

'Tire Them Out'

*Challenges of litigating compensation claims
under the Bangladesh Labour Act 2006*



Taqbir Huda

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Published by

Bangladesh Legal Aid and Services Trust (BLAST)

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www.blast.org.bd | facebook.com/BLASTBangladesh

First Published December 2020

ISBN: 978-984-35-0842-3

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Laudes ———
—— Foundation

The research was commissioned by Laudes Foundation, and conducted by BLAST and the views expressed are those of the organisation's and not the view of Laudes Foundation.

Cover image: Photos of workers suffering from occupational injuries and the dependents of workers killed at the workplace, who sought legal assistance from SRS and BLAST to recover compensation from the employers under labour law. Collage created by Taqbir Huda, using photos provided by Safety and Rights Society (SRS).

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Foreword

Labour rights activists and lawyers have battled for many years to ensure compensation for workers who suffer injury and deaths. The demand for adequate compensation came into sharp relief – and received global attention – after the horrific Spectrum Factory collapse in April 2003, which reportedly killed at least 64 workers and injured 80 others. These demands were amplified after the Tazreen and Rana Plaza disasters, with their even higher death and injury tolls. Each time BLAST and others started public interest litigation seeking accountability and justice, and adequate compensation. Through separate international initiatives, voluntary funds were established and financial payments made to the victims, workers or bereaved families. The cases all remain pending.

Three years after the Spectrum Factory collapse, the Bangladesh Labour Act 2006 (BLA) was enacted with the stated aim of guaranteeing certain minimum rights for workers through one consolidated legislation. Therefore, it repealed 25 labour laws, including the Workmen’s Compensation Act 1923 which had hitherto dealt with compensation for workplace injuries and deaths, as this right would now be covered by the BLA.

In addition to its strategic litigation in these egregious cases, BLAST has been providing legal aid to individual workers and their families for many

years, and has focused specifically on filing compensation cases against employers for workers’ deaths and injuries since the enactment of the BLA. While large scale industrial disaster such as the Rana Plaza collapse and Tazreen Fashions fire have exposed the pitfalls of the compensation framework under the BLA, very little attention has been given to challenges of realising compensation under the BLA for smaller scale occupational injuries, which injure or kill individual workers.

This report analyses and presents findings from 80 individual cases. In the absence of existing empirical studies on the operation of the compensation framework, this report provides important insights into the challenges of realising compensation for workplace deaths and injuries.

I hope that the key challenges identified will help to inform stakeholder dialogues on labour law reforms, in particular on the practical and procedural changes that are needed to ensure that workers’ rights to adequate compensation can be ensured. I hope that the study findings will also help researchers and practitioners to identify best practices in compensation cases (such as claiming additional heads of recovery in the plaint to claim compensation over and above the statutorily prescribed sums), and to inform and develop future strategies for effective implementation of the law.



Dr. Kamal Hossain
Chairperson, BLAST

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Acronyms

ASK	Ain O Salish Kendra
BDT	Bangladeshi Taka
BLA	Bangladesh Labour Act, 2006
BLAST	Bangladesh Legal Aid and Services Trust
BLL	Bangladesh Labour Law
BLR	Bangladesh Labour Rules, 2015
BLWFA	Bangladesh Labour Welfare Foundation Act 2006
BLWFR	Bangladesh Labour Welfare Foundation Rules 2010
EII	Employment Injury Insurance
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
ILO	International Labour Organisation
LAT	Labour Appellate Tribunal
KII	Key Informant Interview
km	Kilometres
LC	Labour Court
MoLE	Ministry of Labour and Employment
n	Number of cases in which a particular factor was relevant or present
OSHE	Occupational Safety, Health and Environment Foundation (Bangladesh)
RPA	Rana Plaza Arrangement
SRS	Safety and Rights Society
TCAT	Tazreen Claims Administration Trust
USD	United States Dollar

Glossary

Claimant	A claimant is a person who files a legal claim against another person or company in a court of law. The term claimant in this report covers both a worker and/or their dependents, as the right to sue the employer for compensation accrues to a worker's dependents in case of death.
Court	As this report focuses on judgments passed by the Labour Court, the term 'Court' refers to the Labour Court, unless otherwise specified.
Industrial accident	In keeping with the wording of the compensation provisions in BLA, the term 'industrial accident' is used in this report to cover workplace injuries and deaths where compensation is due. However, these 'accidents' may arise out of flagrant breaches of the employer's duties, which border on or are tantamount to criminal negligence.
Worker	As this report focuses on compensation cases pertaining to workplace injuries and deaths filed under the BLA, the term 'worker' is aligned with the definition provided in Section 150(8) of BLA.

Acknowledgements

This research report would not have been possible without the support received from many colleagues in BLAST and beyond. I owe my greatest thanks to Esrat Jahan Siddiki (Research Assistant, BLAST), for conducting the arduous task of sorting through hundreds of case files and then extracting data from selected case folders and providing important assistance in data analysis. Thanks are also due to the following colleagues at BLAST: Maksudur Rahman Bhuiyan (Junior Librarian) for sorting and analysing case folders at the preliminary research stage; Sousan Suha (Communications Officer) for coordinating the publication process of this report; Tasmiah Juthi (Research Assistant) for providing initial research assistance; Advocate Samina Begum (Unit Coordinator, Rajshahi), Zinnat Amin (Staff Lawyer, Chittagong) and Advocate Ashok Kumar Saha (Unit Coordinator, Khulna) for providing information about cases. I am grateful to Sara Hossain (Honorary Executive Director, BLAST) for reviewing the report.

I am thankful to the following lawyers at or affiliated with BLAST for their generous insights during the KIIs about the legal procedure and practice in compensation cases filed by BLAST: Advocate Sifat E Nur Khanam (Staff Lawyer), Advocate Borkot Ali (Deputy Director, Legal), Advocate Atut Areng (Staff Lawyer), Advocate Shanjida Akter Tonu (Lawyer, Labour Court, Dhaka) and Advocate Helal Ahmed (Lawyer, Labour

Court, Rajshahi). I am also thankful to Noushin Shafinaz Shah, National Programme Officer, International Labour Organisation, for providing comparative insights about the proposed Employment Injury Insurance (EII) system in Bangladesh vis-à-vis the existing framework under the Bangladesh Labour Act. I also thank Hasina Khanam, Legal Officer, Safety and Rights Society (SRS) for providing information about cases and sharing photos of workers and their dependents (who sought legal assistance from BLAST and SRS to recover compensation from employers under law), which have been used in the cover image.

Thanks also go to Laudes Foundation for commissioning this report and to Jill Tucker (Head of Labour Programme), Faiza Tuba (Programme Officer), Naureen Choudhury (Senior Programme Manager) and Shubhi Vijay (Brand and Communications Specialist) for their programmatic support and comments.

Finally, thank you to all the labour rights activists at SRS and the Occupational Safety, Health and Environment (OSHE) Foundation along with BLAST's Labour Court lawyers for their years of hard work in activating the compensation mechanism for industrial accidents under Bangladesh's labour laws. Their dedication and tenacity allow empirical studies about the realities of legal enforcement to be conducted in the first place.

Executive Summary

After years of advocacy, protests and many uncompensated injuries and deaths, Bangladesh is the closest it has ever been to adopting an Employment Injury Insurance (EII) scheme – by ratifying the International Labour Organisation (ILO) Convention No. 121. This will put an end to the lengthy, cumbersome litigation-based route currently in place.

The EII is a key component of Convention No. 121 and in October 2015, the Government of Bangladesh, ILO and the Government of Germany signed a Letter of Intent to cooperate to ‘institutionalise a National Employment Injury Insurance in Bangladesh’. An EII pilot phase was scheduled to launch in July 2020 in the 100 percent export-oriented ready-made garment (RMG) sector but has been postponed due to the Covid-19 outbreak. If this scheme is adopted, compensation for industrial accidents will be incorporated as a component of social security and injured workers or their bereaved families will be able to apply for compensation payments from a no-fault, insurance based system.

Under the Bangladesh Labour Act 2006 (BLA), compensation for industrial accidents is currently subject to an employer’s liability. It is an adversarial process whereby victims have to file claims before Labour Courts if employers do not voluntarily pay compensation after an accident.

The BLA, like ILO Convention No. 121, classifies employment injuries into four categories depending on the harm caused: temporary disablement, permanent partial disablement, permanent total disablement and death. The BLA prescribes a fixed compensation amount for two of the more serious contingencies, initially 125,000 BDT (1,475 USD) for permanent total disablement and 100,000 BDT (1,180 USD) for death. The 2018 amendment to the BLA doubled these amounts to 250,000 BDT (2,950 USD) for permanent total disablement and 200,000 BDT (2,360 USD) for death, however, these prescribed compensation amounts remain inadequate.

Further, the BLA only prescribes payment of compensation for a closed list of 33 occupational diseases considered to be ‘peculiar’ to certain types of employment. If a worker contracts a disease that is not in this list, such as Covid-19, the employer is generally not liable to pay compensation unless it can be shown that ‘the disease is directly attributable to an injury by accident arising out of the course of his employment’.

In addition to the employer’s liability system, the BLA does have some social protection mechanisms with important parallels to the EII. The group insurance scheme and Central Fund both provide supplementary sources of cash benefit to victims of industrial accidents, while small grants can also be paid from the Bangladesh Labour Welfare Foundation Fund for workplace injuries and deaths.

Critics have raised many legitimate concerns regarding the pitfalls of the compensation framework under the BLA. However, there has been less evidence-based scrutiny of the specific challenges faced by claimants. As a result, there are no empirical benchmarks against which to examine the comparative advantages of a proposed EII scheme over the existing litigation-based system, such as average time taken to secure compensation or reasons for dismissing compensation claims. This report seeks to fill this empirical data gap and identify common trends and challenges by analysing 80 compensation cases filed under the BLA between 2008 and 2019 at Labour Courts in Dhaka, Chittagong, Rajshahi and Khulna.

Key findings:

- The Court awarded compensation in 35 of the 80 cases and dismissed the claim in 36 cases, while a pre-award settlement was reached in the remaining nine cases.
- Compensation was successfully recovered in 19 of the 35 cases where an award was made. In the remaining 16 cases, a criminal case for non-payment of compensation is either pending against the employer (14 cases) or preparatory steps are being taken to initiate such action (2 cases).
- The 80 cases pertain to two of the four recognised contingencies under the BLA: death and permanent total disablement. The workers injured or killed in these cases were mostly construction workers, stonebreakers and factory workers (though none worked in an RMG factory).
- The average time taken for the Court to order an award of compensation from the date of application was 630 days, compared to the statutorily prescribed time limit of 60 days.
 - Recovery of compensation was quickest in cases where the employer had voluntarily pre-deposited compensation in the Labour

Court before being ordered to do so. In such cases, it took two days on average for the claimant to receive compensation after the date of award.

