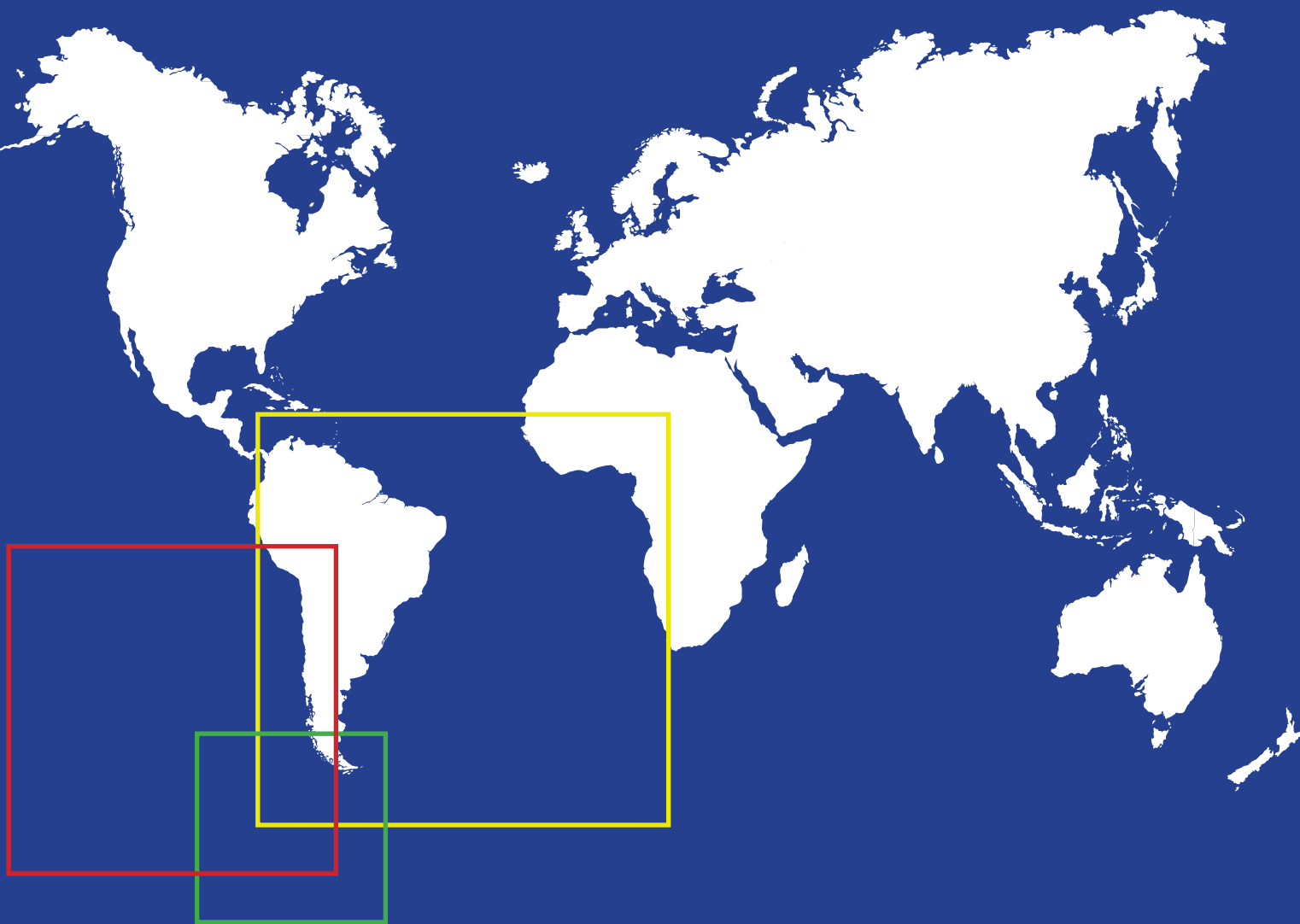




International
Labour
Office

Decent Work Country Profile BANGLADESH



**Decent Work
Country Profile
BANGLADESH**

Copyright © International Labour Organization 2013

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to the Publications Bureau (Rights and Permissions), International Labour Office, CH-1211 Geneva 22, Switzerland. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered in the United Kingdom with the Copyright Licensing Agency, 90 Tottenham Court Road, London W1T 4LP [Fax: (+44) (0)20 7631 5500; email: cla@cla.co.uk], in the United States with the Copyright Clearance Center, 222 Rosewood Drive, Danvers, MA 01923 [Fax: (+1) (978) 750 4470; email: info@copyright.com] or in other countries with associated Reproduction Rights Organizations, may make photocopies in accordance with the licences issued to them for this purpose.

ILO Cataloguing in Publication Data

Decent work country profile: Bangladesh / International Labour Office. – Geneva: ILO, 2013

ISBN: 978-92-2-127466-7 (print)

ISBN: 978-92-2-127467-4 (web pdf)

International Labour Office

decent work / workers rights / equal employment opportunity / equal pay / family responsibilities /
employment security / social dialogue / Bangladesh

13.01.3

General editing and revision of the document: ILO Bangkok Regional Office, ILO Dhaka Office (Mr. Nurunnabi Khan)
MAP/INTEGRATION ILO Geneva.

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. Catalogues or lists of new publications are available free of charge from the above address, or by email: pubvente@ilo.org

Visit our website: www.ilo.org/publns

Preface

The Decent Work Agenda is an instrument designed by the International Labour Organization to reduce poverty and to foster equitable, inclusive and sustainable development by transforming the world of work. It seeks to provide opportunities for productive work that delivers a fair income, offers safety at the workplace and social protection for the workers and their families and guarantees working people the freedom to express their concerns, to organize their lives and to participate in the decisions that affect them. Monitoring and assessing progress towards decent work at the country-level has long been a major concern of the Organization and of its constituents, and the ILO Declaration on Social Justice for a Fair Globalization adopted in 2008 explicitly calls upon its member States to consider the establishment of appropriate indicators or statistics to monitor and evaluate the progress made (Paragraph II.B (ii)).

Following a Tripartite Meeting of Experts convened by the ILO in September 2008, the Governing Body agreed to test a comprehensive approach to the measurement of decent work by compiling detailed indicator definitions and preparing decent work country profiles for a limited number of pilot countries. The 18th International Conference of Labour Statisticians endorsed this approach in December the same year.

The project on *Monitoring and Assessing Progress on Decent Work* (MAP) (2009–2013), with funding from the European Union, works with government agencies, employers' and workers' organizations and research institutions to strengthen their capacity to self-monitor and self-assess progress towards decent work. The MAP project covers nine countries, including Bangladesh; it facilitates the identification of decent work indicators that are relevant at the national level, supports data collection and uses the collected data for an integrated policy analysis of decent work (Profiles) in order to make them relevant for decent work country programmes and national policies. The project also provides guidelines and manuals on measuring and assessing progress on decent work from the experience of the pilot countries.

The Profile for Bangladesh covers ten substantive elements of the four strategic pillars of the Decent Work Agenda, namely, full and productive employment, rights at work, social protection and the promotion of social dialogue. The ten elements comprise: employment opportunities; adequate earnings and productive work; decent working time; combining work, family and personal life; work that should be abolished; stability and security of work; equal opportunity and treatment in employment; safe work environment; social security; and social dialogue and workers' and employers' representation. Migration is an issue on which current data remains weak and in need of improvement. Given the economic importance of remittances for the Bangladeshi economy and the on-going debate surrounding the conditions of overseas workers, future efforts to monitor and assess progress towards decent work will be greatly improved by additional data and analysis in this area.

The Profile compiles all available data on decent work, statistical and legal indicators with an analysis of observed gaps and trends. The main findings of the Profile provide valuable inputs for the design and implementation of the Decent Work Country Programme (DWCP) and the Bangladesh Jobs Pact. The Profile facilitates the evaluation of progress made towards decent work and informs national planning and policy-making. It provides key information for designing and monitoring the DWCP and a useful tool for mainstreaming decent work in the national development plan. The compilation of decent work

indicators can serve as a reliable baseline for defining decent work targets and as a powerful instrument for monitoring and evaluating the DWCP and national policies.

The Decent Work Country Profile for Bangladesh presents a critical assessment of progress towards the achievement of decent work that is designed to inform social dialogue at the national level.



Mr. Mikail Shipar
Ministry of Labour and Employment
of Bangladesh



Mr. Srinivas B Reddy □□
Director
ILO Country Office for Bangladesh

Acknowledgements

The Decent Work Country Profile for Bangladesh has been prepared in collaboration with the Ministry of Labour and Employment (MOLE) and Bangladesh Bureau of Statistics (BBS) and with the technical assistance of ILO experts. At a Tripartite Consultation Workshop on Measuring Decent Work in Bangladesh (Dhaka, 27-28 April 2010) national partners identified a list of legal and statistical indicators on decent work that were compiled and analysed in the light of the country's social and economic context of Bangladesh during the previous ten years. The draft Profile for Bangladesh was discussed by constituents at a tripartite validation workshop held in Dhaka on 25 and 26 September 2012, with the participation of the MOLE, the Bangladesh Planning Commission, the Ministry of Finance (MOF), the Ministry of Industries, the BBS, representatives of the Bangladesh Employers' Federation (BEF) and the National Coordination Committee for Workers' Education (NCCWE).

The International Labour Office would particularly like to thank the representatives of Bangladesh's employers' and workers' organizations. The BEF, which is a member of the International Organization of Employers (IOE), represents the Bangladeshi employers at the annual sessions of the International Labour Conference in Geneva. The main objective of the BEF is to provide guidance and assistance to employers in the field of industrial relations and to bring their concerted views on labour matters to the attention of the Government. Joint ILO-BEF activities include the promotion of green jobs, human resource management, occupational safety and health, industrial relations and non-discrimination in employment. The NCCWE is a platform of 14 major national trade union federations in Bangladesh representing the majority of workers and employees in the country. It is affiliated to the International Trade Union Confederation (ITUC), the World Federation of Trade Union (WFTU) and the International Transport Workers Federation (ITF). Both the BEF and the NCCWE have expressed their support for Bangladesh's decent work objectives.

The ILO would like to thank Mr. Abdul Hye Mondal, consultant, and the representatives of the MOLE, BEF, NCCWE, MOF, BBS and the Bangladesh Planning Commission for their contribution to the preparation of this country Profile.

Thanks are also due to the European Commission for financing this study and for supporting the whole process of preparing and validating the Profile, under the ILO/EC Project *Monitoring and Assessing Progress on Decent Work* (MAP).

In addition, the International Labour Office would like to thank the ILO officers of the ILO Country Office in Dhaka, the Decent Work Team and Regional Office in Bangkok and ILO headquarters in Geneva, all of whom contributed greatly to the development of the Profile.

Some statements made in the Decent Work Country Profile for Bangladesh may not reflect the position of the aforementioned institutions and individuals. Any errors or omissions are the sole responsibility of the International Labour Office.

Executive summary

For the past 20 years Bangladesh has been struggling to establish democracy and has undergone tremendous economic, social and political changes that have shaped the landscape for decent work (see Chapter 1). The country has experienced a political transition to a more democratic system along with fundamental labour market reforms, including the adoption of the Bangladesh Labour Law of 2006 that consolidated all the earlier labour laws.

Over the last decade there has been steady progress in raising **per capita income** and significant achievements in alleviating poverty. In many parts of the country, however, poverty rates are still high and inequalities are widespread. Although the share of employment in manufacturing has increased, jobs are still concentrated mainly in the agricultural and services sectors. Labour productivity has risen moderately during the past ten years, but it still lags behind other South Asian economies. With regard to education, significant progress has been achieved in reducing the percentage of children not attending school, and some improvement in the adult literacy rate has also been observed. At the same time, Bangladesh faces few immediate challenges in terms of HIV and AIDS, the prevalence of which is among the lowest in Asia.

During the same period progress in **employment opportunities** has been mixed, notably in three critical areas: gender, youth and informal employment (Chapter 2). The overall employment-to-population ratio has risen steadily, albeit with significantly lower figures for women (notwithstanding a sharp increase) than for men (despite a drop in 2010). Generally, the unemployment rate is on an upward trend, though tending to increase for men and to decline for women for whom it remains higher than for men. Young workers face a serious challenge in the labour market even if their situation has improved, particularly in the case of young women. Finally, there has been no progress in reducing the share of Bangladeshi

workers engaged in informal employment, with women workers faring particularly badly in this regard. The Government has placed employment creation among the main objectives of the Sixth Five-Year Plan for 2011-15.

Progress in **adequate earnings and productive work** has been robust (Chapter 3). With a global positive increase in average real wages for both men and women, the declining trend of the minimum wage as a proportion of the median wage shows that there has been a respectable rise in real wages compared to minimum wages. More importantly, the share of employees with monthly earnings of less than two-thirds of the median earnings declined from 20.2 per cent in 2005-06 to 16.1 per cent in 2010. This was especially true among women workers (from 29.6 to 8.1 per cent) and among workers in urban areas (from 27.8 to 14.7 per cent). As expected, casual employees and female employees benefited less from the trend than regular employees and male employees. By and large, the minimum wage policy has been inadequate in terms of protecting employees, primarily because of non-compliance of employers and non-enforcement by the labour authorities.

In general, Bangladesh has made little progress since 2005-06 in respect of **decent working time** (Chapter 4). The percentage of employees working more than 48 hours per week increased from 48.1 per cent in 2005-06 to 51.5 per cent in 2010. The trend has been more prominent among male workers (58.6 to 65.2 per cent) and among workers in rural areas (from 45.8 to 51.3 per cent), though there has been significant progress on decent working hours among workers in urban areas (55.7 to 52.3 per cent). For about half of Bangladesh's workers the average working week exceed the legal limit, while time-related under-employment among those working 10-19 hours increased from 7.1 per cent to 12.4 per cent and for those working 40-48 hours from 23.9 per cent to 29.9 per cent.

In terms of the decent work dimension of **combining work, family and personal life**, The Government has introduced several changes to legal provisions concerning leave and working time, especially maternity leave (from four months previously to six months since 10 January 2011) and annual leave (Chapter 5). Working hours have been regulated in order to provide workers with a more balanced work, family and personal life. However, workers in both formal and informal employment tend increasingly to work longer hours, especially urban workers who are affected by the impact of urban sprawl and high commuting time.

With regard to **work that should be abolished** (Chapter 6) a greater effort built on existing measures is needed to prevent and eliminate such work. Although the Government has set the age of admission to employment at 14 years and has taken legal steps to monitor admission to employment, light work and hazardous work, little recent progress has been achieved in reducing child labour (from 17.5 per cent in 2002-03 to 15.2 in 2005-06) and in improving school enrolment rates (which have remained largely stagnant in recent years). In 2005 some 521,614 working children (96.7 per cent of child labourers) were engaged in hazardous work.

As to forced labour, Bangladesh's laws, regulations and plans of action include measures to prevent trafficking in persons, especially women and children. The major effort that is necessary to eliminate the practice altogether, however, is greatly hindered by poverty, lack of access to secondary and tertiary education, the demand for child labour and shortcomings in law enforcement. Currently, there exist no accurate or official data on the extent of forced labour in Bangladesh.

In the area of **stability and security of work** the labour market has experienced an increase in flexible forms of employment and, with it, often higher job insecurity (Chapter 7). Although Bangladesh has not ratified the Termination of Employment Convention, 1982 (No. 158), the 2006 Bangladesh Labour Law does contain provisions for terminating employment on valid grounds and for severance payment. Over the last decade, despite the Government's employment policies, a significant

and increasing part of the active population has been engaged in precarious or casual work. The proportion of workers in informal employment rose from 76.2 per cent in 1999-00 to 87.5 per cent in 2010. This trend in precarious work is associated with the increasing pace of globalization, intensified global competition, technological change, corporate restructuring and a relatively stable unemployment rate. This implies that, notwithstanding the erosion of the standard employment relationship in the country, most people in Bangladesh cannot afford to remain unemployed and, because access to social security benefits is virtually non-existent, people are often forced to take whatever precarious jobs they can find simply for the sake of survival. In addition, the real wages of casual employees remain at around two-fifths of the level of regular employees. Gender-based wage disparities are also apparent between male and female casual workers.

In terms of **equality of opportunity and treatment in employment** some progress has been achieved over the last five years, resulting in a rise in women's participation in law, politics and management and a narrowing of the gender wage gap among regular employees (Chapter 8). Moreover, the share of women in wage employment in the non-agricultural sector increased slightly, from 19.3 per cent in 2005-06 to 20.1 per cent in 2010. Significant challenges remain, however, such as that of expanding education and employment opportunities for women and ensuring equal pay for work of equal value (both for women and other discriminated groups like those with disabilities) and enhancing protection for overseas migrant workers, particularly women engaged in domestic work.

As regards the provision of a **safe work environment** (Chapter 9) the Department of Inspection for Factories and Establishments is responsible for enforcing occupational safety regulations. Employment injury benefits are provided through the Bangladesh Labour Law, which regulates compensation for injured workers. No attempt has yet been made to extend such coverage to self-employed workers, let alone to provide injury benefits for workers in the informal sector. In 2009 the Government formed the National Council for Industrial Health

and Safety, a tripartite body consisting of representatives from government, businesses and workers' organizations. Despite existing gaps in the reporting system from the local level to the central level, the available data show some progress in the first half of the last decade but none in more recent years, as indicated by the steady increase in fatal and non-fatal occupational injury rates. This suggests that the Government is still lacking the institutional capacity to enforce occupational safety regulations, primarily because the increase in the number of registered workers far outstrips the increase in the number of labour inspectors, with no improvement in logistic and financial support.

The Government has not yet introduced any nationwide **social security** scheme, which may reflect limited political commitment to social protection as a policy priority (Chapter 10). No existing laws provide for universal coverage of social security with compulsory contributions and different programmes, except for old-age pensions for public servants. A number of social safety net programmes include old-age benefits but not unemployment insurance. Despite this, some efforts have been undertaken to improve aspects of social protection in recent years, as can be seen from the rise in government expenditure on safety net programmes and the increasing share of health-care expenditure not financed out-of-pocket by private households (i.e. provided by the State or other non-private actors). Nonetheless, a sizeable proportion of private formal sector employees still do not participate fully in the social security system and programmes to support informal workers are non-existent.

Finally, with respect to **social dialogue and employers' and workers' representation**, Bangladesh has ratified the main ILO Conventions on the subject (Chapter 11). However, progress in recent years has been mixed: not only has there been a decline in the number of trade unions as a whole, but the rate of union membership has also remained relatively low (around 7 per cent of all employees in 2010). At the same time, the number of registered companies affiliated to employers' associations has tended to rise, with the number of industrial concerns and groups attached to the Bangladesh Employers' Federation showing a steady increase. Strikes and lockouts have been on the decline, but the number of workers involved and of workdays lost has increased.

Despite the achievements mentioned above, Bangladesh is still facing many problems in achieving decent work for all, as called for in Millennium Development Goal Target 1.B: "achieve full and productive employment and decent work for all, including women and young people". The Government recognizes these problems and in its Sixth Five-Year Plan for 2011-15 adopted policy strategies focusing on the pursuit of economic growth, along with labour intensive investment, enhanced competitiveness and poverty reduction. However, these strategies demand a concerted effort on the part of the Government to ensure their effectiveness by including decent work indicators in appropriate monitoring and evaluation systems and national plans of action.

