
The Bangladesh Labor Law 2006 :
Safety Provisions and Practices for Workers Working in
Construction Sector of Bangladesh

Term Paper

**The Bangladesh Labor Law 2006 :
Safety Provisions and Practices for Workers Working in
Construction Sector of Bangladesh**

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To

Mr. Iqbal Ahmad

Professor

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Subject: Submission of the term paper.

Dear Sir

As a part of the course requirement, I am submitting this term paper titled as “*The Bangladesh Labor Code 2006 : Safety Provisions and Practices for Workers Working in Construction Sector of Bangladesh*”.

This report focuses on the labor rights, Safety of construction workers in the construction sites and in case of any accident, the provisions for compensation received by the victim. Then, on the basis of The Bangladesh Labor Code 2006, a thorough evaluation of the sector is presented with relevant suggestions.

Throughout the work, it was a rewarding and enlightening experience for me to prepare this report. I sincerely hope you will appreciate my sincere effort.

Sincerely yours

(Saad Mohammad Andaleeb)

Roll # 11, Sec – A

MBA, Batch 40 (Day)

Acknowledgement

The term paper titled as “*The Bangladesh Labor Code 2006 : Safety Provisions and Practices for workers working in construction sector of Bangladesh*” is a requirement for the partial fulfillment of course *L501 : Legal Environment of Business*. The best efforts have been given to focus on the overall objective of the paper.

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I am solely indebted to my parents and to my family for their patience and efforts that helped me to be what I am today. Lastly, I would like to pay my utmost respect to the Almighty Allah, for granting me this wonderful opportunity to work and to live.

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Executive Summary

The construction industry is one of the most promising industries of Bangladesh, currently contributing as much as 12-14% of the total GDP with an annual turnover of over 14.50 billion BDT and employing a huge workforce of more than 1.6 million. Of these 1.6 million employees, only 0.1 million are described as Engineers, Architects or Management Officials. Rest 1.5 million is composed of skilled, semi-skilled or unskilled workers who employ their manual labor to run this industry.

Construction works by its very nature are an intensely physical and dangerous profession. The real irony is, despite being the main driving force of the industry these construction workers are often deprived of their minimum safety requirements. They work in a very bad working environment where they face physical injury each and every day. A visit to some construction sites located in prime locations of Dhaka city and maintained by the leading construction companies of Bangladesh proves this point.

More than half of the sites visited to prepare this report failed to the scale of minimum safety precautions, even though the management of each company claimed to have an excellent safety facility in their sites. However, most workers were seen to be ignorant and reluctant about practicing the safety precautions when interviewed and commented their current safety measures as sufficient. The workers have accepted the dangers of the profession as the part of the business and have learned to live with it. On the other hand, compensation practice following a severe accident is also not followed as per Labor Law 2006. The main instrument for compensation seems to be some sort of mutual settlement which ends up in a one time cash payment.

It was found that the current Labor Law cannot totally cover the existing scenario of the construction sector. Corresponding corrections should be done to make it even more fruitful to the construction worker. But the best solution could be to develop a separate law, guideline or rule for this sector as this sector is quite unique than the other industries.

General Introduction

1.1 Introduction

Being a developing country with a fairly rising and steadily booming economy, Bangladesh is experiencing huge infrastructure development over the last two decades or so. In Bangladesh, the term Infrastructural Development mostly indicates to the construction of buildings of other structures as well as constructions of roads, bridges and others. While roads, bridges and other forms of national backbone are usually financed and backed by the government, the field of building construction or any other form of structure construction is mostly lead by the private sector with very little concern from the government.

Even with a long history and rich experience of construction practice, the individuals behind these massive works – both white collar and blue collar personnel – are seem not quite aware or motivated towards the implementations of the labor laws in their construction sites. While the budget and quality of the construction go up each year, the management seems to get more and more ignorant about the safety, welfare and injury of the workers. The number workers killed during construction are increasing each year. With new and more sophisticated safety instruments available at the door, such unacceptable losses of life are clearly due to negligence.

1.2 Background of the Report

This report is prepared as a course requirement to find out the current scenario of the workers of construction industry of Bangladesh and was assigned by our course teacher Professor Iqbal Ahmad, Institute of Business Administration, University of Dhaka.

1.3 Objectives

The objectives of this report are –

- o To find out the provisions offered in The Bangladesh Labor Code 2006 in favor of the construction workers.
- o To visit certain number of construction firms and some of their construction sites to find out whether those safety measures are being practiced or not. The safety measures include safety for the workers, for other people of the sites, for the visitors and for the people or property surrounding the construction area.
- o The workers and the other responsible personnel will be interviewed – through questionnaire and orally – to find out the exact scenario of safety precautions undertaken.
- o Finally the fact will be matched with the text and corresponding suggestions will be offered if required.