- In cases where the employer did not pre-deposit compensation, the recovery took much longer. On average, employers paid it 475 days after the date of award, violating the time limit within which the Court ordered compensation to be paid (typically 30 to 45 days from the date of judgment).
- In 30 of the 35 cases where an award was made, the Court granted the compensation amount stipulated in the BLA (pre 2018 amendment) i.e. 100,000 BDT (1,475 USD) for death and 125,000 BDT (1,180 USD) for permanent disablement. In the remaining five cases, it awarded a higher amount to cover litigation costs, excess for late payment and medical treatment costs etc.
- Courts most commonly dismissed compensation cases due to non-appearance of claimants during hearings. Such absences can be attributed to their frustration with long delays in the Court process.
- The most common reasons for delay were linked to institutional obstacles to justice in the formal court system, such as obtaining documentary evidence from the claimants, backlogs of cases and inadequate number of judges, long distances to Court from the claimant's residence and dilatory tactics used by defence lawyers.
- The average distance between the claimant's upazila (subdistrict) and the Labour Court in which the compensation claim had to be filed was 201 km.

There was no evidence to suggest that claimants in the 80 analysed cases received any supplementary monetary relief from the group insurance scheme, Central Fund or Bangladesh Labour Welfare Foundation Fund. Reports suggest that, in practice,

it has been particularly challenging to ensure compliance on the part of employers in financing these social protection mechanisms.

Analysis of these 80 cases suggests the compensation mechanism under the BLA relies too heavily on the willingness (rather than ability) of employers to pay compensation to claimants. Repeated refusal to pay compensation, including when ordered by courts, appears to be commonplace – with little to no practical consequences for such non-compliance.

The proposed EII system presents a good opportunity to mitigate many of the common challenges currently faced by claimants. It would address the biggest obstacle that workers currently face, which is to engage in costly litigation against employers to pay post facto compensation (notwithstanding court orders requiring them to do so). Under the EII, this is likely to no longer be a concern as employers would be expected to make regular payments in the form of monthly premiums, while claims and awards would be made on a no-fault basis.

However, the extent to which an EII system can alleviate the suffering of victims of industrial accidents will largely depend on the ability of the concerned regulatory body to compel compliance on the part of employers. Under the BLA, employers have shown capacity to refuse compliance, even when under court order. And, given the evidence of employers' non-compliance with the existing group insurance scheme and Central Fund – which both rely on prepayments by employers (as the EII scheme would do) – questions remain about how the EII system will ensure compliance and respond to cases of non-payment. The EII would also have to mitigate risks of corruption and administrative bureaucracy, both prevalent in a country with an underdeveloped insurance industry. Crucially, for those victims who still wish to have recourse to fault-based liability against their employer – to recover compensation that is over and above that stipulated by the EII system – the option to do so appears to remain open in cases of negligence on the part of the employer.

1. Introduction

Ever since the Rana Plaza Disaster and preceding Tazreen Fashions Fire, the compensation mechanism for victims of workplace deaths and injuries under the Bangladesh Labour Act 2006 (BLA) has received national and international criticism for affording insufficient protection to workers.

A major concern relates to the cumbersome and protracted process of pursuing compensation claims through the country's limited number of overburdened and under-resourced Labour Courts. In recent years, there has been growing momentum nationally, at the highest levels, for adopting an Employment Injury Insurance (EII) scheme by ratifying ILO Convention No. 121. This would see compensation for deaths and injuries incorporated as a component of social security, giving workers a more effective means to redress.¹

When thousands of Rana Plaza Disaster and Tazreen Fashions Fire victims did not receive compensation through the BLA compensation framework, national and international stakeholders joined efforts to form the Rana Plaza Arrangement (RPA) and Tazreen Claims Administration Trust (TCAT). These schemes paid compensation to victims in line with international labour law standards (namely the ILO's Convention No. 121). The RPA and TCAT highlighted the need for an effective compensation mechanism at the national level so that future victims of industrial accidents would not be left to turn towards ex post facto, 'voluntary' or sympathy-based donations from foreign brands as their only viable option. Rather, an efficient mechanism ought to be in place to ensure adequate compensation for all injured workers as a matter of right – and irrespective of the scale of the accident or level of publicity generated.

There has been some progress in this regard. In September 2015, the Government of Bangladesh adopted the Bangladesh Labour Rules (BLR). Chapter XII deals with technical aspects relating to compensation for workplace injuries and deaths, while chapter XV sets up a Central Fund for the 100 percent export-oriented industrial sector. In October 2015, the Government of Bangladesh, ILO and the Government of Germany signed a Letter of Intent with the desire to cooperate to 'institutionalise a

National Employment Injury Insurance in Bangladesh'.² The letter expressed the need to design the scheme in compliance with 'relevant ILO Conventions'.³ Following these developments, the Prime Minister of Bangladesh has on a number of occasions spoken publicly about the need to develop an EII scheme in Bangladesh 'soon' and stressed the importance of cooperation from owners and workers' organisations.⁴ She has further stated that, although the BLA has compensation provisions, the lessons from industrial accidents in the RMG sector have shown that they can be inadequate and the 'solution is to introduce a long-term and sustainable employment injury scheme'.⁵

Despite widespread, legitimate criticisms of the BLA compensation framework, there is very little research pertaining to compensation cases to substantiate or empirically prove these concerns. This could be partly due to the inaccessibility of judgments passed by the Labour Courts, given that major law reports in Bangladesh typically only publish Supreme Court decisions and not those issued by trial courts.⁶ This research report was commissioned to address this data gap by drawing on BLAST's case records on compensation claims filed under the BLA, and identifying empirical and factual trends therein.

As a national legal aid organisation, BLAST has long provided legal representation to workers and their families seeking to enforce their rights under the BLA, including the right to compensation for industrial accidents. The findings from these cases highlight the limits of the existing compensation mechanism, and can help to inform advocacy and dialogue with key stakeholders in the public and private sector on the comparative advantages of adopting an EII scheme.

The methodology applied in conducting this research is laid out in the second chapter. The third chapter presents a snapshot of the compensation framework under ILO Convention No. 121.⁷ The fourth provides an extensive overview of the existing compensation framework for workplace injuries and deaths, while the fifth and final chapter provides recommendations for legal and institutional reform.

2. A Note on Methodology

To understand the limitations of the current system and the compensation challenges facing injured workers and bereaved family members, the research combines case analysis and Key Informant Interviews (KIIs) with a review of current international and local compensation frameworks.

The international legal instruments reviewed include ILO Conventions No. 102 and 121, while the four main domestic laws analysed include the BLA, BLR, Bangladesh Labour Welfare Foundation Act 2006 and Bangladesh Labour Welfare Foundation Rules 2010. The empirical findings presented in this report are from the analysis of 80 compensation cases filed under the BLA (where BLAST provided legal aid) and also draw on interviews and discussions with BLAST's panel and staff lawyers who have years of experience litigating compensation claims under the BLA.

Case selection

The 80 compensation cases were selected on the basis of having been disposed of by the Court out of a wider pool of more than 200 compensation cases filed under BLA in which BLAST provided legal aid to workers and their families between 2008 and 2019, primarily as part of its working partnership with two local labour rights groups: Safety and Rights Society (SRS) and Occupational Safety, Health and Environment Foundation, Bangladesh (OSHE).⁸

BLAST has had long-standing memoranda of understanding with SRS and OSHE, which aim to activate the compensation mechanism under the BLA by ensuring employers pay compensation for workplace injuries and deaths. As part of these MOUs, SRS and OSHE, for their part, investigate 'unnatural deaths' and injuries in factories (typically on the basis of media reports). Where allegations are found to be prima facie and the employer has not compensated the victims in accordance with the BLA, SRS and OSHE refer the case to BLAST for legal action. Additionally (although more rarely), SRS and OSHE refer existing cases to BLAST where claimants need support in pursuing litigation.

The 80 disposed cases analysed for this report have been divided into three categories:

- 1. Awarded cases:** 35 cases where an award of compensation was ordered by the Court in favour of the claimants, to be paid by the employer;
- 2. Pre-award settled cases:** Nine cases where the parties reached an early settlement as the employer paid compensation to the claimant before an award of compensation was ordered by the Court;

3. Dismissed cases: 36 cases where the compensation claim was dismissed by the Court.

This study is based exclusively on disposed cases because the empirical data it aimed to identify (e.g. average timeline in a case where compensation was awarded or the most common reasons for dismissal) would not be available where a trial is still ongoing.

For validation purposes, the preliminary research findings were presented at a four-day training session organised by ILO, Deutsche Gesellschaft für Internationale (GIZ) and Laudes Foundation (formerly C&A Foundation) on 16 October 2019. This event brought together 30 civil society organisations involved in the Occupational Health & Safety (OHS) initiative for workers in Bangladesh.

KIIs were conducted with five lawyers practicing in Labour Courts across the country to share and validate the research findings and to understand common reasons for delay⁹ and other obstacles to enforcement. A KII was held with the National Programme Officer on EII stationed at ILO's Dhaka Country Office to discuss the comparative advantages of the EII over the existing system.

All amounts of compensation and other monetary figures in this report are expressed in Bangladeshi Taka (BDT), unless specified otherwise.

Limitations

In selecting the 80 cases for analysis, researchers were limited to the records available at the BLAST Head Office. While every effort was taken to identify and include all disposed cases from BLAST's records, there were more than 70 disposed cases which could not be included due to insufficient data and/or case documents not being available. This challenge was magnified by the lockdown and closure of offices due to the Covid-19 pandemic between April and August 2020, when the majority of data analysis was carried out for this report. KIIs were held over the telephone (rather than in person as originally planned) due to the nationwide lockdown.

During the period in which the 80 cases were filed (2008 to 2018), Labour Courts existed only in four out of eight divisions in Bangladesh: Chittagong, Dhaka, Khulna and Rajshahi. The jurisdiction of the Labour Courts in these four divisions therefore extended to the four divisions in which no Labour Courts had yet been established. Therefore, this report does not include cases from the three new Labour Courts established in Barisal, Sylhet and Rangpur.

3. The International Standard: Compensation Under ILO Convention No. 121

Table 1: Employment injury benefit prescribed in ILO Convention No. 121 by type of harm suffered

Art.	Contingency	Cash Benefit Payable
13	Temporary or initial incapacity	Periodical payment in compliance with Art. 19 or 20
14.2	Total loss of earning capacity likely to be permanent or corresponding loss of faculty	Periodical payment in compliance with Art. 19 or 20
14.3	Substantial partial loss of earning capacity likely to be permanent or corresponding loss of faculty (14.3)	Periodical payment representing a suitable proportion of that prescribed for total loss of earning capacity
14.4	Partial loss of earning capacity likely to be permanent not substantial or corresponding loss of faculty ¹⁰	Lump sum payment
18	Death	Periodical payment in compliance with Art. 19 or 20

Under international labour law, compensation for workplace injuries and deaths is treated as a component of social security and is mainly governed by the ILO’s Employment Injury Benefits Convention, 1964 (Convention No. 121) and its accompanying Recommendation No. 121, which raise the standards set by the preceding Convention No. 102.¹¹

Convention No. 121 obligates state parties to introduce domestic legislation on employment injury benefits to protect all employees and, in case of death of the breadwinner, ‘prescribed categories of beneficiaries’.¹²

Convention No. 121 recognises five main contingencies related to workplace injuries and deaths, with differing methods for calculating the compensation payable (Table 1).¹³

Compensation for partial loss of earning capacity that is not substantial is in the form of a lump sum payment. However, for the four remaining contingencies, namely temporary incapacity, total

loss of earning capacity, substantial partial loss of earning capacity and death, compensation takes the form of periodical payments based on actuarial calculations that take into account the affected worker’s earnings, age and number of dependents, as shown in Table 2 (read with Table 1). Crucially, however, ILO Convention No. 121 does not address compensation for non-financial harm in the prescribed formula.