Contents

Preface	iii
Acknowledgements	v
Executive summary	vii
List of Tables (Statistical Indicators)	xii
List of Legal Framework Indicators	xiii
Abbreviations and acronyms	xv
1. Economic and social context for decent work	1
Summary assessment	5
2. Employment opportunities	7
Summary assessment	14
3. Adequate earnings and productive work	15
Summary assessment	18
4. Decent working time	19
Summary assessment	24
5. Combining work, family and personal life	25
Summary assessment	28
6. Work that should be abolished	29
Summary assessment	32
7. Stability and security of work	33
Summary assessment	35
8. Equal opportunity and treatment in employment	37
Summary assessment	40
9. Safe work environment	41
Summary assessment	44
10. Social security	45
Summary assessment	49
11. Social dialogue and workers' and employers' representation	51
Summary assessment	54
References	56

List of Tables (Statistical Indicators)

Table 1.	Economic and social context for decent work	4
Table 2.	Employment opportunities	9
Table 3.	Adequate earnings and productive work	16
Table 4.	Decent working time	21
Table-5.	Combining work, family and personal life – Time-use statistics (hours per day) in 2003	27
Table 6.	Work that should be abolished	32
Table 7.	Stability and security of work	34
Table 8.	Equal opportunity and treatment in employment	39
Table 9.	Safe work environment	42
Table 10.	Social security	46
Table-10.1.	Derived ratios and per capita health expenditure	48
Table 11.	Social dialogue and employers' and workers' representation	52

List of Legal Framework Indicators

Legal framework indicator 1:	Labour administration	2
Legal framework indicator 2:	Government commitment to full employment	8
Legal framework indicator 3:	Unemployment insurance	14
Legal framework indicator 4:	Minimum wage	17
Legal framework indicator 5:	Maximum hours of work	20
Legal framework indicator 6:	Paid annual leave	23
Legal framework indicator 7:	Maternity leave	26
Legal framework indicator 8:	Parental leave	28
Legal framework indicator 9:	Child labour	30
Legal framework indicator 10:	Forced labour	31
Legal framework indicator 11:	Termination of employment	35
Legal framework indicator 12:	Equal opportunity and treatment	38
Legal framework indicator 13:	Equal remuneration of men and women for work of equal value	40
Legal framework indicator 14:	Employment injury benefits	43
Legal framework indicator 15:	OSH labour inspection	44
Legal framework indicator 16:	Pension	47
Legal framework indicator 17:	Incapacity to work due to sickness/sick leave	48
Legal framework indicator 18:	Incapacity to work due to invalidity	49
Legal framework indicator 19:	Freedom of association and the right to organize	53
Legal framework indicator 20:	Collective bargaining right	54
Legal framework indicator 21:	Tripartite consultations	55

Abbreviations and acronyms

BBS	Bangladesh Bureau of Statistics
BEF	Bangladesh Employers' Federation
BEPZA	Bangladesh Export Processing Zones Authority
BLL	Bangladesh Labour Law (2006)
BMET	Bureau of Manpower, Employment and Training
CEACR	Committee of Experts on the Application of Conventions and Recommendations
DIFE	Department of Inspection for Factories and Establishments
DOL	Department of Labour
DWCP	Decent Work Country Programme
EC	European Commission
EPR	employment-to-population Ratio
EPZs	export processing zones
GDP	gross domestic product
ICT	information and communications technology
ILO	International Labour Organization
IOM	International Organization for Migration
ISCO	International Standard Classification of Occupations
ITUC	International Trade Union Confederation
MEWOE	Ministry of Expatriates' Welfare and Overseas Employment
MOF	Ministry of Finance
MOLE	Ministry of Labour and Employment
MWB	Minimum Wages Board
NCCWE	National Coordination Committee for Workers' Education
NGO	non-governmental organization
OSH	occupational safety and health
PPP	purchasing power parity
TCC	Tripartite Consultative Council
Tk.	Taka (official currency unit of Bangladesh: Tk.1 = approx. 1.27 US cents)

1 Economic and social context for decent work

During the past 20 years Bangladesh has undergone tremendous economic, social and political changes that have shaped the decent work landscape. The country has experienced a political transition to a more democratic system. Fundamental changes with regard to the labour market have included a labour law reform programme and the adoption of the 2006 Bangladesh Labour Law (BLL). In addition, Bangladesh has made positive strides towards strengthening its labour administration system that were dictated by the need for a coordinated and well-financed system of labour administration. This is critical to support industrial harmony as well as a business climate that is conducive to economic growth and decent work (see Legal framework indicator 1: Labour administration).

Over the last decade there has been steady progress in raising per capita income and significant achievements in poverty reduction. However, poverty rates are still high in many parts of the country, and inequalities remain prevalent. The Gini co-efficient of income decreased slightly to 0.458 in 2010 from 0.467 in 2005. Incomes accruing to households belonging to decile 1 to decile 5 together continue to share only 20.3 per cent of total income, although they comprise 50 per cent of the population. The distribution of consumption expenditure has been stable. The Gini co-efficient of consumption expenditure was estimated at 0.321 in 2010 at the national level, compared to 0.332 in 2005 (BBS, 2011d). Employment was mainly distributed between the agricultural sector (47.5 per cent) and the services sector (39.9 per cent) in 2010, although the share of employment in manufacturing increased from 10 per cent in 1999-2000 to 12.6 per cent in 2010. Labour productivity increased moderately during the last decade, but it still lags behind other South Asian economies. With regard to education, significant

progress was achieved in reducing the proportion of children not attending school from 42.3 per cent in 2008 to 29.7 per cent in 2010, and some advance in adult literacy was also observed. Bangladesh faces few challenges with respect to HIV and AIDS, whose prevalence is among the lowest in Asia.

In terms of macroeconomic management the Government of Bangladesh has not been able to contain the inflation rate, which rose from 1.9 per cent in 2001 to 9.9 per cent in 2008 and to 8.8 per cent in 2011. High inflation was partly exacerbated by the removal of government subsidies, notably on oil and fuels, and the high cost of building materials. In current conditions there appears little possibility of curbing the trend significantly in the immediate future.

Although inflation has remained below double-digit levels, external factors such as the on-going uncertainty in global financial markets, the slow-down in the global economy and fluctuating commodity prices mean that it remains a primary concern for policy-makers and a significant threat to real wages.

Macroeconomic growth and stability have influenced national efforts to address poverty, and poverty reduction has become one of the Government's key national priorities. The poverty rate – defined as the percentage of the total population living below the national poverty line – has generally declined but at a slow rate. The poverty rate was 48.9 per cent in 2000, from where it decreased steadily to 31.5 per cent in 2011 (Table 1). The Government has designed programmes to maintain a stable macroeconomic environment and to channel investment into areas that can benefit the poor, including the

Legal framework indicator 1: Labour administration

Law, policy and institutions. The legal framework for Bangladesh's labour administration (job fair, industrial relations reporting system, labour inspection reporting system, training reporting system, foreign labour communications system, etc.) has undergone several changes over the years. The Ministry of Labour and Employment (MOLE) is responsible for creating employment opportunities, formulating policy and supervising its various departments (their functions are defined in Schedule 1, Rule 3, of the Rules of Business, 1975). The agencies responsible for policy implementation include Department of Labour (DOL), Department of Inspection for Factories and Establishments (DIFE), Bureau of Manpower, Employment and Training (BMET), Minimum Wages Board (MWB), Labour Appellate Tribunal and seven labour courts. The National Council for Skills Development and Training, established in 1979 as part of the MOLE, remained dormant for over 20 years. In its place a National Skills Development Council chaired by the Prime Minister has been established in accordance with the 2011 national skills development policy. The Ministry's planning cell submits development programmes and projects for its five-year plans. The MOLE has 11 labour offices attached to Bangladesh's external missions – two in Saudi Arabia and one each in Bahrain, Iran, Iraq, Kuwait, Libya, Malaysia, Oman, Qatar and United Arab Emirates. The BMET, which functions under the Ministry of Expatriates' Welfare and Overseas Employment (MEWOE), is organized on a country-wide basis and has a network of zone and district offices. Since its inception it has implemented and monitored the MOLE's employment programmes and the collection of employment related data through a network of 42 district employment and manpower offices established under the Essential Personnel (Registration) Ordinance. The splitting up of the MOLE in 2001 substantially reduced its mandate and divested it of its role in implementing the country's Decent Work Country Programme. The BMET (now administered by the MEWOE) and its 11 labour offices attached to the Bangladesh missions abroad are no longer responsible for implementing and monitoring the MOLE's domestic employment programmes. In 2010 the Government finally adopted a draft national labour policy which is awaiting approval by the Cabinet. Bangladesh's national plans of action include the Perspective Plan 2010-21, the National Skills Development Policy 2010-15 and the Education for All: National Plan of Action II 2003-15. A National Council for Industrial Health and Safety was set up in 2009 and has prepared a national policy for industrial establishments pursuant to section 323 of the BLL. There are five permanent tripartite institutions at the national level: the labour courts, the Tripartite Consultative Council (TCC), the Minimum Wages Board (MWB), the Tripartite Productivity Committee and the National Skills Development Council. Other tripartite institutions (National Pay Commission, National Wages and Productivity Commission, National Steering Committee) and sector-based tripartite bodies (such as the Social Compliance Forum in the ready-made garment sector) are convened on an ad hoc basis.

Evidence of implementation. The CEACR has found that the ineffectiveness of the DIFE could largely be attributed to an insufficient budget, shortage of trained enforcement officials, lack of logistical support, inadequate sanctions for non-compliance with the law and lack of training for inspectors and requested that the Government identify the body responsible for labour inspection in export-processing zones (EPZs). The Government has recognized that the financing of Bangladesh's labour administration needs to be improved.

Ratification of ILO Conventions: Bangladesh has not ratified the Labour Administration Convention, 1978 (No. 150). It ratified the Labour Inspection Convention, 1947 (No. 81), was ratified on 22 June 1972.

Sources: ILO: *Labour administration profile on Bangladesh* (Dhaka, 1996); World Bank: *The Bangladesh vocational education and training system: An assessment* (Human Development Unit South Asia Region, 2006); Bureau of Manpower, Employment and Training, Dhaka; ILO: *Report on the review of the Decent Work Country Programme: Bangladesh 2006–2009*; ILO NATLEX database; Borhan Uddin Khan and Muhammad Mahbubur Rahman: "Labour administration in Bangladesh", in *Labour administration in selected Asian countries* (ILO, 2008), pp. 24-83.

enhancement of their employability and improving their access to education and training, urban markets, jobs, financial markets and social safety net programmes.

Despite the progress in poverty reduction, there are indications of a growing inequality between rich and poor households. Consumption-based inequality, measured in terms of the P90/P10 ratio (the ratio of the average consumption of house-

holds in the top percentile of consumption distribution to that of households in the bottom percentile) increased from 5.1 in 2001 to 7.2 in 2011. The analysis of wage inequality trends reveals a similar pattern. Furthermore, although there has been a lessening of wage inequality between men and women attributable to cultural barriers and social stereotypes, educational attainment, working experience and other factors it remains significant (see Chapters 3 and 8, in particular legal

framework indicator 12: Equal remuneration of men and women for work of equal value). These developments are of considerable concern, primarily because high wage inequality may lead to a decrease in labour productivity. Moreover, income inequality has a strong impact on efforts to alleviate poverty.

In line with recent economic developments, Bangladesh is undergoing a gradual structural transformation from agriculture to services and manufacturing. Employment in agriculture declined from 50.8 per cent in 1999-2000 to 47.5 per cent in 2010, while employment in services and industry increased respectively from 39.2 and 10 per cent to 39.9 and 12.6 per cent during the same period, a majority of service workers being concentrated in trade, restaurants and hotels. There have been mass retrenchments in the state-owned enterprises in the formal sector and a marked increase in the share of informal work arrangements. According to the available data the share of GDP distributed in the form of wages was around 20.8 per cent in 2010, reflecting the comparative scarcity of wage employment (regular employees and casual employees constitute respectively 42.5 per cent and 57.5 per cent of total wage employment and together account for 34.2 per cent of total employment). However, from 2005-06 to 2010 the wage share of GDP increased sharply from 14.7 per cent to 20.8 per cent, reflecting remarkable progress in real wages, while GDP growth remained relatively stable at 6.6 per cent and 6.1 per cent respectively (see Table 1).

Labour productivity, defined as real GDP per person employed, increased steadily between 2001 and 2010, reflecting an average real GDP growth of 5.9 per cent and an employment growth of 3.3 per cent during the period. Nonetheless, the average annual growth of labour productivity between 2001 and 2010 (2.4 per cent) remained lower than that of other countries in South Asia, including India (5.4 per cent). Moreover, to facilitate inclusive growth (i.e., growth that delivers equitable and broad-based economic and social gains) GDP growth needs to come from both productivity growth and employment growth, its two broad components. To date, this does not appear to have happened in Bangladesh, and the link between productivity growth and real wages

(which should rise alongside gains in productivity) is not yet fully established.

In terms of education policy, the Constitution stipulates that every citizen of Bangladesh has an equal right to education. The formal education system consists of primary education (eight years), secondary education (two years) and higher secondary education (two years). In 2010 the Government expanded basic education requirements from five to eight years and basic eight-year education was made free and compulsory. Despite this education policy framework, the targets set in the Sixth Five-Year Plan for net enrolment in primary education (100 per cent) and in 12th grade (60 per cent) have yet to be met.¹ Furthermore, almost a third (29.7 per cent) of children aged 5 to 17 years in 2010 were not attending school (see Table 1), while a high (albeit declining) proportion of economically active children were combining work and education. Despite this, the percentage of children not attending school has actually fallen in recent years, although the improvement among boys lagged far behind that of girls. The adult literacy rate rose from 47.8 per cent in 2001 to 59.8 per cent in 2010, although males continue to be more literate than females (63.9 per cent against 55.7 per cent) because of the latter's limited access to adult literacy programmes.

In the health sector considerable improvements have taken place. Life expectancy at birth increased steadily from 56.1 years in 1991 to 63.6 years in 2000 and 67.7 years in 2010. Between 1991 and 2010 both the under-five mortality rate (probability of dying between birth and five years of age) and the infant mortality rate (probability of dying between birth and one year of age) fell significantly (from 146 to 47 deaths per 1000 live births and from 92 to 36 deaths per 1000 live births, respectively). The proportion of one-year-old children immunized against measles increased markedly, from 54 per cent in 1990-91 to 88 per cent in 2006. Similarly, the

¹ According to UNESCO data, net enrolment in primary education fell slightly in recent years, from 93.4 per cent in 2005 to 92.2 per cent in 2009, although this disguises somewhat the large gains made since 1990. The net secondary enrolment rate was 45.67 per cent in 2009, less than a percentage point higher than it was in 2000, but slightly lower than the 2002 peak of 47.35 per cent. See <http://www.indexmundi.com/facts/bangladesh/school-enrollment>.

Table 1. Economic and social context for decent work

Decent work indicator	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Children aged 5-17 years not attending school (%)	29.70		21.36		38.20		40.17	42.33	40.08	29.74	
Male	32.79		25.19		41.58		44.14	46.22	43.09	33.81	
Female	26.35		16.95		34.54		35.86	38.11	36.82	25.30	
People living with HIV as a percentage of total working-age population aged 15 + years							0.1	0.1	< 0.1		
Labour productivity: GDP per person employed (in thousands of taka at constant 1995-96 prices)	52,546		53,522			60,058				66,700	
	(1999-2000)		(2002-03)			(2005-06)					
Agriculture	25,468		23,412			26,251				27,537	
Industry	83,066		88,576			94,336				98,608	
Services	79,807		85,008			90,581				103,251	
GDP growth rate (%)	5.27	4.42	5.26	6.27	5.96	6.63	6.43	6.19	5.74	6.07	6.66
Agriculture	3.14	0.01	3.08	4.09	2.21	4.94	4.56	3.21	4.12	5.24	4.96
Industry	6.88	5.42	6.78	7.13	8.20	10.67	9.64	7.32	6.88	6.65	9.20
Services	5.73	5.92	5.68	6.85	6.70	6.11	6.15	6.86	5.93	6.16	6.44
Inflation rate (%)	1.94	2.79	4.38	5.83	6.48	7.16	7.20	9.94	6.66	7.31	8.80
Employment of adults aged 15 + years, by branch of economic activity											
Agriculture	50.77		51.69			48.10				47.50	
Industry	10.00		9.93			11.18				12.57	
Services	39.23		38.38			40.72				39.93	
Literacy among adults aged 15 + years (%)	47.8	49.6	50.3	51.6	53.5	53.7	58.3	59.07	59.1	59.82	
Male	54.0	55.5	56.3	57.2	58.3	58.5	63.1	63.4	63.7	63.89	
Female	41.4	43.4	44.2	45.8	48.6	48.8	53.53	54.74	54.8	55.71	
Wage share of GDP (%)						14.66				20.77	
Real per capita PPP GDP (in constant 2005 US dollars)^a	362	361	389	418	441	447	487	559	620	685	
Economic growth rate (%) (1995-96 = 100)	5.27	4.42	5.26	6.27	5.96	6.63	6.43	6.19	5.74	6.07	
Share of women in total employment of workers aged 15 + years (%)	20.24		22.21			23.81				29.96	
	(1999-2000)		(2002-03)			(2005-06)					
Agricultural, forestry, hunting and fishery	18.82		25.17			34.63				40.84	
Mining and quarrying	61.54		1.22			13.73				15.60	
Manufacturing	37.90		39.28			24.85				28.33	
Electricity, gas and water	13.24		8.16			3.95				7.32	
Construction	8.01		6.29			6.82				8.67	
Wholesale trade, retail trade, restaurants, hotels	8.07		3.70			5.81				12.91	
Transportation, storage and communications	2.11		0.83			1.66				6.12	
Financing, insurance, real estate and business, community, social and personal services	37.51		35.23			28.10				33.56	
Income inequality (P90/P10 percentile ratio)^b	5.1				6.6						7.2

Decent work indicator	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Share of income held by highest percentile	38.0				37.6						35.8
Share of income held by lowest percentile	2.4				2.0						2.0
Poverty rate											
Percentage of population living below the national poverty line	48.9 (2000)				40.0						31.5
Percentage of urban population living below the urban poverty line	35.2 (2000)				28.4						21.3
Percentage of rural population living below the rural poverty line	52.3 (2000)				43.8						35.2
Percentage of population living below international poverty line of 2 US dollars per day (PPP)	84.4 (2000)				80.3						76.5
Percentage of population living below international poverty line of 1.25 US dollars per day (PPP)	58.6 (2000)				50.5						43.3

^a PPP GDP is the gross domestic product (GDP) converted to international dollars using purchasing power parity (PPP) rates. An international dollar has the same purchasing power in the GDP as the US dollar has in the United States.

^b The P90/P10 percentile ratio is the ratio of the 90th percentile to the 10th percentile of the total wage distribution among regular employees. Data on expenditure-based inequality (P90/P10 percentile ratio) by gender are important indicators of economic and social context for decent work, but they are unavailable for Bangladesh.

Source: BBS data.

maternal mortality rate more than halved, from 478 deaths per 100,000 live births in 1990 to 216 in 2010 (BBS, 2011^e), and the proportion of births attended by skilled health personnel more than quadrupled, from 5 per cent in 1990-91 to 24.4 per cent in 2009 (BBS, 2010).

As regards universal access to reproductive health, while the contraceptive prevalence rate increased from 39.7 per cent in 1990 to 56.7 per cent in 2010, the adolescent birth rate (per 1000 women) declined from 79 per cent in 1990 to 59 per cent in 2010 (BBS, 2011^e). Antenatal care coverage (at least four visits) increased from 5.5 per cent in 1990-91 to 20.6 per cent in 2007, while the unmet need for family planning² declined from 19.4 per

cent in 1990-91 to 17.6 per cent in 2007 (BBS, 2010).

Summary assessment

Despite steady progress in raising per capita income and significant achievements in poverty alleviation, poverty rates are still high in many parts of the country and Bangladesh has fallen back in terms of inequality. Employment is mainly in agriculture and services and is growing in industry, though there has also been a substantial increase in the share of informal employment. Labour productivity has increased at a respectable pace with an annual average growth rate of 2.4 per cent, but this remains lower than in other South Asian countries (5.4 per cent in India, for example).

In education some progress has been made in recent years in reducing the percentage of children not attending school, although boys lagged behind girls in this regard; some progress was observed in adult literacy for both men and

² The unmet need for family planning is measured by the following formula: Women (married or in a union) who are not using contraception, are able to conceive and desire either to stop bearing children or postpone their next birth for at least two years *plus* pregnant women whose current pregnancy was unwanted or mistimed *plus* women in post-partum amenorrhea who are not using contraception and, at the time they became pregnant, had wanted to delay or prevent the pregnancy *divided by* the total number of women of reproductive age (15-49) who are married or in a union *multiplied by* 100 (WHO, 2012).

women. Net enrolment rates in primary and secondary education, however, have remained relatively stagnant in recent years after earlier gains in the 1990s and early 2000s. In the health sector considerable improvements have been observed in the mortality rate of children under the age of five, in infant mortality, in child immuniza-

tion against measles and in maternal mortality, as well as in terms of skilled health personnel, universal access to reproductive health and antenatal care coverage. However, these policy strategies need to be accompanied by effective implementation in order to achieve decent work for all.

2 Employment opportunities

Promoting productive employment is key to achieving decent work, and this is reflected in the high priority given to job creation in the Government's Sixth Five-Year Plan for 2011-15 (see Legal framework indicator 2: Government commitment to full employment).

In Bangladesh the employment-to-population ratio (EPR), which shows the proportion of working age people who are actually employed, rose steadily from 52.5 in 1999-2000 to 56.6 in 2010 (see Table 2). This signals a gradual improvement in the economy's ability to generate jobs – an observation that is also supported by the relatively low and stable unemployment rate (4.3 per cent in 2005-06 and 4.5 per cent in 2010) observed during much of the last decade.