1.4 Methodology

Primary sources are the main basis for gathering information for this term paper. The key sources of information are the officials and workers working in different construction sites all over Dhaka under several construction firms. The sample for the survey has been chosen randomly from all over the Dhaka city. Forty people from various part of the city were chosen on the basis of random sampling for the interview to make the sample size relevant and justified for statistical analysis. Separate questionnaires were provided for both the concerned parties – the workers and the officials. The questionnaire contained both open ended and structured questions. Next, the same group of people was interviewed orally to record any information that they had to share outside of the questionnaire provided.

The gathered data was then structured, formulated and analyzed in the prescribed manner. After thorough analysis, the findings were pointed out and noted. Both subjective and objective findings were revealed and are presented in this term paper in the due manner.

1.5 Scope

The report will focus on the current scenario of safety of the workers in the construction sites of Dhaka city under the section 6, Section 7 and Section 12 of Bangladesh Labor Code 2006. These sections cover the issues concerning –

- o Section 6 : General Safety Provisions
- o Section 7 : Special Provisions with regards to Health & Safety
- o Section 12 : Compensation for injury caused by accident

1.6 Limitations

- o Due to time and volume constrain, this report is limited to certain selected sections of The Bangladesh Labor Code 2006, which are listed earlier.
- o The report depicts only a few sections of the complete Bangladesh Labor Code 2006. That means, a major portion of the total Labor Law was left untouched or unnoticed, which may lead to a vague overall conclusion.
- o The reliability of the information collected depends solely on the honesty of the concerned bodies i.e. the workers and the management personnel. In some cases, information provided by them were clearly biased from their own perspective – understated by the workers and overstated by the management. But there are virtually no methods to cross check this anomaly.

1.7 Preview of the Report

The report has been organized in four segments. The first part is composed of a brief view of the report, its rationale and the scope of the report.

Second part of the report contains a descriptive overview on the current scenario of the construction sector of Bangladesh and its general values and practices regarding the safety of the workers working in this sector. Different information obtained by observation, survey and interview are discussed in this section.

Third part of the report deals with the findings of the report and necessary suggestions. The information gathered through the whole research phase is organized and compiled together to produce an unbiased conclusion. Fourth and final part of the report contains the possibilities and scope for future studies in such reports as well as the concluding remarks.

Construction Sector of Bangladesh : Current Scenario

2.1 Introduction

Being a developing country with a fairly rising and steadily booming economy, Bangladesh is experiencing huge infrastructure development over the last two decades or so. In Bangladesh, the term Infrastructural Development mostly indicates to the construction of buildings of other structures as well as constructions of roads, bridges and others. While roads, bridges and other forms of national backbone are usually financed and backed by the government, the field of building construction or any other form of structure construction is mostly lead by the private sector with very little concern from the government.

2.2 Construction Industry of Bangladesh

Real estate and Construction industry emerged in Bangladesh soon after the liberation in the mid of 70s, but the sector took almost ten years to reach at its target and eventually boomed in late 80s and all along the 90s. Today, real estate and construction industry is the biggest of all the locally run industries. The industry is now worth 14.50 billion BDT (US\$ 231 million)¹, with the construction industry contributing 8.4% and real estate sector contributing 3.7% of the national GDP² and employing more that 1.6 million people as workers, contractors, engineers or officials³.

¹ Asia Economic Monitor 2006, Asian Development Bank

² CACCI (Confederation of Asia-Pacific Chamber of Commerce and Industry) Journal, Volume 4, 2006

³ National Accounts Statistics, July 2006, Bangladesh Bureau of Statistics (BBS)

Due to the economic recession of the early 2000, the real estate sector of Bangladesh has suffered a serious hammering. The recent government policies have raised taxes and the cost of land and materials that resulted in putting the price well beyond the capacity of the mid-income group. As a result, the fate of the industry is really at stake.

2.3 Safety Issues for A Construction Worker

Being in a construction site involves a great amount of potential physical risk, whether the individual is an engineer, a worker or just even a visitor. The massive construction tools and machinery, construction materials and dependency on manual labor has resulted in a dangerous mix of minor injury, loss of limbs and even death. The major sources of physical damages in construction sites are :

- o Falling from heights
- o Trench collapse
- o Scaffold collapse
- o Electric Shock and Arc Flash / Arc Blast
- o Handling of construction materials
- o Handling of chemicals
- o Machine Operation
- o Failure to use personal protective equipments
- o Repetitive motion injuries

Again, injuries encountered in a construction can also be arranged according to the time frame of the construction sequence. That is, accidents can happen at different stages of the construction. The stages are :

- o During Excavation
- o During erection of the superstructure
- o During finishing stage

2.4 Safety Measures Practiced in Bangladesh

Safety issues are the most neglected issues all over Bangladesh, and construction sector is not exception than that. However, in construction business, the scenario is not that bad. The reason might be the fact that if safety issues in such cases are neglected too much, they can bring in serious liability to the authority – from both humane and legal aspect. For that, a minimum concern prevails in this industry. Still the current scenario is not even near to be adequate and has a huge scope for betterment.