In addition to the contingencies listed above, ILO Convention No. 121 requires State parties to prescribe a specific definition of ‘industrial accident’ as well as a list of ‘occupational diseases’, which must include the diseases included in Schedule I to the Convention. Although Bangladesh has not ratified Convention No. 121, it – along with other non-ratifying ILO member states – has reported that the domestic framework largely gives effect to a number of contingencies set out by Convention No. 102.¹⁴ Bangladesh has cited its insufficient level of development and financial resources as the main obstacles preventing ratification of Convention No. 102.¹⁵

Table 2: Proportion of loss of earnings prescribed as employment injury benefit in ILO Convention No. 121

Contingency	Standard Beneficiary	Percentage
Temporary or initial incapacity for work	Man with wife and two children	60
Total loss of earning capacity or corresponding loss of faculty	Man with wife and two children	60
Death of breadwinner	Widow with two children	50

4. Law and Practice: Compensation under the Bangladesh Labour Act 2006

Labour law in Bangladesh is primarily governed by the BLA, which consolidates laws pertaining to the working conditions of those employed in particular 'industrial establishments'.¹⁶

A key objective of the BLA is to guarantee certain minimum rights for industrial workers, including the right to seek compensation from employers for workplace injuries and deaths.¹⁷ Chapter XII of the BLA, and Chapter X of the BLR, address compensation for industrial accidents.¹⁸

If a worker is bodily injured by an **accident** arising out of the **course of his employment**, his employer shall be liable to pay them **compensation** in accordance with the provisions of this Chapter.

4.1 Definition of worker

The BLA includes both a general definition of a worker and a separate definition for the purposes of Chapter XII.¹⁹ The general definition includes any person employed in any establishment or industry, but excludes those employed mainly in a managerial, administrative or supervisory capacity.²⁰ In contrast to the wider general definition, the Chapter XII definition only includes workers from a closed list of

32 occupations.²¹ This means that only workers belonging to these occupations would be able to sue for compensation under the BLA in the event of workplace injury or death. This limitation aside, the Chapter XII definition of worker is comprehensive in that it covers those employed not only under written or express contracts but also oral or implied contracts.²²

4.1.1. Background information about workers in analysed cases

Construction workers and stonebreakers were the two most common occupations for the workers in the analysed cases (Figure 1), whereby all 23 stonebreakers had contracted silicosis. After silicosis, fall from height, electrocution and fire were the three most common causes of the contingency (Figure 2). The vast majority of cases pertained to male workers (Figure 3), with only six cases pertaining to female workers. The average age of workers across all three case categories and both contingencies were overwhelmingly young, with it ranging between 24 to 32 (Figure 4). The average numbers of dependents of the worker across both contingencies and case categories ranged from three to five, but was four on average for all cases (Figure 5).

Figure 1: Occupation of workers

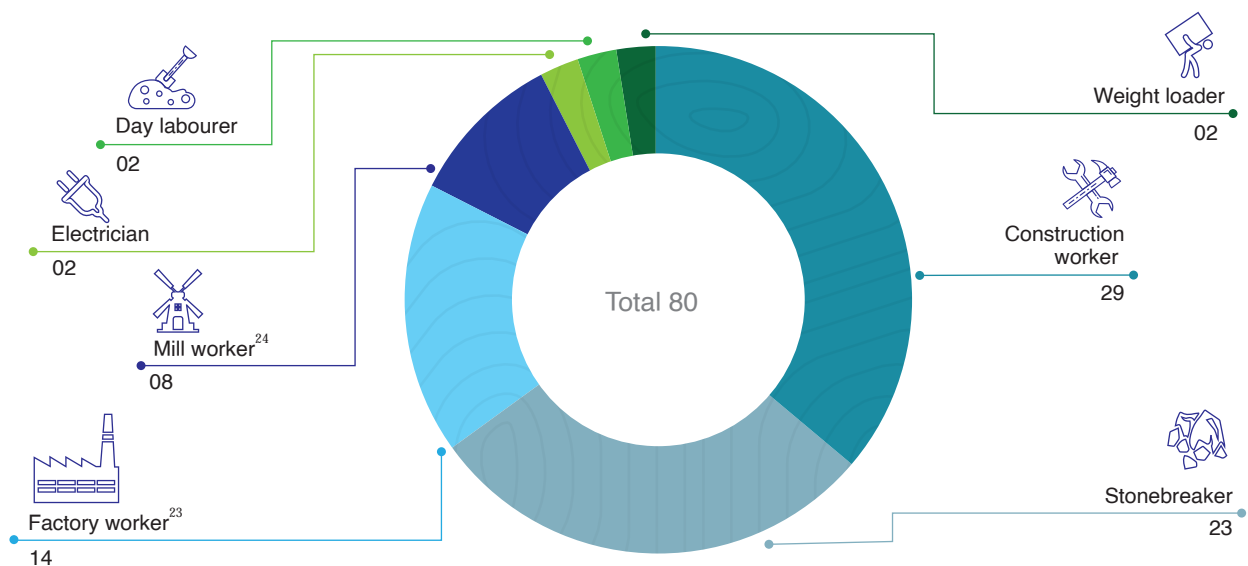
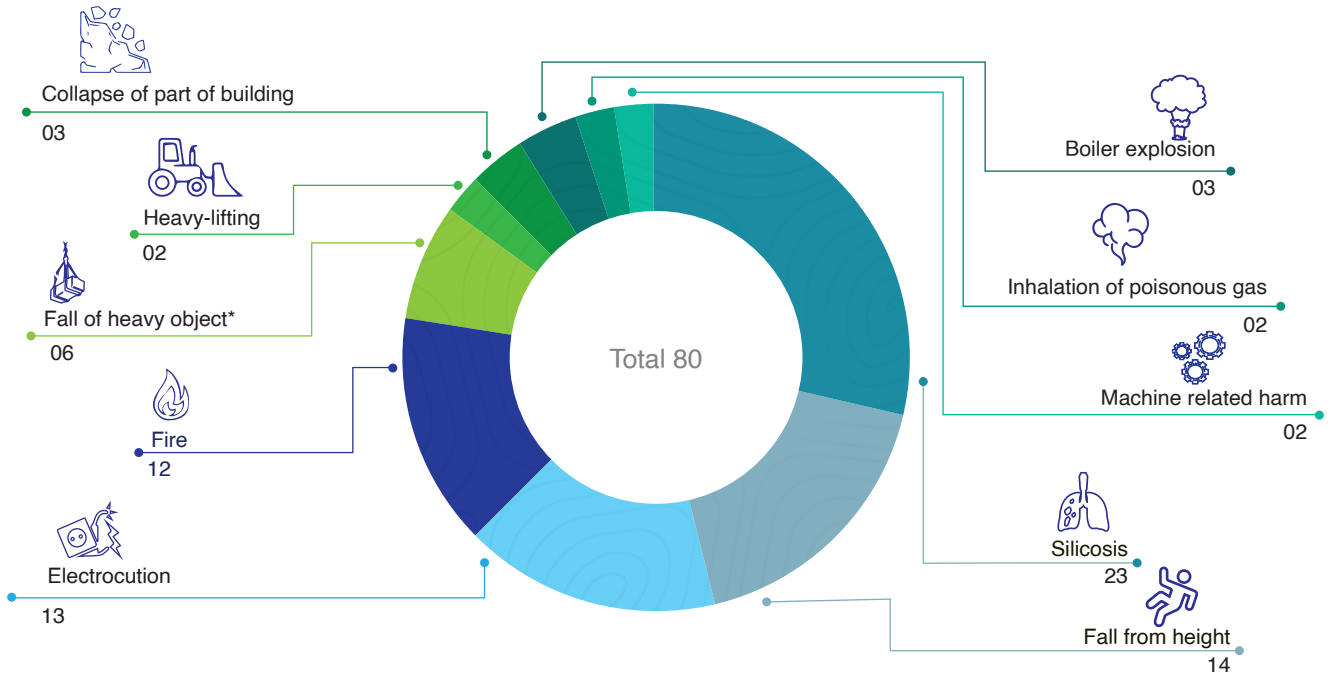


Figure 2: Cause of contingency suffered



*Such as potato sacks in one case, rice sacks in two cases, paddy sacks in two cases and a pile of soil in one case.