However, despite this improving picture, disaggregation of the EPR by sex provides an indication of stark disparities between men and women in employment. While 79.2 per cent of men of working age were employed in 2010, the corresponding figure for women was just 33.9 per cent – a difference of 45.2 percentage points. Such sharp differences, although shrinking (the gap was almost 60 percentage points in 1999-2000), point to persistent barriers to employment among Bangladeshi women, the origins of which can be found, inter alia, in society's prevailing view of women as family and household managers rather than employed persons. Despite this, women are becoming more prominent both in employment and in the labour force more generally (i.e. the sum of employed and unemployed women). Female labour force participation rose from 23.9 per cent in 1999-2000 to 36 per cent in 2010, while for men it fell slightly from 83.6 per cent to 82.5 per cent. Similarly, although the unemployment rate for women was 4.5 percentage points higher than for men in 1999-

2000, by 2010 it had been reduced to 1.6 percentage points.

In Bangladesh there is higher unemployment in the lower education group, whereas in other South Asian countries there is often a positive relationship between education and unemployment. This suggests that higher education in Bangladesh may be more responsive to labour market demand than in many other countries in the region. That said, and despite the country's strong employment growth coupled with low unemployment in recent years, it is important to note that for policy-makers employment growth cannot be an end in itself. Quality of employment (which cannot be measured by employment rate data) remains the critical component of a growth model that is designed to deliver economic prosperity and decent work for all.

Only a small proportion of young people aged 15 to 24 in Bangladesh (1.9 per cent in 2010) stay in school until graduation from tertiary education. However, the Government is aware that many young people who are unable to continue with higher schooling enter the labour market instead, and it has therefore set the legal age for admission to employment at 14 completed years (see Legal framework indicator 9: Child labour). Employment opportunities are important for young people, who accounted for 23.3 per cent of the labour force in 2010, but a growing proportion of young workers nowadays are neither in employment nor in education, possibly because more and more people who have completed their higher education can afford to remain unemployed while they wait for better-paid jobs (ILO, 2008).

Bangladesh has encountered some difficulty in providing employment in the formal sector. The

Legal framework indicator 2: Government commitment to full employment

Law, policy and institutions. Providing access to employment at a reasonable wage having regard to the quantity and quality of work is a fundamental responsibility of the State (article 15 of the Constitution). The Government of Bangladesh has accordingly committed itself to reducing the rate of unemployment (including underemployment) to 15 per cent in its Perspective Plan 2010-21. The targets of the Sixth Five-Year Plan for 2011-15 are: (i) to create decent jobs for the large pool of underemployed workers and new entrants into the labour force by increasing the share of employment in the industrial sector from 17 to 25 per cent; (ii) to increase the employment share of the manufacturing sector to 15 per cent by 2015; (iii) to raise the contribution of factor productivity to economic growth to 10 per cent; and (iv) to boost overseas employment of skilled labour from 35 to 50 per cent. The Government expects accelerated growth in the manufacturing, construction and services sectors to contribute to the creation of 10.4 million new jobs, which it believes should be sufficient to absorb all new arrivals on the job market (about 9.2 million) and to enable a sizable number of them to find jobs elsewhere than in the agricultural sector (about 1.2 million).

Evidence of implementation. No information has been made available to the ILO's supervisory bodies.

Ratification of ILO Conventions. Bangladesh has not ratified the Employment Policy Convention, 1964 (No. 122).

percentage of workers in informal employment is high, having increased from 76.2 per cent in 1999-2000 to 87.5 per cent in 2010. During the same period a higher proportion of women workers than male workers was engaged in informal employment, although the difference between them dropped from 11.8 percentage points in 1999-2000 to 6.8 percentage points in 2010. However, the share of women workers in informal employment increased more slowly (84.9 per cent in 1999-2000 to 92.3 per cent in 2010) than that of men (73.1 per cent to 85.5 per cent).

Men find it difficult to transfer from informal jobs to formal employment. Most of them are unpaid family workers or self-employed (i.e. own-account workers) and, although the proportion of own-account workers declined from 46.7 per cent in 1999-2000 to 40.6 per cent in 2010, the share of unpaid family workers increased from 12 per cent to 21.7 per cent. On the other hand, casual wage employment rose from 2 per cent in 2005-06 to 2.7 per cent in 2010, notably among male workers.

The proportion of regular employees in total employment decreased from 16.7 per cent in 1999-2000 to 14.5 per cent in 2010. However, while the share of regular male employees increased from 15.8 to 16.8 per cent during that period, the relative share of female employees declined from 20.3 to 8.9 per cent, primarily because of increasing globalization, trade liberalization and the Government's structural

adjustment policies, combined with cultural and traditional factors (such as the need for women to balance work with their caring responsibilities).

Formal employment opportunities in the non-agricultural sector can also be measured by the share of wage-employment in the non-agricultural sector, which increased from 14.4 per cent in 2005-06 to 23.2 per cent in 2010. The share of wage-employment in the non-agricultural sector is higher for men than for women workers and increased more sharply for them (by 9 percentage points) than for women (7.7 percentage points) over the same period.

Unemployment insurance, which is an important factor in protecting workers from severe economic fluctuations, is still unavailable in Bangladesh. Moreover, Bangladesh has ratified neither the Social Security (Minimum Standards) Convention, 1952 (No. 102), nor the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168) (see Legal framework indicator 3: Unemployment insurance). As a result, many workers simply cannot afford to remain unemployed and they tend to take jobs in the informal sector, where they are likely to earn far less than in formal employment. The Government therefore needs to consider measures to expand formal employment opportunities and to provide unemployment insurance to protect workers from economic and other shocks to their income.

Table 2. Employment opportunities (1)

	1999-2000	2002-03	2005-06	2010
Employment-to-population ratio 15 + years (%)	52.53	54.82	55.99	56.58
Male	81.13	83.75	83.89	79.16
Female	21.99	24.80	27.12	33.94
Urban	52.56	53.95	53.26	53.63
Rural	52.52	55.11	56.90	57.53
Unemployment rate for 15 + years (%)	4.30	4.32	4.24	4.54
Male	3.36	4.17	3.22	4.05
Female	7.83	4.84	7.44	5.65
Urban	5.74	5.32	4.27	6.48
Rural	3.87	3.71	4.24	3.95
Proportion of youth aged 15-24 years not in education and not in employment (%)	27.05		32.26	29.19
Male	12.94		7.29	12.48
Female	40.84		58.93	45.17
Urban	22.36		30.40	29.55
Rural	31.74		32.89	29.06
Informal employment of workers 15 + (%)	76.24	79.15	78.44	87.50
Male	73.08	78.94	76.18	85.50
Female	84.92	79.88	85.69	92.30
Urban	51.26	66.51	66.96	75.00
Rural	82.10	83.18	82.01	91.30
Labour force participation rate 15 + (%)	54.89	57.30	58.52	59.27
Male	83.95	87.39	86.73	82.51
Female	23.86	26.07	29.10	35.97
Urban	55.77	56.77	55.52	57.34
Rural	54.66	57.47	59.36	59.75
Unemployment rate of youth aged 15-24 years (%)	15.09	6.61	9.27	8.70
Male	12.52	6.96	8.00	8.30
Female	21.71	5.80	13.60	9.20
Urban	18.26	9.39	8.81	11.00
Rural	14.17	5.81	9.40	7.90
Distribution of unemployment of persons aged 15 and above, by level of education (%)				
Total				
No schooling/Did not complete schooling	14.51	39.61	26.56	24.97
Class I-V	23.03	13.04	17.84	19.12
Class VI-VIII	14.69	9.79	15.00	16.31
Class IX	16.63	11.14	11.91	14.20
Secondary school certificate or equivalent			12.47	10.06
Intermediate or equivalent	22.69	16.33	8.82	11.22
Graduate or equivalent	8.40	9.44	4.74	0.23
Post-graduate or equivalent			1.97	3.27
Engineering or medical			0.39	0.59
Technical or vocational			0.21	–
Other		0.65	0.10	0.03
Male				
No schooling/Did not complete schooling	11.64	38.67	20.06	22.36
Class I-V	22.81	12.93	16.70	19.24

	1999-2000	2002-03	2005-06	2010
Class VI-VIII	14.22	10.07	15.13	16.39
Class IX	18.28	12.20	12.97	13.91
Secondary school certificate or equivalent			15.29	12.14
Intermediate or equivalent	22.90	16.27	10.83	11.68
Graduate or equivalent			5.97	0.21
Post-graduate or equivalent	10.16	9.13	2.32	3.50
Engineering or medical			0.35	0.57
Technical or vocational			0.29	–
Others		0.73	0.08	–
Female				
No schooling/Did not complete schooling	19.07	42.43	36.07	29.25
Class I-V	23.42	13.15	19.51	18.92
Class VI-VIII	15.47	8.96	14.80	16.19
Class IX	13.96	7.97	10.35	14.67
Secondary school certificate or equivalent	22.37	16.53	8.34	6.66
Intermediate or equivalent			5.88	10.46
Graduate or equivalent	5.71	10.36	2.94	0.26
Post graduate or equivalent			1.46	2.90
Engineering or medical			0.45	0.62
Technical or vocational			0.10	–
Other		0.40	0.12	0.07
Urban				
No schooling/Did not complete schooling	6.94	23.49	15.29	16.06
Class I-V	14.45	10.50	14.26	17.70
Class VI-VIII	19.14	10.32	14.40	14.27
Class IX	17.82	12.81	12.32	13.55
Secondary school certificate or equivalent	27.02	26.51	13.84	12.81
Intermediate or equivalent			14.19	17.48
Graduate or equivalent	14.63	15.48	9.25	0.30
Post-graduate or equivalent			4.79	6.35
Engineering or medical			1.46	1.48
Technical or vocational			0.21	–
Other		0.89	0.00	0.00
Rural				
No schooling/Did not complete schooling	17.75	45.90	30.12	29.44
Class I-V	26.87	13.96	18.97	19.83
Class VI-VIII	12.74	9.58	15.18	17.33
Class IX	16.10	10.56	11.78	14.52
Secondary school certificate or equivalent	20.79	12.36	12.04	8.69
Intermediate or equivalent			7.13	8.07
Graduate or equivalent	5.67	7.08	3.31	0.19
Post-graduate or equivalent			1.08	1.73
Engineering or medical			0.05	0.15
Technical or vocational			0.22	–
Other		0.55	0.13	0.04

Source: BBS, Labour Force Survey, 1999-2000, 2002-03, 2005-06 and 2010.

Table 2. Employment opportunities (2)

	1999-2000	2002-03	2005-06	2010
Employment by status in employment (%)				
Total				
Regular employee (wage and salaried workers)	16.70	13.70	13.87	14.50
Employer	0.30	0.40	0.27	0.20
Self-employed (own-account worker)	46.70	44.80	41.90	40.60
Contributing or unpaid family worker	12.00	18.40	21.68	21.70
Casual or irregular paid worker			1.99	2.70
Day labourer in agriculture	24.30	20.00	10.71	10.60
Day labourer in non-agriculture			7.48	8.90
Domestic worker in private household		0.60	0.70	0.80
Paid or unpaid apprentice		0.90	0.51	
Other or not reported		1.20	0.88	
Male				
Regular employee (wage and salaried workers)	15.80	13.80	14.55	16.80
Employer	0.30	0.40	0.32	2.00
Self-employed (own-account worker)	51.40	50.60	50.04	47.10
Contributing or unpaid family worker	6.40	9.90	9.67	7.00
Casual or irregular paid worker			2.16	3.10
Day labourer in agriculture	26.10	22.90	13.29	14.10
Day labourer in non-agriculture			8.57	11.50
Domestic worker in private household		0.10	0.19	0.10
Paid or unpaid apprentice		1.00	0.57	
Other or not reported		1.20	0.64	
Female				
Regular employee (wage and salaried workers)	20.30	13.40	11.69	8.90
Employer		0.20	0.11	0.20
Self-employed (own-account worker)	26.60	24.50	15.86	25.10
Contributing or unpaid family worker	34.10	48.00	60.12	56.20
Casual or irregular paid worker			1.45	1.80
Day labourer in agriculture	19.00	9.60	2.47	2.50
Day labourer in non-agriculture			3.99	2.80
Domestic worker in private household		2.50	2.34	2.50
Paid or unpaid apprentices		0.60	0.30	
Other or not reported		1.20	1.66	
Urban				
Regular employee (wage and salaried workers)	36.80	23.70	31.20	30.10
Employer	1.10	0.60	0.28	0.20
Self-employed (own-account worker)	42.50	41.20	41.63	28.00
Contributing or unpaid family worker	6.90	15.00	9.52	17.00
Casual or irregular paid worker			2.34	5.70
Day labourer in agriculture	12.70	15.60	2.21	3.60
Day labourer in non-agriculture			10.07	14.30
Domestic worker in private household		1.10	0.93	1.10
Paid or unpaid apprentices		1.30	0.69	
Other or not reported		1.40	1.13	

	1999-2000	2002-03	2005-06	2010
Rural				
Regular employee (wage and salaried workers)	10.90	10.50	8.48	9.80
Employer		0.30	0.27	0.20
Self-employed (own-account worker)	47.90	45.90	41.99	44.30
Contributing or unpaid family worker	13.50	19.40	25.46	23.10
Casual or irregular paid worker			1.88	1.80
Day labourer in agriculture	27.70	21.40	13.35	12.70
Day labourer in non-agriculture			6.68	7.30
Domestic worker in private household		0.50	0.63	0.80
Paid or unpaid apprentices		0.80	0.45	
Other or not reported		1.10	0.80	
Proportion of own-account and contributing family workers in total employment aged 15 and above (%)				
Total	58.64	63.15	63.59	62.20
Male	57.98	60.46	59.71	54.07
Female	63.53	72.56	75.98	81.36
Urban	49.05	56.21	51.15	44.98
Rural	61.40	65.36	67.45	67.32
Share of wage-employment in non-agricultural sector of persons aged 15 and above				
Total			14.41	23.25
Male			14.74	23.78
Female			12.53	20.22
Urban			11.88	17.02
Rural			16.01	24.06

Source: BBS, Labour Force Survey, 1999-2000, 2002-03, 2005-06 and 2010.

Table 2. Employment opportunities (3)

	1999-2000	2002-03	2005-06	2010
Employment by type of training (%)				
Total				
1. No training obtained	94.94	94.60	93.93	94.21
2. Vocational or technical	2.87	0.40	1.26	1.89
3. Computer	–	0.20	0.09	–
4. Motor driving	–	0.40	0.40	–
5. Shorthand or typing	–	0.10	0.01	–
6. Tailoring or garments	–	0.50	0.80	1.07
7. Welding or electrical	–	0.20	0.16	–
8. Motor mechanics	–	0.10	0.04	–
9. In-service training	–	0.70	1.56	2.12
10. Nursing	–	0.10	0.05	0.17
11. Youth development	–	0.20	0.21	0.46
12. Other	2.18	0.70	1.50	2.27
Male				
1. No training obtained	94.27	94.70	93.41	93.29
2. Vocational or technical	3.36	0.60	1.37	2.24
3. Computer	–	0.30	0.10	–
4. Motor driving	–	0.60	0.50	–

	1999-2000	2002-03	2005-06	2010
5. Shorthand or typing	–	0.10	0.01	–
6. Tailoring or garments	–	0.50	0.68	1.00
7. Welding or electrical	–	0.30	0.21	–
8. Motor mechanics	–	0.10	0.06	–
9. In-service training	–	1.30	1.65	2.52
10. Nursing	–	0.10	0.03	0.14
11. Youth development	–	0.20	0.22	0.58
12. Other	2.37	1.20	1.76	2.75
Female				
1. No training obtained	97.11	98.20	95.60	96.31
2. Vocational or technical	1.33	0.30	0.91	1.09
3. Computer	–	0.10	0.03	–
4. Motor driving	–	0.10	0.05	–
5. Shorthand or typing	–	0.10	0.01	–
6. Tailoring or garments	–	0.50	1.17	1.24
7. Welding or electrical	–	–	0.01	–
8. Motor mechanics	–	–	0.00	–
9. In-service training	–	0.20	1.29	1.18
10. Nursing	–	0.10	0.11	0.23
11. Youth development	–	0.10	0.16	0.18
12. Other	1.56	0.30	0.66	1.17
Labour force by type of training (%)				
Total				
1. No training obtained	97.65	94.68	94.02	96.40
2. Vocational or technical	1.14	0.54	1.29	1.40
3. Computer	–	0.36	0.10	–
4. Motor driving	–	0.55	0.39	–
5. Shorthand or typing	–	0.13	0.01	–
6. Tailoring or garments	–	0.75	0.77	0.70
7. Welding or electrical	–	0.22	0.16	–
8. Motor mechanics	–	0.10	0.04	–
9. In-service training	–	1.22	1.50	1.10
10. Nursing	–	0.13	0.06	0.10
11. Youth development	–	0.25	0.21	0.30
12. Other	1.21	1.06	1.46	1.5
Male				
1. No training obtained	97.01	92.12	93.48	95.00
2. Vocational or technical	1.55	0.71	1.41	1.90
3. Computer	–	0.52	0.11	–
4. Motor driving	–	1.01	0.49	–
5. Shorthand or typing	–	0.17	0.01	–
6. Tailoring or garments	–	0.65	0.66	0.70
7. Welding or electrical	–	0.43	0.20	–
8. Motor mechanics	–	0.20	0.06	–
9. In-service training	–	2.05	1.60	1.70
10. Nursing	–	0.13	0.04	0.10

	1999-2000	2002-03	2005-06	2010
11. Youth development	–	0.34	0.22	0.40
12. Other	1.45	1.68	1.72	2.10
Female				
1. No training obtained	98.34	97.35	95.67	97.80
2. Vocational or technical	0.71	0.37	0.94	1.00
3. Computer	–	0.19	0.08	–
4. Motor driving	–	0.06	0.05	–
5. Shorthand or typing	–	0.09	0.01	–
6. Tailoring or garments	–	0.86	1.12	0.60
7. Welding or electrical	–	0.01	0.01	–
8. Motor mechanics	–	0.01	0.00	–
9. In-service training	–	0.37	1.19	0.40
10. Nursing	–	0.13	0.11	0.20
11. Youth development	–	0.15	0.16	0.10
12. Others	0.94	0.41	0.65	0.80

Source: BBS, Labour Force Survey, 1999-2000, 2002-03, 2005-06 and 2010.

Legal framework indicator 3: Unemployment insurance

Law, policy and institutions. Bangladesh has no unemployment insurance system.

Qualifying conditions: N/A

Benefits (level and duration): N/A

Evidence of implementation. No information has been made available to the ILO's supervisory bodies.

Coverage of workers in law. No available information.

Coverage of workers in practice: No available information.

Ratification of ILO Conventions. Bangladesh has ratified neither the Social Security (Minimum Standards) Convention, 1952 (No. 102), nor the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168).

Summary assessment

From 1999-2000 to 2010 progress in access to employment opportunities was mixed. The EPR rose steadily from 52.5 to 56.6 per cent, while the unemployment rate remained low and stable at under 5 per cent over the same period. At the same time, sharp disparities exist between men and women; while almost eight in every ten men of working age were employed in 2010, for women the figure was only around one in three. The picture was similar for female labour force participation, which despite significant recent gains remains only around 40 per cent of that of men (36 per cent, against 82.5 per cent for men, in 2010). Meanwhile, although the female unemployment rate was still higher than men's, the gap between male and female unemployment rates

has narrowed in recent years, from 4.5 percentage points in 1999-2000 to 1.6 percentage points in 2010.

Bangladesh currently has acquired sufficient momentum to provide more employment opportunities, yet these cannot be maximized unless the Government places employment creation firmly in its macroeconomic framework and sectoral policies (particularly as they relate to small and medium manufacturing enterprises, hospitality and tourism, and overseas employment) and improves its system of labour administration (see Legal framework indicators 1: Labour administration, and 2: Government commitment to full employment). The Government also needs to develop an unemployment insurance policy to protect workers from severe economic shocks.

3 Adequate earnings and productive work

Adequate earnings and productive work are essential to ensure workers' welfare and decent work. In order to ensure that workers receive sufficient income to fulfil their basic needs, these indicators are measured in terms of both nominal and real earnings, as well as by occupation and type of contract and with reference to minimal wages. The distribution of poverty is measured by two indicators: the low-pay rate and the working poverty rate.

The low-pay rate for all employees (defined as the share of employees with weekly earnings of less than two-thirds of the median) decreased from 20.2 per cent in 2005-06 to 16.1 per cent in 2010. The decline was much more marked in the case of women workers (from 29.6 per cent to 8.1 per cent) than for men (from 20.8 per cent to 19.5 per cent). There could be two explanations for the sharp drop in the female low-pay rate between 2005-06 and 2010: (i) a possible statistical bias in the two surveys compared; and/

or (ii) recent improvements in the statutory minimum wage in the ready-made garment sector, where 70 per cent of employees are women. Furthermore, the Government has declared statutory minimum wages in 33 out of 42 major sectors in the economy, subject to periodic review by Minimum Wage Boards (MWBs).