2.4.1 Falling from Heights

As the construction workers work at an elevated position from the ground, there is always the chance of falling any worker from the height on the ground. More over fall of construction material or waste on the persons below can also cause accidents. According to the survey findings, these accidents are frequent but not very severe. But unofficial reports of a few deaths by accidental fall from height were found which the contractors and family members of victims settled mutually to avoid hassles of legal procedure. On this type of settlement the company or the contractor has to accept compensation of an amount of Taka one or two lakh for each casualty, which is given to the family of the victim(s).

The contractors in Dhaka usually build temporary 10 ft. to 20 ft. wide safety ledges (shades) projecting horizontally out of the building facades to stop workers or materials from falling directly to the ground. This ledge is usually made of corrugated iron sheet rested on truss frame of mild steel angle, which is normally welded with the steel bars of structural column and slab. Vertical netting made of Hessian or synthetic net is installed all around the structure, starting from the tip of projected ledge up onward to the level of ongoing casting. Sometimes this ledge is made with smaller projection that is less than 10 ft., and with bamboo, rope, synthetic net and Hessian cloth, which does not work as satisfactorily.

But in case of other areas of Bangladesh except Dhaka, there is no arrangement of any over head protection most often. Even in Dhaka, sometimes the same picture can be seen, though not frequently.

2.4.2 Unguarded Stairs

Until either permanent or temporary stairways are installed, suitable substantial ladders securely fastened at top and bottom need to be provided, so that when workers will walk up above it will not break down. These ladders and stairways need to be so built that there is no chance of skipping or slip of foot.

In Bangladesh, most often the ladders are made of bamboos which round shape has a great chance of slip of foot. Most of the times the ladders or the stairways do not even have any hand rail. Labor Law 2006 states clearly that stairways should be kept clean and free from obstacles. Ironically, a completely opposite picture is found in the sites.

2.4.3 Old Structure / Trench collapse

In most cases in Dhaka, new structures are being built on prime locations by demolishing the old existing structure. Here in Bangladesh, demolition of an existing structure is often done by manual labor. These labors in most cases do not wear any protective measure and records say that a huge number of workers face death while demolishing an existing structure.

Trenches are made in the very early stages of constructions to lay foundation. The rate of accident is very little in this stage as for most cases the trenches are not very deep and measures for safety taken are quite sufficient.

2.4.4 Scaffold collapse

All scaffolds are required to be designed and constructed to support the loads that may be imposed there on to ensure the safety of persons working on them or passing under or near them. Again scaffolds require to be provided with guard rails above the platform level so that workers are not fallen down from the side of the scaffolds. Planks used for the platforms of scaffolds should be strong enough and should ensure no chance of any skipping.

But the existing scenario of our construction sites is very risky. In most of the cases, contractors use thin bamboo poles for scaffolds at their whim (not designed); even they have no idea about the load that is going to be introduced upon it. In most cases,

scaffolds have no guard rails. Contractors are habituated with the reuse of poor quality old planks for the platforms of scaffolds for saving money, but there is no body to check its strength.

2.4.5 Electric shock, Arc Flash and Fire

Electrical wiring is a source of danger in any structure under construction. However, the hazard occurring from this source is minimized by the fact that almost all the time of construction, the site is free of electric power except for some selected region with special precautions. However, the hazard of fire is ever present. Labor Law 2006 implies that every establishment should be equipped with adequate number of fire escapes and fire extinguisher. In a construction site, stairs could be the only mean of fire escape, and that only mean is itself seriously dangerous and jeopardized. On the other hand, except for some exceptions, no construction site keeps adequate fire extinguisher at their site.

2.4.6 Welding and Cutting

Non combustible protective shields are best to be interposed to protect materials and persons against sparks and hot metal or slag. Welding equipment and Gas Cylinders As most of the workers of Bangladesh are unskilled, uneducated and unconscious about safety, most often they do not wear any safety gloves, shoes or helmets during welding and cutting. Even sometimes they do not wear any eye protection during welding. As a result injuries to fingers, palms, hands, feet, legs, eyes etc. is very common in our construction sites.

2.4.7 Handling of construction materials and chemicals

Construction works involve extensive level of handling of construction materials and different forms of chemical. Most of those materials are sharp aged, hard, rough to handle and generate a huge amount of dust and debris. There are special provisions for dust and fumes in an establishment in the Labor Law 2006. But these provisions are rarely followed.

There are some chemicals and toxic materials that we have to use in our construction works are injurious to our health. Cement, lime, anti-termite chemicals, polishing

acid, toxic paints, refrigerants of air conditioners etc. are mentionable among them. As our workers are not habituated to wear safety mask, gloves or shoes, they are always at risk due to these hazardous materials and chemicals.