Figure 3: Average age of worker by contingency suffered

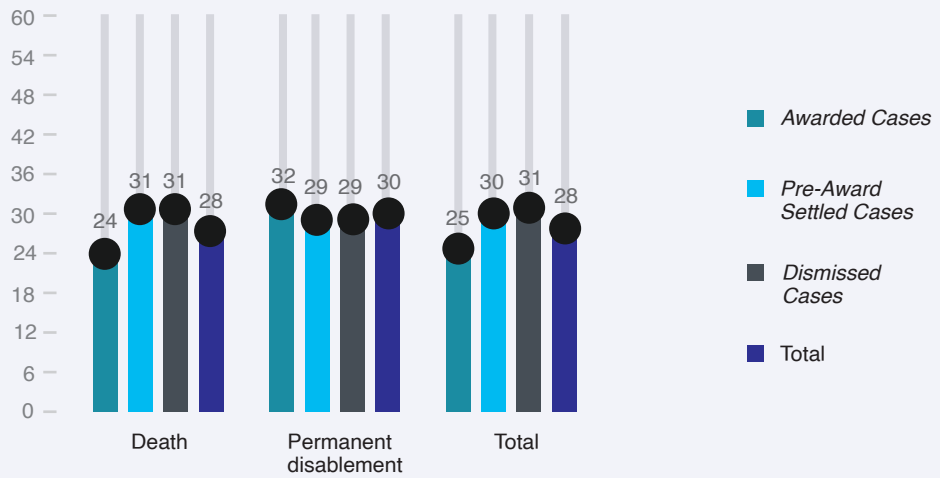


Figure 4: Gender ratio of workers

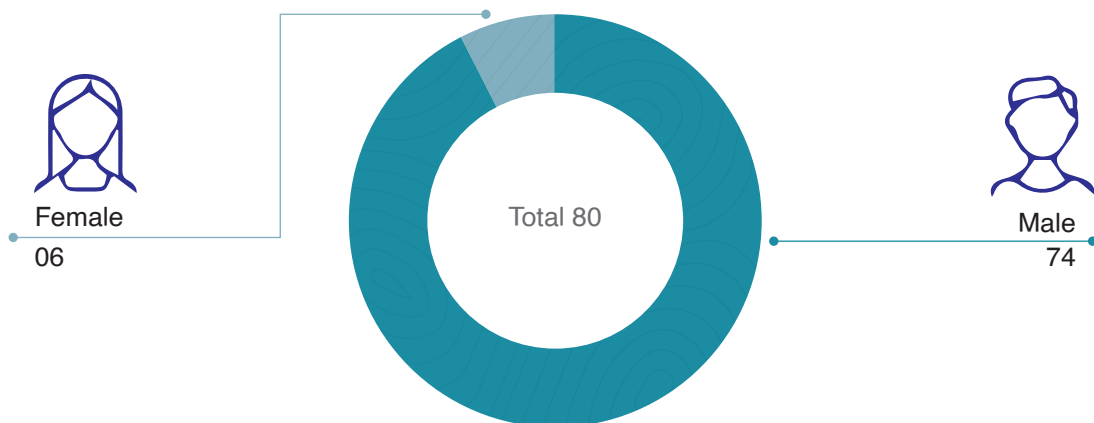
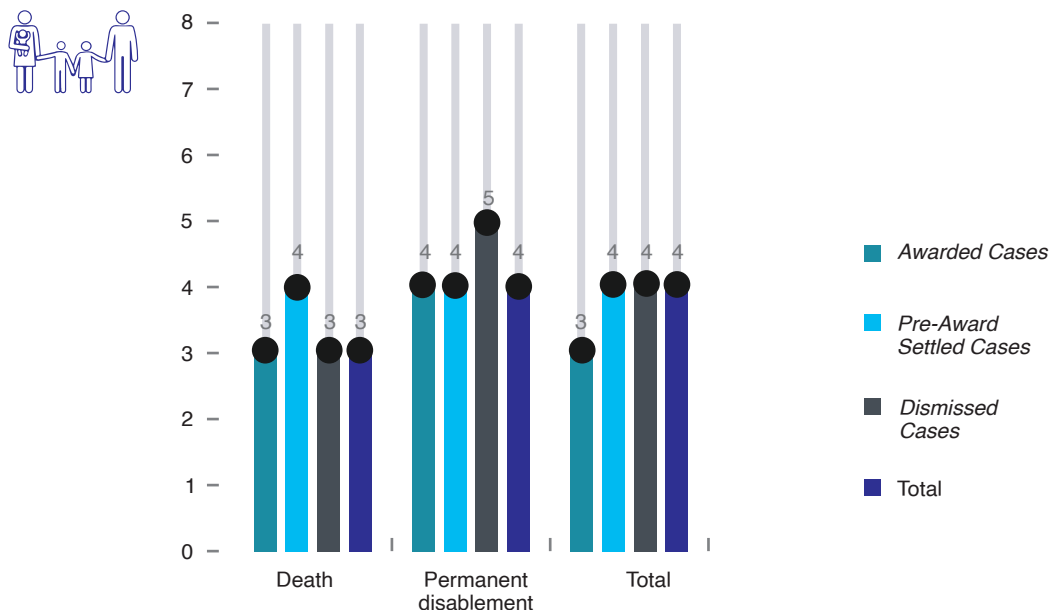


Figure 5: Average number of dependents by contingency suffered*



*The average age and average number of dependents have been rounded to the nearest whole number

4.2 Definition of employer

The BLA adopts an expansive definition of employer. Firstly, an employer is described as any person who engages workers in relation to an establishment.²⁵ Secondly, it includes a manager or ‘any person responsible for the management or control of the establishment’ along with the heir, guardian or legal representatives of an employer.²⁶ Thirdly, the BLA makes clear that even if an employer hires workers through a contracting agency – a common practice in many factories – they would still be liable, as the ‘principal and original employer’, to pay compensation in the event of an industrial accident.²⁷

4.3 Definition of dependents

If a worker dies at work, their dependents have a right to sue the employer for compensation.²⁸ In this respect, the BLA sets out two categories of dependents (Table 3). Category A is shorter and recognises four types of family members as

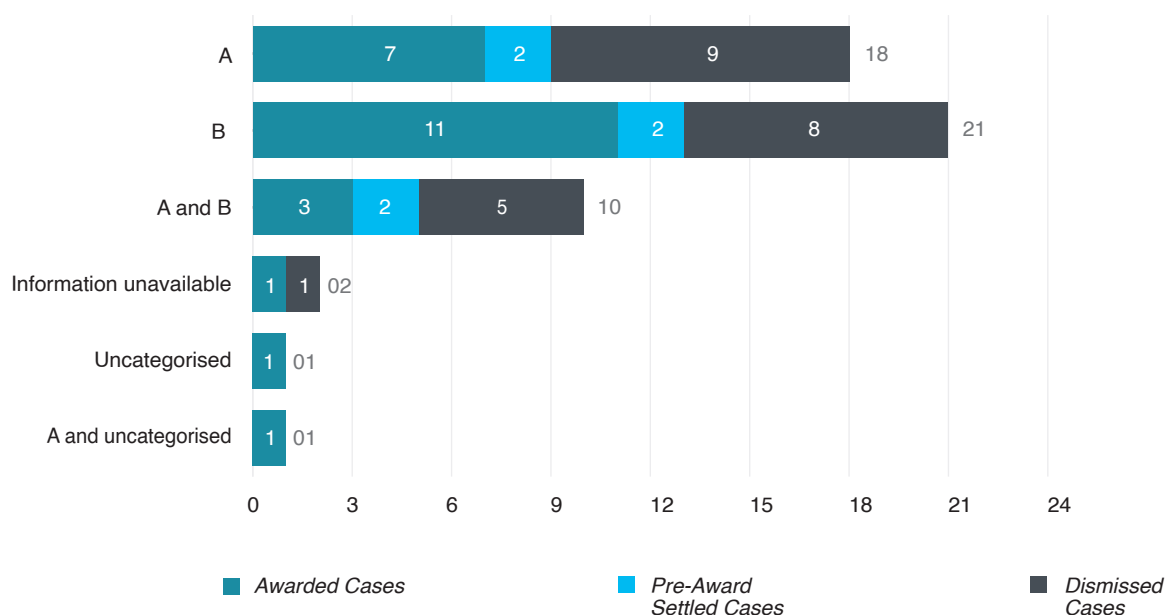
dependents without qualification.²⁹ Category B is longer and recognises 11 types of family members as dependents, but only if they were ‘wholly or partly dependent on the earnings of the worker at the time of his death’.³⁰ Many of the family members listed in Category B are further qualified by their age or marital status.

In introducing a closed list of pre-specified family members, rather than simply adopting a standalone factual test of dependency (irrespective of marital status or age), the BLA excludes family members who may in fact be ‘wholly or partly dependent’ on the deceased worker’s income. For example, an adult son or adult brother may not claim as a dependent even if they were ‘wholly or partly dependent’ on the deceased workers’ earnings. The minor son of a deceased son is recognised, while the minor daughter of a deceased son is not. Similarly, an illegitimate daughter is only recognised if she is unmarried, whereas an illegitimate son is recognised irrespective of marital status.

Table 3: List of dependents recognised by the BLA

Category A	Category B	
1. Widow	1. Widower	7. Minor son of a deceased son
2. Minor child	2. Widowed mother or father ³¹	8. Minor child of a deceased daughter ³²
3. Unmarried daughter	3. Daughter (unmarried, minor or widowed)	9. Paternal grandparent ³³
4. Widowed mother	4. Minor brother	10. Illegitimate son
	5. Unmarried or widowed sister	11. Illegitimate unmarried daughter
	6. Widowed daughter-in-law	

Figure 6: Category of dependents in death cases



In 49 out of the 53 analysed cases relating to death, all the listed dependents belonged to Category A, Category B, or both. In two cases, information about the dependents of the deceased worker was not available. Notably, however, in the two remaining cases, one or more of the listed dependents were uncategorised i.e. they fell outside the closed list of dependents recognised by the BLA:

In *Md. Jony Miah vs. Managing Director, Color Max (BD) Ltd*³⁴ one dependent was the adult brother, aged 20, of a female worker killed in a factory fire. The Union Parishad Chairman of the deceased’s locality had issued a dependency certificate confirming that her mother and adult brother were dependent on her income. Notably, the employer had pre-deposited the compensation amount in Court, and the Chairman was then tasked to identify the dependents. It is not clear whether the adult brother would have been able to initiate a case against the employer had the latter not voluntarily pre-deposited the compensation, given that adult brothers are not included in the closed list of dependents in the BLA.

In *BLAST vs. Khalilur Rahman Talukder*,³⁵ the concerned Union Parishad Chairman similarly issued a dependency certificate stating that the maternal uncle and maternal grandfather of an eighteen-year-old worker killed in a factory fire were dependent on the deceased’s income. The

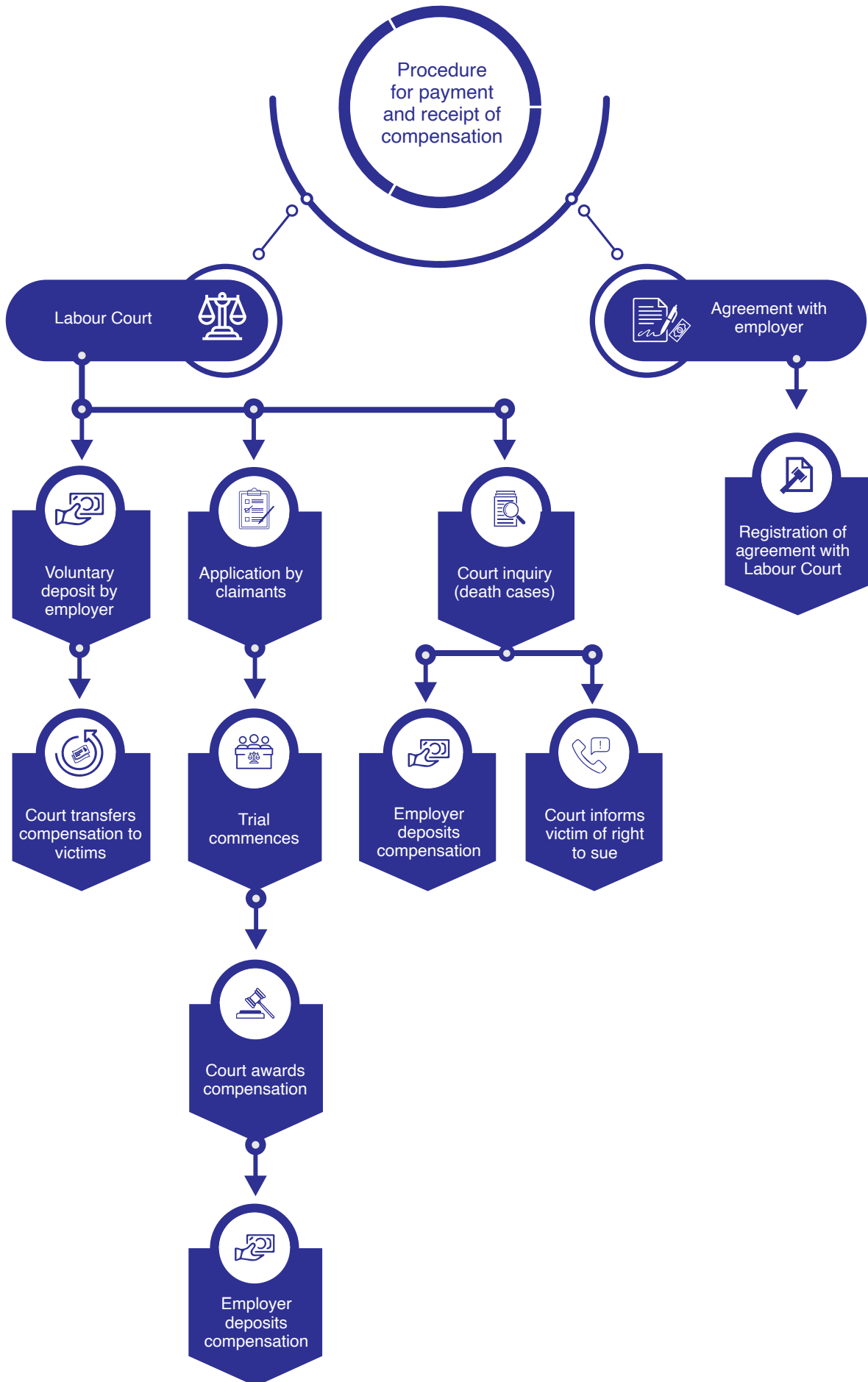
maternal uncle appeared at the hearing and identified himself as a dependent before the Court and admitted that he had received 30,000 BDT as compensation from the employer. The employer was ordered to pay the remaining 70,000 BDT as compensation. However, the employer subsequently filed an appeal before the Labour Appellate Tribunal (LAT), challenging BLAST’s locus standi to file the compensation claim, stating that they had already ‘mutually’ settled the matter with the maternal uncle by reaching a compromise for 30,000 BDT.³⁶ The case is pending on appeal before the LAT.

