity of air;
- (c) Directive to properly measure humidity and record it in a specific standard;
- (d) Take action to let sufficient air ventilate into and from the glass house and take due action to cool air.

(2) Creating artificial humidity in yarn machine:

- (a) Not to create any artificial humidity by water If at any time dry bulb at any room of the weaving factory exceeds 29.5 degree Celsius,
- (b) Or not to create any artificial humidity If at any time wet bulb reading of the hygrometer is higher compared to specific dry bulb in the following format, or until reading between two dry bulbs consecutively displayed exceeds wet bulb reading associated with the said dry bulb readings:

Provided, however, that where difference between wet bulb temperature in the relevant department and that kept out of the room is less than 2.0 degree Celsius, then this clause will not apply.

Table

Dry bulb	Wet bulb	Dry bulb	Wet bulb	Dry bulb	Wet bulb
1	2	3	4	5	6
15.56	14.44	25.00	23.89	34.44	30.00
16.11	15.00	25.56	24.44	35.00	30.56
16.67	15.56	26.11	25.00	35.56	30.56
17.22	16.11	26.67	25.56	36.11	31.11
17.78	16.67	27.22	26.11	36.67	31.39
18.33	17.72	27.78	26.67	37.22	31.67
18.89	17.78	28.33	26.94	37.78	31.94
19.44	18.33	28.89	27.22	38.33	31.22

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Dry bulb	Wet bulb	Dry bulb	Wet bulb	Dry bulb	Wet bulb
1	2	3	4	5	6
20.00	18.89	29.44	27.78	38.89	32.22
20.56	19.44	30.00	28.00	39.44	32.50
20.11	20.00	34.56	28.63	40.00	32.50
21.66	20.56	31.11	28.61	40.56	32.78
22.22	20.11	31.67	28.89	41.11	32.78
22.78	21.66	32.22	29.17	41.67	33.05
23.33	22.22	32.78	29.44	42.22	33.05
23.89	22.78	33.33	29.72	42.78	33.33
24.44	23.33	33.89	30.00	43.33	33.33

(3) Hygrometer:

- (a) To place and maintain hygrometer in locations approved by the inspector In all sections of the yarn and weaving factory where method of creating artificial humidity has been accepted;
- (b) Number of hygrometer can be controlled in the above stated yarn and weaving factory at the following ratio, namely:---
- (aa) One hygrometer for weaving department with less than 250 looms and for next 250 looms or part thereof, one additional hygrometer;
- (bb) One hygrometer for each room of 18000 square meter and one additional hygrometer for each additional 14000 square meter.
- (cc) In Spinning and weaving factories with artificial moisturizing process one additional hygrometer will be installed beyond the production room.
- (d) Close to each of hygrometers, a copy of the table stated in sub-clause (b) of clause (2) shall have to be hung.

(4) Exemption from hygrometer Preservation:

If the inspector general is satisfied to the effect that approved humidity level was as stated in sub-clause (b) of clause (2) was never exceeded, then he may exempt any department from the obligation of maintenance of hygrometer.

(5) Recording temperature in hygrometer:

- (a) Temperature of each hygrometer shall have to be recorded in the following manner:
 - (aa) To properly record wet and dry bulb heat thrice a day with regard to each hygrometer when in operation;
 - (bb) To keep record of it by the persons selected by the manager;
 - (cc) To take temperature by 7 am to 9 am, by 11 am to 2 pm, (excluding leisure hour), and by 4 pm to 4:30 pm;
 - (dd) To take additional measure to record temperature in a prescribed manner by the inspector of factories in a special circumstance.
- (b) In each factory, one humidity register form-21 shall be maintained in which temperature shall have to be recorded.
- (c) The persons recording temperature shall sign the register stated in sub-rule (b) at close of each month and the register shall be kept ever ready for inspection by the inspector.

(6) Specification of hygrometer:

- (a) Each of the hygrometers will be formed of two circular thermometer with wet bulb and dry bulb of the same size and built in the same way;
- (b) The hygrometer will be placed on a frame and the said frame shall have a water reservoir, too;
- (c) The wet bulb shall have a covering of a ply of muslin cloth and it shall have to be submerged in the water tank and kept soaked with the appended wick.
- (d) No part of the wet bulb shall be within 7.60 centimeter of dry bulb and within less than 2.50 centimeter from top of water of the tank and the tank shall remain below it opposite to the dry bulb;
- (e) Size of the bulb shall be round and of due volume and shall be open to air of the room in all sides;

- (f) The pores in the body of thermometer shall be of such type that location of the mercury column is easy to understand from at least 60 centimeter distance;
- (g) Each of the thermometer shall be striped in such a manner so that it can temperature ranging from 10 to 50 degrees can be easily measured;
- (h) Accuracy of each thermometer shall be attested by the inspector and a copy of it shall be enclosed with the humidity register.

(7) Placement of the hygrometer:

- (a) No hygrometer can be placed on any wall, column or any other things without putting any support like 1.25 thick wood or any other non-conductor below;
- (b) No hygrometer can be placed at a height of 1.50 meter from the floor and disrupting the fan, window or ventilation of the room.

(8) Keeping record of index of the hygrometer:

No index of the hygrometer shall be recorded within fifteen minutes of change in water of reservoir.

(9) Air flow for creation of humidity:

Steam pipe used for thrusting water vapor for creation of artificial humidity in air of any room shall be of following description, namely:---

- (a) Pipe's radius shall not be more than 2.54 centimeter;
- (b) Pipes shall be of logically short size;
- (c) Holders of the pipes shall kept separate from the bare pipe with a proper insulator not less than two inches thick;
- (d) Air pressure of the pipe shall be not over 70 pounds per square inch; and
- (e) To keep the temperature releasing from the pipe at the lowest figure, the steam carrying pipe shall have to be covered with a non-conductor matter approved by the inspector.

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Schedule-2
[Vide Rule 51]

Number, location and cleanliness of toilet and bathroom

(1) Number of toilets:

As per section 59, each establishment shall have provision for following number of toilets, namely:---

- (a) In case of female workers, one toilet for each 25 females up to the first 100 and one for each 50 next;
- (b) In case of male workers, one toilet for each 40 males up to the first 100 and one for each 60 next.

Explanation:-- As per this clause, in case of reckoning number of necessary toilets, less than 25, 40, 50 and 60 workers shall be treated to be respectively 25, 40, 50 and 60 workers.

(2) Bathroom:

- (a) For male workers, provision for one bathroom for each 100 persons shall be made.
- (b) At time of approval of layout plan of the factory or establishment, toilets or bathroom therein has to be marked clearly;

Provided, however, that if the toilets and bathrooms are out of the establishment or factory building, then its layout shall have to got approved separately.

(3) Location of toilets and bathroom:

Regarding toilets and bathroom, the following provisions shall apply, namely:--

- (a) Toilets and bathroom shall be located at such place not disturbing easy movements of the workers up to the firm or factory and that bad smell shall not affect any working place/room;
- (b) There shall be arrangement for sufficient light and necessary ventilation in the toilets and bathroom;

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(c) Provision of toilets severally for both man and woman have to be made at the place where male and female workers are engaged and whether one toilet is for ladies or gents have to be marked or indicated in Bengali language whether it is for gents or ladies by hanging a signboard;

(d) Toilets for ladies shall be such as shall not be visible from the place where the gents work or make their movements and if toilets of male and female are adjacent, then passage to the toilets must be different; and

(e) Inside each toilets of the ladies there must be covered bin box and this must be cleaned everyday.

(4) Cleanliness of toilet and bathroom:

(a) Both toilets and bathrooms shall have to be cleaned everyday with water and antiseptics;

(b) Wall, internal roof and walls shall have to be whitewashed and colored at least once a year and date of said white wash and distemper have to be recorded in as per Form-20;

(c) If any part of the toilet and the bathroom is decorated with bright tiles or made otherwise smooth, then it shall have to be cleaned with effective anti-rubbish and antiseptics everyday.

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Schedule-3

[Vide Section 88 and Rule 75]

Worker's safety in ship and sea ports

(a) Safety of workers in ship and sea ports:

(1) Applicability of section 88 in safety of workers:

Provision of Section 88 in addition to Ports Act, 1908 (Act No. XV of 1908) shall apply in case of safety of workers of road, river and sea ports used for Bangladesh Inland river vessels, sea-bound ships and kindred vessels, passenger transport, goods transport, etc.

(2) Power of the inspector in application of section 88

- (a) Any officer as authorized by the Inspector General may carry out following activities taking such assistance as he thinks fit, namely:---
- (aa) To enter at daytime or by night into a building or premises or vehicles or ship or any place where any drive is carried out and to investigate, inspect or carry out any test;
- (bb) To carry out any test at any premises or vehicles or ship or at a place where any process is carried out or to carry out any test at any space designated or used therein or to test any machinery installed therein as he thinks fit for purpose of fulfilling objective of law;
- (cc) He may ban use of any machinery which is not in consistency with provision stated in Clause 8-19; and
- (dd) To summon any register, certificate, notice or documents under law or this clause and to inspect or test the same or to keep copy thereof;

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(b) To enter any vehicle, ship or place for purpose of exercising power in pursuant to laws and rules relating to vehicles, ship or premises and for purpose of carrying out investigation or test to provide persons assigned with general management or control of relevant vehicle, ship or place or its owner or driver of master or officer in charge or agent inspector with all kinds of transport facilities.

(3) Duties of Inspectors in case of applying provision of section 88:

- (a) The inspector shall, during inspection of any premises, vehicle or ship ensure that laws and rules are being duly complied with;
- (b) If the inspector has sufficient reason to believe that for reason of the lift being defunct or for its sudden fall, an accident has occurred due to non-compliance of any of the provision of law or rules, then he may carry out an investigation into causes of similar accident;
- (c) The inspector shall during inspection determine to what extent the defects and deviations discovered in the previous investigation has been amended and to what extent the previously issued orders have been complied with;
- (d) The inspector shall record results of his investigation and new follies and deviations discovered during investigation and his orders according to law and these rules in a register; and
- (e) The inspector may, if he so thinks, send gist of new follies and deviations discovered during investigation along with instruction of inspector and comments to owner of the relevant place or ship, master, officer in charge or agent in the form of a notice.

(4) Cautionary measures against hazardous toxic smoke and other harmful substances:

- (a) No persons shall be allowed to enter such a place as being under hazardous elements until certification on security is issued by the due authority (inspector of directorate of explosives);

(b) In case it is not possible to take any alternative measure to protect the workers from the hazardous elements, to protect workers from poisoning of these elements eligible persons shall have to be supplied with safety equipments and they shall have to be trained also in using those; and

(c) As per provision of article (b), responsibilities of supply, cleaning and maintenance of safety equipments lie with the berth operator, stevedore or owner and where there is likeliness for safety equipments to be polluted, berth operator, stevedore or owner or berth operator owner have to make provision of preserving the same in a quite separate place.

(5) Consultation with workers:

For purpose of receiving assistance regarding taking safety measures to adopt in control of apprehension of health hazards, the safety committee or workers representatives have to be consulted with as much as practicable.

(6) Responsibilities: Responsibilities of all equipments used in work lied with the berth operator, stevedore or owners and responsibilities of masters of ships not being registered in Bangladesh shall be to comply with clauses 7-19.

(7) Competent person:

Competent person to fulfill objectives of this schedule means---

- (a) Any person authorized by the Inspector General as per Form-30;
- (b) In case of machinery not carried in ships, any person appointed by the port authority on behalf of the inspector general by the latter's permission and
- (c) One officer approved by the inspector general in case of machinery carried in the ship, or in other cases than fulfilling objective of clause 10(b), one person nominated by any authority approved by the inspector general and in case of machinery carried ships registered in other countries than Bangladesh, assigned persons of the countries concerned are also included therein to fulfill objective of the International Labor Organization Convention (1932).

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(8) Lifting machinery examination:

- (a) Before use of all kinds of lifting machinery, their proof loads have to be examined by a competent person in the manner stated in this schedule as per Form-31;
- (b) Visual test of all derrick, crane, permanent attachment bridle chain, all loose gear and deck shall be carried out once every month and at least once every five years, examinations along with proof loads have to be carried out;
- (c) Visual test of all other lifting machinery shall be done at least once every month.
- (d) To fulfill objective of this clause, visual test shall mean examination by visualizing with the eye, however, to verify safe location of relevant parts, tests may be done in cases by knocking with the hammer and if necessary, then tests may also be done by taking out parts and gear.

(9) Special type of loose gear:

- (a) Following types of gears shall be treated to be of special types gear, namely:---
 - (aa) Chain made from raw iron worthy of smelting;
 - (bb) Plate and link chain;
 - (cc) Steel made chain like ring, hook and chain;
 - (dd) Cast iron chain;
 - (ee) Cast iron chain, pulley block and ring, hook and chain related to measuring apparatus;
 - (ff) Ring and hook connected by screw-thread or ball bearing or other firm parts; and
 - (gg) Baurdax) connection.
- (b) Visual test of gear stated in the article(a) shall be made once a month by a competent person.
- (c) For purpose of visual test of gear onboard, master or chief officer shall be treated to be the competent person.
- (d) To fulfill objectives of this clause, test shall mean visual test with the eye and to be sure a danger free status, tests may be done by taking out the gear.

(10) Other loose gear:

(a) Without getting tested by a competent person as per Form-31 in the specified manner, no grub, chain, sling, hook, shackles, ring or pulley block may not be used for purpose of lifting and bringing down and proof load of the same shall have to be made after every three months.

(b) Unless other chains linked with derrick or mast excluding the bridle chain and ring, hook, shackle and chain are examined by the inspector, the same shall have to be examined within a timeline stated below by a competent person, namely:--

(aa) Generally used less than half inch size small chain, ring, hook, shackle and chain have to be tested at least once half a year;

(bb) Generally used all other chain, ring, hook, shackle and chain have to be tested at least once a month;

provided, however, that in cases of gears used in only chain and other lifting machinery and in case of all hand-run gears, the timeline shall be twelve months in stead of six months stated in sub-clause (aa) of the sub-clause and two years in place of twelve months stated in sub-clause (bb) above.