Workers' welfare can in part be measured by the difference between their monthly earnings by occupation and the national poverty line. The monthly earnings for sales workers, craft and related trade workers, agricultural workers and those involved in elementary occupations are among the lowest. There is a huge gap between men and women workers, especially in the services and agricultural sectors (Table 3). Casual employees, who are generally (though not always) engaged in informal work, earn only around two-fifths of the average wage of regular employees and their level of welfare therefore tends to be lower.

Table 3. Adequate earnings and productive work

	2005-06	2010
Low pay rate (less than 2/3 of median earnings) (%)^a	20.2	16.07
Male	20.8	19.46
Female	29.6	8.14
Urban	27.8	14.74
Rural	21.3	16.46
<i>Average monthly earnings of all workers, by occupation</i>		
1. Legislators, senior officials and managers	2,376	12,885
2. Professionals	5,607	9,905
3. Technicians and associate professionals	6,245	9,629
4. Clerks	6,567	9,791
5. Service workers and shop and market sales workers	1,014	7,406
6. Skilled agricultural and fishery workers	1,165	6,170
7. Craft and related trade workers	1,655	5,678
8. Plant and machine operators and assemblers	2,126	6,484
9. Elementary occupations	1,551	5,038
10. Armed forces	4,795	11,539
<i>Average monthly earnings of male workers, by occupation</i>		
1. Legislators, senior officials and managers	2,261	13,212
2. Professionals	5,750	10,388
3. Technicians and associate professionals	6,427	9,937
4. Clerks	6,789	9,892
5. Service workers and shop and market sales workers	995	7,483
6. Skilled agricultural and fishery workers	1,292	6,212
7. Craft and related trade workers	2,002	5,578
8. Plant and machine operators and assemblers	2,120	6,888
9. Elementary occupations	1,606	5,043
10. Armed forces	4,796	11,539
<i>Average monthly earnings of women workers, by occupation</i>		
1. Legislators, senior officials and managers	3,445	8,690
2. Professionals	5,114	8,154
3. Technicians and associate professionals	5,579	8,020
4. Clerks	5,222	8,667
5. Service workers and shop and market sales workers	1,240	6,489
6. Skilled agricultural and fishery workers	914	5,376
7. Craft and related trade workers	515	6,272
8. Plant and machine operators and assemblers	2,159	5,015
9. Elementary occupations	1,103	4,986
10. Armed forces	4,733	—
<i>Average real wages of all employees</i>		
Average real wages of all employees in the last seven days	740	
Male	768	
Female	581	
<i>Average nominal wages of all employees</i>		
Average nominal wages of all employees	893	
Male	927	
Female	701	

	2005-06	2010
Consumer price index (base year: 2002-03)	121	
Real manufacturing wage index (base: 1995-96 = 100)	149	153
National poverty line (Bangladeshi taka)^b	731.73	1,270.93
Urban	862.40	1,545.96
Rural	703.98	1,211.57

^a Includes wages/earnings in the last seven days.

^b Per capita income of the poor (Cost of Basic Needs) using upper poverty line in Bangladeshi taka. Data on the working poverty rate by gender and minimum wage as a percentage of the median wage by gender are important indicators for assessing progress of decent work in terms of adequate earnings and productive work, but they are unavailable.

Sources: BBS, LFS, 2005-06 and LFS, 2010; HIES, 2005-06 and HIES, 2010. Data on average nominal or real wages of employees in the last seven days in 2010 were not provided by BBS and changes in real wages could therefore not be estimated. Figures on average monthly earnings by occupation for 2005-06 are inconsistent and are not comparable with 2010 figures and therefore not helpful in determining real wage changes.

Legal framework indicator 4: Minimum wage

Law, policy or institutions. In cases where collective bargaining fails, the Government, at the request of the employers or workers, may decide to set a minimum wage for a certain industry by asking the tripartite Minimum Wages Board (MWB) to make non-binding recommendations (sections 138-140, BLL). The MWB may decide to specify rates for time-work (on an hourly, daily, weekly or monthly basis) and piece-work uniformly or with local variations. The minimum wage rates for any industry may be reviewed every five years. Non-compliance may lead to imprisonment for up to one year and/or payment of a fine amounting to Tk.5,000 (sections 149 and 289, BLL). So far, the MWB has fixed minimum wages for 42 industrial and commercial sub-sectors. The Council of Minimum Wages and Prices for Agricultural Labour (section 4, Agricultural Labour Ordinance, 1984) has never been established. The Bangladesh Export Processing Zones Authority (BEPZA) sets minimum wage rates for workers employed in export processing zones. The ILO's Conference Committee on the Application of Standards observed in 2008, in relation to Convention 87, that minimum wage provisions had been announced in the ready-made garment sector and in 35 other sectors.

Minimum wage levels. In determining minimum wages, the criteria which the MWB has to consider include: living cost of workers, cost of production, productivity, price of products, business capability, economic and social conditions of the country and level of development of the locality concerned (section 141, BLL). The MWB is obliged to revise its recommendations if any of the aforementioned criteria change (after one to three years). Since 2007 a minimum wage has been set at Tk.1,800 for all economic sectors not covered by industry-specific wages. As of November 2010 the minimum wage for employees in the ready-made garment sector ranges from Tk.3,000 to Tk.9,300 per month, depending on the grade. The minimum wage for unskilled juvenile workers in all private industrial sectors in Bangladesh was set at Tk.1,500 in 2007. After 21 years, in November 2010, the BEPZA increased the minimum monthly wage for apprentices from Tk.1,400 to Tk.2,700 and for other workers from Tk.2,100 to Tk.3,350. So far minimum wages have been set by Minimum Wage Boards in 33 out of 42 major sectors.

Evidence of implementation. In relation to Convention 98, the CEACR has repeatedly requested the Government to take necessary legislative measures to end the practice of determining wage rates and other conditions of employment in the public sector by means of government-appointed tripartite wages commissions (section 3, Act No. X of 1974).

Coverage of workers in law. All workers in the formal sector (public and private) are covered in law.

Coverage of workers in practice. The great majority of workers are engaged in the informal sector and are not directly covered by legal provisions. In the formal sector, coverage of workers is the same in law and in practice.

Ratification of ILO Conventions. Bangladesh has not ratified the Minimum Wage Fixing Convention, 1970 (No. 131).

Summary assessment

Progress on adequate earnings and productive work in Bangladesh has been modest during the last decade. The low-pay rate for all employees, and especially casual employees, has declined for both men and women. Generally, casual employees and female employees suffer a disadvantage;

judging from the observed gaps between men and women and from the type of contracts they enter into, their average real wages are much lower. By and large, the minimum wage policy in Bangladesh is inadequate to protect employees, especially casual employees. Furthermore, the Government faces problems of non-compliance with its minimum wage policies.

4 Decent working time

Working time is an essential part of decent work. Indicators of excessive or insufficient hours of work and of time-related underemployment help to assess whether working time allows a balanced personal and professional life and whether daily, weekly and annual rest time is sufficient. Excessive hours of work frequently signal insufficient hourly pay and are thus a threat to workers' long term physical and mental capacity to work. Working excessive hours may also eventually reduce productivity. Reflecting these concerns, the ILO has since its inception adopted numerous international instruments on working time. The major goal expressed in these instruments is to reduce the number of workers who are exposed to excessive hours of work.

Bangladesh ratified the Hours of Work (Industry) Convention, 1919 (No. 1) on 22 June 1972 but not the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30) (see Legal framework indicators 5 and 6). Nonetheless, the country has two sets of regulations on decent working time, namely maximum hours of work and paid annual leave. Bangladesh's labour laws impose legal limits on working time. The initial working hour standard adopted by the ILO provides for a maximum of 48 hours per week as normal working hours. In the view of the ILO (2012a), excessive working time (more than 48 hours a week) points to a deficit in the quality of employment, and member States are encouraged to introduce a 40-hour standard working week, progressively if necessary (McCann, 2005). Although international standards regarding what constitutes decent working hours are quite clear, legislative provisions and actual practice differ from country to country. ILO research shows that a maximum of 40 hours a week is now the most common standard and is practiced by almost half of the 103 coun-

tries reviewed (Lee et al, 2007). National definitions of "excessive" hours also vary.

In Bangladesh the threshold for excessive working hours is 48 hours per week, as required by ILO Conventions Nos. 1 and 30. As the BLL stipulates that the maximum working week is 48 hours plus 12 hours of overtime and although exceptions are permitted (see Legal framework indicator 5: Maximum hours of work), the analysis presented here uses the threshold of 48 hours.¹ In Bangladesh 48.1 per cent of workers worked more than 48 hours per week in 2005-06, and this figure increased to 51.5 per cent in 2010. The increase in hour of work was greater for men than for women during this period; the proportion of men working excessive hours rose from 58.6 to 65.2 per cent, while for women it rose from 14.5 to 19.3 per cent (see Table 4).

The time-related underemployed population includes all employed persons whose hours of work are insufficient vis-à-vis alternative employment in which they are willing and available to engage" (ILO, 2003). According to the BBS definition, the underemployed population corresponds to employed people whose hours of work are below normal working hours (i.e., less than 35 hours a week) and who are looking for a job or available for work. Time-related underemployment is considered to be the best indicator of underemployment in Bangladesh and is therefore used as a proxy indicator for labour underutilization. The measurement of time-related underemployment overcomes the problem of understated

¹ The ILO recommends that the definition of excessive working time be restricted to "long hours of work for economic reasons" and that account be taken of the express desire of workers to work fewer hours for a reduced income. However, the criteria for implementing such a measure call for the collection of additional data.

Legal framework indicator 5: Maximum hours of work

Law, policy or institutions. Section 2 (iv) of the BLL describes “hours of work” as the time during which the workers employed are at the disposal of the employer, excluding intervals for rest and meals. Daily and weekly hours of work and overtime work are regulated by Chapter IX of the BLL. Notice of the periods during which workers may be required to work must be displayed in every establishment. Overtime must be paid at double the basic wage rate, “dearness allowance” and interim pay, if applicable. However, the Government may exempt a sector from these regulations for a maximum of six months if it considers that public interest or economic development is at stake. The CEACR has found the criteria for authorizing overtime to be unclear and has requested a list of all authorized exceptions.

Number of hours allowed. Eight hours a day and 48 hours a week is considered to constitute normal hours of work. Maximum overtime is two hours a day and 12 hours a week, and the total hours of work on average for an adult must not exceed 56 hours a week within a year. Maximum working hours for young people between 16 and 18 years of age who work in factories or mines is five hours a day and 30 hours a week; for other establishments the maximum is seven hours a day and 42 hours a week and maximum overtime is six hours a week (section 41, BLL).

Evidence of implementation. The CEACR has asked the Government to provide up-to-date information on the practical application of the Hours of Work (Industry) Convention, 1919 (No. 1). Bangladesh has stated that, even though it has not ratified the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), its principles or some of its provisions are implemented through the country’s national legislation or in practice.

Coverage of workers in law. The provisions of the BLL are applicable to workers employed in formal sector enterprises only.

Coverage of workers in practice. In practice it is very difficult to monitor the working time of workers engaged in the country’s vast informal sector.

Ratification of ILO Conventions. Bangladesh ratified the Hours of Work (Industry) Convention, 1919 (No. 1) on 22 June 1972 but has not ratified the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30).

Sources: ILO: TRAVAIL legal database; *General Survey*, 2005; Individual direct request concerning Convention No. 1, 2009; NATLEX database.

open unemployment, which is particularly relevant in countries where unemployment benefits do not exist. Combining the indicators of open unemployment and underemployment provides a more reliable measure of labour underutilization.

The distribution of employed persons based on weekly working time shows that insufficient hours of work (i.e., below the 35-hours week) was widely prevalent during the last decade but that its incidence is declining. The percentage of employed persons working shorter hours declined from 24.5 per cent in 2005-06 to 20.3 per cent in 2010, owing to a drastic drop in female underemployment from 68.3 per cent to 34.2 per cent against

a sharp increase in male underemployment from 10.9 per cent to 14.4 per cent (see Table 4). The huge decline in female underemployment was the outcome of export-led and labour-intensive industrialization strategies that produced dramatic growth of the ready-made garment sector, where employment increased from 2.2 million in 2005-06 to 3.6 million in 2009-10 with female employment accounting for more than 70 per cent. Thus the recent trend is for women to work longer hours and for employment opportunities to expand (see Chapter 2). This move towards longer working hours needs to be examined in detail against other demographic variables, such as age group and marital status.

Table 4. Decent working time

Decent work indicator	2005-06	2010
<i>Excessive hours (workers who worked more than 48 hours per week) (%)</i>		
All workers	48.14	51.54
Male	58.65	65.21
Female	14.51	19.30
Urban	55.69	52.30
Rural	45.80	51.31
Employees only	53.37	49.27
Male	54.79	49.90
Female	47.72	46.49
Urban	55.88	47.78
Rural	50.51	50.63
<i>Excessive hours (more than 48 hours per week) by status in employment (%)</i>		
Total		51.54
Regular paid employee		51.67
Employer		73.01
Self-employed (agriculture)		60.69
Self-employed (non-agriculture)		63.54
Unpaid family worker		8.61
Irregular paid worker		69.82
Day labourer (agriculture)		79.56
Day labourer (non-agriculture)		66.63
Servant		80.45
Male		65.21
Regular paid employee		53.18
Employer		77.44
Self-employed (agriculture)		68.98
Self-employed (non-agriculture)		69.98
Unpaid family worker		25.26
Irregular paid worker		70.84
Day labourer (agriculture)		80.79
Day labourer (non-agriculture)		68.55
Servant		78.82
Female		19.30
Regular paid employee		42.62
Employer		55.63
Self-employed (agriculture)		29.07
Self-employed (non-agriculture)		31.08
Unpaid family worker		3.34
Irregular paid worker		61.20
Day labourer (agriculture)		71.34
Day labourer (non-agriculture)		51.52
Servant		69.58
<i>Hours of work (standardized hour bands) (%)</i>		
All workers		

Decent work indicator	2005-06	2010
0 (temporarily absent)	0.50	0.01
1-9	4.91	0.05
10-19	7.05	12.39
20-29	7.65	4.16
30-39	7.84	1.91
40-48	23.90	29.94
49+	48.14	51.54
Male		
0 (temporarily absent)	0.05	0.00
1-9	0.50	0.07
10-19	1.75	5.41
20-29	4.26	2.18
30-39	7.31	2.28
40-48	27.46	24.85
49+	58.65	65.21
Female		
0 (temporarily absent)	1.94	0.03
1-9	19.02	0.01
10-19	23.98	28.84
20-29	18.48	8.83
30-39	9.54	1.06
40-48	12.53	41.94
49+	14.51	19.30
Urban		
0 (temporarily absent)	0.29	0.02
1-9	1.90	0.01
10-19	3.14	8.69
20-29	4.77	3.26
30-39	7.53	1.72
40-48	26.69	34.00
49+	55.69	52.30
Rural		
0 (temporarily absent)	0.57	0.01
1-9	5.85	0.06
10-19	8.26	13.48
20-29	8.54	4.43
30-39	7.94	1.97
40-48	23.04	28.73
49+	45.80	51.31
Time-related underemployment as a percentage of total employment		
Total	24.53	20.31
Male	10.9	14.44
Female	68.25	34.15
Urban	13.92	12.40
Rural	27.82	22.67

Source: BBS, Labour Force Survey, 2005-06 and 2010. Figures for excessive hours worked by status in employment for 2005-06 were not provided by the BBS and progress could therefore not be assessed.

Legal framework indicator 6: Paid annual leave

Law, policy or institutions. Chapter IX of the BLL and Part V, article 11 of BEPZA Instruction No. 1 of 1989 contain regulations concerning paid annual leave.

Qualifying conditions. Twelve months of continuous service, including a minimum of 240 days within the previous 12 months (section 14, BLL).

Levels of leave. The provisions relating to workers' entitlement to paid leave are as follows: one day of leave with pay is granted for every 18 days worked during the preceding 12 months by an adult worker working in any shop or commercial or industrial establishment or in any factory or road transport establishment; one day of leave for every 22 days worked by a tea plantation worker; one day of leave for every 11 days worked by a newspaper worker. For non-adult (adolescent) workers, entitlement is as follows: one day of leave for every 15 days of work in a factory; one day of leave for every 18 days of work in a tea plantation; and, one day of leave for every 14 days of work performed during the preceding 12 months in other shops or commercial or industrial establishments. Accumulated leave may be carried over to the following year at the following rates: (i) up to 40 days for adult workers in a factory or road transport establishment and up to 60 days in a tea plantation or any shop, commercial or industrial establishment; and (ii) up to 60 days for non-adult (adolescent) workers in a factory or tea plantation and up to 80 days in a shop or commercial or industrial establishment (section 117, BLL).

In addition, every worker has the right to 11 days of paid festival holidays every year (sec section 118, BLL), although an employer may grant two days of paid or compensatory leave in lieu of a festival day.

Leave and holidays are paid at workers' full-time daily wage, including dearness allowance and ad-hoc or interim pay (if any) but excluding any overtime allowance and bonus (section 119, BLL).

In export processing zones workers are entitled to one day of paid leave for every 22 days of work performed within the preceding 12 months (section 11(a), BEPZA Instruction No. 1 of 1989). They can carry up to 30 days of leave over to the next year. Employers may refuse paid leave if it is against the interests of the company and if they compensate the employee financially. In EPZs are allowed 10 additional days for festival holidays every year, but an employer may grant a worker two days' pay or compensatory leave in lieu of a festival day.

Evidence of implementation. No information has been made available to the ILO's supervisory bodies.

Coverage of workers in law. All workers are covered in establishments where the BLL is applicable. It is suggested that: (i) the workers' entitlement to leave be standardized in all establishments; and (ii) provision be made for encashment of 50 per cent of accumulated leave at least once a year.

Coverage of workers in practice. Though leave is not a right in Bangladesh, it is covered by a statutory provision for workers in formal sector enterprises. Paid leave is also sometimes granted in the informal sector, which is outside the scope of the BLL.

Ratification of ILO Conventions, Bangladesh has not ratified the Holidays with Pay Convention, 1936 (No. 52), the Holidays with Pay (Agriculture) Convention, 1952 (No. 101), or the Holidays with Pay Convention (Revised), 1970 (No. 132).

Sources: ILO: TRAVAIL legal database; NATLEX database.

Summary assessment

By and large, Bangladesh failed to make any significant progress on decent working time during the period considered. The proportion of employed people working excessive hours increased, while little progress was observed in adequate earnings. The relatively high percentage of employed people working excessive hours

(more than 48 hours a week) increased. The average working week exceeded the legal limit, and the distribution of working time shows that more employed people worked long hours. At the same time, the percentage of workers in time-related underemployment increased sharply for males while it declined dramatically for women workers, due primarily to strong growth in the ready-made garment sector.

For decent working time in employment to be fairly distributed, the strong commitment of the labour inspectorate is crucial, not only to monitor but also to enforce the implementation of decent working time. Labour inspection has to

be strengthened, as it can play a decisive role in ensuring the implementation of the Decent Work Agenda, and the Government's wage policies need to ensure that all workers can earn a decent living wage.²

² A "living wage" is defined as a wage that can meet a family's basic needs for a safe, decent standard of living, along with the possibility of saving for future needs and goals.

5 Combining work, family and personal life

Combining balance that workers are able to achieve between working life, family life and personal life is another key dimension of decent work. One of the key international instruments on the subject is the Workers with Family Responsibilities Convention, 1981 (No. 156), and its corresponding Recommendation (No. 165). Although Bangladesh has not ratified this Convention, the BLL does contain provisions relating to harmonious labour relations, labour institutions and the reconciliation of work, family and personal life. It thus provides for various forms of leave such as annual and compassionate leave (see Chapter 4, Legal framework indicator 6: Paid annual leave), maternity leave and maternity benefits (Legal framework indicator 7: Maternity leave), as well as for the regulation of working time (see Chapter 4). In examining progress in this area, this chapter looks at the time households spend on their various economic and non-economic activities and at the scope of maternity protection and other family-related leave policies.

Working hours in Bangladesh are set at 48 hours per week, and workers are entitled to paid overtime if they work longer hours. Workers are also entitled to 20 working days of annual leave and to weekly days off, normally at weekends (see Legal framework indicator 5). In order to ensure that women's reproductive role can go hand in hand with an assurance of economic and employment security without their health or that of their children being compromised, working women are entitled to four months' paid maternity leave (see Legal framework indicator 6). Much remains to be done, however, before all workers can benefit from these provisions.

Although the patriarchal culture of men working outside the home while women raise the family

remains strong, the satisfaction of the family's needs has increasingly become the joint responsibility of husband *and* wife. It is a trend that explains in part the surge in the female labour force participation rate, which rose from 23.9 per cent in 1999-2000 to 36 per cent in 2010 (see Chapter 2), though the increase is no doubt also attributable to demographic trends, especially the country's declining fertility rate (from 3.4 births per woman in 1993-94 to 2.7 in 2007 and 2.2 in 2010 – an indication that women are having fewer children). Although women are joining the labour force in greater numbers than in the past, however, female labour force participation rates remain significantly lower than for men.