Both these cases indicate that a dependency certificate from the concerned Union Parishad Chairman may help bypass the closed list of dependents under the BLA in practice, provided that neither the employer’s counsel nor the Court take issue with it. Out of the 53 death cases, BLAST as claimant sued the employer in 43, while the dependent family member (father, widow, mother or adult brother as in the Jony Miah case) was the claimant in the other 10 cases.

4.4 Procedure for payment of compensation

The BLA envisions two main procedures through which compensation can be recovered: through the Labour Court, or through mutual agreement. Under the Labour Court procedure, there are then three distinct ways in which the compensation can be paid (Figure 7).

Figure 7: Compensation procedure under the BLA



4.4.1 Compensation through the Court

4.4.1.1 Voluntary court deposit by employer

According to the BLA, the standard method of paying compensation for death and permanent disablement is for the employer to deposit the applicable amount to the relevant Labour Court.³⁷ In cases of death, the Court then takes steps to identify and inform the dependents, so the compensation can be disbursed to them.³⁸ In cases of permanent disablement, the Court pays the amount directly to the injured worker, unless they are suffering from a ‘legal disability’.³⁹

4.4.1.2 Claimant’s application for compensation

A claimant has to file an application for compensation before a Labour Court within two years of the industrial accident. Notice of such industrial accident must first be served to the concerned employer, mentioning the name and address of the affected worker along with the date and cause of the accident.⁴⁰

4.4.1.3 Court inquiry in case of death

When the Court receives notice from ‘any source’ about a worker’s death, it sends a notice to the employer by registered post to submit a statement accepting or denying their liability to pay compensation within 30 days.⁴¹ If the employer accepts responsibility, they must deposit the compensation amount to the Court within 30 days from the service of notice. If the employer denies responsibility, the Court will inform the dependents of their right to sue.⁴²

4.4.2 Compensation under an agreement

The BLA also recognises that parties may come to an agreement about payment of compensation out of court, so long as it is ‘in accordance with the provisions’ of the BLA.⁴³ Additionally, the BLA requires that any such agreement be registered with the Labour Court for the purposes of vetting its

‘genuineness’ and enabling its enforceability.⁴⁴ In considering whether to allow registration of the agreement, the Court will check to see if there has been any ‘inadequacy of the sum or amount or by reason of having been obtained by fraud or undue influence or other improper means’.⁴⁵ Failure to register the agreement will result in the employer being liable to pay the full amount of compensation, where they will not be entitled to deduct more than half of any amount of compensation paid under an (unregistered) agreement or otherwise.⁴⁶ Further, Section 165 nullifies any agreement as to indemnity or reduction of liability.⁴⁷

Any agreement, made **before** or **after** the commencement of this Act, whereby a worker **relinquishes any right of compensation** from the employer for **personal injury** arising out of or during the course of the employment, shall, to such extent as to **remove** or **reduce** the liability of any person to pay compensation under this Chapter, be **void**.

4.5 Recognised contingencies and quantum of compensation

For the purposes of assessing the quantum and manner of compensation payable by an employer for workplace deaths and injuries, the BLA classifies harm into four separate contingencies (Table 4). Compensation for death and permanent disablement, total or partial, is payable on a lump sum basis. However, compensation for temporary disablement is payable on a monthly basis in line with the worker’s monthly earnings. In other words, it is only in one out of the four contingencies – that of temporary disablement – that the formula for calculating compensation is in line with the periodical payment method prescribed by ILO Convention No. 121.

Table 4: Compensation payable under the BLA

Contingency	Amount Payable (Post 2018 Amendment)	Amount Payable (Pre 2018 Amendment)
Death	200,000 BDT (2,360 USD)	100,000 BDT (1,180 USD)
Permanent total disablement	250,000 BDT (2,950 USD)	125,000 BDT (1,475 USD)
Permanent partial disablement	A determinable proportion of 250,000 BDT	A determinable proportion of 125,000 BDT
Temporary disablement	Variable monthly payment proportionate to worker’s monthly wages ⁴⁸	

Death

If a worker is killed in the workplace, their heirs are entitled to a fixed sum of 200,000 BDT, irrespective of the worker's specific earnings or age.⁴⁹ Interestingly, Chapter II of the BLA, which deals with terms of employment, also entitles the family of a deceased worker who has continuously worked for the same employer for more than two years to additional 'compensation for death', depending on the manner of death.⁵⁰ If the death is natural, the amount to be paid is a month's wages.⁵¹ However, if the death was at the workplace or due to a workplace 'accident', the amount may be increased to 45 days' wages for every completed year of service, or six months of gratuity – whichever is higher.⁵²

Permanent total disablement

The amount of compensation for permanent total disablement is fixed, but higher than for death, at 250,000 BDT.

Permanent partial disablement

The amount of compensation for permanent partial disablement is to be calculated as a percentage of the amount stipulated for permanent total disablement (250,000 BDT), based on the loss of earning potential caused by the disablement.⁵³ For instance, loss of sight in both eyes would be calculated at an additional 100 percent, while loss of one eye without any complications to the other would incur a 40 percent addition.⁵⁴ However, the percentage values do not appear proportionate to the harm suffered. For instance, for loss of one hand or loss of both hands, the loss of earning capacity is valued at 100 percent, even though the degree of harm is markedly different.⁵⁵

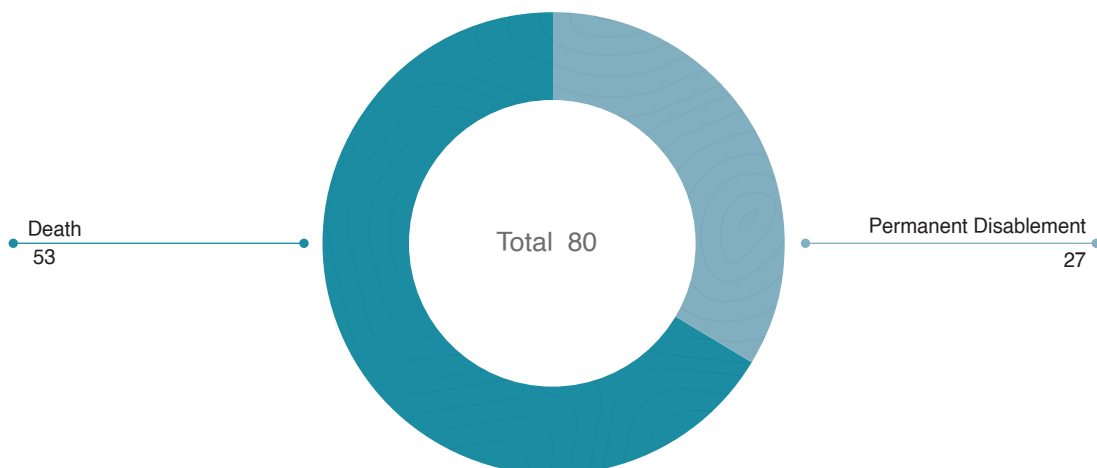
Temporary disablement

Compensation for temporary disablement is paid on a monthly basis for the period of disablement or one year (whichever is shorter) as a proportion of the worker's monthly wages.⁵⁶ Further, in the event of 'prolonged occupational disease', compensation must be paid at the rate of half of monthly wages during the period of disablement. However, the period for such payment will in 'no case' exceed two years.⁵⁷

The BLA's approach is similar to the ILO Conventions in that it categorises types of injury by harm caused. However, by prescribing fixed compensation amounts for permanent total disablement and death, it creates unfair outcomes. For example, the dependents of a 20-year-old worker⁵⁸ killed in a workplace accident have received the same amount of compensation as that of a 40-year-old worker,⁵⁹ even though the pecuniary losses of the former (i.e. loss of potential earnings as determined by the number of lost working years) is likely to be much higher.⁶⁰ This is at odds with the ILO standard and breaches the basic principles of damages assessment in the common law system, which Bangladesh ascribes to.⁶¹

Importantly, ILO allows lump sums to be paid in place of periodical payments as a temporary exceptional measure if Bangladesh can show that it lacks the 'necessary administrative facilities for periodical payments'. However, the lump sum would still have to be the 'actuarial equivalent' of the periodical payments prescribed by the Convention; a condition which the fixed and largely inadequate amounts under the BLA are unlikely to meet.

Figure 8: Contingency suffered by workers



In this study, all 80 cases pertained to death and permanent total disablement, whereas none pertained to the other two contingencies under the BLA (i.e. temporary disablement or permanent partial disablement).

4.5.1 Quantum of compensation in awarded cases

In the majority of the awarded cases (i.e. 19 cases), the amount of compensation ordered by the Court for death or permanent disablement was in line with the statutorily fixed values. However, in the remaining 10 cases, there were two forms of deviation from the fixed amounts stipulated in the Fifth Schedule to the BLA:

4.5.1.1 Deduction of prepayment

In nine of the awarded cases pertaining to death, the amount of compensation awarded was less than 100,000 BDT. This appears to be because the employer showed evidence of having made out of court payments to the claimants. The Court deducted this sum when stipulating the final award. While the BLA directs the Court to deduct any prepayment of compensation by the employer to the deceased worker's dependents, it is presumed that the employer will have deposited the compensation amount to the Court in advance and that such deduction would be made in the form of a refund to the employer.⁶² However, any amount paid for the burial or treatment of a deceased worker cannot be claimed as a prepayment by the employer for the purposes of deduction.⁶³ In these nine cases, the employer was able to prove to the satisfaction of the Court that they had in fact made out of court payments to the worker's dependents, and the dependents did not contest this.

