

# Annex

**THE BANGLADESH LABOUR ACT, 2006**  
**(XLII of 2006)**

CHAPTER—XIII

TRADE UNIONS AND INDUSTRIAL RELATIONS

175. Special definition of 'worker' : In this Chapter, unless there is anything repugnant in the subject or context, 'worker' means a worker as defined in section 2(LXXV), and includes, for the purpose of any proceedings under this Chapter in relation to an industrial dispute, a person who has been dismissed, discharged, retrenched, laid off or otherwise removed from employment in connection with or as a consequence of that dispute or whose dismissal, discharge, retrenchment, lay off or removal has led to that dispute, but does not include a person employed as a member of the watch and ward or security staff or fire-fighting staff or confidential assistant of any establishment.

176. Trade unions of workers and employers: Subject to the provisions of this Chapter,-

- (a) Workers, without distinction whatsoever, shall have the right to form trade union primarily for the purpose of regulating the relations between workers and employers or workers and workers and, subject to the constitution of the union concerned, to joint trade union of their own choosing ;
- (b) Employers, without distinction whatsoever, shall have the right to form trade union primarily for the purpose of regulating the relations between employers and workers or employers and employers and, subject to the constitution of the union concerned, to join trade union of their own choosing ; and
- (c) Trade unions of workers and employers shall have the right to form and join federations and any such union and federation shall have the right to affiliate with any international organisation and confederation of worker's or employers organisations.
- (d) Trade unions and employers' associations shall have the right to draw up their constitutions and rules, to elect their representatives

in full freedom, to organise their administration and activities and to formulate their programmes;

177. Application for registration : Any trade union may, under the signature of its president and secretary, apply for registration of the trade union to the Trade Unions of the concerned area under this Chapter.

178. Requirements for application : (1) An application for registration of a trade union shall be made to the Director of Labour or to the Officer authorised in this behalf

(2) The application shall be accompanied by—

(a) a statement showing—

(i) the name of the trade union and the address of its head office ;

(ii) date of formation of the union ;

(iii) the names, ages, addresses, occupations and the posts in the union of the officers of the trade union ;

(iv) statement of total paid membership ;

(v) the name of the establishment to which the trade union relates and the total number of workers employed or engaged therein ;

(vi) in case of a federation of trade unions, the names, addresses and registration numbers of member-unions ;

(b) three copies of the constitution of the trade union together with a copy of the resolution by the members of the trade union adopting such constitution bearing the signature of the Chairman of the meeting ;

(c) a copy of the resolution by the members of the trade union authorising its President and Secretary to apply for its registration ; and

(d) in case of a federation of trade unions a copy of the resolution from each of the constituent unions agreeing to become a member of the federation.

(3) The Director of Labour or the officer authorised in this behalf shall, on receipt of an application under sub-section (1), forthwith send a copy thereof along with the list of officers of the union to the employer concerned for information.

Provided that in case where the applicant is a federation of trade unions, a public notice showing the names of the officers of the union shall be published at the expenses of the applicant.

179. Requirements for registration: (1) A trade union shall not be entitled to registration under this Chapter unless the constitution thereof provides for the following matters, namely:

- (a) the name and address of the trade union ;
- (b) the objects for which the trade union has been formed ;
- (c) the manner in which a worker may become a member of the trade union specifying therein that no worker shall be enrolled as its member unless he applies in the form set out in the constitution declaring that he is not a member of any other trade union ;
- (d) the sources of the fund of the trade union and statement of the purposes for which such fund shall be applicable ;
- (e) the conditions under which a member shall be entitled to any benefit assured by the constitution of the trade union and under which any fine or forfeiture may be imposed on him;
- (f) the maintenance of a list of the member of the trade union and of adequate facilities for the inspection thereof by the officers and members of the trade union ;
- (g) the manner in which the constitution shall be amended, varied or rescinded ;
- (h) the safe custody of the funds of trade union, its annual, audit, the manner of audit and adequate facilities for inspection of the books of account by the officers and members of trade union ;
- (i) the manner in which the trade union may be dissolved ;
- (j) the manner of election of officers by the general body of the trade union and the term, not less than two years and not exceeding three years, for which an officer may hold office;
- (k) the number of members of the executive which shall not be less than five and more than thirty-five as may be prescribed by rules;
- (l) the procedure for expressing want of confidence in any officer of the trade union ; and

(m) the meetings of the executive and of the general body of the trade union, so that the executive shall meet at least once in every three months and the general body at least once every year.