2.4.8 Operating Machines

Most construction sites are equipped with huge machines – both self-acting as well as revolving – like Mixer Machine, Grinding Machine, Cutting Tools, Drilling Tools, etc. According to the Labor Law 2006, these machines should be well fenced, should be well maintained when not in use and operators should be well trained and properly dressed. However, the operators are given instruction to a new machine in most of the time but using a separate and safe dress for machine operation is often missing. All other requirements regarding machines are almost never maintained.

2.4.9 Failure to use personal protective equipments

Using specialized protective equipments can reduce the risk of serious accidents to a great extent. These include protective head-gears, protective shoes, goggles, gloves, high visibility jackets, protective belts and so on. But in most cases the workers are aware of the benefits of such gears and surprisingly in some cases they are reluctant to use one. In cases where these personal safety devices are supplied, the workers are not interested to use those personal safety devices as they are unaware about safety. The management seems to be cashing on these two advantages and provide very little protective equipments to the workers.

2.4.10 Hoists, Lift Shafts and Other floor openings

Hoists shall be enclosed on all sides and for their full height, except for the necessary doors for loading unloading, so that man or loose material cannot fall through. All floor openings shall be guarded on all sides by substantial railings. But observation found that the contractors are most often reluctant regarding this type of safety precautions in our construction sites. During casting of floor slabs the areas of ducts, cores, shafts etc. are kept void and no edging or temporary railing is made around them for safety. The whole length of these unprotected ducts, a narrow vertical tunnel, remains open with workers or technicians working at the top. Slip of foot on the work

floors due to fatigue, suffocation, claustrophobia or insufficient light into the ducts causes frequent and fatal accidents. Sometimes people drop from a considerable height and even pierced by the sharp edges that are exposed along the inside surfaces of ducts at different heights.

2.4.11 Injuries due to excessive loads

According to Section 74 of Labor Law 2006, No person shall be employed in any establishment to lift, carry or move any load so heavy as to be likely to cause him injury. But this provision is very hard to maintain in a construction site due to the very nature of the works involved. In most cases, there are no hoists, lifts or cranes in these construction sites. So, the workers are somewhat bound to employ their physical strength to take materials to the various levels and floors. Also, they have to carry materials to the store when supplies arrive at the site from the suppliers.

2.4.12 Safety for Outsiders : People and Property

Dhaka is a very crowded city and it is very rare to see a building construction in an open field. Most buildings in Bangladesh are built with other buildings around its periphery and along by the public walkways. If proper caution is not taken, one building construction can cause huge problem to general mass as well as to the surrounding property.

Generally in Dhaka, construction sites are separated from public walkways and surrounding lands by putting a fence. In most cases, this site-fencing is made very casually. Some construction sites are even seen without any site-fencing while the construction work is going on at full swing. As a result noise, dust and other pollutants are affecting the surroundings of the construction site.

Again, constructing shades are the general practice in Dhaka to protect passers-by from the objects falling from a floor above ground level. Mostly these sheds are made of bamboo skeleton filled with corrugated iron sheet. These types of sheds are not strong enough; at any time they may collapse on the side walk ways due to the pressure of the materials stacked inside.

2.5 Practice For Compensation

The most important issue following an accident is the medical attention, but it is only a short term measure for serious injuries. For long term injuries like partial or permanent disablement or even fatalities, long term measures became the most critical one. Long term measures include compensation to the victim either in monetary base, other non-monetary base or a combination of the two. In Bangladesh Labor Law 2006, these prescribed measures listed in Chapter XII.

Currently the compensation practice in Construction sector of Bangladesh is not following any law at all. It all depends on the negotiation between the company, the contractor and the worker himself or the family of the worker. For small scale injuries like cuts, bruises are not compensated at all except for a mere first aid. For injuries like fracture, considerable cuts, etc. the company pays for the medical facilities. For serious injuries like permanent partial disablement, total disablement or fatalities, the company, contractors and family members of victim(s) settle mutually to avoid hassles of legal procedure. On this type of settlement the company or the contractor usually has to accept compensation of a fixed amount of money to the family of the victim(s), which is usually like one or two lac Taka for each casualty. In some cases, another capable member of the victim's family is given an offer to work in place of the victim.

Findings and Recommendations

3.1 Introduction

As mentioned earlier, currently there are no hard and fast rules, guidelines or law regarding the construction industry of Bangladesh. The total industry is running on the basis of some self developed guidelines and rules. However, regarding the safety concern the industry seems to be quite better off than many other industries yet with a great number of rooms for developing.

3.2 Sampling Criteria

The city of Dhaka is the key zone and area of prime attraction for almost all the real estate and construction companies. In fact, only recently the construction companies have moved to the port city Chittagong to extend there business out of Dhaka. Yet, almost ninety percent of all private construction works are Dhaka centered. For such a large population to choose from, selecting a proper sample size is always important. For the current report, a mix of Six construction projects run by four construction companies was selected comprising both the market leaders as well as the market followers.

