

MGT 202

Labour Law

THE BANGLADESH LABOUR ACT, 2006
(XLII OF 2006)

11th October, 2006

10. Procedure for leave : (1) A worker who desires to obtain leave of absence shall apply to the employer for the same in writing stating his leave address therein.

(2) The employer or his authoresses officer shall issue orders on the application within seen days of the application or two days prior to the commencement of leave applied for, whichever is earlier;

Provided that if due to urgent reasons the leave applied for is to commence on the date of application or within three days thereof the order shall be given on the same day.

(3) If the leave asked for is granted, a leave pass shall be issued to the worker.

(4) If the leave asked for is refused or postponed the fact of such refusal or postponement, and the reasons thereof shall be communicated to the worker before the date on which the leave was expected to be commenced. and shall also be recorded in a register to be maintained by the employer for the purpose.

(5) If the worker, after convincing of leave, desires an extension thereof, he shall, if such leave is due to him, apply sufficiently in advance before the expiry of the leave to the employer who shall, as far as practicable send a written reply either granting or refusing extension of leave to the worker to his leave-address.

11. Payment of wages for unveiled leave:

If the services of a worker, to whom any annual leave is due, is dispensed with whether as a result of retrenchment, discharge, removal, dismissal, termination, retirement or by reason of his resignation before he has availed of any such leave, the employer shall pay his wages in lieu of the unveiled leave at the rate he is entitled to the payment of wages during the period of leave in accordance with the provisions of this Act.

12. Stoppage of work :

(1) The employer may, at any time, in the event of fire, catastrophe, breakdown of machinery, or stoppage of power supply, epidemics, civil commotion or any other cause beyond his control, stop any section or sections of the establishment, wholly or partly for such period as the cause for such stoppage continues to exist.

(2) In the event of such stoppage occurring at any time beyond working hours, the employer shall notify the workers affected, by notice posted on the notice board in the section or department concerned or at a conspicuous place in such establishment before the work is due to begin next.

(3) In the notice mentioned in sub-section (2) direction shall be given indication as to when the work will be resumed and whether such workers are to remain at their place of work at any time before the actual resumption.

(4) In the event of such stoppage occurring at any time during working hours, the workers affected shall be notified, as soon as practicable, in the manner specified in sub-section (2) indicating as to when the work will be resumed and whether such workers are to leave or remain at their place of work.

(5) In the case where workers have been directed to stay at their place of work following such stoppage, the workers so detained may not be paid for the period of such detention if it does not exceed one hour, and the workers so detained shall be paid wages for the whole period of such detention if it exceeds one hour.

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

(7) If the period of stoppage of work continues for more than a working day, a worker affected, other than a casual or badli worker, shall be paid wages for day or day by which it will exceed one working day.

(8) If the period of stoppage of work extends beyond three working days, the workers may be laidoff in accordance with the provisions of section 16.

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

(10) For the piece-rate workers affected, their average daily earning in the previous month shall be taken to be the daily wage for the purpose of the sub-section.

13. Closure of establishment :

(1) The employer may, in the event of an illegal strike by any section or department of any establishment, close down either wholly or partly such section or department and the workers participated in the illegal strike shall not be paid any wages for such closure.

(2) Where by reason of closing down of any section or department of any establishment under subsection (1) any other section or department is so affected that it is not possible to keep that section or department open, that section or department may also be closed down and the workers affected thereby shall be paid wages as in the case of lay-off for a period of three days and thereafter they may not be paid any wages for such closure.

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

14. Calculation of 'One year', 'six months' and 'wages' in certain cases :

(1) For the purpose of this chapter, a worker who, during the preceding twelve calendar months, has actually worked in an establishment for not less than two hundred and forty days and one under and twenty days as the case may be shall be deemed to have completed 'one year' or 'six months' respectively of continuous service in the establishment.

(2) For the purpose of calculation of the number of days on which a worker actually worked in an establishment as mentioned in sub-section

(1) the days on which- (a) **the day during which he has been laid-off;**

(b) he has been on leave with or without wages due to sickness or accident;

(c) he has been on legal strike or out of work due to illegal lock-out;

(d) in the case of female worker, she has been on maternity leave not exceeding sixteen weeks; shall be counted.

(3) For the purposes of calculation of compensation under section 19, 20, or 23 or wages under section 22, 23, 26, or 27 'wages' shall mean the average of the basic wages and dearness allowance and adhoc or interim pay, if any, paid to the worker during the period of twelve months immediately preceding the date of his retrenchment, dismissal, removal, discharge, retirement or termination of employment, as the case may be.

15. Restrictions of application of sections 12, 16, 17, and 18. : Notwithstanding anything contained elsewhere in this chapter, the provisions of sections 12, 16, 17, and 18 shall not apply to any establishment in which five or more workers are not employed, or were not employed on any day of the preceding twelve months.