(2) A trade union of workers shall not be entitled to registration under this Chapter unless it has a minimum membership of thirty percent of the total number of workers employed in the establishment in which it is formed :

Provided that more than one establishments under the same employer, which are allied to and connected with the another for the purpose of carrying out the same industry irrespective of their place of situation, shall be deemed to be one establishment for the purpose of this sub-section.

(3) Where any doubt or dispute arises as to whether any two or more establishments are under the same employer or whether they are allied to or connected with one another for the purpose of carrying on the same industry the matter may be referred to the Director of Labour for decision.

(4) Any person aggrieved by a decision of the Director of Labour under sub-section (3) may, within thirty days of the decision, prefer an appeal to the Labour Court ; and the decision of the Labour Court shall be final.

(5) Not more than three trade unions shall be registered in any establishment.

180. Disqualification for being an officer or a member of a trade union: (1) Notwithstanding anything contained in the constitution of a trade union, a person shall not be entitled to be, or to be elected as a member or an officer of a trade union if-

- (a) he has been convicted of an offence involving moral turpitude or an offence under section 196(2) (d) or section 298 and unless two years have elapsed from the date of his release;
- (b) he is not employed or engaged in that establishment in which the trade union is formed;

(2) Nothing in sub-section (1) (b) shall apply to any federation of trade unions.

181. Registered trade union to maintain register, etc. : Every registered trade union shall maintain the following registers and books in such form as may be prescribed :

- (a) a register of members showing particulars of subscriptions paid by each member;
- (b) an accounts book showing receipts and expenditure ; and
- (c) a minute book for recording the proceedings of meetings.

182. Registration : (1) The Director of Labour, on being satisfied that a trade union has complied with all the requirements of this Chapter, shall register the trade union in a prescribed register and issue a registration certificate in the prescribed form within a period of sixty days from the date of receipt of the application for registration.

(2) If the Director of Labour finds the application to be deficient in any material respect, he shall communicate in writing his objection to the trade union within a period of fifteen days from the receipt of the application and the trade union shall reply thereto within a period of fifteen days from the receipt of the objection.

(3) When the objection raised by the Director of Labour has been satisfactorily met, the Director of Labour shall register the trade union as provided in sub-section (1) and if the objection is not met satisfactorily he shall reject the application.

(4) When the application has been rejected or the Director of Labour has, after settlement of the objection delayed disposal of the application beyond the period of sixty days provided in sub-section (1), the trade union may, within a period of thirty days from the date of such rejection or the date of expiry of such period, whichever is earlier, appeal to the Labour Court.

(5) The Labour Court, after hearing the appeal, for reasons to be stated in its judgment, may pass an order directing the Director of Labour to register the trade union and to issue a certificate of registration within a period of seven days from the date of order or may dismiss the appeal.

(6) Any party aggrieved by the judgment passed by the Labour Court under sub-section (5) may prefer appeal to the Labour Appellate Tribunal within 30 (thirty) days from the date of receipt of the order of the Labour Court.

183. Registration of trade unions in a group of establishment : (1) Notwithstanding anything contained in this Chapter, for the purpose of formation of a trade union any group of establishments shall be treated as

an establishment, and no separate trade union shall be formed in any establishment included in the group of establishments..

(2) A group of establishments shall, for the purposes of this section, mean all the establishments, none of which employs more than twenty workers, in a specified area carrying on the same or similar specified industry.

