

MGT 202

Labour Law

THE BANGLADESH LABOUR ACT, 2006
(XLII OF 2006)

11th October, 2006

CHAPTER : IV

MATERNITY BENEFIT

CHAPTER I PRELIMINARY

(xxxiv) 'maternity benefit' means the sum of money payable under the provisions of chapter IV to a woman worker with leave;

45. Employment of women worker prohibited during certain period :

- (1) No employer shall knowingly employ a woman in his establishment during the eight weeks immediately following the day of her delivery.
- (2) No woman shall work in any establishment during the eight weeks immediately following the day of her delivery.
- (3) No employer shall employ any woman for doing any work which is of an arduous nature or which involves long hours of standing or which is likely to adversely affect her health; if

She has reason to believe or if she has informed him that she is likely to be delivered of a child within ten weeks; she has to the knowledge of the employer been delivered of a child within the preceding ten weeks:

Provided that in case of tea plantation worker, a woman worker can undertake light work if and for so long as the medical practitioner of the concerned tea estate certifies that she is physically fit to do so ;

and, for the days that she does such work, she shall be paid at the prevailing rate of pay for such work, and such pay shall be paid to her in addition to the maternity benefit which she may be entitled to receive under existing this Act.

46. Right to, and liability for, payment of maternity benefit :

(1) every woman employed in an establishment shall be entitled to and her employer shall be liable for, the payment of maternity benefit in respect of the period of eight weeks preceding the expected day of her delivery and eight weeks immediately following the day of her delivery :

Provided that a woman shall not be entitled to such maternity benefit unless she has worked under the employer, for a period of not less than six month immediately preceding the day of her delivery.

(2) No maternity benefit shall be payable to any woman if at the time of her confinement she has two or more surviving children, but in that case she shall be entitled to the leave to which she would otherwise be entitled.

47. Procedure regarding payment of maternity benefit :

(1) Any pregnant woman entitled to maternity benefit under this act may, on any day, give notice either orally or in writing to her employer that she expects to be confined within eight weeks next following and may therein nominate a person for purposes of receiving payment of maternity benefit in case of her death.

(2) Any woman who has not given such notice and has been delivered of a child, shall within seven days, give similar notice to her employer that she has given birth to a child.

(3) When a notice referred to in sub-section (1) or (2) is received, the employer shall permit the women to absent herself from work from the day following the date of notice in the case mentioned in sub-section (1); from the day of delivery in the case mentioned in sub-section (2) until eight weeks after the day of delivery.

(4) An employer shall pay maternity benefit to a woman entitled thereto in such one of the following ways as the woman desire, namely :

(a) for eight weeks, within three working days of the production of a certificate signed by registered medical practitioner stating that the woman is expected to be confined within eight weeks of the date of the certificate, and for the remainder of the period for which she is entitled to maternity benefit under this act within three working days of the production of proof that she has given birth to a child; or

(b) for the said period up to and including the day of delivery, within three working days of the production of proof that she has given birth to a child, and for the remainder of the said period, within eight weeks of the production of such proof; or

(c) for the whole of the said period, within three working days of the production of proof that she has given birth to a child: Provided that a woman shall not be entitled to any maternity benefit or any part thereof, the payment of which is dependent upon the production of proof under this sub-section that she has given birth to a child, unless such proof is produced within three months of the day of her delivery.

(5) The proof required to be produced under sub-section (4) shall be either a certified extract from a birth register under the births and deaths registration act, 2004 (XXIX of 2004) or a certificate signed by a registered medical practitioner or such other proof as may be accepted by the employer.

48. Amount of maternity benefit :

(1) The maternity benefit which is payable under this act shall be payable at the rate of daily, weekly or monthly average wages, as the case may be, calculated in the manner laid down in sub-section (2), and such payment shall be made wholly in cash.

(2) For the purpose of sub-section (1) the daily, weekly or monthly average wages, as the case may be, shall be calculated by dividing the total wages earned by the woman during the three months immediately preceding the date on which she gives notice under this act by the number of day she actually worked during the period.

49. Payment of maternity benefit in case of a woman's death :

(1) If a woman entitled to maternity benefit under this act dies at the time of her delivery or during the next period of 8 months, the employer shall pay the amount of maternity benefit due, if the newly born child survives her, to the person who undertakes the care of the child, and if the child does not survive her; to the person nominated by her under this chapter, or if she has made no such nomination, to her legal representative.

(2) If a woman dies during the period for which she is entitled to maternity benefit but before giving birth to a child, the employer shall be liable only for the period up to and including the day of her death, provided that any sum already paid to her in excess of such liability shall not be recoverable from her legal representative, and any amount due at the woman's death shall be paid to the person nominated by her under this chapter, or if she has made no such nomination, to her legal representative.

50. Restriction on termination of employment of a woman in certain cases :

If any notice or order of discharge, dismissal, removal or termination of employment is given by an employer to a woman within a period of six month before and eight weeks after her delivery and such notice or order is given without sufficient cause, she will not be deprived of any maternity benefit to which she would have become entitled under this chapter.