4.5.1.2 Additional heads of recovery

In 13 of the awarded cases, the amount of compensation claimed was higher than the amount prescribed (at the time) by the BLA for death

(100,000 BDT) and permanent disablement (125,000 BDT). This was because the claims expressly included additional heads of recovery such as litigations costs (5,000 BDT), 25 percent excess for the employer's late payment of compensation (which amounted to 25,000 BDT for death, and 31,250 BDT for permanent disablement) and medical expenses (variable), etc. In five of these 13 cases, the Court ended up ordering a higher amount of compensation than prescribed in the Fifth Schedule to the BLA as it accepted the claim of at least one or more of the additional heads of recovery (Table 5).

The Sobur Ali vs. Alhaj Md. Saiful Islam⁶⁴ and Md. Afaz Sheikh vs. Hashem Professor⁶⁵ cases pertained to permanent disablement, where the amount of compensation awarded was 161,250 BDT and 176,250 BDT respectively, instead of the standard 125,000 BDT. The Court accepted the prayer for litigation costs (5,000 BDT in the former and 20,000 BDT in the latter) and 25 percent excess for late payment by the employer (i.e. 31,250 BDT).

In Jewel vs. Hazi Liakat Ali,⁶⁶ the amount of compensation awarded was 205,000 BDT as the Court accepted BLAST's lawyer's prayer for medical expenses (80,000 BDT) while rejecting the claim for litigation costs (5,000 BDT).

In Nargis Akhter vs. Amicus Properties,⁶⁷ the Court similarly accepted the prayer for 25 percent excess for late payment, and therefore ordered 25,000 BDT to be paid in addition to the standard 100,000 BDT for death, while in Rabi Bala and others vs. Alhaj Md. Shafiqul Islam⁶⁸ it accepted the claim for litigation costs and awarded 5,000 BDT extra. However, it is not clear why litigation costs, medical expenses and 25 percent excess were not awarded by the Court in eight other cases where these were sought. There appears to be an inconsistent approach by Labour Courts to the granting of these additional modes of recovery.⁶⁹

Table 5: Cases where higher compensation was claimed and awarded (in Bangladeshi Taka)

Case Name*	Contingency Suffered	Amount Prescribed	Amount Claimed	Amount Awarded	Additional Head of Recovery Awarded
<i>Sobur Ali</i>			161,250	161,250	
<i>Afaz Sheikh</i>	Permanent disablement	125,000	161,250	176,250	Litigation costs and 25% excess
<i>Jewel</i>			210,000	205,000	
<i>Nargis Akhter</i>	Death	100,000	125,000	125,000	25% excess
<i>Rabi Bala</i>			105,000	105,000	Litigation costs

*Abbreviated from full case name, using name of first party

4.5.1.3 Case study 1: Will Jewel ever be compensated for his broken legs?

Jewel, a 28-year-old male construction worker, was contracted by Hazi Liakat Ali to mould the walls of the rooftop of his residential building in Badda, Dhaka, for a *mojuri* (daily rate) of 350 BDT. As is the case with most construction workers who work as day labourers, Jewel received no written contract or documentation. On 31 December 2013, while working on Ali's rooftop, and carrying several sacks of sand weighing almost 60kg, Jewel slipped off a ladder.

Jewel was immediately taken to Al Raji Hospital Limited by fellow construction workers, and then rushed again to Al Islamia Hospital and finally to the National Institute of Traumatology and Orthopaedic Rehabilitation (NITOR) due to lack of facilities at the first two hospitals. The duty doctors at NITOR noted the severity of his condition and claimed they could not treat him, also due to a lack of necessary equipment and facilities. Jewel was then admitted to the Center for the Rehabilitation of the Paralyzed (CRP) in Savar, Dhaka on 9 January 2014 following the NITOR doctors' advice.

After three months of continuous treatment, he was discharged and returned home. Jewel suffered permanent total disablement from the waist down. He was advised that he would be unable to walk for the rest of his life, and unable to do any manual labour. Jewel and his family were devastated by this news. They also found themselves facing huge medical costs of 80,000 BDT for the treatment at NITOR and CRP.

Jewel's case came to the notice of SRS, who investigated the matter and referred it to BLAST. Jewel sought legal help from BLAST on 2 June 2014. After collecting information and documents from Jewel, on 24 August 2014, BLAST filed a compensation claim before the First Labour Court of Dhaka seeking 215,000 BDT in compensation (125,000 BDT as compensation for Jewel's permanent total disablement as per column 3 of the Fifth Schedule to the BLA; 80,000 BDT for medical expenses and 5,000 BDT for litigation costs). Ali contested the compensation claim, denying any duty to pay compensation to Jewel on the grounds that he was not Jewel's employer, and Jewel's claims should be against the contractor who hired him. Ali noted that he had paid Jewel 3,000 BDT 'on humanitarian grounds'. After a long wait and trial, on 9 April 2018, the Court finally passed an *ex parte* order for Ali to deposit 205,000 BDT to the Court within 60 days, as compensation to Jewel. The Court also directed payment of an additional 80,000 BDT as medical expenses but did not award the 5,000 BDT sought for litigation costs.⁷⁰

Ali was not present when the judgment was made. BLAST sent a legal notice on 14 August 2018 informing him of the order and his obligation to deposit compensation to the Court. Ali still refused to pay. On 2 December 2018, BLAST filed an application under Section 293 of the BLA to initiate a criminal case against Ali for his failure to comply with the compensation order of the Court.⁷¹ This is still pending before the Court.

4.5.2 Exemption of employer's liability to pay compensation

Under Chapter XII, an employer is only liable to pay compensation for any injury that causes a worker to lose the ability to work for more than three days.⁷² Section 150(2)(b) sets out three factual scenarios in which the employer is exempted from paying compensation for injuries where the accident is 'directly attributable to': (a) the worker being 'under the influence of drink or drugs' at the time; (b) the worker's 'willful disobedience' of rules and orders intended to ensure their safety; and (c) the worker's 'willful removal or disregard' of safety equipment or devices they knew to have been provided as a protective measure.⁷³ In these exemptions the worker could be considered at fault for causing the injury, either intentionally or through their own negligence.

4.5.3 Common reasons for rejection in dismissed cases

Interestingly, the Court's given reasons for rejecting a compensation claim did not refer to the exemptions under Section 150(2)(b) in any of the 36 dismissed cases. Rather, the reasons mostly related to procedural matters or technicalities of law (Figure 9).

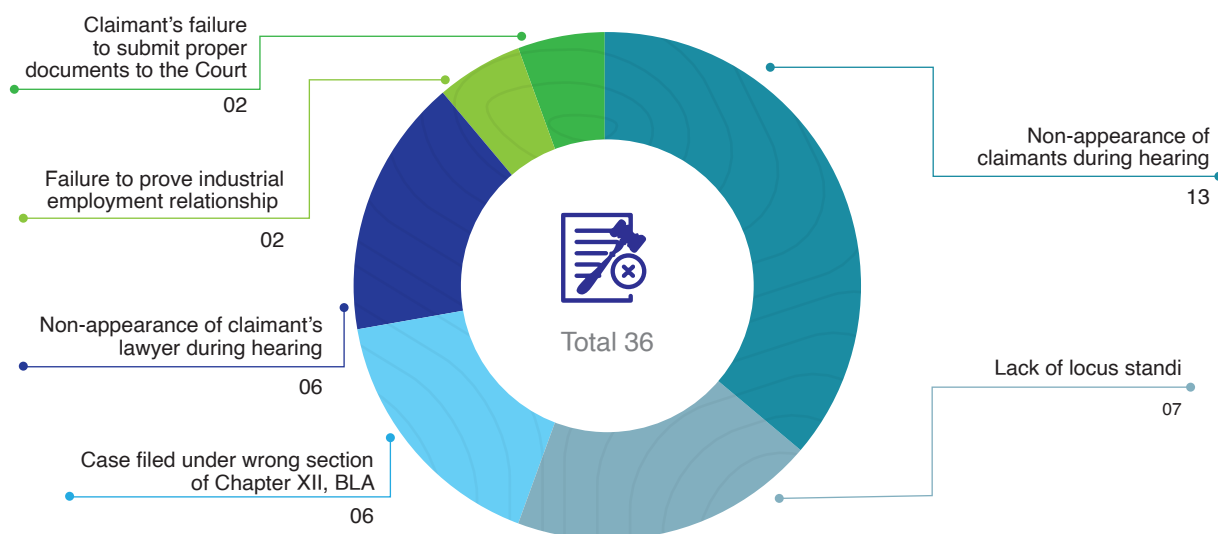
The most common reason for dismissal was non-appearance of the claimant during hearing. Claimants often lost interest in the case due to the prolonged trial period and distance to Court. The limited number of Labour Courts where the 80 cases were filed are located in metropolitan areas (Figure

10), making them inaccessible for those claimants based outside these areas. The average distance between the claimant's upazila (subdistrict) and location of the Labour Court in which the case had to be filed was the highest for dismissed cases out of the three case categories, at 218 km (Figure 11). The average distance was highest for all case types filed before the Chittagong Labour Court at 316 km, more than double that of the average for all case types filed before the Dhaka Labour Court, which was 143 km.

The second most common reason was the Court's rejection in accepting BLAST's locus standi to file a compensation case. The Court took the view that only the workers' dependents could file a claim, not a third party – even a legal aid provider. However, in the 17 awarded cases relating to death, BLAST, and not the dependents, was the claimant. This again suggests that Labour Courts do not have a uniform stance on this issue.

The third most common reason was filing cases under the wrong section of the BLA. In these instances, the injured worker had filed the compensation case under section 158 of the BLA, which only applies to work-related deaths, where the Court has the power to require employers to provide a statement whenever it is informed of any work-related death. The Court dismissed the claim in these cases on the ground of non-maintainability. All six of these cases related to the stonebreakers of

Figure 9: Reasons for rejection in dismissed cases



Lalmonirhat who had contracted silicosis. The fourth most common reason was the non-appearance of the claimant’s lawyer during hearing, while the fifth most common was failure on part of the claimant to establish an industrial employment relationship with the defendant that fell within the scope of BLA. Relatedly, the sixth most common reason was failure on the part of the claimant to submit the necessary documents.

4.6 Distance and jurisdiction of Labour Courts

Under the BLA, any compensation claim has to be brought before the Labour Court ‘having jurisdiction in the area in which the accident took place’.⁷⁴ The average distance between the claimant’s upazila (subdistrict) and the Labour Court in which the compensation claim had to be filed was 201 km (Figure 11).