Another issue that has an impact on family time is the fact that some nine workers out of ten are engaged in informal employment (see Chapter 2). Furthermore, own-account workers, unpaid family workers and casual employees, many of whom work under informal arrangements, make up a sizeable and increasing share of employed persons working excessive hours (see Chapter 4), mostly in poorly remunerated jobs. High informal and casual wage employment rates combined with excessive working time necessarily have implications for the allocation of work, family, and personal time.

Economic development in Bangladesh has multiplied the number of economic activities in the country and has led to the growth of large metropolitan areas, of which there are now four. The largest and busiest metropolitan area is Dhaka, the capital city and centre of government and business. With the growing mobility of the population and inevitable urban sprawl, working people today have to commute between their home and their place of work on a regular basis. Because of heavy

Legal framework indicator 7: Maternity leave

Law, policy or institutions. Maternity benefits are covered by Chapter IV of the BLL, Part V Article 10 of BEPZA Instruction No. 1 of 1989 and section 197 of the Bangladesh Service Rules.

Qualifying conditions. Workers covered by the BLL are entitled to paid maternity leave if they have worked for their employer for six months prior to their confinement and have only one child. Women with two or more surviving children are entitled to unpaid maternity leave. Part V, Article 10, of BEPZA Instruction No. 1 of 1989 sets a minimum of ten months of continuous service and specifies that maternity leave for a second confinement is admissible only three years after a worker's first such leave. A woman can benefit from maternity leave only twice in the course of her working life; this also applies to women employed in the public sector.

An amendment to Rule 197 (1) of the Bangladesh Service Rules (Part I) on 10 January 2011 extended maternity leave from four to six months for public sector employees.

Benefits (level and duration). Even though women working in EPZs are entitled to maternity benefits six weeks before and six weeks after confinement, BEPZA Instruction No. 1 of 1989 does not specify the level of benefit. Workers who are covered by the BLL are entitled to maternity benefits eight weeks before and eight weeks after confinement, the rate being based on the median wage during the three months preceding maternity leave. Employees in the public sector qualify for fully paid maternity leave for a period of six months. Women whose employment is terminated without cause between six months before and eight weeks after giving birth maintain their right to maternity benefits (section 50, BLL).

Financing. By the employer.

Evidence of implementation. No information has been made available to the ILO's supervisory bodies.

Coverage of workers in law All women workers employed in public and private formal sector enterprises and who meet certain requirements are covered by the law. The tripartite committee set up by the Government to review and propose amendments to the BLL has suggested that the paid maternity benefits provided for therein be brought into line with those available to officials employed in Government offices, i.e. 12 weeks' prenatal leave and 12 weeks postnatal leave.

Coverage of workers in practice. Although the provisions of the BLL do not apply to women in the informal sector, they are covered by government maternity benefit and financial assistance programmes for poor communities in rural and urban areas under the Bangladesh Labour Welfare Foundation Rules, 2010.

Ratification of ILO Conventions. Bangladesh has not ratified the Maternity Protection (Revised) Convention, 1952 (No. 103), the Maternity Protection Convention, 2000 (No. 183), or the Social Security (Minimum Standards) Convention, 1952 (No. 102).

Sources: ILO: TRAVAIL legal database; NATLEX database.

traffic, travelling every day from home to work can be very time consuming and thus reduces the time that is left for family and personal life.

The development of information and communication technologies (ICT) is changing working patterns and thereby affecting family and personal time. The world of work is now shaped by the advancement of ICT and the narrowing of the digital divide. Technological progress supports work activities, but at the same time it has meant that people can work without the limitation of time or space. ICT devices make it possible to work more effectively and efficiently and to cover wider areas nationally and internationally. It also reduces the importance of labour mobility. Unfortunately,

information is not available to assess the proportion of Bangladeshi workers who thanks to ICT now benefit from flexible working arrangements.

Time use is an indicator of family well-being. The time-use module presented in Table 5 shows the imbalance between males and females in terms of the time they spend on their jobs, on unpaid household work, on leisure and on human capital development. In Bangladesh, although men spent 7.8 hours more per day than women on remunerated activities, the situation is reversed when unpaid household work is included, with women spending 8.1 more hours working per day than men. Largely because of their unpaid household duties, therefore, women have less time to spend

Table 5. Combining work, family and personal life – Time-use statistics (hours per day) in 2003

Activity	Male	Female	Total
Income-generating work	8.57	0.88	4.66
Productive work/Expenditure-saving work	0.96	0.84	0.90
Subtotal (remunerated work)	9.53	1.72	5.56
Cooking	0.03	3.87	1.99
Fetching firewood	0.06	0.85	0.46
Fetching water	0.02	0.76	0.40
Childcare	0.55	1.62	1.09
Family care	0.22	0.75	0.49
Housework	0.41	2.45	1.45
Shopping	0.97	0.04	0.50
Subtotal (household work)	2.26	10.34	6.38
Community work	0.39	0.06	0.23
Leisure	2.23	2.03	2.13
Watching TV, etc.	0.67	0.61	0.64
Sleeping	7.68	7.73	7.71
Other	1.24	1.51	1.35
Total hours	24	24	24

Source: Salma Chaudhuri Zohir: *Time use and public policy: Case study of Bangladesh* (Dhaka, Bangladesh Institute of Development Studies April 2007). The table is based on 3,224 male and 3,343 female respondents.

on leisure activities and on learning and media use and are thus less able reconcile work, family and personal life. In 2003, women spent an average of around 2.5 hours a day on housework and almost four hours a day cooking (Table-5).

Time-use patterns have to be examined in the context of their impact on working women and men. Since it is the women who are generally responsible for all the family chores, flexible working arrangements are essential if they are to reconcile paid work with their family responsibilities. And it is the absence of such arrangements in the formal sector that is pushing women into the informal economy, where they can more easily make the necessary adjustments. Yet while the informal economy may – largely through self-employment – offer more flexibility in terms of working time and geographical location, the jobs to be found there are usually of low quality and poorly remunerated and provide no social protection. If they are to fulfil their role in society, therefore, working women have to be able to balance the time they spend on productive activities and the time they spend on caring for the family.

Bangladesh has ratified neither the Maternity Protection Convention, 2000 (No. 183), nor Part VIII (on maternity benefits) of the Social Security (Minimum Standards) Convention, 1952 (No. 102) (see Legal framework indicator 7: Maternity leave), but it has incorporated provisions on balancing work, family and personal life and on maternity protection in the BLL. Under this law employees are entitled to at least four months' maternity leave at 100 per cent of their earnings. To be so entitled employees must have worked for the same employer for a minimum of six months. Self-employed women and women workers in the informal sector have no such possibility, however, and there is still a lack of both public and private social care services to help women combine a job with their responsibilities at home. So the fact remains that, despite women's increased participation in employment, their share of family responsibilities under the traditional division of labour remains high.

The Government needs to extend the legal provisions for combining work and family life to workers in the informal economy and to self-employed

Legal framework indicator 8: Parental leave

Law, policy or institutions. N/A

Benefits (Levels and duration). N/A

Qualifying conditions. N/A

Financing. N/A

Evidence of implementation. N/A

Coverage of workers in law. N/A

Coverage of workers in practice. N/A

Ratification of ILO Conventions. Bangladesh has not ratified the Workers with Family Responsibilities Convention, 1981 (No. 156).

Source: ILO: TRAVAIL legal database; NATLEX database.

women workers, given that the large majority of women workers in Bangladesh are not covered by existing arrangements. Although their working conditions, earnings, social protection and labour rights are known to be poor, women – by choice or, on the contrary, for lack of choice – still opt to work in the informal economy where they can make their own flexible working arrangements. Particular attention therefore needs to be paid to the provision of child-care and other services for workers with family responsibilities, as well as community-based social services for the elderly and the sick.

Poor households often have to choose between competing needs, such as the education of their children (particularly girls) and domestic chores. Consequently, strategies that seek to increase women's participation in paid employment must take into account the demands of household responsibilities on women's and men's time.

Summary assessment

In order to facilitate the reconciliation of work, family and personal life, Bangladesh has adopted legal provisions on leave and working time. Women workers are entitled to four months' paid maternal leave and pregnant women are supported by government-funded facilities to ensure secure and healthy deliveries. Working time has been regulated to provide workers with decent working hours and, thus, a better balance between work, family and personal life. However, workers in general increasingly work longer hours and, even if women's participation rate is still lower than that of men, there are growing shares of them in the labour market.

Travelling to and from work is another factor that affects the allocation of time between work and private life and family responsibilities in urban areas. However, the longer time that workers currently spend commuting could perhaps be to some extent alleviated by the development of ICT.

6 Work that should be abolished

As defined in the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), work that should be abolished notably includes forced labour and child labour. Bangladesh has not yet ratified Convention No. 138, but it has ratified three other relevant Conventions (see Legal framework indicators 9: Child labour, and 10: Forced labour). Because no official data is available on forced labour in the country, however, this chapter will focus essentially on child labour.

The Bangladeshi Government's commitment to eliminate the worst forms of child labour by 2015 is expressed in the 2010 National Child Labour Elimination Policy and National Plan of Action (see Legal framework indicator 9). To support the elimination of child labour, it is critical to ensure that children have access to education and attend school. However, although the Millennium Development Goal of universal primary education¹ is mandatory under the Constitution, many Bangladeshi children under the age of 18 still do not attend school.

Bangladesh's National Education Policy (2010) seeks to achieve universal primary education up to eighth grade by 2011 (see Chapter 1). Building on earlier progress in the 1990s and early 2000s when school enrolment rates rose significantly, recent improvements have also been observed in the form of declining shares of children aged 5 to 17 not attending school and falling numbers in child labour (see Table 6). Nonetheless, a large proportion of children (29.74 per cent in 2010) still do not attend school and this continues to be

a critical policy challenge both for decent work and for the country's wider human development.

Child labour incidence rates fell from 17.5 per cent in 2002-03 to 15.2 per cent in 2005-06. The same general trend was apparent for both boys and girls and in both urban and rural areas, although the reduction in child labour is more prominent among girls and in rural areas. More than half of Bangladesh's working children aged 5 to 17 years work in agriculture, forestry, hunting and fisheries. This is a key concern for child welfare and decent work, since the agricultural sector is both largely unregulated and home to various forms of hazardous work. Hours of work in planting and harvesting, for example, tend to be long and the work is often physically demanding, being exacerbated by extreme temperatures and poor working conditions.

Based on the limited data available, hazardous child labour in Bangladesh appears to be on the decline, although it still affected some 8 per cent of working children in 2005-6 (down from 17.4 per cent in 2002-3). Looking at changes by gender over the same period, it is clear that the decline in hazardous child labour has been particularly marked among girls, where it has been virtually eliminated; as a proportion of all female child labourers, the share of girls has fallen from 6.2 to 1 per cent. Despite a similar decline of more than 50 per cent over the same period, almost 10 per cent of working boys remained in hazardous forms of work in 2005-6 (see Table 6).

Trafficking in persons is illegal in Bangladesh. However, because of the increasing number of women and children who are victims of internationally organized trafficking, Bangladesh has formulated four national plans of action and policies

¹ MDG target 2.A: Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling education for all.

Legal framework indicator 9: Child labour

Law, policy or institutions. Anyone under the age of 14 is considered to be a child and is prohibited from working (section 34, BLL). Parents or guardians who pledge a child as bonded labour (sections 35 and 285, BLL) and employers who employ children are punishable by a fine (section 284, BLL). The BLL does not prohibit debt bondage in respect of children over the age of 14. Any establishment that employs adolescents between the ages of 14 and 17 years must display a notice specifying their periods of work (section 43, BLL). Article 17 of the Constitution requires the Government to establish regulations concerning free and compulsory education. Under the Primary Education Act of 1990 primary education is free and compulsory for all children between the ages of 6 and 10 years. Even though the CEACR has repeatedly pointed out that the Suppression of Violence against Women and Children Act does not prohibit the trafficking of boys between the ages of 16 and 18 years for prostitution or for purposes of forced labour, no action has been taken in this regard. The CEACR has also noted that the use, procuring or offering of a child under the age of 18 for illicit activities is not prohibited by national legislation. The DIFE is responsible for monitoring child labour and the MOLE has established a Child Labour Monitoring Unit to coordinate the Government's policies and activities. The Bureau of Non-Formal Education was founded under the Ministry of Primary and Mass Education. The National Education Policy of 2010 extended free and compulsory primary education from class V to class VIII, including pre-primary education from the age of five, and incorporated pre-vocational education in the last three grades of school. Bangladesh has expanded its anti-trafficking police units in every district. The general age for admission to employment has been set by the Government at 14 years. Children are nevertheless allowed to engage in light work from the age of 12 provided it does not endanger their health and development and does not interfere with their education (section 44, BLL). As to hazardous work, adolescents are not permitted to clean, lubricate or adjust any part of machinery while that part is in motion (section 39, BLL) or to work on dangerous machines without having been instructed about possible dangers and necessary precautions and having received sufficient training (section 40, BLL). In addition, adolescents are not permitted to work under ground or under water (section 42, BLL).

On 11 July 2011 the Cabinet approved a Human Trafficking Prevention and Curb Bill that provides for the death penalty. The bill has been formulated in conformity with the Women and Children Repression Prevention Act, 2000 (as amended in 2003). Human trafficking may also be sanctioned by life imprisonment and/or a fine of Tk.500,000.

On 2 January 2012 Cabinet also approved a bill providing for a maximum of 10 years' rigorous imprisonment and/ or a fine of Tk.500,000 for pornography-related offences. The Pornography Control Bill was prepared against a backdrop of rising production, preservation, carrying, marketing, export and import of pornographic material, including child pornography.

General age for admission to employment. 14 completed years.

Admission to hazardous work. Hazardous work in general is prohibited. However, a child who has completed 12 years of age, may be employed in light work provided it does not constitute a danger to the child's health and development or interfere with his or her education.

Evidence of implementation. Between April 2008 and February 2009 some 166 traffickers were arrested in Bangladesh, of whom 18 were convicted. However, the CEACR has expressed its deep concern at evidence of official complicity in trafficking, at the number and situation of child domestic workers in the country and at the continuing high incidence of child workers in five of the worst forms of child labour: welding, auto workshops, road transport, battery recharging and recycling, and tobacco factories. In 2007, on the basis of statistical information provided by the Bangladesh Bureau of Statistics, the CEACR stated that practice in Bangladesh was inconsistent with national legislation and with the Minimum Age (Industry) Convention (Revised), 1937 (No. 59). In addition, it requested the Government urgently to prohibit and sanction the recruitment of children under the age of 18 into the armed forces. Furthermore, the Committee on the Rights of the Child (the body of independent experts that monitors implementation of the Convention on the Rights of the Child by its State parties), in its concluding observations of 26 June 2009, expressed concern at Bangladesh's lack of enforcement and monitoring of specific laws to protect child workers.

Ratification of ILO Conventions: Bangladesh has not ratified the Minimum Age Convention, 1973 (No. 138). It ratified the Minimum Age (Industry) Convention (Revised), 1937 (No. 59), on 22 June 1972 and the Worst Forms of Child Labour Convention, 1999 (No. 182), on 12 March 2001.

Sources: CEACR observations concerning Conventions Nos. 59 and 182 and direct request concerning Convention No. 59; ILO/UNICEF/UNESCO: *Child Labour and Education in Bangladesh: Evidence and Policy Recommendations*, (June 2008); ILO: NATLEX database.

Legal framework indicator 10: Forced labour

Law, policy or institution. The Constitution of Bangladesh prohibits forced labour (article 34) and guarantees freedom of thought and conscience (article 39). The Penal Code, 1860, provides for prison sentences which may involve hard labour and fines in cases of forced labour (article 367). The Children Act, 1974, provides for sanctions against the forced labour of children under the age of 16 (section 35). The CEACR has stated that prison sentences involving compulsory labour and/or fines for “intimidating” or “inducing” a person to join or not to join a trade union and to engage or not to engage in an illegal strike or go-slow, as well as breach of settlement awards or decisions (section 196, BLL), are contrary to the provisions of Convention No. 105. Moreover, the Suppression of Violence against Women and Children Act does not prohibit the trafficking of boys between the ages of 16 and 18 for prostitution and the trafficking of children for purposes of labour exploitation. The DIFE is responsible for monitoring violations. The Police Monitoring Cell for Combating Trafficking in Women and Children and 64 district-level monitoring units accountable to the Ministry of Home Affairs were established in 2004. In 2008 the Government established a 12-member specialized anti-trafficking police investigative unit to complement the monitoring cell. The Government also established 42 special courts in 33 districts to try trafficking offences. The Deputy Attorney General is responsible for coordinating all trafficking prosecutions, and 42 special public prosecutors are assigned to the tribunals. Furthermore, the Ministry of Home Affairs established a National Case Monitoring Committee and a District Case Monitoring Committee to oversee and facilitate the prosecution of selected cases. In addition, Bangladesh has adopted four action programmes to counter trafficking: a National Programme of Action against the Sexual Abuse and Exploitation of Children including Trafficking; a National Anti-Trafficking Strategic Plan for Action (2006); a National Motivational Policy to Combat Trafficking in Women and Children (2005); and a National Programme of Action to Combat Trafficking in Women and Children (2008-11).

On 11 July 2011 the Cabinet approved in principle a Human Trafficking Prevention and Curb Bill that provides for the death penalty. The bill was enacted in conformity with the Women and Children Repression Prevention Act, 2000 (as amended in 2003). Human trafficking may also be sanctioned by life imprisonment and/or a fine of Tk.500,000 (around US\$6,300).

Evidence of implementation. In order to tackle trafficking in persons the Government has made provision for prevention and protection measures, law enforcement and inter-sectoral and intergovernmental coordination and cooperation. Several recent cases have been reported of the arrest, prosecution and punishment of perpetrators. The CEACR has repeatedly referred to legislation which provides for penalties involving compulsory labour as a punishment for political views, for breaches of labour discipline and for participating in strikes: Penal Code 1860, Special Powers Act 1974, Industrial Relations Ordinance 1969, Control of Employment Ordinance 1965, Post Office Act 1898, Services (Temporary Powers) Ordinance 1963. The CEACR has also repeatedly observed that the Essential Services (Second) Ordinance No. XLI of 1958, which prohibits the unilateral termination of employment of workers employed by the central government or in services which are deemed to be essential, is contrary to the Forced Labour Convention, 1930 (No. 29). Based on statistical information provided by the Government, the CEACR has noted a reduction in trafficking for exploitation. The IOM, relying on official data provided by the Government, has found that 138 trafficking cases were brought to court between January and December 2008. In 20 of these cases 43 persons were convicted and in 17 cases 39 persons were acquitted. Of the 43 convictions, life imprisonment was imposed in 32 cases and lesser terms of imprisonment in 11 cases.

Ratification of ILO Conventions: Bangladesh ratified the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105), on 22 June 1972.

Sources: IOM: *Review of the SAARC Convention and the current status of implementation in Bangladesh*, Final draft (October 2009); UNODC: *Global report on trafficking in persons* (2009); CEACR observations concerning Conventions Nos. 29 and 105 and direct request concerning Convention No. 105; ILO: NATLEX database.

relating to counter-trafficking, as highlighted in Legal framework indicator 10 above. In addition, in 2011 the Cabinet approved a bill which set severe penalties, including capital punishment, for serious offenders involved in human trafficking.

Government efforts to eliminate trafficking in women and children are hindered by poverty, poor education and the growing aspiration of

women and children for a better life despite the lack of employment opportunities. The International Organization for Migration (IOM) has collaborated with the Government in building the capacity of the country’s law enforcement bodies through workshops and curriculum development for police training. However, better governance and counter-corruption measures are needed to support anti-trafficking efforts, particularly with

Table 6: Work that should be abolished

Decent work indicator	2002-03	2005-06	2010
Total child population aged 5-17 (millions)	42,387	42,800	NA
Male	22,689	22,526	NA
Female	19,698	20,274	NA
Urban	9,458	9,280	NA
Rural	32,929	33,520	NA
Total number of child labourers aged 5-17 (millions) Total	7,423	6,521	NA
Male	5,471	5,238	NA
Female	1,952	1,283	NA
Urban	1,408	1,241	NA
Rural	6,014	5,280	NA
Share of child labourers in total population aged 5-17 (%)	17.50	15.24	NA
Male	24.10	23.25	NA
Female	9.90	6.33	NA
Urban	14.89	13.37	NA
Rural	18.26	15.75	NA
Number of children aged 5-17 engaged in hazardous child labour	1,291,000*	521,614	
Male	1,172,000	508,893	
Female	120,000	12,721	
Share of children engaged in hazardous child labour in total population aged 5-17 (%)	3.05	1.22	
Male	5.17	2.26	
Female	0.61	0.06	
Share of children engaged in hazardous child labour in population of child labourers aged 5-17 (%)	17.39	8.00	
Male	21.42	9.72	
Female	6.15	0.99	

* The number of children engaged in hazardous work is based only on hours of work (43 hours or more per week).

regard to the issuance of official licenses for international labour recruiting agencies.