Further provided that after ensuring safety of workers, if the inspector thinks it necessary then subject to permission of the government any gear of special size and design or of special category which needs to be used constantly may be exempted from precincts of provisions to be complied with under this schedule by a written certification and under terms and conditions stated therein;

(d) All other chains, rings, slings, hooks, shackles and all pulley blocks excluding those linked with the mast or derrick unless tested within the previous three months must be tested by a competent person before use in work;

(e) All rings, hooks, shackles and chains used in lifting and bringing down if enlarged or changed due to welded or if they are repaired shall be tested by a competent person before use again in the work in the manner stated in this schedule.

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11. Ropes:

- (a) No ropes may be used in lifting or bringing down jobs, unless
 - (1) the same is of best quality and free from any defect; and
 - (2) In case of wire rope, it shall be tested by a competent person in the manner stated in this schedule as per Form-31.
- (b) Proof load test of all wire ropes used in lifting and bringing down shall be done a competent person at least once every three months: provided however that if any wire of similar rope tears away, then test of the same has to be carried out at least once a month;
- (c) If ten percent of a course wire of half inch radius tears away or the rope is excessively damaged visually and if the person testing it thinks it unfit for use then the same may not be used for lifting and bringing down;
- (d) In case of loose is created in any rope, then at least three fourths of the wire shall have to be round the hole and it shall have to be firmly affixed to the top of the rope; provided, however, that loose created otherwise is not strong enough, then no provision of this schedule shall not stand in the way of using it.

12. Register of periodical examination:

For purpose of recording results of the following tests , a register shall have to be maintained as per Form-31(a), namely:---

- (a) Five yearly examination and five yearly examination as per provision of article (b) of clause (8);
- (b) Annual examination as per provision of article (c) of clause (8);
- (c) Stated examinations as per provision of article (b) of clause (13);

(d) To weld all chains, rings, etc. as per article (b) of the clause (10) unless certificate is enclosed in the register as per Form-31 in pursuant to provision of article (c) of clause (13).

13. Certificate of competent person:

(a) The following subject related certificates shall have to be prepared according to Form-31(a) and enclosed with the register, namely:-

(1) Examination and verification results of following subjects as per provision of article (a) of clause (8) ---

(aa) Winch, Derrick and related gear according to Form 31(b); and

(bb) Gears of crane or lifting machine and concerned gear of these according to Form 31(b);

(2) Form -31(d) for test and re-test results of chain, ring, hook, shackle and all pulley blocks as per provision of (a) and (b) of Clause (10);

(3) For results of wire rope as per provision of clause (a) of article 911), Form-31(e);

(b) Certificate for welding chain, etc as per provision of clause (b) of article (10) shall be prepared as per Form-31(b) and unless information set in the register as per Form 31(a), the same shall have to be set in the register.

(c) Certificate of the gear's annual test as per clause (9) shall have to be done according to Form-31(f).

(14) Maintenance and production of register and certificates:

Register and certificates annexed to register---

(a) shall be stored in the premises until approval of any other place by written order of the inspector;

(b) shall be produced before the inspector for the asking;

(c) shall be preserved for a 05 (five) years from date of last inclusion.

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(15) Not to start use of machinery, etc until necessary inclusion in the register: Chains, ropes, gears which need to be recorded in the register as per Form-31(a) or regarding which certificates need to be prepared in the similar register or regarding which certificates should be prepared may not be used until preparation of similar certificates.

(16) Pulley blocks: Until drawing of marks indicating safe carrying capacity no pulley blocks may be used for loading and unloading goods.

(17) Safe working load of chains and slings:

(a) shall have to be kept in such a state so that chain or rope users may be informed of its safe carrying capacity;

(b) Following measures have to be taken under article (a), namely:---

(aa) In case of chain or ligament, words or symbols have to be used seeing which its users may be informed of its safe carrying capacity; and

(bb) In case of ligament of its rope, notices shall be displayed thereat in the manner stated in article (a) so that the users may be informed of its safe working load by reading the same with quick understanding.

(18) Safe working loads for cranes:

In each crane and derrick, safe working loads shall be conspicuously marked and if the crane located at the edge is so made that during rise and fall, differences occur in its safe working load, then automatic indicator of safe amount shall be jointed with it.

(19) Raising and letting down container:

(a) Before use of container and spreader, the foreman, supervisor or any other authority shall ensure that the same is in good condition;

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- (b) Single or multiple sling container may not be used for loading and unloading purpose;
 - (c) Care has to be taken so that weight of container and spreader is in excess to the safe loading capacity of the lifting machinery;
 - (d) Lifting machinery has to be used under supervision of properly trained signal man and when the crane operator cannot see the signal man for any reason in raising and bringing down container, walky-talkies have to be used at that time;
 - (e) when a container is raised and brought down from a trailer, no person shall be allowed in the prime over;
 - (f) No man shall be allowed to stand on the container when ----
 - (1) container is raised and brought down; and
 - (2) raising and bringing down of other containers goes on close to that.
 - (g) When a container is raised with a spreader linked thereto through a crane, no man shall be allowed to stay thereon;
 - (h) When a ladder is used to get on top of the container, the said ladder shall be best made and provision shall be there to firmly fasten the ladder top.;
 - (i) When workers work on the container, then
 - (1) it shall be ensured that top of the container is dry and clean;
 - (2) At time of loading and unloading of the container, the workers have scope to used the best and safest equipments.

(20) Responsibilities:

Compliance with clause (21) and (22) shall lie with owner, master, officer in charge or agents of the ship.

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(21) Access between shore and ship:

If any ship is kept waiting at any harbor for loading or unloading, then following arrangements have to be made for workers' access to the ship and their getting down on the shore, namely:---

- (a) Strong stairs or gangway fitted with a fence being at least 22 inches wide and 2 feet 9 inches high on both sides;

Provided, however, that in case of own stairs being fitted and one side of the stairs being supported by the ship, a strong rope fence will do on the other side;

- (b) in other cases, strong ladder or stairs so made shall be fitted completely free of danger lest the legs slip.

(22) Lighting for process on ship:

During the process, arrangement for sufficient light has to be made keeping consistency with the ship, goods and all workers---

- (a) on deck and inside the ship where work is going on; and
- (b) at each of the place where during work workers may be required to have access to.

(23) Reporting accident and hazardous incident:

In the manner stated in rule 69, responsibility of reporting accident and hazardous incident to the authority lies with the owner, berth operator, stevedore, port authority, agent and concerned firms.

(24) Responsibilities of owner, berth operator and stevedore for machinery, etc:

No owner, berth operator and stevedore shall not allow to use any machinery or gear in a way not consistent with matters stated in clause (8) to clause (19).

(25) License renewal:

The port authority shall, before renewal of license of the berth operator, stevedore and agent, receive reports on their implementation of workers safety or compliance form the inspector and license shall be renewed taking it into consideration.

(c) Workers safety in construction and breaking down building, bridge and other establishments:

For purpose of fulfilling objective of the section 88, followings have to be complied with for ensuring safety of workers, namely:----

- (1) In case of construction or breaking down any building, bridge or other erections, developer or chief contractor must ensure overall safety excluding safety instructions stated in 1st to 4th chapter of the chapter seven of the BNBC (Bangladesh National Building Code) in the following manners, namely:----
 - (a) At not exceeding 3 meter below any end of the building where construction work is going on, sufficiently strong with safety elements safety net has been placed around the said building; and
 - (b) The safety net shall be placed around the building leaving a sufficient amount of space aside so that the principal objective of placing the safety net is fulfilled ;
- (2) Safety belt being of the best quality and free from defects with capacity to carry one and half times the weight of workers firmly fastened form above shall have to be provided along with safety line for protection of construction workers and where there are risks to fall from a height, construction workers may use the supplied safety belt and life line;
- (3) Workers required to use safety belt and life line have been sufficient training and guidelines on those safety equipments;
- (4) Safety kit set, safety belt and life lines are kept usable and properly maintained;

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- (5) At 900 mm high railing and at least 200 mm thick platform shall be in floors and rooftops and around all open parts of any internal floor front ;
Provided, however, that any part of stairs at entry shall not be treated as an open edge.
- (6) All workers have been supplied with gloves, helmet and boots and they properly utilize it during working hours;
- (7) All workers engaged in drilling, cutting or welding have been supplied with safety goggles and they properly utilize those during working hours;
- (8) In the cases where platforms are needed and each part of it is well built, made of proper elements, flawless and safe for kinds of uses for which they have been made;
- (c) Special provision relating to health or safety of workers:**
- (1) Whether or not specifically stated in the law or these rules, if it is proved that workers have been recruited without taking adequate safety measures in any work menacing or harmful to health or safety of workers, it shall be treated as offence of violation of the law.
- (2) Whether or not specifically stated in the law or these rules, if the inspector general or any inspector concerned thinks it necessary for overall health and safety of the workers, then he may direct the owner to take due actions.
- (3) To fulfill objective of section 88(b), a prescribed competent person shall mean any government body or a civil engineer or any civil engineering firm assigned in this regard.
- (4) A competent persons shall certify firm status of a building as per Form-32.
- (5) After these rules take effect, the inspector general shall not permit production process in any building without the certificate stated in clause (4) in case of built factory.

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Schedule-4

[Vide rule 85]

Matters relating to safety committee

(1) Scope of the safety committee:

- (a) To assist relevant owner of authority in the implementation process of law and existing other rules and regulations on professional health and safety matters of all including factories and firms and workers working therein;
- (b) To identify professional risks and deficiencies related to health and safety as per check list prepared under this schedule and recommend to owner or authority necessary measures to remove them;
- (c) To review matters related to ensuring professional health and safety the work place and workers therein, to recommend measures to the owner and the authority and to provide workers, employees and all concerned in this regard and raise their consciousness;
- (d) To form firefighting, emergency rescue and first aid team as stated in the sixth chapter of these rules and to conduct training and rehearsal of them;
- (e) To supervise, monitor implementation of provisions of law relating to professional health and safety and the committee's recommendation, maintenance of reports and if necessary then to keep factories and firms ready for inspection by the department of inspection;
- (f) To play due roles in light of policies and guidelines prepared by the 'National Industry, Health and Safety Council' under section 323 and to assist the owners and authority in implementation of the policies;
- (g) To implement trainings received on professional health and safety;
- (h) Not to place any industrial dispute and not be included in any party over the industrial dispute.

(2) Functions and responsibilities of the safety committee:

- (a) With the objective to duly comply with the special provisions and related rules as stated respectively in the sixth and seventh chapters of the act in factories or industrial firms, to prepare a guideline or instruction book with details of own responsibilities.

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- (c) Following matters shall be included in the guideline prepared under clause (a), namely:---
- 1. Risk and safety related management of the firm:**
- (a) Identifying risky areas (like parts of building, stairs, premises, electric lines, machinery, etc) ;
 - (b) Nature of risk (like crack, gate locked during working hours, dangerous electric connection, etc) ;
 - (c) Risk level (like high/medium/general/not satisfactory);
 - (d) Assessment of immediate duties (like prohibition of use, immediate repair, reforms, closure);
 - (e) Assessment of necessary protection system in different nature and levels of risk; and
 - (f) Assessment of technical and administrative liability.
- 2. Machinery and procedure related management:**
- (a) Testing installation related aspects;
 - (b) Verifying method of running machinery;
 - (c) Assessment of duties in case of defective operation;
 - (d) Examining personal safety equipments and protection system; and
 - (e) Assessment of liabilities of wrong operation and proposals or recommendation.
- 3. Management of dangerous smoke, explosives and combustibles:**
- (a) Assessment of nature of explosives and combustibles;
 - (b) Maintenance system;
 - (c) Assessment of practical and procedural defects;
 - (d) Examining personal protection system;
 - (e) Considering environmental risks, and
 - (f) Instructions and advice.
- 4. Fire related management:**
- (a) Determining possible sources of fire;
 - (b) Prevention system;
 - (c) Preparing list of persons engaged in fire fighting and verifying standard of performance;

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- (d) Examining emergency exit management and assessing existing obstacles;
 - (e) Steps taken to immediately remove obstacles;
 - (f) Assessing standard of fire fighting equipments;
 - (g) Training or rehearsal; and
 - (h) Proposal or advice.

5. Accident related management:

- (a) Review of likely disaster time situation in overall process environment and process;
- (b) Verifying or considering likeliness of incident at personal level;
- (c) Plan of action of rescue operations in case of highly potential accidents;
- (d) Distribution of charges;
- (e) Preservation of necessary materials or equipments in rescue operation and assessing immediate responsibilities;
- (f) Contact with different organizations and coordinated plan;
- (g) Enquiry into accidents taking place and assessing reasons;
- (h) Assessing duties and liabilities;
- (i) Recommendations and guidelines to prevent further accidents; and
- (j) Giving to accident-affected workers medical service and compensation.

6. Management of sickness out of dangerous operation, professional illness and poisoning:

- (a) Assessing dangerous occupations of the firm enlisted under rule 68.
- (b) Preparing scheduled and enlisted chemical substances used in the firm;
- (c) Ensuring obligation of health check-up of workers working in contact with hazardous occupations and harmful substances;
- (d) Exchange of views with physicians over physical illness of workers in relevant occupation as learned through their routine check-up;
- (e) Evaluation of overall health care, medication and compensation system applied over workers working in the relevant occupations; and
- (f) Necessary advice and guidelines for development of health protection system.

(3) Arranging meetings:

- (a) Meetings of the safety committee shall be held at least once in every three months, however, on emergency situations, a meeting may be convened at any time;
- (b) The meeting shall discuss report on safety, occupational health and working environment or survey report, safety or risk related inspection or evaluation report, progress of implementation of emergency disaster plan and recommendations, etc plus other necessary issues;
- (c) Proceedings of the meeting shall be recorded in writing and shall be kept ready for inspection by the firm or factory authority and inspector as and when they may think necessary.

(4) Preparing progress monitoring related checklist and report form:

- (a) To ensure implementation of matters specified in the professional health and safety guideline or instruction book and to identify risks harmful for life and health of workers according to factory or firm's production process, nature and use of raw-material-chemical and services, the safety committee shall prepare a check list;
- (b) The safety committee shall monthly or quarterly submit to the owner or the manager a report along with recommendation in a prescribed form;

Provided, however, that if at any time it appears that any defects or deviations have been made or violation of the law or these rules done, then to solve it, recommendations in writing have to be submitted to the owner or the authority.