Figure 10: Number of cases by location of court

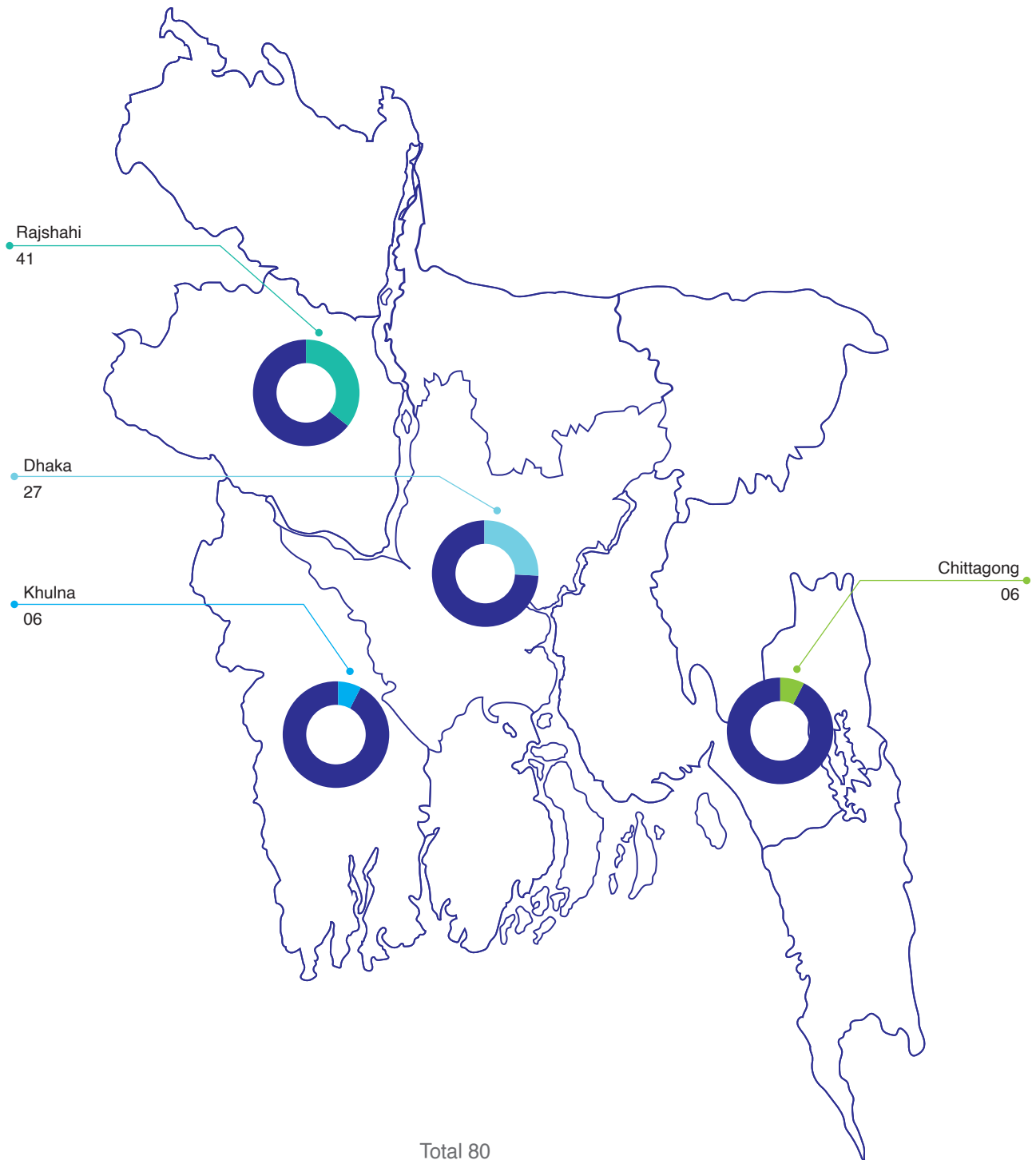
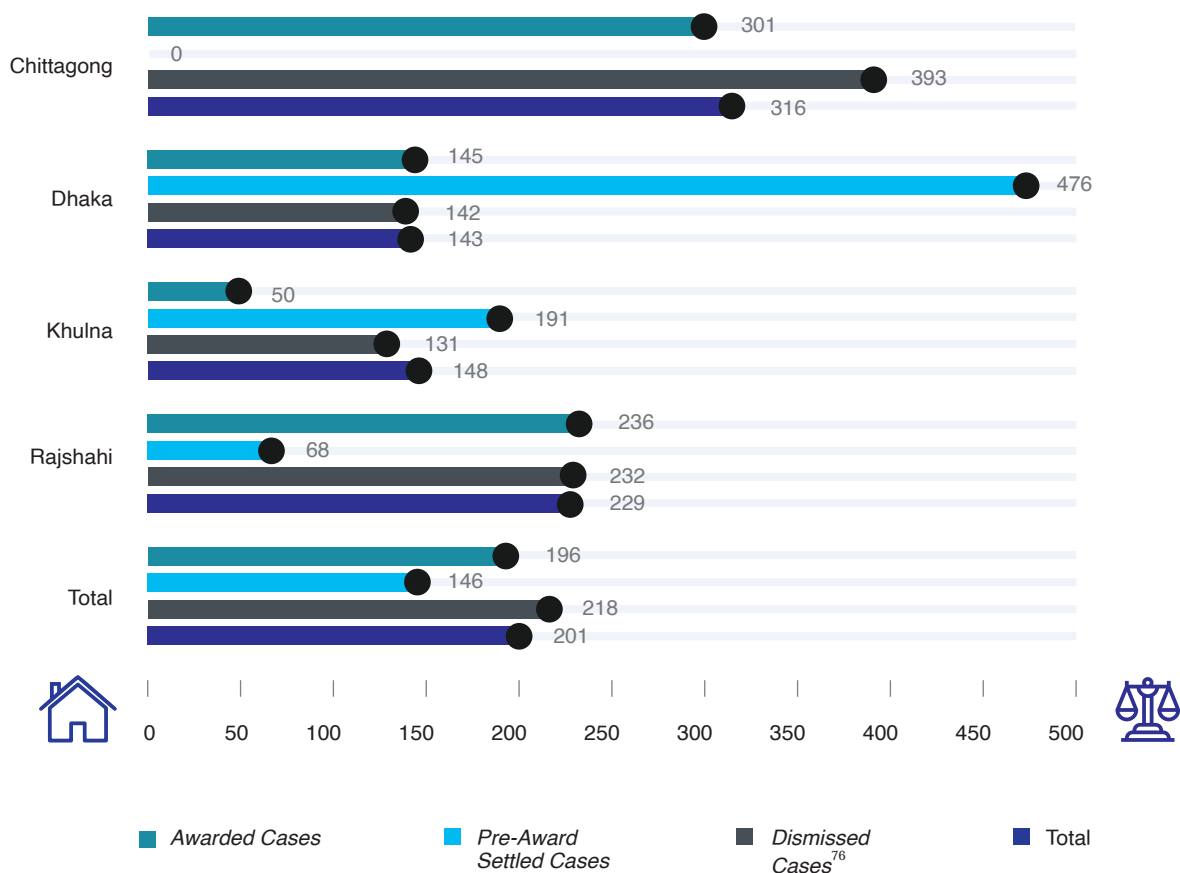


Figure 11: Average distance between the Court and claimant's upazila by district (in km)*



*The average distance values in Figure 11 have been rounded to the nearest whole kilometer

During the period in which the 80 cases were filed (2008 to 2018), Labour Courts existed only in four out of eight divisions in Bangladesh: Chittagong, Dhaka, Khulna and Rajshahi. The jurisdiction of the Labour Courts in these four divisions therefore extended to the remaining four divisions in which no Labour Courts had yet been established.

In 50 of the 80 cases, the Court and the claimant's residence were located in different divisions. In 25 of these 50 cases, the claimants were required to make the compensation claim in a Labour Court located in the division where the incident occurred, even though that was not the division in which they resided. This requirement to file the compensation claim in the Labour Court with jurisdiction over the area where the death or injury occurs, rather than the one nearest their home, creates undue hardship. Claimants are required to travel hundreds of kilometers, incurring huge transport costs and travel time.

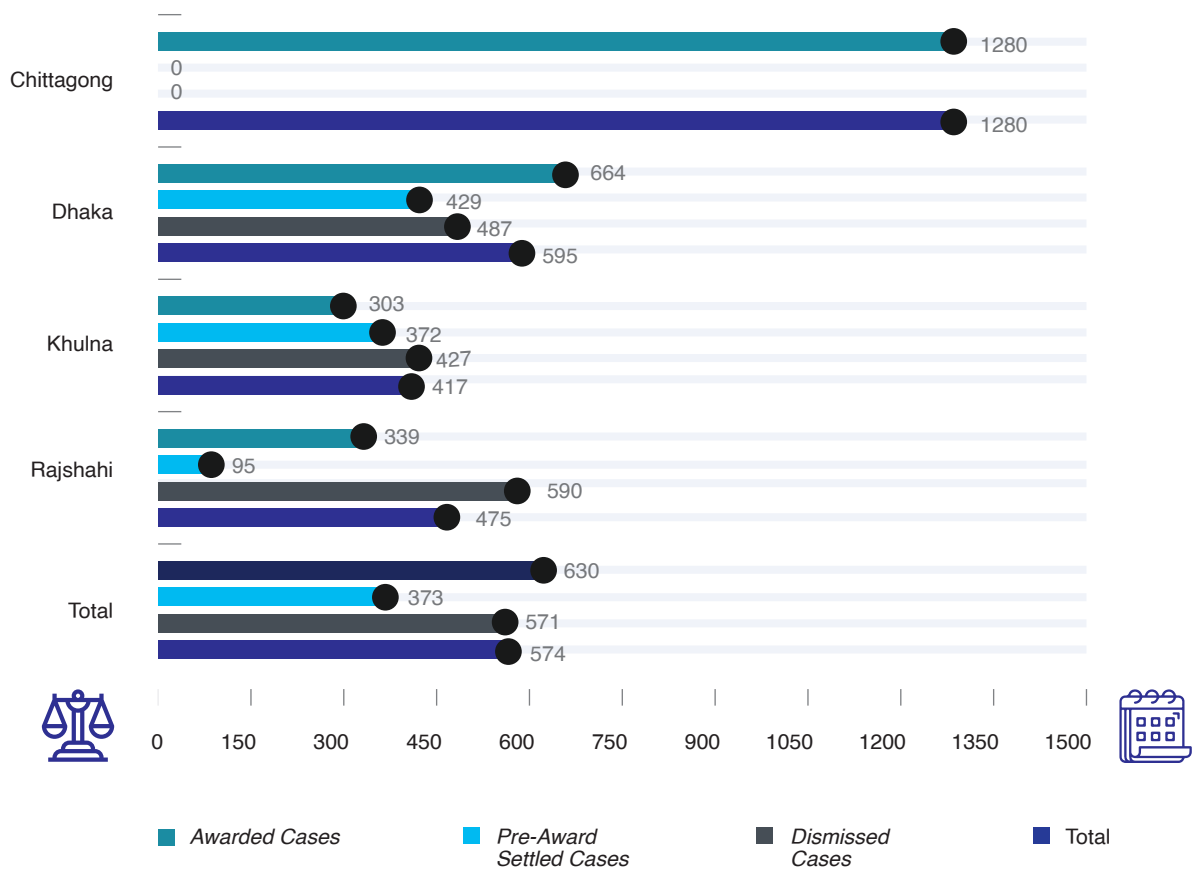
The remaining 25 cases concerned the stonebreakers of Lalmonirhat, where the claimants had to file the

claim in Rajshahi division, as their home division of Rangpur did not have a Labour Court at the time.⁷⁷

In 29 of the 80 cases, the division in which the accident took place was different from the division in which the compensation case had to be filed, due to there being no Labour Court in the division in which the accident occurred. As mentioned above, 25 of these 29 cases concerned the stonebreakers of Lalmonirhat; as they contracted silicosis working in Rangpur division, the cases had to be filed in the Rajshahi Labour Court (which also covered Rangpur). Three of the 29 cases related to industrial accidents in Barisal division, so the claim had to be filed in Khulna Labour Court, while one case originated from Sylhet division, so the claim had to be filed in Chittagong Labour Court.