Summary assessment

Notable progress in respect of work that should be abolished has been achieved in Bangladesh over the last decade, as demonstrated predominantly by the declining shares of children out of school and concomitant falls in child labour. That said, no comprehensive data is available to assess the situation fully in terms of worst forms of child labour, including hazardous child labour and forced labour. Bangladesh's commitment to eliminating child labour and combating trafficking in persons, especially women and children, is apparent in its national legislation and in many government regulations and plans of action. Because of the persistence of poverty, limited access to further education, parents' perception of the importance

of education and the demand for child labour, the Government continues to face serious challenges in this area.

In addition, the Ministry of Education needs to develop an effective strategy to keep children in school and to persuade society and parents that providing children with education not only fulfils the basic needs and rights of the child but also carries wider and longer-term economic and social benefits. Empowering parents to access stable financial resources to provide education for their children has been shown to be an effective means of combating child labour. The law needs to be strongly enforced, especially regarding the recruitment of children in economic activities, and the Government should develop effective monitoring systems to prevent child labour, forced labour and trafficking of women and children.

7 Stability and security of work

Precarious work denotes jobs that lack employment stability and security and is defined by the Bangladesh Bureau of Statistics (BBS) as comprising irregular paid workers and day labourers and domestic workers.¹ As they do not have permanent working relationships but are employed as and when required, workers who are employed on an irregular basis, whether in the agricultural or non-agricultural sector, rarely have social protection and often find it difficult to join trade unions and other representative groups at the workplace.

Casual workers accounted for 20.9 per cent of total employment in Bangladesh in 2005-06, for 24.2 per cent of male employment and for 10.3 per cent of female employment (see Table 7). Although the relative share of casual workers increased by just over 2 percentage points to 23.2 per cent over the same period, much of this was most likely driven by the increasing proportion of men (as opposed to women) in precarious employment.

Casual work is often seen as a negative product of globalization and trade liberalization, the expansion of which since the 1990s has placed new pressure on national governments to remove labour market rigidities and maintain a flexible and responsive labour force. In Bangladesh the situation has been exacerbated by the recent global economic downturn, which has prompted some companies to use casual workers as a means of keeping labour costs flexible so as to reduce them quickly in times of economic distress. However, the long term use of casual labour can have nega-

tive implications for labour productivity and for the economic dynamism of the wider economy. In Bangladesh, as in many other countries, casual employees in 2010 (many of whom are considered to be in informal employment) earned only around two-fifths of the average wage of regular employees.

The informal sector in Bangladesh makes a significant contribution to the domestic economy, accounting for 87.5 per cent of employment and around 30 per cent of GDP. Moreover, informal employment has increased since the late 1990s, rising more than ten percentage points in the decade ending 2010 (see Table 7). The increase is higher for men (12.4 percentage points) than for women (7.4 percentage points), but the nature of informal employment appears to be different in each case. While the majority of women in the informal sector fall into the category of “unpaid family workers”, most of the men are own-account workers (i.e. self-employed), assisted by temporary or unpaid workers.

Some unions argue that work in the informal sector can never be considered decent. However, it must be noted that informal jobs vary in terms of quality and some are more akin to decent work than others. The challenge for policy-makers, in addition to “formalizing the informal”, is to recognize that the informal sector will not shrink as quickly as the economy grows and therefore to extend the core aspects of decent work to informal workers and their working environment.

¹ The nine branches are medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit.

Table 7. Stability and security of work

Decent work indicator	1999-2000	2002-03	2005-06	2010
Precarious/casual workers as a percentage of all workers aged 15 + years^a			20.88	23.26
Male			24.21	29.11
Female			10.26	9.59
Urban			15.54	24.82
Rural			22.54	22.79
<i>Number and wages of casual workers aged 15 + years</i>				
Number of casual workers (millions)^b			0.94	12.58
Male			0.78	11.03
Female			0.16	1.55
Urban			0.26	3.08
Rural			0.68	9.49
Average wage of casual workers (taka per week)			1,249.54	1,685.75
Male			1,412.04	1,904.98
Female			477.91	645.75
Urban			1,366.92	1,837.69
Rural			1,204.20	1,626.63
Informal workers as a percentage of employed people aged 15 + years	76.24	79.15	78.44	87.50
Male	73.08	78.94	76.18	85.50
Female	84.92	79.88	85.69	92.30

^a Precarious work is defined as the share of workers with an employment status of irregular paid worker, day labour (agriculture), day labour (non-agriculture) and domestic worker (BBS).

^b Casual workers are defined as workers with an employment status of irregular/casual paid worker (BBS).

^{3.} Distribution of informal employment by status is important for assessing progress of decent work in terms of stability and security of work. But this information is not available for the study years.

Source: BBS, Labour Force Surveys.

Legal framework indicator 11: Termination of employment

Law, policy or institutions. The provisions of the BLL on stoppage of work and lay-offs, which could lead to the retrenchment of workers pursuant to section 16 (7), do not apply to establishments employing fewer than five workers. Employment can be terminated by dismissal for misconduct (sections 23 and 24), on grounds of incapacity (section 22), because of retrenchment for economic reasons (section 21) and without cause (section 26). Justification is required only in the first three instances. Employers are barred from terminating the employment of a worker on grounds of union membership (section 195 (d)) and may not terminate the employment of members of trade unions whose application for registration is pending (section 186 (2)). Section 228 of the BLL prohibits employers from discharging, dismissing or terminating the employment of a worker while proceedings relating to industrial disputes are pending before a labour court or an arbitrator, except with the authorization of that body and on grounds of misconduct not connected with the dispute. The discharge, dismissal or punishment for misconduct of a trade union officer while such proceedings are pending is likewise prohibited, except with the prior authorization of the labour court concerned (section 228(2)).

Procedure for individual dismissal. The period of notice for retrenchment is one month (section 20 (1), BLL). In the event of termination without cause, an employer must give an employee the following notice: 120 days for regular workers paid on a monthly basis; 60 days for other regular workers; 30 days for temporary workers paid on a monthly basis; and 14 days for other temporary workers. An employer may opt to pay a worker's wages in lieu of notice in the case of retrenchment (section 20(1)), termination without conduct-related cause and capacity-related discharge (section 26(3)). No period of notice is required for dismissals on the grounds of criminal conviction or misconduct. The procedure for such dismissal (section 24) presupposes that the worker is informed of the allegations against him in writing, is granted a period of seven days to provide a defence and has the right to be heard. All dismissed workers have the right to seek redress within a period of 30 days by addressing their grievance to the employer (section 33). If no settlement can be reached the matter may be referred to a labour court.

Collective dismissals for economic reasons. Collective dismissals are not defined and there is no obligation on the part of an employer to undertake consultations with the worker's representatives on plans for retrenchment. The BLL requires that the collective bargaining agent and Chief Labour Inspector be notified (section 20 (2)). The "last in, first out" rule applies in the absence of any other agreement (section 20 (4)). Employers are obliged to give preference to retrenched workers if they decide to hire workers within one year of the retrenchment (section 21).

Severance pay. Depending on the cause, termination may give rise to severance pay, service/reward pay, other forms of compensation and/or separation pay. Workers who have been employed continuously for at least one year are entitled to severance pay amounting to 30 days' wages for each completed year of service if they are discharged on the basis of section 22 of the BLL or without cause pursuant to section 27 (4). Workers are not entitled to severance pay in the event of termination on grounds of misconduct. If an employer decides to terminate a worker's contract on grounds of retrenchment after a 45-day lay-off period, the worker is entitled to 15 days' wages in addition to redundancy pay (section 20(3)).

Evidence of implementation. No information has been made available to the ILO's supervisory bodies.

Coverage of workers in law. All workers in small, medium and large enterprises to which the BLL is applicable are covered by the law.

Coverage of workers in practice. Workers employed in informal sector enterprises are not covered by the BLL. Even in formal sector enterprises it is sometimes difficult to monitor effective enforcement of the law.

Ratification of ILO Conventions. Bangladesh has not ratified the Termination of Employment Convention, 1982 (No. 158).

Sources: ILO: Employment protection legislation database (EPLex); NATLEX database.

Summary assessment

An analysis of Bangladesh's indicators of stability and security of work point to a general lack of progress, although for lack of sufficient data a full assessment is not possible. The labour market remains largely segmented, and an overwhelm-

ing and growing proportion of the labour force is engaged in precarious jobs and informal employment. The trend in the employment-to-population ratio suggests that more job opportunities have been created (see Chapter 2), but most of this appears to be in the form of precarious work. In addition, while the real wages of casual employ-

ees have risen, they have done so much more slowly than for regular employees and significant wage disparities continue to exist between male and female casual workers.

Although Bangladesh has not ratified the Termination of Employment Convention, 1982 (No. 158),

national legislation on the subject is found in the BLL (see Legal framework indicator 11). In the absence of any national social security scheme, workers in precarious employment should at least be accorded some protection against lack of security at the workplace (see Chapter 10).

8 Equal opportunity and treatment in employment

The ILO Equal Remuneration Convention, 1951 (No. 100) embodies the principle of equal remuneration for work of equal value (see Legal framework indicator 13). With regard to women's share in employment by occupation, the gender disparity in Bangladesh is narrowing (see Table 8). In all occupations other than in skilled agricultural and fishery work and in the armed forces, women's share of employment increased significantly between 2005-06 and 2010, though most of the occupations concerned were elementary. The share of women in wage employment in the non-agricultural sector increased slightly, from 19.3 per cent in 2005-06 to 20.1 per cent in 2010, but the gender wage gap was still 24.3 per cent in 2005-06.

Occupational segregation by gender persists and is determined by employers' and workers' preferences and stereotypes, workers skills and society's perception of men and women workers. Women tend to be more active in the informal economy and as unpaid family workers, and the increase in their labour force participation rate has not necessarily led to an improvement in employment status and remuneration. Women are still very much under-represented among legislators, senior officials and managers (14.7 per cent) and among professionals (22.5 per cent). Nevertheless, there has been some recent progress in women's participation in politics and management and an increasing number of women are involved in the Parliament as legislators and as high-ranking government officials.

Another important concern related to decent work is the situation of international migrant workers. According to the Bureau of Manpower, Employment and Training (BMET, 2012a), 7.7 million workers were employed abroad as of 2011, but

this number is most likely underestimated as there are also a large number of undocumented migrants. Only 2.7 per cent of the Bangladeshi migrant workers are women and most of these are domestic workers (BMET, 2012b) – work that can expose them to exploitation, violence and excessive hours of work. Of similar concern are the problems that exist in the recruitment and training of migrant workers prior to their arrival in the host countries. In order to prevent exploitation at work the Government needs to give priority to the improved management of labour migration so as to protect men and women migrants more effectively. Of equal importance is the situation of return migrants; although there is an agreed decent work indicator for Bangladesh, no official data were available for inclusion in this Profile.

Bangladeshi workers migrate mainly to seek better earnings and more promising and varied employment. Many of these workers are successfully employed, and their remittances were estimated at some nine billion US dollars in 2011 (BMET, 2012a). The Government has taken a number of steps to support its migrant workers abroad. In addition, better protection measures need to be incorporated into the memorandums of understanding between Bangladesh and migrant destination countries in order to improve and safeguard their working conditions. Inside Bangladesh, domestic workers often face similar difficulties, generally being overworked, underpaid and unprotected as well as being stigmatized by society.

These observations point to the need for greater societal and political awareness of specific issues affecting workers' rights, as well as changes in national policy so as to provide decent work for vulnerable members of society. Only by building

Legal framework indicator-12: Equal opportunity and treatment

Law, policy or institutions. The right to equal opportunity (article 19), the right to enter any lawful profession or occupation and to conduct any lawful trade and business (article 40), non-discrimination on grounds of religion, race, caste, sex or place of birth for admission to education and employment in the public sector (articles 28, 29) and promotion of the participation of women in national life (article 10) are all embodied in the Constitution of Bangladesh, thereby guaranteeing equal treatment before the law. The BLL prohibits discrimination on grounds of trade union membership. The Bangladesh Persons with Disability Welfare Act 2001 has established a National Coordination Committee under the Ministry of Social Welfare which is responsible for ensuring equality of opportunities for employment for suitably qualified persons with disabilities in recruiting employees for government departments, statutory bodies and local authorities. In 2006 Bangladesh adopted a five-year National Programme of Action on Disability. The National Policy on Women and Development 2011 was approved by Parliament in March 2011. The Outline Perspective Plan of Bangladesh (2010-21) seeks to eliminate all forms of discrimination, including discrimination based on gender. The CEACR and the Conference Committee on the Application of Standards have observed that the BLL does not prohibit discrimination in employment and occupation in relation to access to vocational training, to access to employment and to particular occupations and to terms and conditions of employment and is therefore not in compliance with the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). In addition, the CEACR considers that the scope of section 332 of BLL, which prohibits behaviour towards women “which may seem to be indecent or repugnant to the modesty and honour of the female worker”, is unclear.

Evidence of implementation. The CEACR has noted that there are serious gender-based inequalities in Bangladesh’s labour market and that the Government has not demonstrated that it is actively addressing the seriously disadvantaged position of women in employment and occupation. At a May 2009 hearing the Bangladesh High Court issued a detailed definition of sexual harassment and identified steps employers and educational institutions have to take in order to prevent sexual harassment. The decision remains to be implemented by the Government.

Coverage of workers in law. All workers are covered under the Constitution. According to the BLL, however, the law relating to equality of opportunity and treatment covers formal sector employees but not persons engaged in the informal sector.

Ratification of ILO Conventions. Bangladesh ratified the Equal Remuneration Convention, 1951 (No. 100), on 28 January 1998 and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), on 22 June 1972.

Sources: CEACR observation concerning Conventions Nos. 100 and 111; United Nations report on Bangladesh to the Human Rights Council (doc. A/HRC/WG.6/4/BGD/1, 19 November 2008); World Bank Country Profile on Disability for Bangladesh; ILO: NATLEX database.

strong organizations of domestic workers with broad-based alliances will it be possible to ensure long term gains in terms of decent work. National legislation and policies need to be changed in

order to establish all the strategic components of decent work, including fundamental principles and rights at work, adequate earnings and decent working time for these workers.

Table 8. Equal opportunity and treatment in employment

	2005-06	2010
Women's share of employment by occupation^a (%)		
Total		
1. Legislators, senior officials and managers	0.19	14.70
2. Professionals	3.01	22.47
3. Technicians and associate professional	1.37	19.74
4. Clerks	1.27	10.31
5. Service workers and shop and market sales workers	6.17	17.39
6. Skilled agricultural and fishery workers	63.49	6.37
7. Craft and related trade workers	9.02	25.85
8. Plant machine operators and assemblers	3.59	24.60
9. Elementary occupations	11.87	44.71
10. Armed forces/Special occupations	0.01	0.00
Urban		
1. Legislators, senior officials and managers	0.32	8.84
2. Professionals	7.40	28.26
3. Technicians and associate professional	3.40	15.08
4. Clerks	2.79	11.45
5. Service workers and shop and market sales workers	10.80	9.30
6. Skilled agricultural and fishery workers	33.12	7.17
7. Craft and related trade workers	16.27	22.09
8. Plant machine operators and assemblers	11.35	34.21
9. Elementary occupations	14.53	48.41
10. Armed forces/Special occupations	0.01	0.00
Rural		
1. Legislators, senior officials and managers	0.15	19.50
2. Professionals	1.66	19.04
3. Technicians and associate professional	0.75	23.06
4. Clerks	0.81	9.28
5. Service workers and shop and market sales workers	4.75	20.27
6. Skilled agricultural and fishery workers	72.84	6.28
7. Craft and related trade workers	6.78	27.40
8. Plant machine operators and assemblers	1.20	14.18
9. Elementary occupations	11.05	43.89
10. Armed forces/Special occupations	0.01	0.00
Female share of employment in ISCO-88 groups 11 and 12, aged 15 + years (%)^b	10.90	
Total gender wage gap (%)^c	24.35	
Urban	32.09	
Rural	35.11	
Share of women in wage employment in the non-agricultural sector (%)	19.33	20.10
Number of female wage and salaried employees in the non-agricultural sector (millions)	2.20	5.70
Total number of wage and salaried employees in the non-agricultural sector (millions)	11.38	28.36

^a Based on ISCO-88.

^b ISCO-88 group 11 includes legislators and senior officials and group 12 includes corporate managers.

^c Percentage gap between wages/earnings of men and women in the previous seven days.

Source: BBS: Labour Force Surveys. (The figures for the women's share of employment and for the gender wage gap in 2010 were not provided by the BBS and could therefore not be compared with the 2005-06 figures.)

Legal framework indicator 13: Equal remuneration of men and women for work of equal value

Law, policy or institutions. The participation of women in national life (article 10), the right to equal opportunity (article 19), equal rights for women and men in all spheres of public life and the prohibition of discrimination on the basis of gender (article 28) are guaranteed by the Constitution of Bangladesh. Section 345 of the BLL stipulates that in fixing wages for any worker the principle of equal wages for male and female workers for work of equal nature or value must prevail and that no discrimination may be made on grounds of sex. Wages are defined in section 2 (xiv) of the BLL as all remuneration expressed in terms of money payable in fulfilment of the terms of employment. However, the definition excludes housing accommodation, supply of light, water, medical attendance or other amenities or any service excluded by general or special order of the Government, the contribution by the employer to any pension fund or provident fund, travelling allowances and the reimbursements of special expenses.

Evidence of implementation. The CEACR does not regard the fact that no cases or complaints have been received from workers regarding equal pay (section 345, BLL) to be sufficient evidence of the absence of discrimination. It has requested the Government to assess the nature and extent of the gender pay gap and to address and reduce it in the formal and informal sectors. It has also taken note of the tendency to set lower wages for sectors predominantly employing women and has repeatedly requested the Government to indicate whether any collective agreements or conciliation procedures have explicitly addressed the issue of equal remuneration of men and women and, if so, to provide details thereof.

Coverage of workers in law. Workers employed in formal sector enterprises under both public and private ownership are covered in law.

Ratification of ILO Conventions. Bangladesh ratified the Equal Remuneration Convention, 1951 (No. 100), on 28 January 1998 and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), on 22 June 1972.

Source: CEACR observations concerning Conventions Nos. 100 and 111; ILO: NATLEX database.

Summary assessment

Some progress has been achieved in the area of equal opportunity and treatment in employment, as indicated by the rising share of women in occupations such as legislators, senior officials and corporate managers, as well as by the falling gender wage gap among regular employees. However, significant challenges remain, including that of expanding education and employment opportunities for women, ensuring equal pay for work of equal value, reducing the still consid-

erable inequalities between men and women in casual and informal employment, and enhancing protection for overseas migrant workers, domestic workers and other vulnerable groups. Although Bangladesh has already implemented policies to this end, a major effort involving well-informed policies and effective implementation and enforcement is still required if the country is to realize fully the goal of equal opportunity and treatment for all in employment, regardless of background.

9 Safe work environment

Adequate provisions for occupational safety and health (OSH) and a safe working environment are a defining feature of decent work. The BLL contains legal provisions on occupational safety and health for workers in Bangladesh, and a tripartite National Council for Industrial Health and Safety was established in 2009 to ensure more effective enforcement of the law. A record of occupational diseases is a recommended indicator for the measurement of decent work, but administrative records in Bangladesh (which in many cases are maintained on an ad-hoc basis) do not allow for this indicator to be computed. Further efforts by the Government in this direction are called for, if necessary with ILO support.

The statistical trend in occupational injuries is difficult to ascertain since the recording and publishing of data at the local and national level in the annual report of the Department of Inspection for Factories and Establishments were discontinued in 1997. Such data as are available show that total reported cases of occupational accidents and injuries fluctuated widely over the period 2002-11. In recent years the incidence of occupational accidents and injuries has tended to increase. While the incidence of fatal injuries (death and permanent disability) increased over the same period, non-fatal injuries declined (see Table 9).

In terms of labour inspection Bangladesh still lacks adequate institutional capacity to ensure a

fully functional nationwide system. The number of labour inspectors increased slightly in the last decade from 62 in 2001 to 103 in 2011, but the ratio is still less than one labour inspector for every 10,000 registered workers. In any case, though the number of labour inspectors may be an indicator of a safe work environment, it does not say anything about the *quality* of inspection or the *area* of inspection, since inspectors do not work solely on issues of workplace safety and health. Moreover, their logistic and financial resources are insufficient, and this undermines both the inspection itself and the entire reporting system. It is important that the Government recruit more labour inspectors, ensure they are well trained and well-funded and maintain their commitment to upholding a safer work environment (see Legal framework indicator 15).