(5) Arrangement for education and training:

- (a) The safety committee shall arrange for education and training for raising consciousness of all officers of the factory or industrial establishments including workers therein and all concerned;
- (b) To ensure participation in the training of all departments, officers and workers of the factory or industrial firm, the owner side shall take necessary actions;
- (c) All trainings and refreshers training shall be gratis and shall be arranged during office hours.

(6) Arranging rehearsal:

The safety committee shall arrange for regular training and rehearsal under sub-rule (10) and (14) of the rule 55 on prevention of earthquake, conflagration and other disasters and accidents.

(7) Preservation of information or database:

- (a) The safety committee shall, for convenience of fastest communication with the safety specialists and firms of the country, preserve information or database with phone, e-mail, fax and addresses in detail;
- (b) It shall maintain up to date all safely related laws, rules and regulations including those on professional health and safety, building code, electricity, fire extinguishing, environment laws etc.
- (c)

(8) Submission of recommendations for treatment and realization of compensation:

For getting medical attention and realizing compensation in the accident stated in the twelfth chapter of the law, the safety committee may submit recommendations in writing to the owner or authority.

(9) Observance of a safe working place day

The safety committee shall take initiative to take up programs to observe the nationally or internationally declared 'safe working place' day at factory or industrial firm level or on area basis.

10) The rules set by National Industry, Health and Safety Council:

The Safety Committee at institute/factory level shall work for implementing the national rules set by National Industry, Health and Safety Council and the guidelines issued from time to time.

(11) Jurisdiction, etc of the safety committee: Jurisdiction of the safety committee shall be as follows, namely:--

- (a) The inspector shall, if on completion of inspection of the concerned factory or industrial firm, any opinion is left in the inspection report prepared by him over safety of the factory or industrial firm, send one of its copies to the firm's owner and the safety committee within one month of preparation of the same;
- (b) Majority of members of the safety committee may submit any special report to the owner or managing authority on their own signature without any meeting being held in case of any emergency;
- (c) To resolve any problem on basis of recommendations of the safety committee, unless the owner or the authority takes any initiative within 7(seven) days next to receiving recommendations, then the safety committee shall lodge a complaint in writing with the inspector general or the inspector and the inspector general or any inspector authorized by him shall take necessary actions;

- (d) The safety committee shall discharge duties under the law and these rules by keeping individuality and the firm's departments shall render necessary assistance to the safety committee in discharging its duties;
- (e) In necessary cases, members of the safety committee may inspect concerned factory or firm during opening or closing hours and the owner or the managing committee shall render special cooperation in this regard;
- (f) For conduction of programs related to the committee formed under members of the safety committee or for receiving training, the firm or the factory authority shall allow logical and sufficient time within the working hours.

(12) Decision making procedure of the safety committee and implementation thereof:

- (a) In case of making decisions by the safety committee over safety, decisions have to be made unanimously or on basis of majority in the committee's meeting;
- (b) The owner shall take necessary actions to comply with or implement the safety committee's decisions;
- (c) For any decisions accepted by the safety committee in a simple mind or for any decision or any work completed or for expression of any opinion or difference in opinion in the meeting, no member can be made personally responsible.

(13) Trainings of the safety committee members:

- (a) The owner or the authority shall arrange for training of the safety committee members at cost of the owner on occupational health and safety and on working place environment;
- (b) Such trainings may be arranged at the factory or premises of industrial firm or any training center;
- (c) During training, the members shall be treated to have been on duty;
- (d) Through trained up members of the safety committee, training to raise consciousness regarding a safe working environment and risk free health of workers shall have to be arranged.

Schedule-5
[Vide Rule 96]
Different advantages and facilities of the tea garden

1. Provision of drinking water in the working place:

At a convenient place within reach of workers in each working place of each tea garden, arrangement of sufficient drinking water shall be made and with this end in view, setting up 1 tube-well or arrangement of drinking water shall be made at leaf weighing center of each section of the garden shall be ensured.

2. Toilet and bathroom at working place:

(a) For use by workers at each tea garden, at a convenient place of the leaf weighing center of each section, provision of necessary number of separate toilets and bathrooms of specified standard shall be made;

(b) Each of toilets and bathrooms stated in clause (a) shall be kept neat and clean and properly maintained.

3. Recreational facilities:

(a) Each of the owners shall in consultancy with representatives of workers arrange for recreational centers at a convenient place at each garden;

(b) The recreational center shall offer proper indoor and outdoor games plus other recreational facilities;

(c) If there is open space in the recreational center within a logical distance, then provision of a sports ground with necessary outdoor sports equipments.

4. Educational facilities for workers' children:

(a) For provision of free primary school for children of workers, each owner shall arrange for a primary school in each garden subject to discussion with the workers organization (if any).;

(b) The said school shall be established within half a kilometer of residences of the workers concerned and in it there shall be provision for admission and proper place of study, furniture and other necessary equipments for all children of workers aged six to twelve years;

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- (c) In the said school, one teacher for each forty children or sufficient teacher at the similar rate shall have to be appointed;
- (d) Notwithstanding anything else contained in this schedule, in each system of admission for six to twelve years old children of workers with sufficient seats or if there is any school at primary or secondary level for free education under any local government and if such school is located within half a kilometer off residence of the workers, the owner may be exempted from obligation of establishing a separate school;
- (e) The owners may jointly establish educational institutes or schools;
- (f) Curriculum, course duration, standard, syllabus for education at school shall be similar to those of the board which the said school belongs to.

5. Crèches:

- (a) Each tea-garden shall have suitable rooms for use by children of workers minimum six years;
- (b) Such rooms shall have arrangement for sufficient ventilation along with sufficient accommodation, shall be kept neat and clean and shall be maintained in a hygienic manner. It shall be kept under supervision of a trained up experienced woman and the said room shall be of such standard so that ----
 - (a) children brought there may stay with comfort;
 - (b) it shall have provision for effective system to protect it and if necessary then it shall have provision for fans;
 - © it shall have proper provision for toilets, bathroom facilities and supply of pure drinking water;
 - ©The owner shall arrange for milk or snack everyday for such children and
 - (e) For use by the similar children, the owner shall arrange for suitable toys and furniture.

6. Medical facilities:

- (1) Arrangement for indoor and outdoor treatment:
 - (a) For workers engaged in each of the tea gardens and also for their family members, there shall be provision of indoor and outdoor games and for this purpose, hospital or dispensary shall be established in the prescribed manner;

(b) The workers shall be entitled to medical treatment in case of emergency and for treatment of workers, doctors engaged in said hospital or dispensary in such a case shall ensure treatment going at home of workers.

(2) Garden hospital:

(a) In each of gardens with less than 400 workers, subject to permission of the inspector general one round the clock medical assistant and one trained up midwife shall conduct the dispensary at their disposal and in the said dispensary there shall be a specified number of beds approved by the inspector general;

provided, however, that in case of non-availability of any medical staff, the owner shall subject to permission of the inspector general appoint one competent compounder for round the clock services;

provided further that the said dispensary shall have to be got visited at least once a week by the competent physician of the nearby garden hospital;

(b) In a garden with more than 400 workers or the same being extended over 400 acres of land there shall be established one clinic or hospital and in each of such clinics or hospitals, following medical staffs shall have to be appointed for purpose of rendering medical services, namely:---

(1) One competent medical staff or one trained up doctor for each 401 to 750 workers;

(2) One constant doctor with MBBS Degree for each 751 to 1500 workers;

(3) One trained up nurse or competent dresser for each 700 workers;

(4) One competent compounder for each 1,500 worker; and one competent midwife for each 1,500 workers;

provided, however, that medical staff appointed before enforcement of these rules, despite being not competent shall retain his office until exceeding age limit.

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Provided further that where law permits to appoint more than one physician, efforts shall be made to appoint at least one female doctor;

(c) There shall be at least 4 beds in each of garden, clinic or hospitals;

(d) For each 100 workers in excess to 400 workers appointed in the garden, 1 bed shall be increased and for each bed, at least sixty square feet space of the floor shall have to be allotted, however, in emergency case, the owner may relax the obligation on floor area by informing the inspector general;

(e) There shall be following arrangements in garden, clinic or hospital, namely:---

(1) General ward for males;

(2) General ward for the females;

(3) One separate labor room;

(4) A separate ward with toilet and bathroom for workers attacked with contagious disease;

(5) An enclosed separate department better if separate from the general ward with sitting place for outdoor patients;

(6) Separate room to maintain privacy of patients;

(7) Minor surgery and dressing room;

(8) Dispensary and medicine store;

(9) Neat and clean kitchen and suitable wash room;

(10) Staff Quarter;

(11) Clinical laboratory; and

(12) Physical therapy department;

Provided however that if the owner can satisfactorily arrange for any hospital as approved by the inspector general, then X-ray and physical therapy department may be discarded.

(3) Group hospital in the tea garden:

(a) Group hospital may be established jointly by the owners;

(b) Planning and layout of the group hospital shall have to be approved by the inspector general;

(c) Number of beds in the group hospital shall be similar to that stated in clause (2). provided, however, that the inspector general shall determine number of beds;

(d) There shall be following facilities in the group hospital, namely:---

- (1) General ward for males;
- (2) General ward for the females;
- (3) One maternity ward with separate labor room;
- (4) An enclosed separate department better if separate from the general ward with sitting place for outdoor patients;
- (5) Separate room to maintain privacy of patients;
- (6) Dispensary and medicine store;
- (7) Surgery room,
- (8) X-ray department;
- (9) Physical Therapy Department;
- (10) Dental Department;
- (11) TB and VD clinic;
- (12) Clinical laboratory;
- (13) Kitchen and laundry so made as not to allow mosquitoes and flies in.
- (14) Staff Quarter;
- (15) Dead body preservation and autopsy room;

Provided however that if owners can arrange for any other hospital subject to permission of the inspector general, then X-ray and physiotherapy department may be discarded.

(e) There shall be arrangement for a specified number of competent physicians and other facilities and all doctors of group hospital shall be holders of recognized medical degree;

(f) If number of bed in a group hospital is more than one hundred, then at least two nurses shall be appointed for each ten beds;

(g) If the owners join the group hospital, then the inspector general may exempt them from form obligation under clause(2)

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(4) Equipment and drugs:

As many equipments, injection, medicine and apparatus as shall determined by the inspector general on discussion with the directorate of health shall have to be in each dispensary, garden hospital and group hospital;

(5) Medical records:

Medical officer in charge of each dispensary, garden hospital and hospital shall keep medical record for each patient taking treatment there;

(6) Annual return:

Annual return regarding running health care centers shall have to be spent as per Form-81(jha)

7. Housing facility in Tea garden:

(1) Housing facility for workers of tea-garden:

(a) Each of the owners shall arrange for residence free of cost for each of his workers and family members of the workers;

(b) The said house shall be built as far as practicable close to workplace on a dry place and arrangement for drinking water shall be made;

(c) These houses shall be at a safe distance from the marshy and wet lands and shall be on such an elevated place where flood water shall not enter;

(d) Each year for at least ten percent of residing workers, similar mirtinga type house shall be made.

(e) The worker shall not pay any rent or other assessments in exchange for residential facility given by the owner;

(f) The government may relax the obligation of construction of mirtinga type house for a specified percentage of workers on basis of opinion of the inspector general for any reasonable ground put forward in writing;

(g) Two copies of planning of housing for each worker shall be submitted to the inspector general and the said planning shall include following matters, namely:---

(aa) Particulars as to number of days during which housing shall lie allotted;

- (bb) Design of mirtinga type house on at least 32 square meter floor;
- (cc) Rule or method of allotment of houses to workers and possession of them by workers;
- (dd) Design of workers colony and the house along with provision for electric light and water supply;

(2) Drinking water facility in residential area:

- (a) For purpose of pure drinking water, the owner shall arrange for at least one tubewell or covered pucca well for each 25 families;
- (b) The well shall one hand-run pump and one similar pucca well shall be for each fifty families living in the workers colony;
- (c) Necessary steps have to be taken to keep water and lifting pot germ free;
- (d) Open wells or water containers used for drinking water shall be preserved in such a way as shall not be polluted;
- (e) Surrounding area of the place where drinking water is supplied shall be kept neat and clean in a hygienic way;
- (f) The inspector may direct the owner in writing to collect report from the directorate of public health and engineering on whether drinking water supplied for the workers is usable;

(3) Maintenance of residential houses of tea-garden workers:

The tea-garden owner shall at his own cost

- (a) make necessary repairs and sound maintenance of houses at times to keep the residence suitable and safe;
- (b) arrange for sufficient light for the area where residences have been made; and
- (c) Accesses to the residential areas and urine and tool flow and sewerage system shall be properly maintained.

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(4) Condition to occupy the residence of workers:

- (a) A worker whom the house has been allotted, shall not
 - (aa) make any change in any portion of the house without being permitted;
 - (bb) transfer, exchange or share residential facility of any house without written permission of the owner;
 - (cc) sub-let to any person the house or any part thereof;
 - (dd) keep any domestic animal in any residential house or verandah; and
 - (ee) do any construction work in the tea-garden's land.
- (b) The worker will use the hygienic toilets given by the owner, keep the house and adjacent areas neat and clean and shall not waste drinking water.

(5) Bathroom:

- (a) Each owner shall arrange for sufficient number of toilets for family members of the workers to whom residential facilities have been sanctioned;
- (b) Toilets have to be located in such places where family members of the workers shall have easy access to them;
- (c) Each toilet shall be with a covering and shall be with necessary doors and provision of locking said doors.

(6) Vacating residential places:

- (a) If any worker is terminated or made to be out of employment, then he shall vacate the residence allotted by the owner within one month;
- (b) If any worker dies or retires, then his family members shall be entitled to said allotted residence for a period of 3(three) months; provided, however, that if any of the family members of late worker is an employee of this garden, then he shall be entitled to occupy the said residence;
- (c) If any worker resigns, then he shall vacate the residence within 2(two) months of resignation;

(d) A worker shall leave the residence within 1 (one) month provided by the employer if he is discharged or removed from his job;

(e) If any family member of the resigned or discharged or removed worker works in the same garden, he may keep possession of the resident.

