

22 November 2021

Press Release

High Court Questions Adequacy of Compensation under Bangladesh Labour Act and Calls to form a Committee to Review and Report Court

Today, on 22 November 2021, the Hon'ble High Court issued Rule upon the Ministry of Law, Justice and Parliamentary Affairs and the Ministry of Labour and Employment to show cause as to why they should not be directed to take necessary action to amend Chapter XII and Schedule 5 of the Labour Act 2006 to ensure adequate compensation for workplace death and injuries and why the current provisions should be declared as unlawful.

The Hon'ble court also directed the Respondent No. 1 and 2 to set up a committee comprising all relevant stakeholders to review the relevant Sections and Schedule of Bangladesh labour Act, 2006 and determine the criteria for calculating compensation and establish a 'stand-alone compensation scheme' and make a report and to provide the same to the Hon'ble court within a period of 03 (three) months.

The Rule was issued by a Division Bench of the High Court Division of the Supreme Court of Bangladesh, comprising Mr. Justice M. Enayetur Rahim and Mr. Justice Md. Mostafizur Rahman.

The writ petition was filed by four organizations, the Bangladesh Legal Aid & Services Trust (BLAST), Ain o Shalish Kendra (ASK), the Bangladesh Environment Lawyers Association (BELA) and Safety and Rights Society (SRS). The petitioners were represented by Barrister Aneek R Haque, assisted by Barrister Sharmin Akter and Adv. Shainuzzaman. Deputy Attorney General Bipul Bagmer appeared for the State.

Background:

In recent years workers have repeatedly lost their lives and suffered life changing and devastating injuries in a number of major industrial disasters, including the Spectrum Garments collapse in 2006, the fire in Tazreen Garments in 2012, the Rana Plaza building collapse in 2013 and the fire in Tampaco Industry in 2016 and most recently the Shezan Juice Factory Fire in 2021. Compensation under the Bangladesh Labour Act for death and permanent disablement (be it total or partial) is payable on a lump sum basis. Therefore, if a worker is killed in the workplace, their dependents are entitled to a fixed sum of only 200,000 BDT, irrespective of the worker's specific earnings or age. The amount of compensation for permanent total disablement is also fixed as 250,000 BDT. This compensation is fundamentally inadequate and set arbitrarily, with total disregard to the full extent of the losses faced by the victims, and therefore results in injustice to the workers and their family members at the instant

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Ain o Salish Kendra (ASK)
A Legal Aid & Human Rights Organisation



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case. The Petitioners filed this writ petition to ensure that a framework is in place ensuring adequate compensation to the victims of workplace death and injuries under Bangladesh Labour Act, 2006.

For further information, contact

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