Training in workplace safety, whether by the state or by the private sector, is largely absent in Bangladesh. None of the major branches of the economy, including the ready-made garment industry, construction, mining and quarrying and road transport, have any dedicated training centres or programmes to train employers and workers in the area of safe work. The challenge is even more acute in the informal sector, where under-reporting of accidents is widespread and data collection is inadequate.

Table 9. Safe work environment

Decent work indicator	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Total occupational injuries^a		1,774	1,347	894	1,127	1,274	1,024	895	1,000	1,323	1,403
Total fatal occupational injuries		342	255	141	238	334	246	219	293	416	545
Total non-fatal occupational injuries		1,432	1,092	753	889	940	778	676	707	907	858
Fatal injuries per 10,000 registered workers			1.25			1.20					1.74
Non-fatal injuries per 10,000 registered workers			5.35			3.38					2.74
Total injuries leading to permanent disabilities		333	240	128	135	228	227	184	249	336	455
Number of registered factories			18,823	19,581	20,568	21,351	22,358	22,998	23,756	24,388	25,645
Number of registered workers			2,042,401			2,784,949					3,128,120
Labour inspection											
Labour inspectors, total	62	62	62	62	62	62	93	93	93	93	103
Labour inspectors per 10,000 registered workers			0.30			0.22					0.33

^a Includes all reported injury cases, including fatalities and those resulting in permanent disability and temporary absence from work.

Source: Department of Inspection for Factories and Establishments. Data on total injuries leading to temporary inability to work, total injuries not affecting time worked and time loss or loss of working days due to occupational injuries are also important indicators for assessing progress of decent work in terms of safe work environment but are not available.

Legal framework indicator 14: Employment injury benefits

Law, policy or institutions. Article 15 (d) of the Constitution of Bangladesh requires the Government to guarantee the right to social security, which includes public assistance in case of illness or disablement. Chapter VII of the BLL regulates workmen's compensation for injury by accident. Employers are liable to pay compensation for any injury caused to workers by accident in the course of their employment (section 150). The contracting of disease is regarded as an injury by accident, the Third Schedule contains a list of 33 such occupational diseases that the Government may supplement by appropriate notification in the *Official Gazette*. Agreements whereby workers relinquish their right to compensation for injuries arising as a result of their employment are void (section 165, BLL).

Qualifying conditions. The employer is not liable if: (i) the disablement lasts less than three days; (ii) the worker has been under the influence of alcohol or drugs; (iii) the worker disobeyed safety provisions/orders; (iv) the injury did not result directly from the employment. Occupational diseases listed in Part B of the Third Schedule are in respect of employment for a continuous period of not less than six months (section 150 (3) (b), BLL).

Benefits (level and duration). Tk.100,000 are payable in the event of death and Tk.125,000 in the event of total or permanent disablement. Temporarily disabled workers are entitled to compensation for a maximum period of 12 months; the full monthly wage is payable during the first two months, two-thirds of the wage for the next two months, and half for subsequent months. In the case of chronic occupational diseases, half the monthly wage is due during the period of disablement for a maximum period of two years (section 151, BLL, Fifth Schedule). The First Schedule lists the injuries that are deemed to result in permanent or partial disablement. For injuries not specified in the First Schedule, the wage payable depends on the permanent loss of earning capacity caused by the injury. Employers must arrange for the medical examination of an injured worker within three days (section 160, BLL).

Financing. By the employer.

Evidence of implementation. No information has been made available to the ILO's supervisory bodies.

Coverage of workers in law. The Fourth Schedule together with section 150 (7) of the BLL defines the workers covered by the regulations on compensation for injury. Self-employed persons, workers in factories employing fewer than five workers, clerical workers, workers in mines operating at a depth of less than six meter from their highest to their lowest point and which do not employ more than 50 workers, as well as domestic workers, are not covered in law.

Coverage of workers in practice. In practice, in addition to the formal sector workers covered by the BLL, informal sector workers are to some extent covered by the Bangladesh Labour Welfare Foundation Act, 2006.

Ratification of ILO Conventions. Bangladesh has not ratified the Occupational Safety and Health Convention, 1981 (No.155), the Occupational Health Services Convention, 1985 (No.161), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), the Social Security (Minimum Standards) Convention, 1952 (No. 102) or the Employment Injury Benefits Convention, 1964 (No. 121).

Sources: ILO: NATLEX database

Legal framework indicator-15: OSH labour inspection

Law, policy or institutions. Labour inspection in matters of occupational safety and health is regulated by the BLL. Under the responsibility of the DIFE, labour inspectors have the right to enter any workplace to assess compliance with the law, to request registers and other documents and to examine any worker employed within the preceding two months. The CEACR has pointed out that inspectors are under no legal obligation not to disclose the identity of the author of a complaint. Inspectors are public servants who are recruited through a competitive examination (section 334, BLL). They receive one month of training at the Industrial Relations Institute, 15 days of in-house training by senior DIFE officials and regular follow-up training. However, the CEACR has found that inspectors are not sufficiently trained for the discharge of their duties and that there has been no progress in terms of salary and career prospects.

Employers are obliged to report occupational accidents and diseases (sections 80, 82 and 290, BLL). Workers and unions have the right to judicial redress under section 313 of the BLL. The Bangladesh Labour (Amendment) Ordinance 2008, a presidential ordinance, amended section 307 of the BLL to increase the penalty for breaching health and safety rules from Tk.1,000 to Tk.25,000 (approx. USD317). If death results from an infringement of the BLL, section 309 provides for a term of imprisonment of up to four years and/or a fine of up to Tk.100,000 (US\$1,270). Other harm resulting from the infringement of an employer's obligations are punishable by up to six months' imprisonment and/or a fine of up to Tk.2,000 (approximately US\$25). If the infringement results in serious bodily harm, the penalty is imprisonment of up to two years and/or a fine of Tk.10,000 (approximately US\$127). The 2006 Bangladesh National Building Code contains provisions on specific health and safety in the construction sector and provides for the establishment of an enforcement agency that has not yet been set up despite the high number of fatalities in the sector (106 registered deaths in 2009). The CEACR has noted that section 317 (3) (e) of the BLL imposes too great a burden on labour inspectors by making them responsible for conciliation in industrial disputes. A National Council for Industrial Health and Safety was set up in 2009 to formulate and implement a national occupational safety and health policy for industrial establishments.

Evidence of implementation. The Government acknowledges that the number of labour inspectors is insufficient for the number of workplaces and that logistical support (including vehicles) is inadequate. The CEACR has requested the Government to establish a register of workplaces liable to inspection and of the workers employed therein. The CEACR has also observed that no prosecutions involving breaches of health and safety regulations have been filed in three of the seven labour courts.

Coverage of workers in law. In accordance with the BLL, only formal sector workers are covered in law.

Coverage of workers in practice. In practice, labour inspection is poorly executed even in the formal, while it is completely absent in the informal sector.

Ratification of ILO Convention. Bangladesh has ratified the Labour Inspection Convention, 1947 (No. 81), but not its 1995 Protocol or the Labour Inspection (Agriculture) Convention, 1969 (No. 129).

Sources: ILO Decent Work Country Programme 2006-09; CEACR observation concerning Convention No. 81, 2010; ILO: NATLEX database.

Summary assessment

A full assessment of progress in safety and health at the workplace is hindered by a lack of data, largely attributable to the weak institutional set-up of administrative labour records in Bangladesh. It is clear from available data on occupational injuries that the picture fluctuated widely between 2002 and 2011. More recently, *total* occupational injuries have been increasing, though this masks the fact that fatal injuries have been on the rise and non-fatal injuries on the decline.

With respect to labour inspection Bangladesh still lacks the institutional capacity to provide a

fully professional system for upholding occupational safety and health standards. Though the number of labour inspectors was increased from 62 in 2006 to 103 in 2011, there is less than one labour inspector for every 10,000 registered workers. Labour inspectors are currently underfunded, under-trained and logistically unable to conduct effective monitoring across the country, which points clearly to a need for more and better trained labour inspectors with a clear financial incentive to perform their duties efficiently. Monitoring and evaluation by the labour inspectorate also need to be greatly improved if Bangladesh is to make sustained gains in this area of decent work.

10 Social security

Access to social protection is a human right, and in the Social Security (Minimum Standards) Convention, 1952 (No. 102), the ILO has set minimum standards listed under nine branches of social security.¹ Bangladesh has not ratified Convention No. 102 and no national social security system has yet been introduced. Between 2009 and 2011 only around 3 per cent of the population aged 60 years and above received old-age pensions and the share of public social security funds in the GDP did not exceed 2.64 per cent. It is therefore increasingly important that Bangladesh enacts a law mandating universal social security coverage through a system of compulsory contributions and social transfers. Properly implemented, such a law would ensure that people who cannot afford to pay premiums would receive a subsidy.

A social protection system for Bangladesh could be based on the phased introduction of a social protection floor in line with the Recommendation concerning national floors for social protection adopted by the ILO in 2012. An approach of this nature could guarantee a minimum level of social security for all, in order to prevent and alleviate poverty and to reduce vulnerability and social exclusion, particularly among the most marginalized and at-risk groups. A social protection floor would, at its most basic, comprise four components: (i) access to a nationally defined set of goods and services constituting essential health care, including maternity care, which meets the criteria of availability, accessibility, acceptability and quality; (ii) basic income security for children, providing access to nutrition, education, care and other necessary goods and services; (iii) basic income security for persons of active

age whose income is insufficient, particularly in cases of sickness, unemployment, maternity and disability; and (iv) basic income security for older people (ILO, 2012b).

Given their predominance in the economy and in society, it is critical that informal sector workers and self-employed persons be included in any proposed system. In addition, tax-financed social assistance should be available in the form of free health services for the poor, in order to improve health outcomes and reduce the impoverishing effect of health-care payments on the poorest segment of the population.

Data on social protection coverage are based on various sources and are not always comprehensive. An estimated five million workers are covered by the BLL. According to the Ministry of Social Welfare 2.48 million old people receive an old-age allowance, and Ministry of Finance figures indicate that around 325,000 public servants receive a pension. Government efforts to expand and improve social assistance have brought some improvements. Enhanced public investment in health (in absolute terms rather than as a share of GDP, which remained much the same between 2003 and 2009), has reduced the proportion of total direct expenditure on health care by individual households. The “health-care expenditure not financed directly by households” indicator showed an increase of almost 15 percentage points to 44.2 per cent between 2000 and 2006. However, households still finance most of the cost of their health care (some 67 per cent of the total), which is a real burden and a frequent risk for the poorest and most vulnerable groups of society.

¹ The nine branches are medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors’ benefit.

Improving access to and the quality of social protection is key to enhancing human development

Table 10. Social security

Decent work indicator ^a	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Share of population aged 60 and above benefiting from old-age pension (%)									3.54	3.43	3.33
Public social security funds as a percentage of GDP ^b									2.42	2.50	2.64
Social security as a percentage of general government expenditure									15.12	14.75	16.07
<i>Health-care expenditure not financed directly by private households^c</i>											
As a percentage of total expenditure on health	35.6 (2000)				37.4	44.2					
As a percentage of private expenditure on health	4.9 (2000)		14.2	11.7		11.7	2.6	3.5	3.5		2.7

^a Data on number of active and inactive registered workers and employers and on number of workers and employers covered by health care benefits are important indicators for assessing progress on decent work in terms of social security but they are not available.

^b Public social security funds include pension expenditure for public sector employees and expenditure on social safety net programmes.

^c Figures on health-care expenditure not financed directly by private households for recent years are not available.

and decent work, as it is a means of securing a guaranteed income (and, thus, a degree of economic security) and of providing social assistance for workers and people without the means to support themselves. Investing in universal health care for workers and for the population at large can generate important gains to labour productivity and it is therefore an economic imperative for the private sector to support such efforts. Though there is no authoritative national data, there is evi-

dence that a growing number of companies and formal sector workers are participating in health-care schemes. However, a large proportion of the formal workforce, as well as almost all workers in the informal sector of the economy, still lack such coverage. The very low level of health-care coverage throughout the labour force constitutes a major obstacle for human development in Bangladesh.

Legal framework indicator 16: Pension

Law, policy or institutions. Article 15 (d) of the Constitution of Bangladesh requires the Government to provide public assistance in the case of old age. A provident fund may be established if three-quarters of the total number of workers at an establishment formally request it (section 264, BLL). The Government may introduce rules for the constitution of a provident fund which is administered by a Board of Trustees consisting of employers, workers and a chairman appointed by the Government. Section 265 of the BLL contains different provisions for tea plantation workers. The Government introduced the Old-Age Allowance Programme in 1998. There is no old-age scheme for persons employed in the agricultural sector and the informal sector or for self-employed persons. Public servants are covered by the Public Servants (Retirement) Act, 1974, and Rules, 1975, the General Provident Fund Rules, 1979, the Pension and Gratuity Rules and the Provident Funds Act, 1925, and have access to pension funds, contributory provident funds, benevolent funds and group insurance. The Public Servants (Retirement) Act, 1974, fixed the retirement age at 57 years on completion of service. The retirement age was raised to 59 for freedom fighters by Public Servants (Retirement) (Amendment) Act, 2010. The Public Servants (Retirement) (Amendment) Act, 2012, set retirement for all public servants at a uniform 59 years.

Qualifying conditions. A worker employed in an establishment must retire at the age of 57 years and is entitled to payment of the benefits due to him (section 28, BLL). The Ministry of Social Welfare provides an old-age allowance under the Government's social safety net programme. To be eligible for an old-age allowance the recipient be at least 65 years of age for men and 62 years of age for women and their annual average income must be under Tk.3,000 (US\$38). Priority is given to those who are physically and mentally infirm or handicapped, have no assets, are homeless, landless, freedom fighters, widowed, divorced, single and deserted by their family. Priority also goes to those who have no savings after expenditure on foodstuffs. Government servants, pensioners and VGD (Vulnerable Group Development) card-holders, recipients of government grants from other sources, regular recipients of grants from any NGO or social welfare agency, labourers, domestic servants and vagrants are not eligible for an old-age allowance.

Level and duration of benefits. Workers' pension benefits are payable as a lump sum. Beneficiaries of an old-age allowance receive Tk.300 (US\$3.80) a month payable every three months, without limit of time. The admissible retirement and pension benefits of public sector employees vary widely, from a minimum of 32 per cent to a maximum of 80 per cent of the last monthly basic salary drawn at the time of retirement depending on length of service. Benefits may be paid as a lump sum or as an initial payment of 50 per cent (known as a gratuity) and the remainder in the form of a monthly pension (Mondal, 2011).

Financing. After one year of continuous service, workers must contribute 7-8 per cent of their basic wage to a provident fund and employers an equal amount. The cost of maintenance of the fund must be borne by the employer. The Income Tax Ordinance, 1984, provides for favourable tax treatment of provident, pension and gratuity plans upon approval by the National Board of Revenue. The Old Age Allowance Programme is financed by the Government. The Ministry of Social Welfare administers the programme. The old-age allowance is disbursed by local branches of the government-run Sonali Bank.

Evidence of implementation. Although Bangladesh has not ratified Convention No. 102, its legislation covers a number of old-age contingencies.

Coverage of workers in law. As regards retirement benefits – pensions, provident funds, group insurance, gratuities, welfare funds – all formal sector workers are covered by legal provisions. Workers in public sector enterprises and in export processing zones are to some extent in a more advantageous position.

Coverage of workers in practice. Informal sector workers are not covered by law but many are covered by Government security net programmes, which are gradually being extended to more areas and more people.

Ratification of ILO Conventions. Bangladesh has not ratified the Social Security (Minimum Standards) Convention, 1952 (No. 102), or the Old-Age and Survivors' Benefits Convention, 1967 (No 128).

Sources: Bangladesh Ministry of Social Welfare; International Social Security Association (ISSA); *Social security programs throughout the world: Asia and the Pacific* (ISSA, 2008); Pension Watch fact sheet for Bangladesh; ILO: *General Survey*, International Labour Conference, 100th Session, 2011; ILO: *Report on the review of the Decent Work Country Programme: Bangladesh 2006–2009*; Mondal, Abdul Hye: Draft report on Social Security and Social Protection in Bangladesh (Dhaka, ILO, December 2011); ILO: NATLEX database.

Table 10.1. Derived ratios and per capita health expenditure

Ratio/Per capita expenditure	2000	2003	2004	2005	2006	2007	2008	2009	2010
Total health expenditure as a percentage of GDP	2.8	3.4	3.1		3.2	3.4	3.3	3.4	
General government health expenditure as a percentage of total health expenditure	39.0	31.3	28.1		31.8	33.6	31.4	33.0	
Private health expenditure as a percentage of total health expenditure	61.0	68.7	71.9		68.2	66.4	68.6	67.0	
General government health expenditure as a percentage of total government expenditure	7.6	5.8	5.9		7.0	8.0	7.4	7.4	
External resources for health as a percentage of total health expenditure	6.9	12.4	15.1		15.8	7.7	5.8	7.9	
Social security health expenditure as a percentage of general government health expenditure	0.0	0.0	0.0		0.0	0.0	0.0	0.0	
Out-of-pocket expenditure as a percentage of private expenditure on health	95.1	85.8	88.3		88.3	97.4	96.5	96.5	
Private prepaid plans as a percentage of private expenditure on health	0.1	0.1	0.1		0.1	0.0	0.3	0.3	
Per capita total expenditure on health at average exchange rate (US\$)	10	14	14		12	15	17	21	
Per capita total expenditure on health (PPP international \$)	24	68	64		37	42	44	53	
Per capita government expenditure on health at average exchange rate (US\$)	4	4	4		4	5	5	7	
Per capita government expenditure on health (PPP international \$)	9	21	18		12	14	14	18	

Source: WHO: *World Health Statistics*, 2006, 2008, 2009, 2010, 2011 & 2012.

Legal framework indicator 17: Incapacity to work due to sickness/sick leave

Law, policy or institutions. According to section 116 of the BLL every worker has the right to sick leave on full pay for 14 days a year. Newspaper workers are entitled to sick leave on half pay for not less than one-eighteenth of their period of services. According to the Prescribed Leave Rules of 1959, public sector employees are entitled to a maximum of four months of sick leave with full pay that may be extended to six months on production of a medical certificate and to one year when combined with accumulated leave.

Qualifying conditions. A medical practitioner must certify that the worker is ill and needs sick leave.

Level and duration of benefits. Full wages for 14 days for workers covered by the BLL. Workers in export processing zones are entitled to 14 days sick leave on half pay. A medical allowance of Tk.100 a month is paid to workers whose employer does not provide medical facilities. All public sector employees are entitled to a monthly medical allowance of Tk.700.

Financing. By the employer.

Evidence of implementation. Although Bangladesh has not ratified the Social Security (Minimum Standards) Convention, 1952 (No. 102) it is giving effect to a number of health contingencies.

Coverage of workers in law: All workers in the establishments covered by the BLL are entitled to sick leave.

Coverage of workers in practice. There is no difference between coverage under the law and actual practice.

Ratification of ILO Conventions. Bangladesh has not ratified the Social Security (Minimum Standards) Convention, 1952 (No. 102), or the Medical Care and Sickness Benefits Convention, 1969 (No. 130).

Sources: International Social Security Association (ISSA); ILO: NATLEX database.

Legal framework indicator 18: Incapacity to work due to invalidity

Law, policy or institutions. The Constitution of Bangladesh (notably clauses 15, 17, 19, 20 and 29) guarantee equal rights and opportunities for all citizens. Clause 19 (1) stipulates that “the State shall endeavour to secure equality of opportunity for all citizens”. Article 15 (D) commits the Government to introducing a social security programme for persons with disabilities and for other socially insecure segments of the population. To guarantee the rights and privileges of persons with disabilities the Government has adopted a national policy and enacted the Bangladesh Protibondhy Kalayan Ain in 2001. In 2005-06 it introduced a programme of allowances for insolvent persons with disabilities through the Department of Social Services. Public sector workers who can provide medical certification that they are permanently incapacitated physically or mentally invalids are also entitled to an invalidity pension.

Qualifying conditions. All public sector employees who have completed ten years of service are entitled to an invalidity pension. To claim an allowance an insolvent persons with disabilities must: (i) have an annual income of not more than Tk.24,000 (US\$304), (ii) be destitute and infirm, and (iii) be over sixty years old.

Level and duration of benefits. The invalidity pension for public sector employees is a lifelong payment of 32 per cent of the employee’s last monthly basic salary. Allowances for insolvent persons with disabilities are likewise payable for life at the rate of Tk.300 per month.

Evidence of implementation. Bangladesh has not ratified the Social Security (Minimum Standards) Convention, 1952 (No. 102), but is actively implementing a number of provisions relating to invalidity contingencies.

Coverage of workers in law. Public servants with disabilities are covered by the Public Servants (Retirement) Act, 1974. All workers engaged in formal sector enterprises, including those in export processing zones, are covered by the BLL.