8. Supplying basic products for tea-plantation worker:

Under section 97, every owner shall encourage the establishment of co-operative store of consumer goods in his plantation by discussing with the workers' representative so that workers may easily get day to day essential products.

9. Conventional practice and facilities:

Long held conventional practice and facilities of tea-plantation shall continue to exist.

10. Elimination of inconvenience:

If there appears any difficulty while implementing the provisions of this Schedule, the owner shall inform the Inspector-General in writing and in this regard the decision of the Inspector-General shall be considered final.

Schedule-6

[Rule 146]

The procedure and decision making method of the court for reparation case

(1) Application Form:

- a) Every application mentioned in the section 168 shall be sent to the Labour Court through registered post or shall be sent to it or to an senior officer and application submitted or sent in the similar fashion shall be signed by the applicant and submitted to two copies unless otherwise ordered by the Labour Court.
- b) A testimonial must be attached with the similar application testifying that information provided and signed by the application is authentic in the knowledge and trust of the applicant.

2) Submitting application to the wrong court:

- (a) After receiving application, if the court thinks the application should be submitted to a different court, the court will explain the reason for sending back the application and will send it back to the applicant after signing it and providing the date of receiving the application.
- (b) If the court confirms at any stage after receiving the application that the application should have been sent to any other court, the court will send it to the appropriate court and inform the application about it.
- (c) Under article (b) the court to which the application has been submitted will treat the application as if the court had received the application first.

3) Primary investigation about the application:

If the application is not rejected under section (2), before informing any other party the court can ask the applicant to submit evidence-witness in favor of his/her application by showing relevant reason and after considering the evidences , if the court thinks there is no relevant reason for the application, the court may reject the application.

4) **Sending Notice to the opposite party:**

If the court does not reject the application under section (2) and (3), the court will send a notice with the copy of that application and date of hearing.

5) **Attendance and deposition of the opposite party:**

- a) The opposite party can submit a written statement in reaction to the application during or before the first hearing and similar written statement will be take into record for the case;
- b) If the opposite party opposes the claim and does not submit any written statement, the court will take deposition and write-down the summary of it.

6) **Determination of question of facts:**

- a) After considering the interrogation of the parties and written response, the court will proceed to determine the question of facts or laws through sorting out the questions the parties have disagreement over and will record similar question of facts required for the proper decision making of the case;
- b) The court will differentiate between question of facts and question of law at the time of recording

7) **Power to adjourn the trial of question of fact if question of law appear:**

If in any case both question of law and fact are raised and if the court deems that the case can be settled solely on the legal question, in that case the court can adjourn the trial of question of fact until question of law is settled.

8) **Diary:**

The court will preserve a diary with its sign which will note the summary of the procedure on applications.

(9) Recording the reason for adjournment:

If the court thinks a particular application is not possible to settle in a single hearing and it is necessary to be adjourned, the court will record the reason for adjournment.

(10) Verdict:

- a) In the verdict, the court will briefly state its decision on every cognizable issue and the reasons for taking decision.
- b) The court will declare its verdict while signing and putting date on its verdict and it cannot amend anything except for clerical or mathematical mistake which has been left or happened for sudden mistake.

(11) Summon of the witness:

If any party of the proceeding submits application by selecting witness, and if the court does not deem the presence of the witness unnecessary for the decision of the case, the court can summon the presence of the witness.

(12) Cost or Remittance of Cost:

The Court can determine the cost of the case or appeal of the labor court or tribunal according to the consideration of the court;

However, there will be provision stating that if the court thinks the applicant is unable to bear the determined cost due to poverty, the court can remit him from such or any other cost under the section 221.

(13) Right to access for local inquiry:

If the court is trying any case regarding accident, the court or ex officio officer can visit the place where the particular worker has been injured or where he was employed during the accident at any time for field inquiry;

However, there will be provision that it can enter a particular industry only during the working hours of the industry if the owner does not give permission to do otherwise.

14) Method of local inquiry:

- (a) If it is necessary to enquiry in the field about the accident the Court shall inform the concerned parties about such inquiry by notice, but if the news seems impossible to inform after considering the emergency nature of the incident, the Court or any officer authorized by the Court may not inform the news;
- (b) Such notice may be served verbally or in writing and if it is a matter of the owner the notice can be served on whom the demand can be submitted or if otherwise the notice can be served on the representative;
- (c) The concerned party or its representative can go with the Court at the time of inquiry;
- (d) The Court shall write the findings of the field inquiry summarily in the memorandum and shall show it if any of the parties want to see it; and
- (e) Such memorandum shall be considered as document of the case.

(15) Power to take statement summarily

- (a) The Court can interrogate any person summarily if such person is capable to give information about the incident at the time of field inquiry or at any other time except that of formal hearing of any case;
- (b) If any person is not summoned as witness in any concerned case and if the parties are not present there, he can be interrogated in such manner;
- (c) Any person at the time of taking evidence is not required to make oath according to clause (a)
- (d) If any statement taken according to clause (a) is written, the persons who make such statement shall sign it;
- (e) If the witness who make any statement according to clause (a) says anything contradictory to the above-mentioned written statement, the Court can attract his attention to it; and
- (f) The Court can record any written statement according to clause (a) when the case is resolved as per the agreement between the parties.

(16) Procedure of the concerned case

- (a) if there are two or more cases in the Court arising out of the same accident, and if there is a common subject matter in such two or more cases, then such cases after unifying shall be judged as one case;

- (b) Where measure has been taken according to Article (A), evidence based on common issues shall be recorded in a case file and concerned parties shall be deemed to be parties of a consolidated suit.

(17) Rule of signing forms:

Any form except the receipt of compensation which is, according to the Rules, meant to be signed by the Court, may also be signed by any subordinate officer authorized by it for this purpose.

(18) Transfer for report:

- (a) According to the provision of section 167, in the event of transferring any matter to another Court for report, a Court shall, along with the documents, send to that Court a short description in the form of arranged questions for answering matters on which the report is required.
- (b) The Court to which a case is transferred for report shall not have to submit report on any issue of law.

(19) In which case representative may be appointed:

If any person who is a party to a proceeding is less than 18 years of age, or is incapable of appearance, the Court may appoint an appropriate person, with his consent, as a representative of the same to conduct such proceeding.

(20) In which case new representative must be appointed:

If it appears to the Court that interest of the concerned party is not being protected properly by the representative appointed under clause 19, or the person appointed as representative dies or otherwise becomes incapable or unfit, then it shall appoint another person as representative substituting the previous person.

Schedule- 7
[Rule 7(2) (i), 10(3), 11(2), 355(1) & 356(3)]
Factory, Industrial Establishment, Commercial Institution, Commercial Bank & Insurance
Company, Shop & Contracting Establishment
License Fee & License Renewal Fee

1. For Factory:

Category	Maximum Number of Workers or Employees Employable in Any Day of the Year	License Fee (Taka)	License Renewal Fee (Taka)
a	5-30	500	300
b	31-50	1000	700
c	51-100	1500	1000
d	101-200	2500	1800
e	201-300	3000	2200
f	301-500	5000	3500
g	501-750	6000	4800
h	751-1000	8000	5000
i	1001-2000	10000	7000
j	2001-3000	12000	8400
k	3001-5000	15000	10000
l	5001- Above	18000	12000

2. For Industrial Establishments (Except Factories & Contracting Agencies):

Category	Maximum Number of Workers or Employees Employable in Any Day of the Year	License Fee (Taka)	License Renewal Fee (Taka)
Mini	0-5	300	150
a	6-25	500	300
b	26-50	1,000	700
c	51-100	1,500	1,000
d	101-200	2,500	1,800
e	201-300	3,000	2,200
f	301-500	5,000	3,500
g	501-750	6,000	4,800
h	751-1000	8,000	5,000
i	1001-2000	10,000	7,000
j	2001-3000	12,000	8,400
k	3001-5000	15,000	10,000
l	5001- above	18,000	12,000

3. For Commercial Institutions (Except Club, Hotel, Restaurant, Bank, Insurance Company):

Category	Maximum Number of Workers or Employees Employable on Any Day of the Year	License Fee (Taka)	License Renewal Fee (Taka)
a	1-10	500	300
b	11-30	1000	700
c	31-50	1500	1000
d	51-100	2500	1500
e	101-300	3500	2000
f	301-500	5000	2500
g	501-750	6,000	3000
h	751-1000	7,500	4000
i	1001-Above	10,000	5000

4. For Commercial Bank and Insurance Company:

Category	Maximum Number of Workers or Employees Employable on Any Day of the Year	License Fee (Taka)	License Renewal Fee (Taka)
a	1-30	5000	3000
b	31-50	7000	4000
c	51-100	10000	7000
d	101-300	12000	9000
e	301-500	15000	10000
f	501-750	17000	12000
g	751-1000	18000	15000
h	1000-Above	20000	17000

5. For Shop, Superstore, Club, Restaurant and Residential Hotel, and Productive Industry or Establishment Except Factory:

Category	Maximum Number of Workers Employable in Any Day of the Year	License Fee (Taka)	License Renewal Fee (Taka)
a	0-01	100	50
b	02-03	200	70
c	04-06	400	100
d	07-10	500	200
e	11-15	1,000	300
f	16-20	1,500	500
g	21-25	2,000	700
h	26-30	3,000	1,000
i	31-35	3,500	1,500
j	36-40	4,000	2,000
k	41- above	5,000	3,000

6. Category, License, Renewal Fee & Security Bond of Contracting Agency:

Serial No.	No. Of Workers	Category	License Fee (Taka)	Security Bond
1	1-200	a	20,000/=	2,00,000
2	201-500	b	30,000/=	3,00,000
3	501-700	c	40,000/=	4,00,000
4	701-1000	d	50,000/=	5,00,000
5	1001-2000	e	60,000/=	6,00,000
6	2001-4000	f	75,000/=	7,50,000
7	4001- above	g	1,00,000/=	10,00,000

Form-1
[Section 3 & Rule 3(2)]

Description of the Conditions of Service in the Service Rules]

Name of the Factory/ Establishment:.....

Address of the Factory/ Establishment:.....

Serial No.	Description of the Work/ Service which shall/ must be in the Service Rules	Mention of the Relevant Clause in the Service Rules
1	Classification of Worker e.g.- trainee, badly, casual, temporary, apprentice, permanent and sessional worker(for sessional factory)	
2	Procedure of informing working hour, leave and	
3	Procedure and conditions of the application of leave, authority to grant such leave	
4	Time of closure and re-opening of the establishment or branch, and temporary stoppage of work and rights and responsibility of owner and worker relating thereto	
5	Procedure of lay-off and conditions of the compensation for the laid-off workers	
6	Retrenchment of workers, re-employment of retrenched workers and condition and procedure of giving notice in such cases and payment of compensation for the retrenched workers	
7	Procedure of discharge from service and compensation therefore	
8	The acts or omissions constituting misconduct, conditions and procedure of suspension, temporary suspension etc. and compensation therefore	
9	Conditions of termination of employment and notice by owner and worker, procedure and compensation	
10	Procedure and benefit of retirement from service	
11	Responsibility in case of closure of factory due to suddenly-arisen problem	
12	Death benefit and its procedure	
13	Procedure of establishing provident fund	
14	Procedure of profit-sharing and establishment of welfare fund	
15	Medical benefit	
16	Procedure of group insurance	
17	Rules of promotion	
18	Rules of annual wage or increment of wage	
19	Grievance procedure	
20	Procedure of fine	
21	Information and description of work (if any) provided by the contractor	
22	Procedure of appointment of apprentice worker	
23	Other relevant matters not mentioned above	

Form-2
[Section 3 and Rule 3(4)]
Number of Appointed Workers

Name of Factory/Establishment :

Address of Factory/Establishment:

Serial No.	Classification	Number of Classified Workers	Female	Male	Handicapped(if any)
(1)	(2)	(3)	(4)	(5)	(6)
1	Probationer				
2	Badli				
3	Casual (including the workers of contractor)				
4	Temporary(including the workers of contractor)				
5	Apprentice				
6	Permanent				
7	Seasonal				
8	Appointed by Contractor				
	Total				

Form 2(A)
[See Section 3 and rule 3(4)]

Information of Trade Unions in Establishment

Name of Factory/Establishment :

Address of Factory/Establishment:

Serial No.	Name and Address of Trade Union	Name of the Officer of Trade Union	Whether Registered or Applied
(1)	(2)	(3)	(4)
1			
2			
3			

Form- 3

[Section 3 & Rule 4(1)]

Notice for the Notification of the Draft of Service Rules

Hereby all workers and trade unions are notified that for the control of the service of workers under section 3 of the Bangladesh Labour Act, 2006, the owner or managing authority has submitted a draft of the Service Rules (copy attached) to the under-signed authority. If there is any objection or proposal, that shall be submitted to the under-signed authority within 14 days.

The hearing of the objection shall be held in on at The objecting persons or organization or through the authorized representatives can attend the hearing.

Inspector-General

Form- 3(a)

[Section 3 & Rule 4(1)]

Objection or proposal on the draft of the Service Rules

Objection or Proposal on the draft of the Service Rules submitted byorganization.

Objection(s) or Proposal(s) with reason

- 1.
- 2.
- 3.

.....

Signature of Representative of the
Workers or Trade Union

Address:.....

.....

Copy is given (to the owner)

.....