For the survey and interview purpose, a total of 35 workers were selected including the workers engaged at different sites as well as their supervisors and the site engineers. For the opinion of the official managements, a total of seven managers were met and interviewed.

The lists of the selected companies, corresponding management officials and the survey questionnaire and the survey samples are enlisted in the appendix.

3.3 Findings Through Observation

The most important safety instrument in any construction site is personal safety gears, which the company should supply to each worker whenever they start their work in the morning and to the visitors or others whenever they enter a site under construction. Out of the six construction sites visited, such practices were observed in only three sites. Two of them had protective gears for both the workers and others whereas the other just had gears for only the workers. These protective gears include protective head shields, protective shoes, gloves, goggles and waist belts. In one of the site, the machine operator was seen to be using special dress for operating the machine while the other sites showed no concern about that. In all of the sites, machines were kept totally unprotected and uncovered, working conditions were messy and devoid of proper lighting.

All the sites visited were residential buildings under construction with not more than six stories. None of them had installed any kind of hoists, lifts or cranes to carry materials to the upper floors. The work was being done by manual labor. However, as per design, every building had a lift core although the height of the building which was in all cases left totally unprotected. The stairs were poorly constructed and without side rail. Sites which were located alongside of any major road had sheds made of net or corrugated iron sheet but for those sites located well inside, no such shadings were found.

Only one site had somewhat protection against possible fire hazards, but the others have just ignored the fact of fire hazard. Welding is an inseparable part of any construction and one of the most dangerous of all operations performed in a construction site, yet the people engaged in welding showed great extent of ignorance about the possibility of accident. They are reluctant to use eye protection, does not have any uniform for welding purpose and has no precaution against injuries caused by welding.

Section 87 of Labor Law 2006 implies that children and women should not be employed in the highly labor intensive works as the construction works. Though no women were seen working as construction worker, a good number of under aged worker (aged below 18 years) were seen. Research shows that almost 23 percent of all construction workers are under aged⁴.

⁴ ICFTU Report on Child Labour : No Time To Play , 2004

3.4 Findings Through Survey and Interviewing the Workers

The workforce of the construction industry is comprised of workers of different age groups with different experience level. Most of the workers belong to 20 years to 40 years of age fringe and with a minimum experience 2 years. However, a great number of workers working in this industry today hold an experience of 5 years or more with a good number of new comers with 1-2 years of experience. The reason might be the fact that workers who work in this sector comes to work here at a very tender age and gets specialized. The turnout ratio⁵ of the experienced workers is very low. The distribution of workers depending on age range is given in the appendix.

Probably the most astonishing finding came out of the interview is the ignorance of the workers about the dangers associated with their profession or their right to receive protection against those dangers. Most of the workers take the incorporated physical risk of the profession as a very usual manner and do not claim for any sort of safety benefits. However, the scenario is not same all over the industry. Two out of the four companies of the sample were seen to have practicing safety precautions pretty intensely. These practices include :

- o Daily briefing in the morning on the day's work, incorporated risks and distribution of safety gears.
- o Compulsory use of safety instruments like protective head gear, gloves, goggles, protective shoes, etc.
- o Weekly meeting on safety and protection against accidents.

One of the sites visited had no first aid box for primary measure against injuries. 21 of the workers believed that the company had taken good enough measures for their safety while the rest commented that there are still much to be done.

In a search for every individual worker, almost all the workers had experienced any form of injury in their life except for one worker, who has been in this profession for only six months. For all the workers interviewed, cutting, scratching, burning and bruises are kind of day-to-day event and they don't even bother taking a day off or two for such injuries. For more serious injuries like fracture, serious cuts, etc. the companies bear the cost of hospital and medicine and wages for missing days are paid at a discounted rate as a form of compensation.

⁵ Ratio of workers to the total workers who switches the profession

12 of the sample workers were engaged in operating big sized construction machines who were never trained but learned the tricks through trial and error. Only two of the machine operators had the knowledge that they should wear special uniforms while operating those machines. Rest of the operators was just unaware of the issue.

For more serious accidents like Partial Disablement, Total Disablement and Fatalities, 16 of the workers of the sample had seen their co-workers die while almost all had seen many of their co-workers became paralyzed, lame or any sort of partial or total disablement. For such cases, the company comes forward to make a settlement with the victim(s) or his family and settle the matter with a monetary compensation of one or two lac taka and/or by offering a similar kind of job to any of the victim's family member. The point to be noted here is that none of the companies follows the compensation rate suggested by Schedule V of Bangladesh Labor Law 2006. However, the workers seemed to be happy with the compensation system they have.

Currently, the workers working in construction sector of Bangladesh does not have any Trade Union or Collective Bargaining Agent of their own. But most of them think that having one will definitely be better off for them, however, no initiative had been taken till date to form one.

