

MGT 202

Labour Law

THE BANGLADESH LABOUR ACT, 2006
(XLII OF 2006)

11th October, 2006

CHAPTER : III

EMPLOYMENT OF ADOLESCENT

CHAPTER I PRELIMINARY

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

(viii) 'adolescent' means a person who has completed his fourteenth year but has not completed eighteenth year of age.

34. Prohibition of employment of children and adolescent :

(1) No child shall be employed or permitted to work in any occupation or establishment.

(2) No adolescent shall be employed or permitted to work in any occupation or establishment unless-

(a) a certificate of fitness in the prescribed form and granted to him by a registered medical practitioner is in the custody of the employer ; and

(b) he carries , while at work, a token giving a reference to such certificate.

(3) Nothing in this sub-section (2), shall apply to the employment of any adolescent in any occupation or establishment either as an apprentice or the purpose or receiving vocational training therein:

(4) The Government may, where it is of opinion that an emergency has arisen and the public interest so requires, by notification in the official Gazette, declare that the provisions of this sub-section (2), shall not be in operation for such period as may be specified in the notification.

35. Prohibition of certain agreement in respect of children : Subject to the provisions of this chapter, no person, being the parent or guardian of a child, shall make an agreement, to allow the service of the child to be utilized in any employment.

36. Disputes as to age :

(1) If any question arises as to whether any person is a child or an adolescent, the question shall, in the absence of a certificate as to the age for inspector for decision to a registered medical practitioner.

(2) A certificate as to age of a person granted by a registered medical practitioner as mentioned in sub-section (1), shall be conclusive evidence as to age of the person to whom it relates.

37. Certificate of fitness :

- (1) A registered medical practitioner shall, on the application of any adolescent or his parent or guardian or by the employer whether the concerned adolescent is fit to work in any occupation or establishment, examine such person and shall give his decision as to his fitness: Provided that when such application is made by the adolescent or his parent or guardian, the application shall be accompanied by a document signed by the employer in whose establishment the adolescent is an applicant, stating that such person will be employed if certified to be fit for work.**
- (2) any certificate of fitness granted under this section shall remain valid for a period of twelve months from the date on which it was issued.**
- (3) Any Fee payable for a certificate under this section shall be paid by the employer and shall not be recoverable from the adolescent or his parents or guardians.**

38. Power to require medical examination :

Where an Inspector is of opinion –

- (a) that any person working in an establishment is an adolescent, but he has no certificate of fitness, or**
- (b) that an adolescent working in an establishment with a certificate of fitness is no longer fit to work in the capacity stated therein, he may serve on the employer a notice requiring that such adolescent shall not, be allowed to work until he has been so examined and has been granted a certificate of fitness or has been certified by the registered medical practitioner not to be an adolescent.**

39. Restriction of employment of adolescent in certain work :

No adolescent shall be allowed in any establishment to clean, lubricate or adjust any part of machinery while that part is in motion or to work between moving parts, of any machinery which is in motion.

40. Employment of adolescent on dangerous machines :

(1) No adolescent shall work at any machine unless-

(a) he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed, and-

(b) has received sufficient training in work at the machine, or is under adequate supervision by a person who has thorough knowledge and experience of the machine,

(2) This provision shall apply to such machines as may be notified by the government to be of such a dangerous character that an adolescent ought not to work at them unless the requirements of sub-section (1) are complied with.

(3) The Government may from time to time publish in the official gazette the list of such hazardous works where, no adolescent shall be employed.

41. Working hours for adolescent :

- (1) No adolescent shall be required or allowed to work in any factory or mine, for more than five hours in any day and thirty hours in any week;
- (2) No adolescent shall be required or allowed to work in any other establishment, for more than seven hours in any day and forty-two hours in any week.
- (3) No adolescent shall be required or allowed to work in any establishment between the hours of 7.00 P.M and 7.00 a.m. (4) If an adolescent works overtime, the total number of hours worked, including overtime shall not exceed-
 - (a) in any factory or mine, thirty six hours in any week;
 - (b) in any other establishment, forty eight hours in any week.

(5) the period of work of an adolescent employed in an establishment shall be limited to two shifts which shall not overlap or spread over more than seven and a half hours each.

(6) An adolescent shall be employed in only one of the relays which shall not, except with the previous permission in writing of the Inspector, be changed more frequently than once in a period of thirty days.

(7) The provisions of weekly holiday shall apply also to adolescent workers, and no exemption from the provisions of that section shall be granted in respect of any adolescent.

(8) No adolescent shall be required or allowed to work in more than one establishment in any day.

42. Prohibition of employment of adolescent in underground and under-water work :

No adolescent shall be employed in any underground or underwater work.

43. Notice of periods of work for adolescent :

(1) In every establishment in which adolescent are employed, there shall be displayed in the manner prescribed by rules, a notice of specified periods of work for adolescent.

(2) The periods shown in the notice under sub-section (1) shall be fixed beforehand in the manner laid down for adult workers and shall be such that adolescent working on those periods would not be working in contravention of this Act.

(3) The relevant provisions laid down for adult workers in the occupation or establishment shall also apply to the notice under sub-section (1).

(4) The Government may make rules to prescribe the form of such notice and the manner in which it shall be maintained.

44. Exception in certain cases of employment of children :

(1) Notwithstanding anything contained in this chapter, a child who has completed twelve years of age, may be employed in such light work as not to endanger his health and development or interfere with his education; Provided that the hours of work of such child, where he is school going, shall be so arranged that they do not interfere with his school attendance.

(2) All provisions applicable to adolescent workers under this chapter shall mutatis-mutandis apply to such child workers.