Form-7
[Section 7 and Rule 20(1) and (2)]
Service Book

(A)First Part, Page 1
Identifying Information of Worker

1. Name of Worker: Passport
2. Father's Name: Size Photo
3. Mother's Name:
4. Name of Husband/Wife(where necessary):
5. Permanent Address: Village or Mahalla or House:..... Road:.....
Post Office: Police
Station:.....
Upazilla:..... Zilla:.....
6. Present Address:.....
.....
.....
7. Date of Birth/Age:
8. National ID Card No. (if any):
9. Educational Qualification:
10. Training/Special Expertise:
11. Height Centimetre
12. Blood Group(if any):
13. Identification Mark(if any):
14. Date of Issue of Service Book:
15. Left Thumb Impression:

Signature of Worker

Signature of Owner/Managing Authority

(B) Second Part, Page 2-5
Information Regarding Owner and Service

Name of Factory/Establishment	Name of the Owner/Managing Authority
1.	(2)

(C) Third Part, Page 6-9
Information Regarding Service Record, Wages and Allowance

Date of Commencement of Present Post	Post of Service and card No.	Rate of Monthly Wages			
		Basic Wages	House Rent Allowance	Medical Allowance	Bonus(if any)
		Taka	Taka	Taka	Taka
(1)	(2)	(3)	(4)	(5)	(6)

(D) Fourth Part, Page 10-13
Record of Leaves

Description of Availed Annual Leaves				Description of Leave with Cash			Signature of the Owner/Authorized Person	Signature/Thumb Impression of the Worker
From	To	Total	Unavailed Leave	Total	Date	Unavailed		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

(E) Fifth Part, Page 14-16
Record of Conduct

Date	Description of Conduct	Signature of the Owner or Authorised Person	Signature or Thumb impression of the Worker
(1)	(2)	(3)	(4)

Form-7(A)
[See Section 6(4) and Rule 22(2)]
Receipt of Acceptance of Service Book

Owner's Part		Worker's Part
Serial No.:		Serial No.:
Date:.....		Date:.....
From Whom Acceptance Was Made:		From Whom Acceptance Was Made:
1.Name:.....		1. Name:.....
2. Father's Name:.....		2. Father's Name:.....
3. Mother's Name:.....		3. Mother's Name:.....
4. Name of Post:.....		4. Name of Post:.....
5. Address/Place of Living:.....		5. Address/Place of Living:.....
.....	
Service book is being accrued for secured custody and record of information.		Service book is being accrued for secured custody and record of information.
Signature of Owner/Manager		Signature of Owner/Manager
Post		Post

Form-11
[Section 22 and Rule 28(1)]
Certificate of Incapacity
Pad-A of Registered Medical Practitioner

Name of Factory/Establishment:

Address of Factory/Establishment:

Name of Worker: Post:.....

Ticket, Card or Token No.:..... Age:.....

Description of Service: List of worker's responsibility or nature of service immediately before the incapacity

- 1.
- 2.
- 3.

Why medical practitioner is considering him to be incapable

- 1.
- 2.
- 3.

Description of other service(s) which he is capable of performing (if any)

.....

- 1.
- 2.
- 3.

Other Comments:

- 1.
- 2.
- 3.

.....
Signature of Certifying Registered Medical Practitioner

Seal.....

Date.....

Form-13
[Section 31 and Rule 31]
Certificate of Service
Pad-A of Establishment

Name of Factory/Establishment Name of
Worker..... Token, Card or Ticket No..... in Branch/Division
..... was employed in the establishment asfrom to..... .On last
.....he was terminated from employment due to retirement/resignation/ retrenchment/discharge/dismissal/removal. His employment
history is recorded in the service book.

(Information of the Worker According To the Record Kept by Establishment)

Name of Worker:
Father:
Mother:
Husband/Wife:
Date of Birth:
Post:
Card, Ticket or Token No:
Amount of Last Paid Wage:

.....

Signature of Owner or Manager

Date:.....

Form-14
[Section 33(3) and Rules 33, 205(1) and 351(1)(a)]
Filing Complaint to the Labour Court

Labour Court:.....

1. Name, Address and Full Description of Dissatisfied Worker:.....
2. Name, Address and Full Description of the Owner Against Whom Complaint Is Being Made:.....
3. Date of Joining, Post, Last Paid Wage, Last Workday (if applicable):.....
4. Write down the complaints serially here:
 - a.
 - b.
 - c.
 - d.
5. Date of accrual of the cause of complaint:
6. On which date the grievance was contacted to the owner:
7. Whether the owner has informed his decision [if yes, have a copy or summary recorded with the decision]:.....
.....
8. Date of giving decision by owner:.....
9. Whether the grievance has been raised already according to the Labour Code, 2006.
10. Attachments (if any):
11. Serially write down which relief(s) you are expecting:
 - a.
 - b.
 - c.
 - d.

.....
Signature of the Applicant-Dissatisfied Worker

Date:.....

.....
Signature of Applicant

Form-15
[Sections 34, 36, 37, 277 and Rules 34(1), 336(4)]
Certificate of Age and Fitness
“Pad-A of the Registered Medical Practitioner”

Certificate of Age and Fitness		Certificate of Age and Fitness	
1. Serial No.....		1. Serial No.....	
Date.....		Date.....	
2. Name.....			
3. Father's Name		It is being certified that (Name).....Father..... Mother..... Address..... has been examined by me.	
4. Mother's Name			
5. Sex		He is willing to be employed in establishment, and it has been found in my examination that his age is..... and he is fit to be employed in establishment as an adult/adolescent worker.	
6. Permanent Address.....		His identifying mark is.....	
7. Temporary/Mailing Address.....			
8. Date of Birth according to Birth Certificate/ School Certificate.....			
9. Physical Fitness.....			
10. Identifying Marks.....			
Signature/Thumb Impression of the Concerned Person	Signature of the Registered Practitioner	Signature/Thumb Impression of the Concerned Person	Signature of the Registered Practitioner

Form-16
[Section 43 and Rule 35(1)]
Notice of Working Hours of Adolescent
“On the Pad of the Establishment”

Name of the Factory/ Establishment:.....

Address of the Factory/ Establishment:

Registration No. of the Factory/ Establishment:.....

Shift (Turn)/ Relay No. (If any): Group No. (In any):

Day	Time of Starting Work	Time of End	Break for Rest
(1)	(2)	(3)	(4)
Friday			
Saturday			
Sunday			
Monday			
Tuesday			
Wednesday			
Thursday			

Form-17
[Section 45(3)(b) and Rule 39(5)]
Certificate of Pregnant Worker’s Fitness of Light Work (of Tea Plantation)
“On the Pad of Registered Medical Practitioner”

Name of Plantation/ Establishment:.....
Name of Worker:.....Current Designation:.....
Card No.....Probable Date of Delivery:.....
What type of light work she is fit to do:.....
To which date she is fit to do light work:.....

Signature & Seal of Registered Medical Practioner

Form-18
[Section 45(3)(a) & 47(1) and Rule 39(1)]
Notice for informing about pregnancy

To,
Owner/Manager
.....
(Name & Address of Establishment)

I (name)..... Designation Card no. am working in the branch of
..... of the above-mentioned establishment. I, hereby, notify that I will probably give birth to a child (as per the opinion of the medical
practitioner) on the upcoming date of..... For the fulfillment of the objectives of sections 47(4) & 49 and rule 29(2) , I, in case of my failure to be
present physically, nominate (ne and full address of nominee) for receiving my maternity benefit. Date of
nomination.....

Signature/Fingerprint of Worker

Form-18(a)
[Section 47(2)(4) & 47(1) and Rule 39(1)]
Notice for informing about pregnancy

To,
Owner/Manager

.....
(Name & Address of Establishment)

I (name)..... Designation Card no. am
working in the branch of of the above-mentioned establishment. I, hereby, notify that I have given birth to
a child on the date of According to the conditions of section 47 of the Bangladesh Labour Act, 2006, certificate of the
registered registered medical practitioner is herewith attached. Due to my incapacity to be present physically, as per section 49 and
rule 29(2), I nominate (name and full address of nominee) for receiving my maternity benefit. Date of
nomination.....

Signature/Fingerprint of Worker

Date, Year, Month, Day	Reading of Hygrometer						Nothing shall be written if there is no humidity	Signature of the Person who takes the Reading	Remark
	Between 07.00 am & 09.00 am		Between 11.00 am & 02.00 pm		Between 04.00 pm & 05.30 pm				
	Dry Bulb	Wet Bulb	Dry Bulb	Wet Bulb	Dry Bulb	Wet Bulb			
19 th									
20 th									
21 st									
22 nd									
23 rd									
24 th									
25 th									
26 th									
27 th									
28 th									
29 th									
30 th									
31 th									

(Friday at the beginning of the month, holidays and rest of the days of the month which ends before 31 shall be crossed.)

This is to certify that, the above-mentioned entries are correct.

(Signed).....

Form-22(a)
[Section 62(8) and Rule 55(14)]
Record Book of the Demonstration of Fire Extinguishment

Name of Factory/ Establishment:.....

Address of Factory/ Establishment:.....

Number of Total Workers and Employees:..... Male: Female:.....

Serial No.	Date & Time	Name of the Demonstration Conducting Agency	Number of Participators in the Demonstration			Duration of Demonstration
			Male	Female	Total	
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Name & Designation of Authority of Establishment/ Factory Present during the Demonstration	Signature of the Representative of the Fire Service/ Workers Present during the Demonstration	Number of Workers Wounded at the Demonstration (If any)
(8)	(9)	(10)

Form-23

[Sections 64(1), 78(1)(a) & 79(d) and Rules 57(1), 67(3) & 68(9)]

Register of Worker working on or near Machinery in motion, and providing with Personal Safety Materials

Name of Factory or Establishment:.....

Address of Factory or Establishment:.....

Serial No.	Serial No. of Worker's Register	Name of Worker	Age	Type of Work	Description & Date of providing with Tight Garment Personal Safety Materials	Description of Training for Such Work	Signature or Fingerprint of worker	Remark
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Form-24

[Sections 68(a)(3) & 69(1)(c) and Rules 60(1)(d)]

Register of description of the examination of cranes and other lifting machinery

Name of Factory or Establishment:.....

Address of Factory or Establishment:.....

First Part

Identification Number or Sign of Machine, Chain, Lifting Rope, Pulley or Rope	Certificate of Overall Examination and Scrutiny		Name & Address of Certifier
	Date of Issuance of Certificate	Reference of Certificate	
(1)	(2)	(3)	(4)

Second Part

Machine, Chain, liver rope, copycall, or rope identification number or sign	Reference number of verification or examination	The name of the person who has done the verification and date	Comment regarding a brief description of the fault and what has been done
(1)	(2)	(3)	(4)

Third Part

Chain, liver rope, copycall, or rope identification number or sign	number of verification or examination	The date of welding or heat application and by whom the task was done	Description of fault regarding load. .and step to remove such fault
(1)	(2)	(3)	(4)

.....

Signature

Name and address of the Factory/institute

.....

Form-25

[see section 71 and clause 62 (6)]

“Office pad of the examiner”

Report of the pressure vessel

1. Name and address of the mill:.....
 2. Name and address of the occupant:.....
 3. Name and address the pressure vessel:.....
 4. Example of the fault practiced:.....
 5. Date of the construction (in brief):.....
 6. Date of the latest hydraulic test and used pressure:.....
 7. Whether the vessel has been put in an open state or otherwise in atmospheric pressure or damp condition:
 8. Whether all machineries and fittings have been preserved properly and in good condition:.....
 9. Type of repair done:.....
 10. Safe operating pressure:.....
 11. Other observations:
- Date:.....

Signature of the Inspector.....

Address:.....

Form-25 (A)
 [See section 71 and clause 62 (8)]
 Register of examination of Pressure vessel

Name of the factory or institute:.....

Address of the factory or institute:.....

Number	Name of factory	Name of management authority	Name of pressure vessel and description	Type of fault and the description of repair	Date of construction	Date of last hydraulic test and conducted pressure and highest safe pressure	Present condition and position of pressure vessel	Comment/observation
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Form- 26

[See section 79 and clause 68(4)]

Testimonial of health assessment and ability of workers employed in dangerous operating tasks
 “In Pad of registered physician”

Testimonial of age and ability	Testimonial of ability
1. Number.....	1. Number.....
Date.....	Date.....
2. Name.....	
3. Father’s Name.....	This is to certify that I have examined (name).....Father.....Mother.....Address.....
4. Mother’s Name.....	
5. Sex	He/she is employed in the institute as Under the clause 68 and in my examination it has been found that his/her age is Years and he/she is eligible to be employed in this institute as an adult/ He/she is eligible/ineligible to be employed. He/she is suffering fromdisease (if applicable).
6. Permanent address.....	His/her identification mark.....
7. Present address/ Mailing address:.....	
8. age according to birth certificate/education certificate/date of birth:.....	
9. Physical ability.....	
10. identification mark	
Signature/ thumb impression of the relevant person	Signature of the registered physician
	Signature/ thumb impression of the relevant person
	Signature of the registered physician

Form-26(A)

[See section 79 and clause 68(6)]

Register regarding health assessment of workers employed in dangerous operating tasks

Name of Factory/Institute:

Number	Name of worker	Post and card/token number	sex	Date of birth/age	Date of employment in present job	Type of job/occupation	Type of Raw materials or byproducts handed during work	Date and result of examination done by certifying physician	<u>Date of testimonial issued to be fit for joining work</u>	Description of the ineligibility testimonial if workers are found to be unfit	Signature with date of the certifying physician
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Address of Factory/Institute:.....

Form-27

[See section 80 and clause 69(2) and 70]

Notice of accident

(Separate notice for every injured/dead individual)

1.
 - a) Name and address of Factory/Institute:.....
 - b) Registration no. of Factory/Institute:.....
 - c) Telephone, mobile, fax and email no:.....
2.
 - a) Name and address of the management authority (with phone no):.....
 - b) Name and address of constructor (if applicable) (with phone no):.....
3. Type and nature of the manufactured product/service:.....
4. Date and time of the accident:
5. place/branch/ division (where the accident has taken place):.....
6. Brief description of the accident:
 - a) Cause of accident:.....
 - b) Nature of injury..... (slight/grave/death).....
 - c) Probable number of days of absence from work:.....
7. Description of the victim of the accident:
 - (a) name:.....
 - (b) address..... present:..... Permanent:.....
 - (c) age:.....(d) sex..... (e) card/token no:.....f)post:..... (g):.....salary:.....

