

Bangladesh - National legislation on caste-related labour rights

Constitution of Bangladesh

Part II of the Constitution of Bangladesh lists the Fundamental Principles of State. Some of the State Policies relevant to elimination of caste-based discrimination are listed below:

- i) *Article 10: A socialist economic system shall be established with a view to ensuring the attainment of a just and egalitarian society, free from the exploitation of man by man.*
- ii) *Article 14: It shall be a fundamental responsibility of the State to emancipate the toiling masses the peasants and workers and backward sections of the people from all forms of exploitation.*
- iii) *Article 15: It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people, with a view to securing to its citizens – (b) the right to work, that is the right to guaranteed employment at a reasonable wage having regard to the quantity and quality of work;*
- iv) *Article 19: (2) The State shall adopt effective measures to remove social and economic inequality between man and man and to ensure the equitable distribution of wealth among citizens, and of opportunities in order to attain a uniform level of economic development throughout the Republic.*
- v) *Article 20: (1) Work is a right, a duty and a matter of honour for every citizen who is capable of working, and everyone shall be paid for his work on the basis of the principle "from each according to his abilities, to each according to his work".*

Part III of the Constitution of Bangladesh lists the Fundamental Rights guaranteed to every citizen. The rights relevant to elimination of caste based discrimination are mentioned below:

Article 28: (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.

Article 34: (1) All forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Article 38: Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interests of morality or public order.

Bangladesh Labour Law 2006

An Act to amend and consolidate the laws relating to employment of workers, relations between workers and employers, determination of minimum rates of wages, payment of wages, compensation for injuries to workers during working hours, formation of trade unions, raising and settlement of industrial disputes, health, safety, welfare and working conditions and environment of workers and apprenticeship and matters ancillary thereto.

- Section 3(A). Registration of contracting agency:
(1) Notwithstanding anything contained otherwise in any other law, no contracting agency, by whatever name called, which, on contract, supplies workers to different organizations in different posts shall do so, unless it is registered by the Government.
(Explanation: For carrying out the purposes of this section, “worker” shall also include the security personnel, driver, etc.]
- Section 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.
- Section 11: Payment of wages for unavailed leave:
If the service of a worker terminates, due to retrenchment, discharge, removal, dismissal, retirement, resignation or any other reason and any annual leave is due to him, the employer shall pay him wages in lieu of the unavailed leave at the rate he is entitled to the payment of wages during the period of leave in accordance with the provisions of this Act.
- Section 29: Payment of Provident Fund:
If a worker is a member of any Provident Fund and is entitled to any benefit from such Fund including the employer’s contribution under the rules of the Fund, he shall not be deprived of such benefit due to retrenchment, discharge, dismissal, retirement, removal or termination of service.
- Section 30: Time for final payment of dues of worker:
Where the employment of a worker ceases due to retirement, discharge, retrenchment, dismissal, termination or any other reason, . all amounts due to him shall be paid by the appointing authority within a maximum period of 30 (thirty) working days following the date of cessation of his employment.
- Section 31: Certificate of service:
Every worker, other than a casual or substitute worker, shall be entitled to get a certificate relating to service from his employer at the time of his retrenchment, discharge, dismissal, removal, retirement or termination of service.
- Section 46: Right to maternity benefit and liability for its payment:
 - 1) *Every woman worker shall be entitled to maternity benefit from her employer for the period of 8 (eight) weeks¹ preceding the expected day of her delivery and 8 (eight) weeks immediately following the day of her delivery, and her employer shall be bound to give her this benefit: Provided that a woman shall not be entitled to such benefit unless she has worked under her employer for a period of not less than 6 (six) months immediately preceding the day of her delivery.*
- Section 100: Daily working hour:
*No adult worker shall ordinarily work or be required to work in an establishment for more than 8 (eight) hours in a day:
 Provided that subject to the provisions of section 108, any such worker may work in an establishment upto 10 (ten) hours also in a day.*
- Section 121: Responsibility for payment of wages:
Every employer shall be liable to pay to workers employed by him all wages required to be paid under this Act.
- Section 123: Time of payment of wages:
 - (1) *The wages of a worker shall be paid before the expiry of the seventh working day following the last day of the wage period in respect of which the wages is payable.*

- Section 140: Power to declare minimum rate of wages:
 - (1) *Upon receipt of the recommendation of the Wages Board under section 139, the Government may, by notification in the official Gazette, declare that the minimum rates of wages recommended by the Wages Board for the various workers shall, subject to such exception as may be specified in the notification, be the minimum rates of wages for such workers.*
- Section 148: Minimum wages to be binding on all employers

The Prevention and Suppression of Human trafficking Act, 2012:

Section 2(15): *“exploitation” or “oppression” means, but shall not be limited to, the following action done against any person with or without his or her consent:*

(c) receiving forced labour or service

(d) debt-bondage, slavery or servitude, practices similar to slavery, or servitude in household

(Section 2(3) defines “debt bondage” as the condition that arises from a pledge by a person of his personal service or labour as security for a debt actually owed or unlawfully claimed to be owed by that person, but the value of the service or labour is not deemed to be paid the debt, or the service or labour is unlimited.

Section 2(4) defines “forced labour” as any work or service that is exacted from any person under the threat to loss or damage to life, liberty, right, property or reputation of the person.

Section 2(6) defines “slavery” as the reduction of status and position of any person to a condition in which he is controlled or treated as property by another person and shall also include a condition arising from a debt or contract made by that person.)

Section 2(16): “Organised criminal group” means an organization of a group of two or more persons, irrespective of their nationality and where ever they are, which exists for a specific period and the member of it act together with a view to committing offences under this Act.