

MGT 202

Labour Law

THE BANGLADESH LABOUR ACT, 2006
(XLII OF 2006)

11th October, 2006

CHAPTER TWO

CONDITIONS OF SERVICE AND EMPLOYMENT

3. Conditions of employment : (1) In every establishment employment of workers and other matters incidental thereto shall be regulated in accordance with the provisions of this chapter:

Provided that any establishment may have its own rules regulating employment of workers, but no such rules shall be less favorable to any worker than the provisions of this chapter.

(2) The service rules in any establishment as mentioned in the proviso to sub-section (1) shall be submitted for approval by the employer of such establishment to the chief inspector who shall, within six months of the receipt thereof make such order therein as he deems fit.

(3) No service rules as mentioned in sub-section (2) shall be put into effect except with the approval of the chief Inspector.

(4) Any person aggrieved by the order of the chief Inspector may, within thirty days of the receipt of the order, may prefer appeal to the Government and the order of the Government on such appeal shall be final.

(5) Nothing provided in sub-section (2) shall apply to an establishment which is owned by or under management or control the Government.

4. Classification of workers and period probation: (1) workers employed in any establishment shall be classified in any of the following classes according to the nature and condition of work; namely

- (a) apprentice,**
- (b) badli,**
- (c) casual,**
- (d) temporary,**
- (e) probationer, and**
- (f) permanent.**

(2) A worker shall be called an apprentice if he is employed in an establishment as a learner, and is paid an allowance during the period of his training.

(3) A worker shall be called a badli if he is employed in an establishment in the post of a permanent worker or of a probationer during the period who is temporarily absent.

(4) A worker shall be called a casual worker if his employment in an establishment is of casual nature.

(5) A worker shall be called a temporary worker if he is employed in an establishment for work which is essentially of temporary nature, and is likely to be finished within a limited period.

(6) A worker shall be called a probationer if he is provisionally employed in an establishment to fill a permanent vacancy in a post and has not completed the period of his probation in the establishment.

(7) A worker shall be called a permanent worker if he is employed in an establishment on a permanent basis or if he has satisfactory completed the period of his probation in the establishment.

8) The period of probation for a worker whose function is of clerical nature shall be six months and for other workers such period shall be three month:

Provided that in the case of a skilled worker, the period of probation may be extended by an additional period of three months if, for any circumstances, it has not been possible to determine the quality of his work within the first three months' period of his probation.

(9) If any worker, whose service has been terminated during his probationary period, including the extended period, is again appointed by the same employer within a period of three years, he shall, unless appointed on a permanent basis, be deemed to a probationer and the period or periods of his earlier probation shall be counted for determining his total period of probation.

(10) If a permanent worker is employed as a probationer in a new post, he may at any time during the probationary period, be reverted to his old permanent post.

5. Letter of Appointment and Identity Card : No employer shall employ any worker without giving such worker a letter of appointment and every such employed worker shall be provided with an identity card with photograph.

6. Service book : (1) Every employer shall, at his own cost, provide a service book for every worker employed by him.

(2) Such service book shall be kept in the custody of the employer.

(3) Before employing a worker, the employer shall require from him the previous service book if the worker claims that he has been previously in employment under any other employer.

(4) If such worker has any service book, it shall be handed over to the new employer by him and shall be kept in the custody of the employer, for which a receipt shall be given to him.

(5) If such worker has no service book, a service book shall be provided under sub-section (1)

(6) If the worker desires to keep and maintain a duplicate copy of his service book, he may do it at his own cost.

(7) The employer shall hand over the service book to the worker on the termination of the workers' service with him.

(8) If the service book handed over to the worker or the duplicate thereof maintained by him is lost by the worker, the employer shall provide him with a duplicate service book at the cost of the worker.

(9) Nothing in this section shall apply to an apprentice, badli or casual worker."

7. Form of service Book :

(1) The service book shall be of such size and in such form as may be prescribed and photograph of the worker shall be affixed to it.

(2) The service book shall contain the following particulars, namely:

(a) name of the worker, name of mother and father and address of the worker, (in appropriate case name of husband/ wife shall be written)

(b) date of birth,

(c) particulars necessary for identification,

(d) name and address of the employer under whom previously employed, if any,

(e) period of employment,

(f) occupation or designation,

(g) wages and allowance, if any,

(h) leave availed, and

(i) conduct of the worker.