8. Name and brief address of the witness of the accident:

- a)
- b)

9. Name and address of the registered physician who has treated the victim of the accident:.....

10. Date and address of sending notice of the accident:.....

Signature of Owner/Manager

Explanatory notes:-

1. Information in the above mentioned table must be delivered separately to permanent and seasonal factory.

2. Following definitions have to be kept in mind while filing this form:

- a) "Permanent, total physical inability" means total damage of the sight of both eyes of the injured worker or if the reduction rate of earning capacity is cent percent or more as result of injuries mentioned in the primary report;
- b) "Permanent partial inability" means the type of inability that completely reduces the capacity of the worker to do things he/she was formerly capable of;
However, there would be provision that all injuries mentioned in the primary report will be considered culpable for creating permanent partial inability;
- c) "Temporary partial inability" means such injury that deters the worker from joining the work.
- d) Grave physical injury means injuries other than those creating permanent partial inability that forces the worker to be absent from work for more than twenty days; and
- e) slight accident means such injury that deters the worker from joining the work within 48 hours of the accident.

Form-27(A)

[See Section-80 and clause-69(3)]

Final report of accident and professional injury

(Sent after two months of the accident or joining work after temporalphysical inability)

1. a) Name of address of Factory/institute:.....
b) Registration no. of Factory/institute:
c) Telephone, mobile, fax and email no:.....
2. a) Name and address of management authority (with phone number):.....
b) Name and address of constructor (if applicable) (with phone number):.....
3. Type and nature of the manufactured product/service:.....
4. Date and time of the accident:
5. place/branch/ division (where the accident has taken place):.....
6. . Description of the victim of the accident:
(a) name:.....
(b) address..... present:..... Permanent:.....
(c) age:.....(d) sex..... (e) card/token no:.....f)post:..... (g):.....salary:.....
7. Type of accident: (mark the suitable gap)
 - a) Death:.....
 - b) Permanent total physical inability:
 - c) Permanent partial physical inability
 - d) If the worker is absent from work for more than 20 days because of the injury:
 - e) If the worker is absent from work for more than 16 hours and less than 20 days because of the injury (if you mark this ..., do not fill up point 6-10)...
8. If the injured person faces permanent physical inability (if applicable) mark the following injury list

Mutilation:

Elbow of right hand or above elbow	Elbow of left hand or above elbow
Below right hand elbow	Below left hand elbow
Leg- on the knee or above knee	Leg-below knee
Permanent total hearing	One eye
thumb	All toes of a leg
A bone of thumb	Index finger
Big toe	Any finger except index finger

9. Class of accident (mark the appropriate option):

- a) Fall of a person:
- b) Fall of an object:
- c) An object hit by other except for the fallen object:
- d) Electricity
- e) Poison, fatal object or radiation:
- f) Explosive:
- g) Fire:
- h) Incoming of forceful current of water
- i) Asphyxia due to gas
- j) Other reason (specify, for example: excessive use of force/excessive movement etc.)

10. Responsible object for accident (mark the suitable option)

- a) Main operating machine:
- b) Moderator machine:
- c) Lifting machine
- d) Operative machine
- e) Other machine or supporting machine:
- f) Rail or trolley :
- g) Other transportation or goods transportation:
- h) Hand run machine:
- i) Others (please specify, e.g. water, transportation, pressure vessel, plant, oven, kilns etc)

11. The time of absence form work (working hour)

12. The name and address of the medical officer under whose treatment the injured person produced:

13. Date of sending report:

Sign of manager/representative

Date:.....

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Form- 27(b)
Notice of Dangerous incident
[See section 81 and clause 71]

The Inspector General

.....

Dear,

I am providing the following notice about explosive/fire/dangerous incident/risk in the machines of the institute:

1. a) Name of address of Factory/institute:.....
b) Registration no. of Factory/institute:
c) Telephone, mobile, fax and email no:.....
2. a) Name and address of management authority (with phone number):.....
b) Name and address of constructor (if applicable) (with phone number):.....
3. Type and nature of the manufactured product/service:.....
4. Date and time of the accident:
5. place/branch/ division (where the accident has taken place):.....
6. . Description of the victim of the accident:
7. Has there been any injury or loss of life:
8. Name of the people who witnessed it and can significantly corroborate:

Signature:.....

Date:.....

Form-29

[See Section-82 and clause-68 (7) and 74(1)]

Report on toxic and profession disease

[This must be submitted within 24 hours of identifying the disease]

- 1. a) Name of address of Factory/institute:.....
 - b) Registration no. of Factory/institute:
 - c) Telephone, mobile, fax and email no:.....
 - 2. a) Name and address of management authority (with phone number):.....
 - b) Name and address of constructor (if applicable) (with phone number):.....
 - 3. Type and nature of the manufactured product/service:.....
 - 4 . Description of the victim of the accident:
 - (a) name:.....
 - (b) address..... present:..... Permanent:.....
 - (c) age:.....(d) sex..... (e) card/token no:.....f)post:..... (g):.....salary:.....
 - h) Type of work:
 - i) Date of joining work:
 - j) Name and address of the physician if he/she is undergoing treatment:
- The name of the disease worker is suspected to be suffering from:
- Name of the notice provider:
- Date:

Form 30

[See section 68, 69, 71, 88, clause 60(1)(e),60(1)(Da),, 62, 65(2), and section (7) of schedule-3]

Declaring qualified person/institute for crane, and other lighting machine and pressure plant, vessel, and loose gear

Form- 30

[See Section 68, 69, 71 and 88, 60(1)(a), 60(1)(e), 60(1)(m), 62, 65(2) and Clause 7(a) of Schedule- 3]

Declaration of able person/institute in order for examining crane, other types of lifting materials, pressure plant, vessel and loose gears

The Acting Engineer -----, authorized by Inspector General as per the aforementioned sections and rules of this Labor Law, is declared as 'eligible person' in order to examine the crane, other types of lifting materials, pressure plant, vessel and loose gears that are located in ----- area of ----- Port and to give certificates in applicable cases, for two years starting from the date of this order, under following conditions:

- 1) The Calibration Certificate meant for examining the used instruments has to be submitted to Inspector General on 31 March each year.
- 2) The person eligible for conducting the exam must be physically present.
- 3) The eligible person for examining the instruments must inform the Inspector General about the time, date and place of the exam.
- 4) He/she must submit a quarterly report to the Inspector General, detailing about the certificates issued by him/her.
- 5) The authority can revoke the eligibility certificate at any time without explaining any reasons.
- 6) The eligibility certificate shall be automatically revoked if:
 - a) the certificate is not renewed within two years of issuance of this order;
 - b) the certificate is not renewed within two years of the eligible person's leaving the concerned institute;
 - c) And the certificate is not renewed within two years of revocation of this order.
- 7) If the eligible person wants to re-apply, he/she must apply for the same at least 60 days before his/her term of eligibility ends.

Name: -----

(Inspector General)

Engineer/In-charge

M/S-----

Form 31

[See Section- 88, Rule- 75 and items 8(a), 10(a) and 11(a) (2) and 12(d) of the paragraph (a) of the schedule-3]

Each winch (derrick, gooseneck, eye bolt and other machineries) including all gear equipments of the sub-sections 8(a), 10(a)(d) and 11(a) (2) should be examined pressing following proof load exceeding the safe working load before lifting machineries and gears:

(a) Examination before using the lifting machineries:	
Safe load	Proof load
Up to 20 ton.....	Including 25% additional load
20-50 ton.....	Including additional 5 ton
More than 50 ton.....	Including additional 10 ton

If proof load is applied, it should be done by load lifting that can be moved and after lifting load, the derrick should be

Safe load	Proof load
Up to 20 ton.....	Including 25% additional load
20-50 ton.....	Including additional 5 ton
More than 50 ton.....	Including additional 10 ton

The above-mentioned proof load should be lifted pending as far as possible from both sides. If it is not possible to press additional 25% load due to the limitation of the pressure in case of hydraulic crane or hoist, it will be sufficient to press additional load as far as possible.

(c) Each article of loose gear (whether it is a part of any machine or not) should be examined pressing proof load equivalent to the following load.

Articles of gear	Proof load
Ring, hook, shackle, swivels.....	Safe working load
Double of pulley block	
Single sheave block.....	Four folds of safe working load
With the capacity of bearing 20 ton safe load	Double of safe working load

Multiple sheave block

With the capacity of bearing more than 20 ton up to 40 ton safe load	one and half times of safe working load
--	---

Multiple sheave block

(d) In the above-mentioned way, all parts of the gear should be examined opening the pin of pulley block and the wheels of pulley after examination that whether any parts are rambled as a result of the examination.

(e) In case of wire rope, one sample should be examined after breaking and the quantity of the safe load won't be more than one-fifth of the same which has been broken.

Form 31(a)

[See Rule- 88, Section- 75 and Items 12, 13(a) and 15 of the schedule-3]

Annual examination (Observation) and five-year examination (with proof load) of the articles permanent installed in mast and deck with derrick and crane derrick

First Part:

If annual examination of all derrickboom, crane and above-mentioned gears is carried out on the same day, all cranes, derrickbooms and above-mentioned gears can be written in column No. 1. If it is not done, the parts should be mentioned clearly on which annual and five-year examination have been carried out on the mentioned date. Five-year examination means the examination with proof load.

Five-year examination

Location and description of gears examined (with identification and mark, if any)	Number of certificate of the examination and justification of the eligible person	I hereby certify that I have thoroughly examined the gears mentioned in the column No. 1 and I haven't found any fault of the safe capacity of it except the fault mentioned in the column No. 5		Remark (Signature and date should be mentioned)	I hereby certify that I have thoroughly examined the gears mentioned in the column No. 1 and I haven't found any fault of the safe capacity of it except the fault mentioned in the column No. 12						Remark (Signature and date should be mentioned)	
		Date and signature	Date and signature		Date and signature	Date and signature	Date and signature	Date and signature				
		1	2		3	4	5	6	7	8		9

Second Part:

Annual examination of gear of the winch, hoist

The machineries and gear which have been examined should be mentioned in the column No. 1. If annual examination is carried out on all winches (with attached gear), the words 'all winches, block, shackle and other parts' can be written. Annual examination means to observe with eyes. But the parts can be examined hitting with hammer or other ways if the safety of these are endangered and examination can be carried out opening the parts and gear, if necessary.

Description and location of the machineries including the number or mark (if any)	Certificate number of the justification and examination	I hereby certify that I have thoroughly examined the gears mentioned in the column No. 1 and I haven't found any fault of the safe capacity of it except the fault mentioned in the column No. 6.			Remark (Signature and date should be mentioned)
		Date and signature	Date and signature	Date and signature	
1	2	3	4	5	6

Form No. 31 (b)

[See Rule- 88, Section- 75 and Items 12, 13(a) (1) (i) and 13(b) of the schedule-3]

Certificate of the check and examination of winches, derricks and gears attached before using in work

Check certificate No.....

Description and location of the machineries including the number or mark (if any)	Angle (degree) with the surface of derrick boom during pressing load	Applied proof load	Any safe load (ton) mentioned in the column No. 2
1	2	3	4

This is to certify that the machineries mentioned above with gears were checked by a competent person in the method mentioned on the next page on 20.... and it has been found after the examination of the above-mentioned machineries and gears that it is capable to bear the proof load with any kind of damage or permanent distortion and the safe load capacity of the above-mentioned machineries and gears is mentioned in the column No. 4.

.....

Signature

Date:.....

Qualification (See note 3)

Notes:

1. If the machine mentioned in the column No. 1 is installed on the ship, the name of the ship must be mentioned. Sufficient information must be provided such as the numbers of winch or derrick should be mentioned.

2. As per the rules mentioned in the column No. 2, derrick should be examined from the lowest position of the use.

3. Competent person means:

(a) any person appointed by the port authority for the said purpose subject to the approval of the inspector general in case of machineries not installed on the ship.

(b) In case of machineries installed on the ship, an officer of any factory approved by the inspector general for nominating the competent persona or any person nominated by any authority approved by the inspector general for nominating a competent person for fulfilling the purpose of the sub-rule 10 (b) and in case of any competent person for supervising the application of International Rules (amended) on the security of dock workers, 1932 adopted by ILO in the international labor conference in case of machineries installed on any ship registered outside Bangladesh.

Form No. 31 (c)

[See Rule- 88, Section- 75 and Items 12, 13(a) (1) (i) and 13 (a) (1) (ii) of the paragraph (a) of the schedule-3]
Certificate of the check and examination of winches, derricks and gears attached before using in work

Check certificate No.....

Description and location of the machineries including the number or mark (if any)	In jib crane, on which radius the proof load has been applied	Applied proof load (Ton)	Any safe load (ton) installed on jib crane mentioned in the column No. 2
1	2	3	4

This is to certify that the machineries mentioned above with gears were checked by a competent person in the method mentioned on the next page on 20.... and it has been found after the examination of the above-mentioned machineries and gears that it is capable to bear the proof load with any kind of damage or permanent distortion and the safe load capacity of the above-mentioned machineries and gears is mentioned in the column No. 4.

.....
Signature

Date:.....

Qualification (See note 3)

Notes:

1. If the machine mentioned in the column No. 1 is installed on the ship, the name of the ship must be mentioned. Sufficient information must be provided such as the numbers of winch or derrick should be mentioned.

2. As per the rules mentioned in the column No. 2, derrick should be examined from the lowest position of the use.

3. Competent person means:

(a) any person appointed by the port authority for the said purpose subject to the approval of the inspector general in case of machineries not installed on the ship.

(b) In case of machineries installed on the ship, an officer of any factory approved by the inspector general for nominating the competent persona or any person nominated by any authority approved by the inspector general for nominating a competent person for fulfilling the purpose of the sub-rule 10 (b) and in case of any competent person for supervising the application of International Rules (amended) on the security of dock workers, 1932 adopted by ILO in the international labor conference in case of machineries installed on any ship registered outside Bangladesh.

Form No. 31(d)
 [[See Rule- 88, Section- 75 and Items 12, 13(a) (1) (i) and 13 (a) (1) (ii) of the paragraph (a) of the schedule-3]
 Certificate of the check and examination of grab chain, ring, hook, rings of lock and revolving clasp

Check certificate No.....

Number and identifying marks	Description of gears	Date of check	Applied proof load	Amount of safe load
1	2	3	4	

1. Has a competent person examined the gear after pressing the proof load and is the gear is capable to endure with any crack, break or any fault of the proof load?

2. Name and address of the manufacturer or the supplier.....
 I hereby certify that the information provided above are correct.

