

MGT 202

Labour Law

THE BANGLADESH LABOUR ACT, 2006
(XLII OF 2006)

11th October, 2006

CHAPTER : XII

WORKMEN'S COMPENSATION FOR INJURY BY ACCIDENT

150. Employer's Liability for compensation :

- (1) If personal injury is caused to a worker by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this chapter.**
- (2) The employer shall not be liable to pay compensation-**
 - (a) If- in respect of any injury which does not result in the total or partial disablement of the worker for a period exceeding three days;**
 - (b) in respect of any injury, not resulting in death, caused by an accident which indirectly attributable to-**

- (i) the worker having been at the time thereof under the influence of drink or drugs, or**
- (ii) the wilful disobedience of the worker to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of worker, or**
- (iii) the wilful removal or disregard by the worker of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of worker.**

3. If (a) worker employed in any employment specified in part-A of the third Schedule, attacked with any disease specified therein as an occupational disease peculiar to that of employment, or

(b) a worker, whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any employment specified in part- B of the Third schedule, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section, and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of and in the course of the employment.

151. Amount of compensation :

- (1) Subject to the provisions of this chapter the amount of compensation shall be as follows, namely:**
 - (a) where death results from the injury, a worker in receipt of monthly wages falling within limits shown in the third column of the Fifth Schedule the amount shown against such limit thereof;**
 - (b) where permanent total disablement results from the injury-**
 - (i) in the case of an adult limits shown in Fifth Schedule the amount shown against such limits in the third column thereof; and**
 - (ii) in the case of a minor- taka ten thousand;**

152. Method of calculating wages :

(1) In this chapter and for the purpose thereof the expression 'monthly wages' means the amount of wages deemed to be payable for a month's service, whether the wages are payable by the month or by whatever other period or at piece rates.

153. Review :

- (1) Any monthly payment payable under this chapter, either under an agreement between the parties or under the order of a Labour court, may be reviewed by the Labour court, if-
 - (a) on the application either of the employer or of the worker accompanied by the certificate of a registered medical practitioner that there has been a change in the condition of the worker, or
 - (b) on such application without medical certificate on the ground that the determination of compensation was obtained by fraud or under influence or other improper mean or that in such determination there is a mistake or error apparent on the face of the record.

154. Commutation of monthly payments :

- (1) The employer may pay lump sum amount as monthly payments, by agreement between the parties or,**
- (2) If the parties do not agree as such and the payments have been continued for not less than six months, on the application of either party to the Labour court be redeemed by the payment a lump sum of such amount as may be determined by the Labour court.**

155. Distribution of compensation :

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