Coverage of workers in practice. Informal sector workers who are invalids are not normally covered by the law, but under various social safety net schemes administered by the Government and by NGOs they are often covered in practice. The Bangladesh Labour Welfare Foundation Act, 2006, also makes provisions for financial assistance for invalid workers in the informal sector within the limits of the Foundation’s financial resources.

Ratification of ILO Conventions. Bangladesh has not ratified the Social Security (Minimum Standards) Convention, 1952 (No. 102), or the Invalidity, Old-Age and Survivors’ Benefits Convention, 1967 (No. 128).

Sources: Bangladesh Persons with Disability Welfare Act, 2001; World Bank Country Profile on Disability for Bangladesh; ILO: NATLEX database.

Summary assessment

The Government of Bangladesh has made a considerable effort to increase social protection coverage for workers and their families, and this is reflected in rising government expenditure on social protection and in the growing share of health-care expenditure not financed out-of-pocket by private households. Nonetheless, a significant proportion of formal employees, the entire informal sector and self-employed persons still have little or no social protection.

The development of a tiered “social protection floor” would be one channel through which the

Government could funnel future investments in social protection, as many Latin American and Asian countries have done successfully in line with the recent ILO Recommendation on a social protection floor for all.

In Bangladesh, as in other countries, this would require a set of social security guarantees aimed at providing basic income security, essential health care and other forms of social assistance (pensions, child benefits, etc.) for all citizens, funded through a combination of contributory schemes and non-contributory social transfers.

11 Social dialogue, workers' and employers' representation

Social dialogue is one of the four pillars of the Decent Work Agenda and a critical means of securing basic respect for human rights at the workplace and a democratic voice in decisions that affect the world of work. Social dialogue refers to the process of negotiation, consultation and exchange of information between key workplace stakeholders, notably the Government, employers and workers, on issues of common interest. It is thus a means of ensuring industrial harmony and an environment that is conducive to economic growth and increased labour productivity.

A key principle of social dialogue is the right freely to establish and join groups for the promotion and defence of occupational interests. The Government of Bangladesh has ratified the three main ILO Conventions on social dialogue: Freedom of Association and Protection of the Right to Organise Convention, 1949 (No. 87), Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). Since ratifying these Conventions Bangladesh has embarked upon the reform of its labour laws, culminating in the enactment in 2006 of the BLL, which contains provisions on social dialogue. The change in the legal framework for industrial relations may have prompted the explosion in employers' associations, while the growth of trade unions slowed after 2006. Amendments to the labour law allowing non-workers to become trade union leaders, simplifying trade union registration and allowing certain unregistered trade unions to work as collective bargaining agents were due to be finalized in late 2012 but were still pending in early 2013.

Information on union membership is essential for understanding how the relationship between workers and management has developed over time. The Department of Labour (DOL) compiles data on union membership through its annual *Bangladesh Labour Journal*, which has appeared regularly since 1981. In terms of membership, trade union membership in Bangladesh increased from 1,895,274 in 2001 to 2,129,698 in 2004; despite notable fluctuations since then, the unions attracted more than 2.29 million members in 2009. The union density rate as a share of employees (i.e. those in paid employment only) is relatively low, however, declining steadily from 9.2 per cent in 2001 to 7 per cent in 2010. However, it remained higher than the union density rate as a percentage of total employment (i.e. paid employees plus other categories of workers such as the self-employed), which fell from 4.9 per cent in 2001 to 4.1 per cent in 2010 (see Table 11).

Declining union density rates may be attributable in part to the growth in casual work at the expense of regular employment (see Chapter 7). Another factor is that, despite the relatively simple procedures for establishing unions, a combination of limited public awareness of the benefits of union representation and weak institutional capacity (the product of inadequate resources) may actually be preventing unions from attracting new members. Because of the lack of employment opportunities and inadequate knowledge of labour rights, few workers in the country's vast informal workforce are members of a union.

Table 11. Social dialogue and employers' and workers' representation

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
<i>Union density</i>										
Unadjusted net density rate as a percentage of total employment ¹	4.86		4.73			4.32				4.16
Unadjusted net density rate as a percentage of total employees ²	9.16		8.62			7.47				7.05
Total trade union membership	1,895,274	1,944,235	2,094,887	2,129,698	1,945,996	2,044,253	2,248,094	2,171,713	2,288,123	2,251,733
Total number of registered trade unions	6,216	5,641	6,492	6,740	6,928	7,282	6,951	6,866	7,087	7,188
Number of industrial associations registered with the DOL	1,243	1,246	1,250	1,295	1,378	1,484	1,485			
Number of companies affiliated to industrial associations	123,253	124,123	125,273	116,339	123,570	131,481	131,534			
Number of industrial or trade associations affiliated to the BEF						12	12	14	14	14
Number of industrial or trade groups affiliated to the BEF						101	107	110	113	115
Total number of strikes and lockouts, total incidences	78	81	43	32	35	29	36			
Number of workers involved	16,611	27,897	21,883	31,057						
Number of working hours lost										
Number of working days lost	16,611	29,772	19,649	44,708						

Sources: MOLE, DOL, DIFE and BEF. N.B. Data on the number of industrial or trade groups affiliated to the BEF, by small, medium and large size, number of company regulations relating to collective bargaining, number of collective labour agreements and number of workers covered by collective bargaining, are important decent work indicators for assessing progress in social dialogue and employers' and workers' representation. However, this data is currently unavailable in Bangladesh.

Legal framework indicator 19: Freedom of association and the right to organize

Law, policy or institutions. Article 38 of the Constitution of Bangladesh guarantees the right to form associations. Workers and employers thus have the right to form unions, to draft their constitutions and programmes and to organize their administration and activities (section 176, BLL). Unions may be formed at the factory or establishment level, with some exceptions (such as private road transport, private inland river transport, tea, jute bailing and bidi production) where unions can be established on the basis of geographical area (section 183, BLL). Trade unions must apply for registration by the Director of Labour, which also acts as the Registrar of Trade Unions (sections 178 and 179, BLL). With the authorization of a labour court, the Director of Labour can on specified grounds cancel the registration of a trade union (section 190, BLL). Employers do not have the right to dismiss or discriminate against trade union members, or to restrict their right to join trade unions (section 195). Trade unions have the right to establish federations and to affiliate with international organizations and confederations (section 176 (e), BLL). Federations can be either industrial federations or national federations.

Evidence of implementation. There is one active case before the Committee on Freedom of Association which was submitted by the Bangladesh Cha-Sramik Union (Case No. 2765). The Committee has also requested to be kept informed of development in Case No. 2371 submitted by the International Textile, Garment and Leather Workers' Federation, which alleged the incompatibility of the 1969 Industrial Relations Ordinance (IRO) with the right of workers to form and join organizations of their own choosing, the unlawful and unreasonable refusal of the registration of the Immaculate (Pvt.) Ltd. Sramik Union and the dismissal of workers for anti-union reasons. The CEACR has repeatedly pointed to serious discrepancies between Bangladesh's national legislation and Conventions Nos. 87 and 98 and has expressed the need to repeal or to amend a number of laws. In 2008 the Conference Committee on the Application of Standards concluded that there was a continued failure on the part of Bangladesh to apply the ILO's freedom of association Conventions. In 2010 the Government adopted a new EPZ Workers' Associations and Industrial Relations Act, it has not signified any substantial developments. The CEACR has also requested the Government to respond to serious allegations voiced by the ITUC, notably that because of corruption and the serious backlog of cases the country's labour courts are not effective, that the labour law in general is poorly implemented, that protesters and trade union leaders are killed, physically assaulted and arrested, and that BEPZA prevents the establishment of workers' associations in practice.

Coverage of workers in law. Civil servants, the police, the military and security guards are denied the right to organize and to form trade unions. The CEACR has criticized the limited scope of the BLL which, in addition to imposing overall restrictions, excludes security staff, fire-fighters, confidential assistants, telex operators, fax operators and cipher assistants from the provisions governing trade unions.

Coverage of workers in practice. Other than the exceptions mentioned in section 1 (4) of the BLL, workers in any formal sector enterprise have the right freely to form and join their respective trade unions provided they fulfil the legal requirements and follow the directives issued from time to time by the Government.

Ratification of ILO conventions. Bangladesh has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Sources: CEACR observation concerning Conventions Nos. 87 and 98; ILO: Committee on Freedom of Association cases; ILO Conference Committee on the Application of Standards: *Examination of individual case concerning Convention No. 87*; ILO: NATLEX database.

Like the workers, employers too have the right to organize and in recent years both the number of companies registered with the Department of Labour (DOL) and the number affiliated to the Bangladesh Employers' Federation (BEF) steadily increased. The main reasons for this include a greater sense of unity among employers, fierce global competition, growing uncertainty in the global economy, the increasing economic interdependence of employers and the growing understanding and trust that exists among them.

Data on collective labour agreements in Bangladesh are not available from the DOL's administrative records and collective agreements are not registered, possibly because it is not compulsory. Moreover, the central government faces difficulties in consolidating and maintaining records from local offices, as a result both of a shortage of skilled statistical staff and a general lack of understanding of their importance. Moreover, since the duration of collective agreements varies, no effort is made to capture the coverage of previous collec-

Legal framework indicator 20: Collective bargaining right

Law, policy or institutions. The BLL provides for the existence of adjudicatory *and* non-adjudicatory authorities. Non-adjudicatory authorities include workers' participation committee, conciliators and arbitrators, while adjudicatory authorities comprise the labour courts, the Labour Appellate Tribunal and the High Court. Section 202 (4)2 of the BLL stipulates that an industrial dispute must be submitted to a collective bargaining agent. (If there is more than one trade union registered at an establishment, the bargaining agent is determined by a secret ballot held by the head of the human resources department.) The bargaining agent is designated for two to three years if approved by at least one-third of the workers employed in the establishment. Strikes are legal if they are the result of a failure of negotiations and require notice to be given within 15 days of the failure of the conciliation procedure. A strike or lock-out can take place 7 to 14 days after notice has been given.

Evidence of implementation. The CEACR has emphasized that there are serious discrepancies between Bangladesh's legislation and the Conventions Nos. 87 and No. 98. It has noted that the requirements for setting up a collective bargaining agent may impair the development of free and voluntary collective bargaining and has recommended that, where no union represents the requisite percentage of workers, collective bargaining rights should be granted to the existing unions on behalf of their own members. The ITUC alleges that labour legislation in general is ineffectively enforced and, more particularly, that employers are unwilling to recognize trade unions and collective bargaining. The CEACR has urged the Government to take measures to end the practice of determining wage rates and other conditions of employment of public servants through government-appointed tripartite wages commissions.

Coverage of workers in law. The CEACR has criticized the limited scope and coverage of the BLL. In addition to overall restrictions, security staff, fire-fighters, confidential assistants, telex operators, fax operators and cipher assistants are excluded from the provisions governing trade unions.

Coverage of workers in practice. In practice, collective bargaining rights are very limited. Even workers in public sector enterprises have no access to collective bargaining on financial matters, and even in the largest private sub-sector (ready-made garments) collective bargaining is non-existent.

Ratification of ILO conventions. Bangladesh has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Sources: CEACR observations concerning Conventions Nos. 87 and 98; ILO: Committee on Freedom of Association cases; ILO Conference Committee on the Application of Standards: *Examination of individual case concerning Convention No. 87*; ILO: NATLEX database.

tive agreements that are still in force. In addition, official administrative registers do not record the number of workers covered under each collective agreement, and as a result the collective bargaining coverage rate cannot be assessed. Given the low union density rate and the high rate of informal employment in Bangladesh, the collective bargaining coverage rate is presumably also low.

Although one tripartite body, the Tripartite Consultative Council (TCC), is functioning as a forum for dialogue among workers, employers and the Government, it has so far failed to make much headway in promoting meaningful tripartite discussion and consultation on key policy concerns. Social dialogue in Bangladesh therefore often takes the form of bipartite relations between employers and workers, with little or no govern-

ment participation (Legal framework indicator 21).

Summary assessment

Recent progress in social dialogue and workers' and employers' representation has been mixed. Moreover, it is difficult to assess this accurately because of deficits in the current data.

Between 2001 and 2004 union membership in Bangladesh expanded, but it has since fluctuated in a narrow range of between 2 million and 2.3 million members. Union density, meanwhile, has been in decline, as a percentage both of total employment and of total employees. Between 2001 and 2007 employer representation increased as more companies joined industrial associa-

Legal framework indicator 21: Tripartite consultations

Law, policy or institutions. The Minister for Labour and Employment is Chairman of the Tripartite Consultative Council (TCC), a high-level body consisting of 62 members drawn from government as well as employers' and workers' organizations. The TCC discusses labour issues of national importance such as the formulation of labour policy, the amendment of labour laws and rules, the adoption and ratification of ILO Conventions and Recommendations and the improvement of industrial relations. The TCC, which normally meets three times a year, formulated the 2010 national labour policy.

Evidence of implementation. The CEACR has taken note of the Government's statement that proposals regarding tripartite consultation are thoroughly considered in the TCC before being submitted to Parliament and that the Government is actively considering ratification of the Minimum Age Convention, 1973 (No.138), and others Conventions, depending on socio-economic developments in the country. The TCC, originally set up in 1976 with 18 members, has met 51 times and has taken most decisions relating to labour issues of national and international interest unanimously.

Ratification of ILO Conventions. Bangladesh ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), on 17 April 1979.

Sources: ILO Country Office for Bangladesh; ILO Decent Work Country Programme 2006-09 for Bangladesh; CEACR observation concerning Convention No. 114; ILO: NATLEX database.

tions, and between 2006 and 2010 the number of industrial associations expanded. The number of collective labour agreements is difficult to establish because of the unavailability of the necessary data, a shortcoming that needs to be corrected.

Data suggest that strikes and lockouts were on the decline between 2001 and 2007, albeit at an increasing cost in terms of days lost and num-

bers of participating workers, both of which rose between 2001 and 2004. It appears from these trends that a greater effort is needed to promote social dialogue, inter alia through capacity building for tripartite constituents. Data collection needs to be strengthened, too, particularly by improving the flow of data from the divisional level to the central level and vice versa.

References

- Al Faruque, A, 2009. *Current status and evolution of industrial relations system in Bangladesh*, International Labour Organization, 2009. Available at: http://www.ilo.org/wcmsp5/groups/public/@asia/@ro-bangkok/@sro-new_delhi/documents/publication/wcms_123336.pdf.
- Anker, R. et al. 2002. *Measuring decent work with statistical indicators*. Working Paper No. 2 (Geneva, ILO). Available at http://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/documents/publication/wcms_079089.pdf.
- Anker, R. 1988. *Gender and jobs: Sex segregation of occupations in the world* (Geneva ILO).
- Bacchetta, M.; Ekkehard E.; Bustamante, J.P. 2009. *Globalization and Informal Jobs in Developing Countries* (Geneva, ILO; WTO).
- Bangladesh Bureau of Statistics, 2011a. Report on the Bangladesh Literacy Survey, 2010, Industry and Labour Wing, Statistics Division, (Dhaka, Ministry of Planning, June 2011).
- _____. 2011b. Statistical Yearbook of Bangladesh 2010, Statistics Division, (Dhaka, Ministry of Planning, June 2011).
- _____. 2011c. Report on Labour Force Survey 2010, Statistics Division, (Dhaka, Ministry of Planning, August 2011).
- _____. Report on Labour Force Survey 2005-06, Statistics Division, (Dhaka, Ministry of Planning, April 2008).
- _____. 2004. Report on Labour Force Survey 2002-03 (Dhaka, Ministry of Planning, December 2004).
- _____. 2003. Report on National Child Labour Survey 2002-03, Statistics Division, (Dhaka, Ministry of Planning, December 2003).
- _____. 2006. Baseline Survey for Determining Hazardous Child Labour Sectors in Bangladesh 2005, Statistics Division (Dhaka. Ministry of Planning, July 2006).
- _____. 2010. *Millennium Development Goals: Bangladesh: Progress at a Glance* (Dhaka, 2010).
- _____. 2011d. Report of the Household Income and Expenditure Survey 2010 (Dhaka, Ministry of Planning, December 2011).
- _____. 2011e. Report on Sample Vital Registration System 2010, Statistics Division, Dhaka, (Ministry of Planning, October 2011).
- Bureau of Manpower, Employment and Training (BMET). 2012a. *Statistical reports: Category-wise overseas employment from 1976 to 2011* (Dhaka, 2012).
- _____. 2012b. *Statistical Reports, Overseas Employment of Female Workers from 1991 to 2011* (Dhaka, 2012).
- CEACR, 2010. Individual Observation concerning Convention No. 98, 2010
- Available at:
<http://www.ilo.org/ilolex/cgi/lex/pdconv.pl?host=status01&textbase=iloeng&document=11417&chapter=6&query=Bangladesh%40ref&highlight=&querytype=bool&context=0>;
- Coomaraswamy, R.; Satkunanathan, A. 2006. *Anti-child trafficking legislation in Asia: A six-country review – Bangladesh, Nepal, Pakistan, Sri Lanka, Thailand and Indonesia* (Bangkok, ILO).
- Flabbi, L. 2006. *Discrimination, Segmentation and Vulnerability in the Labour Market* (Washington, DC, World Bank). Available at: <http://info.worldbank.org/etools/docs/library/230131/FlabbiMorning%20I.pdf>.
- Government of Bangladesh. 2011. Sixth Five-year Plan: Accelerating growth and reducing poverty, Part 1: Strategic directions and policy framework. Dhaka, Ministry of Planning, July 2011).
- Graaff, T.; Rietveld, P. 2004. "ICT and Substitution between Out-of-home and At-home Work: The Importance of Timing" in *Environment and Planning*, Vol. 35, No. 5, pp. 879-896.

ILCCR, 2008. Examination of individual case concerning Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948, 2008

Available at: <http://www.ilo.org/ilolex/cgi/lex/pdconv.pl?host=status01&textbase=iloeng&document=807&chapter=13&query=Bangladesh%40ref&highlight=&querytype=bool>.

International Labour Office. 1998. *Social Security Manual Vol. I- Social security principles*, Geneva, 15 June, 1998).

_____. 2003. *International Compendium on Labour Statistics, Module 1: Statistics of employment, unemployment, underemployment and economically active population* (Geneva).

_____. 2005. *Labour and Social Trends in Asia and the Pacific* (Bangkok).

_____. 2007. *Manual on Key Indicators of the Labour Market* (Geneva). Available at: <http://www.ilo.org/public/english/employment/strat/kilm/indicators.htm#kilm5>.

_____. 2012a. *Decent work indicators: Concepts and definitions. ILO manual* (Geneva, May 2012).

International Monetary Fund, 2011. *World Economic Outlook Database*, Washington D.C. (April 2011).

Jansen, M.; Lee, E. 2007. *Trade and Employment: Challenges for Policy Research*. A joint study of the International Labour Office and the Secretariat of the World Trade Organization (Geneva, ILO; WTO).

Lee, S.; McCann D.; Messenger J.C. 2007. *Working time around the world: Trends in working hours, laws and policies in a global comparative perspective* (London and New York, Routledge). Available at: http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_104895.pdf.

McCann, D. 2005. *Working Time Laws: A Global Perspective* (Geneva, ILO).

Ministry of Finance, 2011. Social Safety Net Programmes, 2010-11 (Dhaka, Finance Division).

_____. 2012. Social Safety Net Programmes, 2011-12 (Dhaka, Finance Division).

Ministry of Labour and Employment. 1998. Tripartite Consultative Council, *Bangladesh Gazette*, 25 February 1998, pp. 5269 – 5272.

Ministry of Planning, 2011. Outline Perspective Plan of Bangladesh, 2010-2011. Quoted in Kabir Ahmed Choudhury. *Review of Bangladesh legal framework indicators* (Dhaka). Available at: http://www.plancomm.gov.bd/Final_Draft_OPP_June_2010.pdf (Undated).

Rachmawati, R.; Ettema, D.; Djunaedi, A. 2010. “The impact of ICT use to the change of work pattern and its relationship with work travel”, paper presented at the International Seminar on Urban Regional Planning and Transportation, 28-30 June 2010, Paris.

Sora, B.; Caballer, A.; Peiro, J.M. 2010. “The consequences of job insecurity for employees: the moderator role of job dependence” in *International Labour Review*, Vol. 149, No.1, pp. 57-72.

Sugiyarto, G. 2007. *Measuring underemployment: Establishing the cut-off point*. ERD Working Paper Series No. 92, Asian Development Bank (Manila).

US Department of State, 2010. *Trafficking in Persons Report 2010*. Available at: <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>.

World Bank, 2011. *World Development Indicators* (Washington DC, 2011).

World Health Organization. 2012. *Sexual and reproductive health* (Geneva, 2012).

Published by the International Labour Office (ILO)
with financial assistance from the European Union
under the ILO/EC Project “Monitoring
and Assessing Progress on Decent Work” (MAP).



ISBN 978-92-2-127466-7



9 789221 274667