.....
 Signature

Date:.....

Qualification (See Note)

Notes:

Competent person means:

(a) any person appointed by the port authority for the said purpose subject to the approval of the inspector general in case of machineries not installed on the ship.

(b) In case of machineries installed on the ship, an officer of any factory approved by the inspector general for nominating the competent persona or any person nominated by any authority approved by the inspector general for nominating a competent person for fulfilling the purpose of the sub-rule 10 (b) and in case of any competent person for supervising the application of International Rules (amended) on the security of dock workers, 1932 adopted by ILO in the international labor conference in case of machineries installed on any ship registered outside Bangladesh.

Form No. 31(e)
[See Rule- 88, Section- 75 and Items 12, 13(a) (1) (i) and 13 (a) (1) (ii) of the paragraph (a) of the schedule-3]
Certificate of the check of wire rope before using in work

Check certificate No.....

1. Name and address of the rope manufacturer and supplier:.....
2. (a) The circumference of the rope (in inch).....
(b) Number of stands.....
(c) Number of wires in each stand.....
(d) Lay.....
3. Name of wire (whether made of best steel).....
4. (a) Date of examining the sample of the rope.....
(b) Load of after breaking the sample.....
(c) The safe load in support of any special describable situation, minimum pulleybus, direct stencil load etc.....

I hereby certify that the information provided above are correct.

.....
Signature

Date:.....

Qualification (See Note)

Notes:

Competent person means:

(a) any person appointed by the port authority for the said purpose subject to the approval of the inspector general in case of machineries not installed on the ship.

(b) In case of machineries installed on the ship, an officer of any factory approved by the inspector general for nominating the competent persona or any person nominated by any authority approved by the inspector general for nominating a competent person for fulfilling the purpose of the sub-rule 10 (b) and in case of any competent person for supervising the application of International Rules (amended) on the security of dock workers, 1932 adopted by ILO in the international labor conference in case of machineries installed on any ship registered outside Bangladesh.

Form 31(f)

[See Rule- 88, Section- 75 and Items 13 (c) (1) (ii) of the paragraph (a) of the schedule-3]
 Certificate of welding chain, ring, hook, lock ring and evolving clasp

Check Certificate No.....

Number and identification Mark	Number of gears	Certificate of check	Number of welders	Date of welding	The fault detected in the examination after welding
1	2	3	4	5	6

.....

Signature

Date.....

(Qualification: See Note (c))

Note:

- (a) Necessary information regarding the qualification of the person supervising the welding is given below.
- (b) It is recommend though not in the rules that the welding should be completed in a suitable chimney with 1100-1300⁰ F or 600-700⁰ C.
- (c) Competent person means:
 - (a) any person appointed by the port authority for the said purpose subject to the approval of the inspector general in case of machineries not installed on the ship.
 - (b) In case of machineries installed on the ship, an officer of any factory approved by the inspector general for nominating the competent persona or any person nominated by any authority approved by the inspector general for nominating a competent person for fulfilling the purpose of the sub-rule 10 (b) and in case of any competent person for supervising the application of International Rules (amended) on the security of dock workers, 1932 adopted by ILO in the international labor conference in case of machineries installed on any ship registered outside Bangladesh.

Form- 32

[See Section-88, Rule- 75 and Item (4) of Paragraph (c) of Schedule-3]

Certificate regarding the suitability of the building

(Official pad)

(Name, address and telephone number of the certifying firm/engineering)

This is to certify that the architectural design of the factory building of M/S..... Address..... has been prepared by..... and approved by the firm..... The building has been constructed under the supervision of the undersigned firm as per the specification specified in the approved design.

Name of firm (if any).....

Name:

Designation:

Address:

If it is member of an association, the membership No. (in appropriate case):

Phone/Mobile No:

E-mail:

Signature of the certifying person

Date:

Form- 33

[See section 104 and rule 101(6)]

Register of weekly leave as compensation

Name of factory/firm:.....

Address of the factory/firm:.....

Sl No.	Sl No. of the workers' register	Name	Designation and token/card No.	Group and relay No. (in appropriate case)	Date and number of the excusatory order by the government	The weekly leave from which has been deprived	Date of giving compensatory leave	Remark
1	2	3	4	5	6	7	8	9

Form- 34
 [See section 108(3) and rule 102(4)]
 Daily attendance and register of overtime work

Name of the factory/firm:.....
 Address of the factory/firm:.....
 Reg. No.....
 Ended for the week.....

1	2	3	4	5	6						
Sl. No.	Serial No. of the workers' register	Name	Designation and token/ Card No.	Group and relay No. (in appropriate case)	Total hours of the work done everyday						
					Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday

(7)	(8)	(9)	(10)
Total working hours	Overtime hours to be paid	Rate of wage per hour	Total amount to be paid as overtime (Tk)

N.B: The owner of the management can prepare the column No. 6 on monthly basis if necessary.

Form- 35
[See Section 109 and Rule 103(1)]
Consent letter for women to work at night

Name of the factory/firm:.....

Address of the factory/firm:.....

Name of worker:.....

Designation:..... Card/Token:.....

Section:.....

I hereby declare that I am agreed to work in night shift from 10:00 pm to 06:00 am of the said firm on the condition of ensuring the proper security of the work by the management.

If I don't cancel this consent letter, it will remain valid for next 1 year.

Signature:.....

Date:.....

Form- 35
[See Section 109 and Rule 103(3)]
Declaration of the withdrawal of consent letter for women to work at night

Name of the factory/firm:.....

Address of the factory/firm:.....

Name of worker:.....

Designation:..... Card/Token:.....

Section:.....

I hereby declare that I agreed to work in night shift of the said firm on the condition of ensuring the proper security of the work by the management. For my family or personal reasons, I withdraw my consent letter which will come into effect from the first day of the next week.

If I don't cancel this consent letter, it will remain valid for next 1 year.

Signature:.....

Date:.....

Form- 36
[See section 109 and rule 103(4)]
Register of giving the consent of female workers to work in the night shift

Name of the factory/firm:.....

Address of the factory/firm:.....

Sl No.	Sl No. of the workers' register	Name of the female worker	Designation and token/card No.	Group and relay No. (in appropriate case)	Date of giving the consent	Date of the withdrawal of the consent	Signature of the worker	Signature of the manager
1	2	3	4	5	6	7	8	9

Form- 37

[See section 111(8) and rule 105(1)]

(in the pad of the firm)

Notice of the working hours of the adult workers

Name of the factory/firm:.....

Address of the factory/firm:.....

Registration No.....

Days	Starting of work	Ending of work	Interval for rest
Friday			
Saturday			
Sunday			
Monday			
Tuesday			
Wednesday			
Thursday			

Form- 37(a)
 [See section 111(8) and rule 105(1)]
 (In the pad of the firm)

Notice of the working hours of the adult workers

(Not for any firm or any section of the firm where production process is carried out in two shifts)

Name of factory/firm:.....

Address of the factory/firm:.....

Registration No.....

Day	Shift			Shift		
	Starting time of work	Ending time of work	Interval for the rest	Starting time of work	Ending time of work	Interval for the rest
1	2	3	4	5	6	7
Friday						
Saturday						
Sunday						
Monday						
Tuesday						
Wednesday						
Thursday						

N.B: Shift should be altered after each 15 (fifteen) days. No female worker can be forced to work in the night shift without her consent.

.....
 Owner/manager
 Date:.....

Form 37(b)
[See section 117(8) and rule 105(1)]
(In the pad of the firm)

Notice of the working hours of the adult workers
(Not for any firm or any section of the firm where production process is carried out in two shifts)

Name of factory/firm:.....

Address of the factory/firm:.....

Registration No.....

Days	Type of Work			Type of Work			Type of Work		
	Group No.	Time of starting the work	Interval for the rest	Time of ending the work	Group No.	Time of starting the work	Interval for the rest	Time of ending the work	Group No.
1	2	3	4	5	6	7	8	9	10
Saturday									
Sunday									
Monday									
Tuesday									
Wednesday									
Thursday									
Friday									

N.B:

1. Shifts will be altered from the first day of each week on the basis of relay.
2. The list of the monthly working days will be added mentioning the leave based on relay for the weekly leave.
3. No female worker can be forced to work in night shift without her consent.

.....
Owner/Manager
Date:

Form- 38
 [See section 121 and rule 111 (1) and 111 (3)]
 Wage register and wage slip

Name of the factory/firm:.....

Address of the factory/firm:.....

Registration No.....

For the period from..... to for the week.....

Sl No.	Sl No. in workers' register	Name of worker	Basic wage	House rent	Conveyance	Medical	Food allowance (if payable)	Attendance bonus	Working hours of overtime	Over time allowance for each hour	Overtime allowance receivable	Others	Total	Deduction	Total payable	Signature
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

Form- 39
 [See section 127 and rule 116(1)]
 Register of deducting wages for damage

Name of factory/firm:.....

Address of the factory/firm:.....

Sl No.	Sl No. as per the workers's register	Name	Ticket or token	Designation or division	Reason of loss	Fixed quantity of deducting wages and date of imposing it	Number and amount of installments, date of realizing it	Date of realizing full money	Remark
1	2	3	4	5	6	7	8	9	10

Form- 40
 [See section 129 & rule 117(3)]
 Register of advances and receipts

Sl No.	Sl No. as per the workers' register	Name	Ticket or token	Designation or division	Amount of advances and date of realizing these	Amount of each installment of realization and date of realizing these	Date of realizing full money	Remark
1	2	3	4	5	6	7	8	9

Form- 41

[See sections 131(1)(a), 155(2), 234, 264, 265 & 273 and rules 118(1), 136, 232(2), 262(1), 289(1) & 321(1)]
Form of declaration and nomination of the payment of money receivable in different heads and advances

1. Name of factory/firm.....
2. Address of the factory/firm.....
3. Name and address of the worker.....
..... Gender.....
4. Father/mother/husband/wife's name:.....
5. Date of Birth: Day..... Month..... Year
6. Identification Mark (if any):.....
7. Permanent Address:
Village..... P.O:.....
P.S:..... Dist:.....
8. Date of appointment in job:
9. Name of position:.....

I hereby declare that I nominate the following person/persons for taking money deposited in my favor of me if I dies or in my absence and direct that the said money should be distributed among the nominated persons in the following way:

Name, address and photograph of the nominated person (photograph and signature of the nominee attested by the worker) NID No.	Relationship of nominated persons with the member	Age	Portion payable to each nominee	
1	2	3	4	
			Deposit	Portion
			Outstanding wages	
			Provident Fund	
			Insurance	
			Compensation of the accident	
			Dividend	
			Others	

I hereby certify that Mr..... put his signature on the said declaration after reading the written description in my presence.

.....
Signature of the nominated person with date
(Photograph attested by the worker)

Signature and date of the nomination giving owner.....
Signature of the owner or authorized officer
Date.....

Form- 42

[See section 131(1)(b) and 137 and rule 119(1)]

Form of payment money directed by the court

Tk..... has been placed for depositing in context of the direction given on..... regarding the application No..... submitted against the opposite party by the applicant on.....

.....
Signature of the depositor

If any money is deposited under the rule....., the labor court will issue the receipt of the money deposited in the form No..... and such receipt will be considered as sufficient proof of the indemnification regarding the money deposited.

Form- 43

[See section 131(1)(b) and 137 and rule 119(2)]

Acknowledgement receipt of the money deposited in the court

Name of the depositor:.....
Name of recipient:.....
Number and date of the application.....
Name of opposite party.....
Date of giving the direction.....
Amount of money deposited..... Tk.
Date of depositing money.....

.....
Signature on behalf of the labor court

Form- 44
[See the section 132 and rules 120 and 205(2)]
Form of the application of claims of paying wages
(for single application)
Application No...../20.....

..... Lawyer/officer of registered union on behalf of the applicant.....

and

Opposite owner and name of the factory/firm

Applicant beg most respectfully:

1. Appointed person in the factory/firmed named.....

Address of the applicant for issuing all notices and summons.....

2. Opposite party is responsible for the payment of his wages under the section 121 and his address for issuing notice and summons

3. (1) Wages haven't been paid for the period..... of the applicant.

Or

Tk..... has illegally deducted from the wage Tk..... (in figure) for the period ended on.....

(2) [Give additional claim or explanation here].....

4. Determine the remedy prayed by the applicant Tk.....

(a) Giving direction to pay wages receivable in consideration of the authority or giving direction to pay back the wages deducted.

(b) It is prayed to give direction to pay maximum 25%..... as the compensation.

(c) In case of firm/factory declared minimum wage it is prayed to pay 50%.....

The applicant has certified that the description of this application is true and correct to the best of his knowledge and belief.

.....
Signature of the assignee or his lawyer or authorized officer of the registered trade union

Form-44 (a)
[See section 132 and rules 120 & 205(2)]
Form of application of the claim of paying the wages
(In case of applying jointly)
Application No. /20.....

..... Lawyer/officer of registered union on behalf of the
applicant.....

and

Opposite owner and name of the factory/firm

Applicant beg most respectfully:

1. The persons..... mentioned in the attached schedule are engaged in the factory/firm named.....

Address of the applicant for issuing all notices and summons.....

2. 2. Opposite party is responsible for the payment of his wages under the section 121 and his address for issuing notice and summons

3. Wages haven't been paid for the period..... of the applicant.

4. The applicants have evaluated their remedies requested in Tk.....

5. The prayer of the applicant as per the sub-section (3) and (5) of the section 132

- (a) Giving direction to pay wages receivable in consideration of the authority or giving direction to pay back the wages deducted.
- (b) It is prayed to give direction to pay maximum 25%..... as the compensation.
- (c) In case of firm/factory declared minimum wage it is prayed to pay 50%.....

The applicant has certified that the description of this application is true and correct to the best of his knowledge and belief.

.....
Signatures of two of the applicants or their lawyers or authorized officers of the registered trade union

Name of applicants:

Schedule

- 1.
- 2.
- 3.
- 4.

Form-44(b)

[See section 132 & rules 120, 205(2) & 351(1)]

Form of the application of the claim of paying wages

Application form by the legal representative/inspector

Application NO. /20.....

