

MGT 202

Labour Law

THE BANGLADESH LABOUR ACT, 2006
(XLII OF 2006)

11th October, 2006

16. Right of laid-off workers for compensation :

- (1) Whenever a worker, other than a badli or casual worker, whose name is borne on the muster-rolls of an establishment and who has completed not less than one year of continuous service under the employer is laid-off, he shall be paid compensation by the employer for all days during which he is so laid-off, except for such weekly holidays as may intervene.**
- (2) The amount of compensation as mentioned in sub-section (1) shall be equal to half of the total of the basic wages and dearness allowance, and ad-hoc or interim pay, if any, and the full amount of housing allowance, if any, that would have been payable to him had he not been so laid-off.**

(3) A badli worker whose name is borne on the muster-rolls of an establishment shall cease to be regarded as 'badli' for the purpose of this section, if he has completed one year of continuous service in the establishment.

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

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

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

(7) In any case where, during a calendar year, a worker is to be laid off after the first forty-five days as aforesaid, for any continuous period of fifteen days or more, the employer may, instead of laying-off such a worker, retrench him under section 20.

17. Muster-roll for laid-off workers : Notwithstanding that the workers employed in an establishment have been laid-off, the employer shall maintain a muster-roll, and provide for the making of entries therein by or for the laid-off workers whom may present themselves for work at the establishment at the appointed time during normal working hours.

18. Laid-off workers not entitled to compensation uncertain cases :

- (1) Notwithstanding anything contained elsewhere in this chapter, no compensation shall be payable to a worker who has been laid-off- (a) if he refuses to accept on the same wages, any alternative employment not requiring any special skill or previous experience, in the same establishment for which he has been laid-off, or in any other establishment belonging to the same employer and situated in the same town or village or situated within a radius of eight kilometers from the establishment;**
- (2) (b) If he does not present himself for work at the establishment at the appointed time during normal working hours at least once a day if so required by the employer.**

19. Death benefit :

If a worker dies while in service after a continuous service of not less than three years, his nominee or in the absence of an nominee, his dependent shall be paid by the employer a compensation at the rate of thirty days wages for every completed year of service, or for any part thereof in excess of six months or gratuity, if any, whichever is higher, in addition to any other benefit to which the deceased worker would have been entitled had he retired from service:

Provided that if such worker is covered by any compulsory insurance scheme of the establishment, or, if any compensation is payable for such death under chapter XII, the worker shall be entitled to whichever is higher.

20. Retrenchment :

- (1) A worker employed in an establishment may be retrenched from service on the ground of redundancy.**
- (2) No worker who has been in continuous service for not less than one year under an employer shall be retrenched by the employer unless-**
 - (a) The worker has been given one month's notice in writing, indicating the reasons for retrenchment, or the worker has been paid in lieu of such notice, wages for the period of notice;**
 - (b) a copy of the notice is sent to the chief Inspector or any other officer authorized by him and also to the collective bargaining agent in the establishment, if any; and**
 - (c) he has been paid, compensation which shall be equivalent to thirty days wages or gratuity for every completed year of service if any, whichever is higher.**

21. Re-employment of retrenched workers :

where any number of workers are retrenched, and the employer proposes to take into his employ any worker within a period of one year from the date of such retrenchment, he shall give an opportunity to the retrenched workers belonging to the particular category concerned by sending a notice to their last known addresses, to offer themselves for employment, and the retrenched workers who so offer themselves for re-employment shall have preference over other retrenched workers, each having priority according to the length of his service under the employer.

22. Discharge from service :

- (i) A worker may be discharged from service for reasons of physical or mental incapacity or continued ill-health certified by a registered medical practitioner.**
- (ii) If a worker who has completed not less than one year of continuous service is so discharged, he shall be paid by the employer compensation at the rate of thirty days wages for every completed year of service, or gratuity, if any whichever is higher.**

Internal Evaluation Examination

On 2nd December 2024

Topics:

23. Punishment for conviction and misconduct

24. Procedure for punishment

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26. Termination of employment by employers otherwise than by dismissal

27. Termination of employment by workers

33. Grievance procedure