3.5 Perspectives of the Management

The management officials of the four construction companies surveyed was pretty much convinced that they are doing very good in securing their workers against the dangers of the profession. All of them claimed to supply enough protective gears to the workers as well as training them well for avoiding dangers while they work. But most cases these claims of the management were proved to be futile when their sites were visited. Their claim and their practice had a gulf between them. Only one company was found to be practicing what they actually said.

When asked about the accidents, one company claimed that they never had any sort of accidents except for minor cuts, scratches and fractures. Two companies accepted several fatalities in couple of their sites while the others denied any fatalities but accepted some

incidents of partial and permanent disablement. Though it is quite evident that construction business in Bangladesh is experiencing a huge fatality rate from the workers point of view, the claims of these companies are clearly inadequate, vague and void of reality. While all the companies claimed to have first aid box in all their sites, three of them were able to prove them to be true. For the compensation package, all companies granted the fact of settlement. According to Bangladesh Labor Law 2006, every serious accident should be followed by a report to the authority and the Labor Court within seven days of the accident. But this provision is never practices.

3.6 Recommendations

Based upon the above observations and interviewing the people directly related to the construction sector, the following recommendations are made :

- o Using personal protective gear should be made compulsory in all construction sites.
- o Construction work is a highly labor intensive work, most of which has to be done by the worker manually. There should be a guideline for the extent of labor a worker should employ so that it has no adverse effect on him.
- o Use of different chemicals is a daily affair in a construction work. The most used material Cement is composed of Di-Calcium Silicate, Tri-Calcium Silicate, Tri-Calcium Aluminate, etc. along with different admixture and ever present dust can cause huge health problem and diseases. However, no such research has yet been done to find out exactly what kind of diseases they can cause. Identification of such diseases is very important.
- o Any construction work can cause serious trouble to the property near the site; people living near the site or even to people just walk by the site. Specific guidelines should be there to protect these third parties from the hazards of construction.
- o Currently no construction company follows the compensation provisions stated in the Labor Law; rather they all go for a mutual settlement with the

victim or his family. The authority should make sure that the compensation provisions are followed by the people involved in this business.

- O The construction workers are completely different from the viewpoint of the type of work they have to perform. Thus, defining them through the conventional Labor Law can be difficult. There should be a separate section for this sector for them in the Labor Law or even better to have a separate law for construction sector which will consider the uniqueness of this sector and set the standards thereby.

Scope for Future Studies & Conclusion

4.1 Introduction

This report just takes a peek at the vast field of construction industry from a viewpoint of some selected sections of Bangladesh Labor Law 2006, to make the report manageable within the time and volume constraint. Without such limitations, the report could have been more enriched and to be of more benefit to the industry.

4.2 Scope for Future Studies

There are always scopes for betterment for any research work. For the instance, this report could be made more credible if all the sections of Labor Laws were taken into consideration. Again, the sampling frame of this report takes a small sample only from Dhaka city. To get a complete picture of the industry, one can decide to increase the sample size as well as go beyond the geographical barrier of the Dhaka city.

4.3 Conclusion

The construction industry is so unique that the Labor Law is not sufficient enough to cover the whole of it. The labor law should be updated to cope with the rights of the construction workers. Again, most developed countries have separate law for construction workers. We can also target for making a separate one for us.

Appendix

List of Respondents

The following construction companies were selected for survey:

1. The Structural Engineers' Ltd. (SEL)
29, West Pantha Path
Dhaka – 1205.

Respondent Person : Mr. Arif Hossain
Construction and Design Engineer

2. Navana Real Estate Ltd
House # 35, Road # 9A
Dhanmondi R/A, Dhaka.

Respondent Person : Mr. Ershad Hossain
Executive General Manager

3. Criscent Holdings Ltd.
Aboshar Bhaban, 3rd Floor
7-13 Shatmosjid Road, Dhanmondi
Dhaka – 1209.

Respondent Person : Arch. Md. Jahangir
Chief Architect and Consultant

4. Al-Hasan Developers Ltd.
House # 29, Road # 14 (New)
Dhanmondi R/A, Dhaka.

Respondent Person : Mr. Anwarul Quadir
Project Manager

Questionnaire for the Workers

ব্যবসায় প্রশাসন ইনস্টিটিউট
ঢাকা বিশ্ববিদ্যালয়

জরিপ প্রশ্নাবলী (নির্মান শ্রমিক-দের জন্য)

ঢাকা বিশ্ববিদ্যালয়-র ব্যবসায় প্রশাসন-র ছাত্র হি-স-ব আমি বাংলা-দ-শর নির্মান শ্রমিক-দের কর্ম-ক্ষ-ত্র নিরাপত্তার -প্রক্ষাপ-ট একটি গ-বষণা পরিচালনা করছি। আপনার মূল্যবান মতামত এই গ-বষণার জন্য গুরুত্বপূর্ণ। তাই এ বিষ-য় আপনার আন্তরিক সহ-যোগীতা কামনা করছি। উ-ল্লখ্য -য়, আপনার মতামত -কবলমাত্র শিক্ষামূলক কা-জ এবং এই গ-বষণার প্র-যাজ-ন ব্যবহৃত হ-ব। আপনার সহ-যোগীতার জন্য ধন্যবাদ।

(অনুগ্রহ ক-র যথাযথ স্থান 0 চিহ্ন দিন।)

অফিস ব্যবহ-রর জন্য

০১। আপনি কতদিন ধ-র নির্মান কা-জর সা-থ জড়িত ?