.....(Name and designation of the applicant)..... legal representative/inspector for doing works as per the section 132 and the rules 120 & 205

..... and the applicant and..... the opposite party (Name and address of the owner and factory/firm)

The applicant prays:.....

1. The opposite party..... is liable to pay the wages to the following persons as per law:

- (1)
- (2)
- (3)

2. His address for issuing all notices and summons.....

3. The wages of the following persons haven't been paid.....

Deducted in the following way

- 4. The applicants have evaluated their remedies requested in Tk.....
- 5. The prayer of the applicant as per the sub-section (3) and (5) of the section 132
 - (a) Giving direction to pay wages receivable in consideration of the authority or giving direction to pay back the wages deducted.
 - (b) It is prayed to give direction to pay maximum 25%..... as the compensation.
 - (c) In case of firm/factory declared minimum wage it is prayed to pay 50%.....

The applicant has certified that the description of this application is true and correct to the best of his knowledge and belief.

.....
Signature of the representative/inspector on behalf of the complainant

Form- 45

[See section 155 (1) and rule 137(1)]

Depositing money and statement of the compensation to the labor court in case of death in accidents

Name of the money depositing factory/firm:.....

Address of the factory/firm:.....

1. It is hereby placed before the labor court..... for depositing Tk..... as the compensation due to the death of the worker (description of the deceased worker is given below) in the accident occurred on.....:

Name of the deceased worker:.....

Age of the deceased worker:.....

Father's Name:.....

Mother's Name:.....

Present Address:.....

Permanent Address:

Village:..... P.O:.....

P.S:..... Upazila:.....

Dist:.....

2. Date of accident:.....

3. I am willing/unwilling to be a party of the distribution programme of the compensation mentioned above.

Date:20.....

.....

Signature of the owner or authorized officer

Form- 46
[See the section 155(1) and rule 137(1)]
Depositing money of the compensation in the labor court in other case except death

Name of the money depositing factory/firm:.....

Address of the factory/firm:.....

1. It is hereby placed before the labor court..... for depositing Tk..... as the compensation due to the death of the worker (description of the deceased worker is given below) in the accident occurred on.....:

Name of worker:.....

Age:..... Designation:..... Card/Token No.....

Present Address:.....

.....

Permanent Address:

Village:..... P.O:.....

P.S:..... Upazila:.....

Dist:.....

Description of the physical temporary damage of the worker due to the accident:.....

Monthly wage of the worker.....

2. The injured worker took money of the following amount has taken before the date of depositing the said money:

On.....Tk..... On.....Tk.....
On.....Tk..... On.....Tk.....
On.....Tk..... On.....Tk.....

Total:.....

Date:/20.....

.....
Signature of the owner or authorized officer

Form- 47

[See section 155(1) and rule 137(1) and 139(3)]

Receipt of the money deposited as the compensation

Book No..... Receipt No..... Register No.....

Name and address of the depositing firm/factory:.....

Name of the depositor:.....

Name of the deceased or injured worker:.....

Date of the deposit:.....

Deposited money:.....

.....
Signature of the money recipient with seal on behalf of the labor court

Form- 48

[See the section 166 & 168 and the rule 139(1) and 205(3)]

Application of the order of paying the compensation to the court by the injured worker

Before the labor court

.....

Name and address:.....

.....Applicant.

Vs

Name & address..... Opposite party.

It is humbly prayed that

1. The applicant is a worker engaged in the factory/firm of the opposite party. He got injured in the accident occurred while he was working in the factory on.....

Reasons of the accident (the reasons of the accident is summarized in plain language here)

.....
.....

2. The applicant has been injured in the following way.....

3. The monthly wage of the worker is Tk.....

4. (a) The notice of the accident was served on.....

(b) The notice was served as soon as possible

(c) The notice of the accident wasn't served for the following reasons.....

5. The applicant is, therefore, entitled to get the following compensation.....

(a) Monthly wage Tk..... from..... to

(b) Lump sum amount receivable.....

Date.....

.....
Applicant

Form- 48(a)

[See the section 166 & 168 and the rules 139(1) & 205(3)]

Application of order of depositing money of the compensation in the court by the dependent

Before the labor court

.....
Name and address:.....

.....
Applicant

Vs

.....
Name and address.....

.....
Opposite party

It is humbly prayed that

1. is a worker appointed by the opposite party (by the contractor of the opposite party). He was injured in the accident occurred on..... while he/she was working and he died on..... The reason of the injuries were.....
(Describe the reasons of injuries hereby in a brief manner here)
2. The applicant/s are dependents as of the deceased worker (relationship with him).
3. The monthly wage of the deceased worker was Tk.....
4. The notice of the accident was served on.....
5. The applicant is entitled to get lump sum of Tk.....

Therefore if the applicant is entitled to get the above-mentioned compensation or other compensation, it is prayed to grant it.

Date:.....20.....

.....
Applicant

Form- 48(b)

[See the sections 166 & 168 and the rules 139(1), 205(3) & 351 (1)]

Submitting report in the court by the inspector if the compensation isn't paid

Before the labor court

Sir,

I hereby submit the following report as the owner hasn't paid the compensation to the worker in accordance with the section 150 of the Bangladesh Labor Act, 2006 and the rule 139(1) of the Bangladesh Labor Rules:

1. Name, address and other information of the worker whom hasn't been paid compensation:.....
2. Name, address and other information of the owner who hasn't paid the compensation:.....
3. Date and time of the accident:.....
4. Type of the accident and quantity of the efficiency damage:.....
5. Ancillary amount of the compensation receivable by the worker as per law:.....
6. Opinion of the report giving officer about the reason of the non-payment of the compensation receivable:.....
7. Remarks:

Date:.....

.....
Signature of the report giving officer and date

Form- 49
[See the section 158(1) & 159 and the rule 141]
Submitting the report of the accident being ordered by the court

To
Hon'ble Chairman
..... Labor Court

Sir,

It is humbly prayed that I submit the description of the worker killed in the accident occurred on..... in my factory.....
(name and address of the factory):

1. (a) Name and address of the factory/firm:.....
.....

(b) Reg. No. of the factory:.....

(c) Telephone, mobile, fax and e-mail No:.....

2. (a) Name and address of the managing authority (with phone No):.....

(b) Name and address of the contractor (in appropriate case) (with phone No):.....

3. Type of the products and services manufactured in the factory:.....

4. Date and time of the accident:.....

5. Place/section/division (where the accident took place):.....

6. Brief description of the accident:

(a) Reason of the accident:.....

(b) Type of injury:..... slight/serious/death.....

(c) Possible number of days not attending in the work.....

7. Description of the person or persons affected in the accident:

Sl No.	Name	Designation and card No.	Gender	Age	Wage	Present Address	Permanent Address	Remarks
1	2	3	4	5	6	7	8	9

N.B: Other relevant information.....

Signature and designation of the report giving person

Form 50

[See the section 170(10) and the rule 147]

Memo of the agreement

It is hereby prayed that of has seriously been injured in the accident while working in the factory..... on For these injuries, he/she has temporarily been disabled and it is estimated that he/she will be deprived of earning Tk..... from to The monthly amount of the said worker is Tk.....

It is also stated that the employer of the worker..... has agreed to pay total Tk..... as the arrears of the said worker as per the Bangladesh Labor Act, 2006 and the said worker has agreed to dispose the claim on receipt of the said amount. It is, therefore, requested to record this memo properly.

Date:.....

Signature of the employer.....

Witness.....

Signature of the worker.....

Witness.....

Note: If the application of any deed of agreement is recorded, both should sign on it.

The other party should be agreed to the conditions of the agreement and fill out the receipt of the payment of money.

I have received the money on this..... as per the deed of agreement mentioned above.

Date.....

The said money has been paid and the receipt has been signed before me.

.....

Witness

Note: The form may be changed special cases such as occupational injuries, legal disability etc.

Form 50 (a)
[See the section 170(10) and the rule 147]
Memo of the agreement

This is to state that the worker was injured physically while working in the factory on.....

The following permanent disability has been caused for the said physical injuries:

The monthly wage of the said worker has been fixed at Tk.....

He/she has taken the following wages before the date of the agreement:

On..... Tk..... On..... Tk.....

On..... Tk..... On..... Tk.....

On..... Tk..... On..... Tk.....

On..... Tk..... On..... Tk.....

It is also stated that the employer of the said worker..... has agreed to pay total Tk..... as the conclusive disposal of all claims as per the Bangladesh Labor Act, 2006 due to the disabilities of the worker currently visible.

In the circumstances, you are requested to record this memo properly.

Date.....20.....

Signature of the employer.....

Witness.....

Signature of the worker.....

Witness.....

Note: The application of recording the deed of agreement can be submitted with the signature of one party. Provided that the other party should be agreed with the conditions. But both parties should sign whenever possible.

Receipt (should be filled out if money is paid)

I have received the money on this..... as per the deed of agreement mentioned above.

Date.....

The said money has been paid and the receipt has been signed before me.

.....
Witness

Note: The form may be changed special cases such as occupational injuries, legal disability etc.

Form- 50(b)

[See the section 170(1) and the rule 147]

Memo of the deed of agreement

This is to state that the worker was physically injured while he/she was working on.....

The said worker was temporarily disabled due to these injuries. He has/hasn't got the monthly wage. The monthly wage of the said worker was Tk..... before the accident. The said worker is under the legal disability due to.....

It is also stated that the employer has agreed to pay the worker Tk..... monthly during the temporary disability and the worker has also agreed in it. Provided that the monthly payment may be changed due to the change of the earning capacity of the worker during the period of the disability as per the provisions of the said act.

It is also adjudged that his/her rights will remain unchanged as per the section 153 by this agreement.

In the circumstances, you are requested to record this memo properly.

Date.....20.....

Signature of the employer.....

Witness.....

Signature of the worker.....

Witness.....

Signature of the worker.....

Witness.....

Note: The application of recording the deed of agreement can be submitted with the signature of one party. Provided that the other party should be agreed with the conditions. But both parties should sign whenever possible.

Receipt (should be filled out if money is paid)

I have received the money on this..... as per the deed of agreement mentioned above.

Date.....

The said money has been paid and the receipt has been signed before me.

.....
Witness

Note: The form may be changed special cases such as occupational injuries, legal disability etc.

Form- 51
[See the section 170 & the rule 148(1)]
Notice of registering of the memo of the agreement

As the compromise has been made regarding the payment of the compensation within..... to and it is applied for registering the deed of agreement under the section 170 of the Bangladesh Labor Act, it is hereby informed that the said application will be accepted for the consideration on.....20..... and if there is any objection against the application, it will be considered on this date. If any legal objection isn't made, I am willing to continue the work of considering the application of the registration.

Date.....

.....
Labor court

Form- 51(a)
[See the section 171 and the rule 148(3) & (6)]
Notice of certifying of registering the memo of the agreement

This to inform that it is compromised on..... for registering the agreement of the payment of the compensation between you..... and you.....

(Reason).....
Date:.....

.....
Labor Court

Form 51(b)

[See the section 170 and the rule 148(4)]

Notice of the hearing regarding the certificate of registering the memo of the agreement

It has been settled between..... and for the payment of the compensation and has applied for the registration of he said agreement under the section 170 of the Bangladesh Labor Act, 2006 and I think the said agreement shouldn't be registered for the following reasons, such as:.....

Therefore you will give the opportunity to show cause as to why the said agreement shouldn't be registered. If you fail to show cause on the said date, the application of the said registration will be rejected.

Date.....

.....
Labor Court

Form- 51(c)
 [See the section 171 and the rule 148(4)]
 Notice of the hearing for registering the memo of the agreement

It has been settled between..... and for the payment of the compensation and has applied for the registration of he said agreement under the section 170 of the Bangladesh Labor Act, 2006 and I think the said agreement shouldn't be registered for the following reasons, such as:.....

Therefore you will give the opportunity to show cause as to why the said agreement shouldn't be registered. If you fail to show cause on the said date, the application of the said registration will be rejected.

Date.....

.....
 Labor Court

Form- 52
 [See the section 170 and the rule 150]
 Register of the agreement

Sl No.	Date of agreement	Date of registration	Employer	Worker	Signature of the labor court	Order of rectifying the register
1	2	3	4	5	6	7

Form- 53
 [See the section 155(7) and the rule 162]
 Register of the benefit fund

Sl No.	Date of depositing money	How much money has been deposited under the section 155		Amount of deduction under the law		Amount transferred to the fund		Date of transfer	Number and date of the cheque by which money has been deposited	How much money has been deposited with the workers' benefit fund under the section 155(7)		Rest of the amount in the fund		Signature of the commissioner
		Tk.	Paisa	Tk.	Paisa	Tk.	Paisa			Tk.	Paisa	Tk.	Paisa	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Form- 54

[See the section 166 and the rule 164(1)]

Register of the suit regarding the compensation

Sl No.	Date of hearing of the case and mention of the section of the act under which the application is submitted	Number of other cases concerned	Name of the applicant	Name of the opposite party	Name and address of the injured and the deceased	Reason of the injury	Date of injury or death	Date of giving notice to the employer regarding the accident	Section of the act	If there is any objection, description of the objection mentioning it	Whether it has been contested	How it has been disposed
1	2	3	4	5	6	7	8	9	10	11	12	13

Amount of the compensation provided or described

Death		Permanent physical ability		Temporary physical ability		For how much money, the verdict has been given to each dependent and name, age and real relationship of each of them		Name, address of the recipient and his/her relationship and in case of death, relationship before the death	If the money of the compensation is invested, the method of the investment	Court fee realized	Written description signed by the court after the attestation	Date of final disposal	Remarks
Adult	Minor	Adult	Minor	Adult	Minor	Adult	Minor						
14	15	16	17	18	19	20	21	22	23	24	25	26	

- Note: (1) Whether it has summarily been set aside or rejected or cancelled for absence or transferred to another court or disposed in other ways (write specifically).
 (2) If the money deposited has been returned to the employer, name and address of the employer should be mentioned.
 (3) The following matters should be mentioned:
 (a) Whether money has been deposited under the section 155 due to the physical disability of any person under legal disability?
 (b) Whether the case has been accepted from another court by dint of transfer?
 (c) Whether the case has been transferred from any court?