(3) Notwithstanding anything contained in sub-section (2), all the establishments, irrespective of the number of workers employed therein, in a specified area carrying on any of the following industries shall be deemed to be a group of establishments for that area, namely:

- (a) private road transport, including rickshaw ;
- (b) private inland river transport ;
- (c) tailoring and garments manufacturing industry wherein less than 100 workers are employed ;
- (d) tea industry;
- (e) jute bailing ;
- (f) tennary ;
- (g) bidi ;
- (h) handloom ;
- (i) hosiery ;
- (j) printing press ;
- (k) hotels or motels where number of guest rooms does not exceed twenty-five ;
- (l) restaurant not forming part of a hotel ;
- (m) small-scale metal industry ;
- (n) book-binding ;
- (o) cinema and theatre :

Provided that the Government may, if it deems fit so to do in the national interest, by notification in the official Gazette, add any industry to this list of industries.

(4) Specified area as mentioned in sub-section (2) or (3) shall mean such area specified for specific industries published by notification in the official Gazette, by the Government; and such area may be at national,

regional or local level, as may be expedient; and different areas may be specified for different industries.

(5) Specified industries as mentioned in sub-section (2), shall mean such industries which, the Government, may by notification in the official Gazette, specify for the purpose.

(6) A trade union for a group of establishments shall be registered, if it has as its members not less than thirty percent of the total number of workers employed in the entire group of establishments taken together ;

(7) Notwithstanding anything contained in this Chapter A person who is not employed or engaged in an establishment may be entitled to be, or to be elected as, an officer of any trade union, formed in any group of establishments, if the constitution of such trade union provides for election of such person:

Provided that, the number of such persons shall not in any case be more than one-fourth of the total number of its off officers.

(8) Subject to this section other provisions of this Chapter shall apply to a trade union formed in a group of establishments as they apply to a trade union formed in an individual establishment.

184. Registration of trade union in civil aviation establishments : (1) Notwithstanding anything contained in this Chapter, where any recognised international organisation exists in respect of any specialised and skilled trade, occupation or service in the field of civil aviation, the workers engaged in such trade, occupation or service in a civil aviation establishment in Bangladesh may form trade union of their own, if such trade union is necessary for affiliation with such international organisation.

(2) Only one trade union may be formed by the workers engaged in each such trade, occupation or service in a Civil aviation establishment.

(3) No such trade union shall be registered unless more than half of the total number of workers engaged in the trade, occupation or service concerned apply in writing for such registration stating the international organisation with which it shall be affiliated.

(4) The registration of such trade union shall be liable to be cancelled if it is not affiliated to the international organisation concerned within six months of its registration or has ceased to be so affiliated.



185. Registration of trade union by seamen : (1) Notwithstanding anything contained in this Chapter, Bangladeshi seamen normally serving in oceangoing ships may form trade union of their own.

(2) No seamen shall be a member of such trade union unless he has a continuous discharge certificate or an appointment letter showing his employment as a seaman in any establishment engaged in merchant shipping.

(3) Only one trade union of seamen shall be registered under this Chapter.

186. Conditions of service to remain unchanged while application for registration pending: (1) No employer shall, while an application for registration of a trade union is pending, alter, without prior permission of the Director of Labour, to the disadvantage of any worker who is an officer of such trade union the conditions of service applicable to him before the receipt of the application by the Director of Labour.

(2) Notwithstanding anything contained in section 26 no employer shall, while an application for registration of a trade union is pending, terminate the employment of any worker who is a member of such trade union under that section.

188. Certain changes in the constitution and executive to be notified: (1) Every alteration made in the constitution of a registered trade union, every change of its officers and change of its name and address shall be notified by the trade union by registered post or by hand to the Director of Labour within fifteen days of such alteration or change ; and the Director of Labour shall forthwith send a copy of the same to the employer concerned.

(2) The Director of Labour may refuse to register such alteration or change if it is in contravention of any of the provisions of this Chapter, or if it is in violation of the constitution of the trade union.

(3) Every inclusion or exclusion of any constituent unit of a federation of trade unions shall be notified by the federation by registered post to the Director of Labour within sixty days of such inclusion or exclusion.