- ☐ ১ বৎস-রর কম
☐ ১ - ৩ বৎসর
☐ ৩ - ৫ বৎসর
☐ ৫ বৎস-রর -বশী

০২। আপনার -পশার প্রকৃতি ও এর বিপদ ও ঝুঁকি সম্ম-ন্ধ আপনি কি অবগত ?

- ☐ হ্যা
☐ না

০৩। আপনার চাকরিদাতা ও তার প্রতিষ্ঠান কি আপনার নিরাপত্তার বিষ-য় সতর্ক ?

- ☐ হ্যা
☐ না

০৪। কর্ম-ক্ষ-ত্র নিরাপত্তার বিষ-য় আপনারা কি কি সুবিধা -প-য় থা-কন ?

০৫। আপনি নি-জ কথ-না -কান প্রকার দুর্ঘটনার সম্মুখীন হ-য়-ছেন ?

- ☐ হ্যা (দুর্ঘটনার প্রকৃতি উ-ল্লখ করুন) _____
☐ না

০৬। কর্মক্ষেত্র ভারী -কান যন্ত্র চালনার পূর্ব আপনি কি -কান রকম সতর্কতামূলক ব্যবস্থা গ্রহন করন ?

- ☐ হ্যা (উল্লখ করুন) _____
☐ না

০৭। কর্মক্ষেত্র -কান রাসায়নিক দ্রব্য ব্যবহা-রর পূর্ব আপনি কি -কান রকম সতর্কতামূলক ব্যবস্থা গ্রহন করন ?

- ☐ হ্যা (উল্লখ করুন) _____
☐ না

০৮। আপনার অভিজ্ঞতায় আপনার সহ-শ্রমিকরা সাধারণত কি ধর-ণর দুর্ঘটনার সম্মুখীন হন ?

০৯। -কান দুর্ঘটনার পর আপনারা কি ধর-নর ক্ষতিপূরন লাভ করন ?

১০। আপনার কর্মক্ষেত্রের বর্তমান নিরাপত্তা ব্যবস্থা নি-য় আপনি কি সন্তুষ্ট ?

- ☐ হ্যা
☐ না

১১। বর্তমান ক্ষতিপূরন ব্যবস্থায় আপনি কি সন্তুষ্ট ?

- ☐ হ্যা
☐ না

১২। শুধু নির্মান শ্রমিক-দর নি-য় আপনা-দর কি -কান প্রকার সংগঠন র-য়-ছ ?

- ☐ হ্যা
☐ না
☐ জানা নই

ধন্যবাদ

নাম :

তারিখ :

Questionnaire for the Management Officials

Institute of Business Administration (IBA)
University of Dhaka

Questionnaire for Management Personnel

*Dear Sir, I, a student of MBA program from 40th batch of IBA, Dhaka University, am currently conducting a research titled “**The Bangladesh Labor Law 2006 : Safety Provisions and Practices for Workers Working in Construction Sector of Bangladesh**” as a partial fulfillment of the course Legal Environment of Business under the supervision of Professor Iqbal Ahmed, IBA, DU. It will take only a few minutes to include your valuable opinion, which means a lot for moving in the direction to attain a realistic output from my research. There is no right or wrong answer. All the data received will be kept confidential and used for academic interest only. Your kind cooperation will be highly appreciated.*

(Please use Ö mark wherever it appropriate)

For Official
Use Only

1. What safety measures do you take in your construction sites?

2. Do you guide or train your labors about the safety issues? If yes, How?

3. What kinds of accidents you usually face in your construction sites? (Answers are not mutually exclusive)

- ☐ No Accidents
- ☐ Bruises and Scratches
- ☐ Fracture
- ☐ Fire and Electrical Accidents
- ☐ Serious Bodily Injuries
- ☐ Partial permanent physical disablement
- ☐ Total Disablement
- ☐ Casualty
- ☐ Other (Please Specify) _____

4. What kind of medical facility you have in your construction sites for the labors?

5. What is your organizational policy for compensation?

i. For Minor Injuries

ii. For Serious Injuries

iii. For Casualties

6. Do you maintain any kind of register for your labors?

a) Yes

b) No

c) Not always

7. What safety measures do you take for the visitors? For the people living near or passing by the construction site? For the property near the construction site?

8. Do you have access or regular contact with the Director of Labor, Labor Court or any other Government Agency or Official regarding the labors?

a) Yes

b) No

9. In case of any accident, do you inform Labor Court or any other Government Agency?

a) Yes

b) No

10. Are you fully satisfied with the safety measures adopted by your organization for its labors?
:

☐

Yes

☐

No

☐

There are scopes for improvement (please specify)

Respondent Profile

Name :

Designation :

Organization :

Contact no. :

Signature :

THANKS FOR YOUR KIND COOPERATION

Consolidated Survey Results : Quantitative Analysis

From survey of workers

1. Years involved in construction work
 - a) Less than 1 year 1 3%
 - b) 1 – 3 years 4 11%
 - c) 3 – 5 years 6 17%
 - d) More than 5 years 24 69%

2. Awareness of the residual risk of the profession
 - a) Yes 19 54%
 - b) No 16 46%

3. Is the company aware of workers' safety?
 - a) Yes 14 40%
 - b) No 21 60%

4. Experience of Accidents to self
 - a) Yes 33 94%
 - b) No 2 6%

5. Precaution before handling chemicals and operating machines
 - a) Yes 11 31%
 - b) No 24 69%

6. Satisfied with the current safety measures?
 - a) Yes 14 40%
 - b) No 21 60%

7. Satisfied with the current compensation system?
 - a) Yes 9 26%
 - b) No 26 74%

8. Is there any Trade Union of the Workers?

a)	No	12	34%
b)	Do not Know	23	66%

From Survey of Management Officials

1. Types of accidents usually faced in the sites (options are not mutually exclusive)

a)	No accidents	0	0%
b)	Bruises and Scratches	4	100%
c)	Fractures	4	100%
d)	Serious Bodily Injuries	3	75%
e)	Total Disablement	1	25%
f)	Casualty (Death)	2	50%

2. Do you maintain register for labors?

a)	Yes	4	100%
b)	No	0	0%

3. Do you have access to Labor Court, Director of Labor or any other government authority?

a)	Yes	1	25%
b)	No	3	75%

4. Do you inform any government official in case of serious accidents?

a)	Yes	1	25%
b)	No	3	75%

5. Are you Satisfied with the current safety measures?

a)	Yes	0	0%
b)	No	4	100%

Relevant Definitions from Labor Law 2006

According to the Bangladesh Labor Law 2006 –

Worker means,

any person including an apprentice employed directly or by a contractor in any establishment or industry to do any skilled, unskilled, manual, technical, trade promotional or clerical work for hire or reward, whether the terms of employment be expressed or implied, but does not include any such person who is employed mainly in a managerial or administrative capacity.

Partial Disablement mean,

Where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a worker in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time.

Provided, that every injury specified in Schedule I of Bangladesh Labor Law 2006 shall be deemed to result in permanent partial disablement.

Total Disablement means,

Such disablement, whether of a temporary or permanent nature, as incapacitates a worker for all works which he was capable of performing at the time of the accident resulting in such disablement of the effect of chemicals or chemical goods used while working or any pollution related to work results such disablement.

Provided that, permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to One Hundred percent.

Serious Bodily Injury means

Any injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent injury to any limb, or the permanent loss of or injury to the sight or hearing, or the fracture of any limb or the enforced absence of the injured person from work for a period exceeding twenty days.

Relevant Sections from Labor Law 2006

Bangladesh Labor Law 2006 has two chapters regarding the safety provisions for the workers. Chapter VI deals with the general safety issues while Chapter VII deals with the special provisions regarding health and safety. The important and relevant sections depicted from these two chapters are –

- o Section 61 : Safety of Building and Machinery
- o Section 62 : Precautions in case of fire
- o Section 63 : Fencing of machinery
- o Section 68 : Cranes and other lifting machinery
- o Section 69 : Hoists and lifts
- o Section 70 : Revolving Machines
- o Section 72 : Floors, Stairs and Means of Access
- o Section 73 : Pits, Sumps and Openings in Floors
- o Section 74 : Excessive weights
- o Section 75 : Protection of Eyes
- o Section 77 : Precautions against dangerous fumes
- o Section 79 : Dangerous operations
- o Section 80 : Notice of certain accidents and occurrences
- o Section 84 : Power to take Sample
- o Section 87 : Restriction of employment of women in some case

In Bangladesh Labor Law 2006, these prescribed measures listed in Chapter XII. The major sections in this regard are –

- o Section 150 : Employer's liability for compensation
- o Section 151 : Amount of compensation
- o Section 152 : Methods for calculation wages
- o Section 155 : Distribution of compensation
- o Section 158 : Power to require statements regarding fatal accidents
- o Section 159 : Reports of fatal accidents
- o Section 160 : Medical Examinations
- o Section 170 : Registration of Agreement
- o Section 171 : Effect of failure to register agreement
- o Section 172 : Appeals