**(4) In case there is a dispute in relation to the change of officers of a trade union, or any trade union is aggrieved by the refusal of the Director of Labour under sub-section (2), any officer or member of the trade union may appeal to the Labour Court.**

**(5) The Labour Court, shall within seven days of receipt of the appeal under sub-section (4), pass an order either directing the Director of Labour to register the alteration or change in the constitution or in the officers of the trade union or may, for reasons to be recorded in writing, direct the Director of Labour to hold fresh elections of the union under his supervision.**

**189. Certificate of registration : The Director of Labour, on registering a trade union under section 182, shall issue a certificate of registration in the prescribed form which shall be conclusive evidence that the trade union has been duly registered under this Chapter.**

190. Cancellation of registration : (1) Subject to the other provisions of this section, the registration of a trade union may be cancelled by the Director of Labour if the trade union has—

- (a) applied for cancellation of registration;
- (b) ceased to exist ;
- (c) obtained registration by fraud or by misrepresentation of facts ;
- (d) contravened any of the basic provisions of its constitution ;
- (e) committed any unfair labour practice ;
- (f) a membership which has fallen short of the number of membership required under this Chapter ; and
- (g) contravened any of the provisions of this Chapter or the Rules.

(2) Where the Director of Labour is satisfied on enquiry that the registration of a trade union should be cancelled, he shall submit an application to the Labour Court praying for permission to cancel such registration.

(3) The Director of Labour shall cancel the registration of a trade union within thirty days from the date of receipt of a permission from the Labour Court.

(4) The registration of a trade union shall not be cancelled on the ground mentioned in sub-section (1) (e) if the unfair labour practice is not committed within three months prior to the date of submission of the application to the Labour Court.

191. Appeal against permission, etc. : (1) Any person, aggrieved by an order of the Labour Court granting the prayer for permission to cancel registration of a trade union or rejecting such prayer under section 190 or

by an order of cancellation of the registration of a trade union made by the Director of Labour under that section may, within thirty days from the date of the order, appeal to the Tribunal and the decision of the Tribunal thereon shall be final.

(2) Where an appeal is filed under sub-section (1), the trade union shall be permitted to function as such till the disposal of the appeal.

192. No trade union to function without registration : (1) No trade union which is unregistered or whose registration has been cancelled shall, subject to section 191(2), function as a trade union.

(2) No person shall collect any subscription, other than enrollment fee, any fund of a trade union mentioned in sub-section (1).

193. Restriction on dual membership : No worker or employer, shall be entitled to enroll himself, as, or to continue to be, a member of more than one trade union at the same time.

194. Incorporation of registered trade union: (1) Every registered trade union shall be a body corporate by the name under which it is registered, shall have perpetual succession and a common seal and the power to contract and to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue or be sued.

(2) The Societies Registration Act, 1860 (XXI of 1860), the Co-operative Societies

Ordinance, 1985 (Ordinance I of 1985) and the Companies Act, 1994 (XVIII of 1994), shall not apply to any registered trade union and the registration of any trade union under any of these Acts shall be void.

200. Registration of federation of trade unions : (1) Any two or more registered trade unions formed in establishments engaged, or carrying on, similar or identical industry may, if their respective general bodies so resolved, constitute a federation by executing an instrument of federation and apply for the registration of the federation:

Provided that a trade union of workers shall not join a federation which comprises a trade union of employers nor shall a trade union of employers join a federation which comprises a trade union of workers.

(2) An instrument of federation referred to in sub-section (1) shall, among other things, provide for the procedures to be followed by the

federate trade unions and rights and responsibilities of the federation and the federated trade unions.

(3) An application for the registration of a federation of trade unions shall be signed by the presidents of all the trade unions constituting the federation or by the officers of these trade unions respectively authorised by the trade unions in this behalf and shall be accompanied by three copies of the instrument of federation referred to in sub-section (1).

(4) Subject to this Chapter shall, so far as may be and with necessary modifications, apply to a federation of trade union as they apply to a trade union.

**(5) Notwithstanding anything contained in the foregoing sub-sections not less than 20 trade unions formed in different types of industries may, jointly, constitute a federation on national basis.**