Three new Labour Courts have since been established in Barisal, Rangpur and Sylhet, but a report from May 2020 suggests they are not yet operational due to judges not being appointed.⁷⁸

Figure 12: Average time taken in disposing compensation cases by district (in days)*



* The duration values have been rounded to the nearest completed whole day when calculating all the average duration figures

4.7 Timeline in compensation claims

Section 216(3) of the BLA lays down an ambitious general timeline for all cases before the Labour Court:

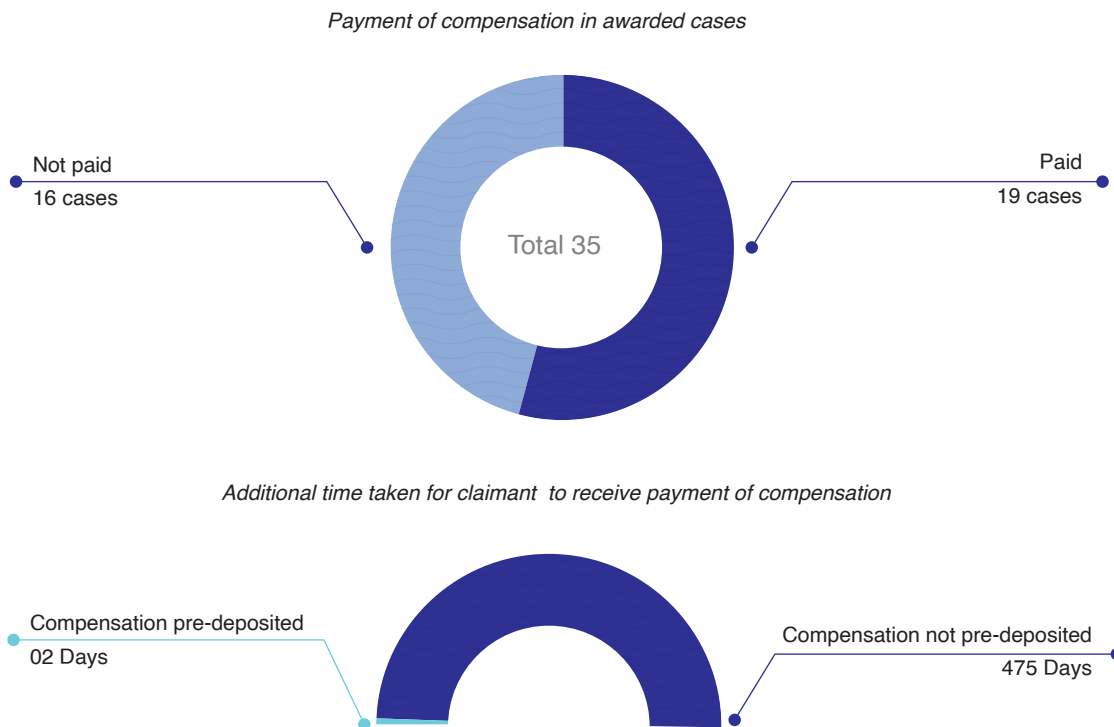
The judgment, decision or an **award** of a Labour Court **shall, in every case, be delivered, within 60 (sixty) days** from the date of filing of the case, unless the parties thereto agree in writing to extend the time limit: Provided that no judgment, decision or award of a Labour Court shall be invalid **merely** on the ground of **delay in its delivery**.

The use of ‘shall’ implies that this time limit is mandatory. Yet the proviso which sets out that the ‘mere’ delay of judgment will not affect its validity,

coupled with the absence of any stipulated consequences for breaching the time limit, suggests it may be considered to be directory. In practice, none of the dismissed or awarded cases was disposed within 60 days.

The average time taken to dispose of cases is remarkably higher in practice than what is prescribed in law (Figure 12). It is highest for awarded cases in Chittagong, and lowest for Khulna (which nevertheless is still a far cry from the statutory time limit). The average time taken to dispose a case is higher for awarded cases at 630 days, while it is 571 days for dismissed cases.⁷⁹ The combined average time taken for both awarded and dismissed cases stands at 601 days, which is more than 10 times the statutorily prescribed limit of 60 days.⁸⁰

Figure 13: Recovery of compensation in awarded cases



4.7.1 Challenges in recovering compensation

In six out of the 35 awarded cases, the employer voluntarily deposited compensation in the concerned Labour Court before being ordered to pay compensation. In the remaining 29 cases, getting the employer to pay compensation after the court award posed a fresh challenge.

Out of the 35 awarded cases, compensation has successfully been recovered in 19 cases at the time of writing. This was quickest in the six cases where the employer had pre-deposited the amount of compensation to the Labour Court (Figure 13). In these cases, on average, it took only two days to recover compensation from the date of award.

In the 13 remaining cases where compensation was not pre-deposited but has been successfully recovered, compensation was paid 475 days after the date of award, on average. Therefore, in these cases the employer took over 10 times the 30- to 45-day period within which the Labour Court usually ordered employers to pay compensation from the date of award.

Given the pervasive culture of non-compliance, Labour Court judges can incentivise timely payment by, for instance, prescribing a certain rate of interest to accrue on the award for each day compensation is unpaid after the deadline. However, no such order of interest was made in any of the 35 cases.

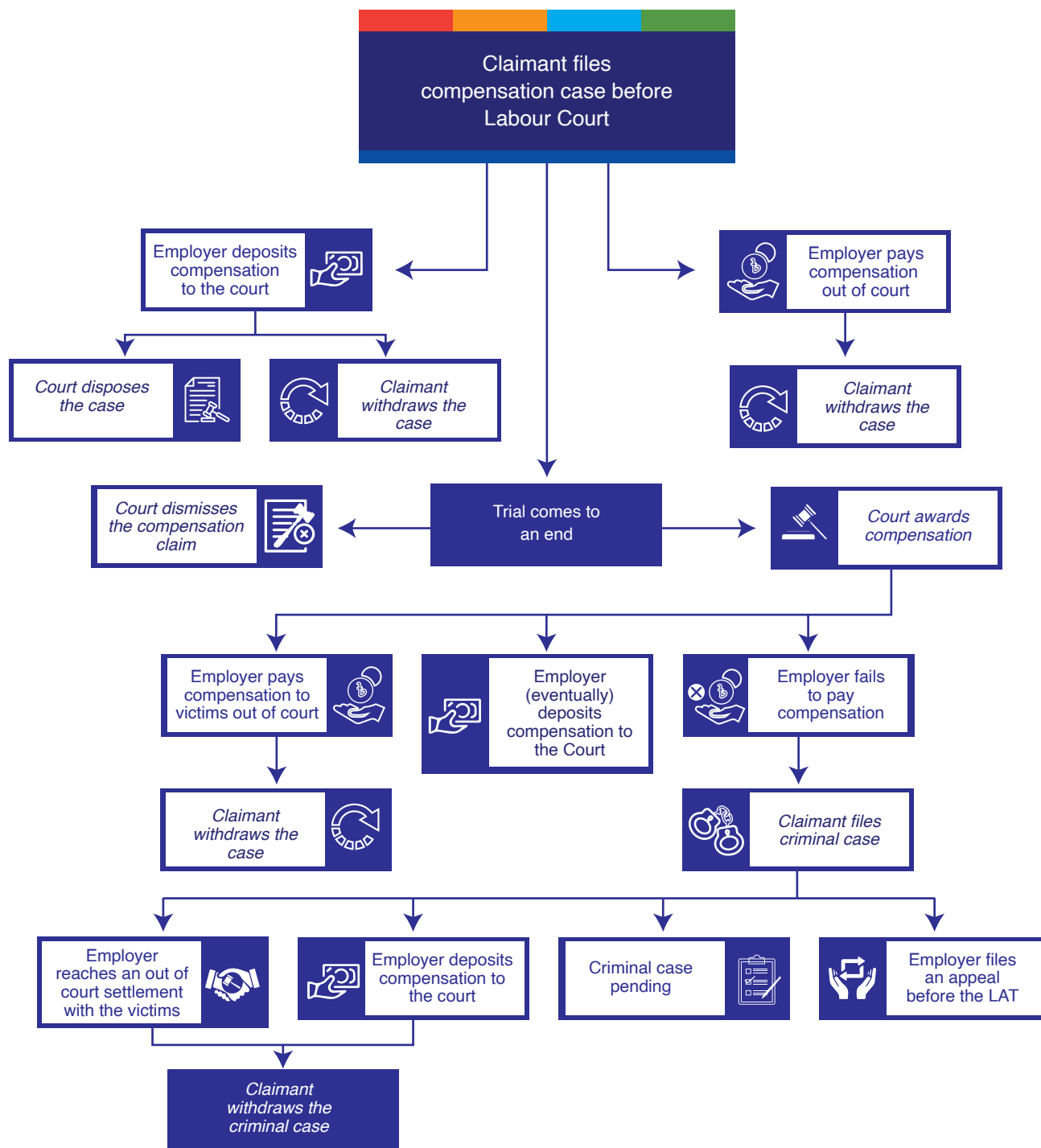
4.7.1.1 Subsequent criminal action

Section 293 of the BLA penalises any person who ‘willfully fails to implement any term of settlement, award or decision, which is his duty under this Act to implement’ with up to two years imprisonment or up to 10,000 BDT fine, or both.

In 14 out of the 16 cases where compensation has not yet been recovered, a subsequent criminal case has been filed under this section in an attempt to compel payment, while for the remaining two cases preparation for the filing of criminal action was still underway at the time of writing. Notably, out of these 14 cases where a criminal case has been filed, the trial remains pending in 11 of them. The other three cases are pending before the LAT after the employer challenged the Labour Court’s compensation order and the claimant’s subsequent criminal action.

Additionally, in five of the 13 cases where compensation was not pre-deposited but has been successfully recovered, a criminal case under Section 293 had also been filed to compel payment.⁸¹ Employers agreed to make the payments in these five cases only after the claimants agreed to withdraw the criminal case in return. Crucially, in four of these five cases, the payment was made out of court – and for a lower amount than what had been ordered by the Court.

Figure 14: Compensation procedure in practice



The fact that employers did not pay compensation in 14 of the 19 cases where criminal cases were filed for non-payment demonstrates that even prosecution cannot ensure the recovery of compensation in most cases. Employers can – and do – continue to defy the Labour Court’s compensation order.

4.7.2 Common reasons for delay in trial

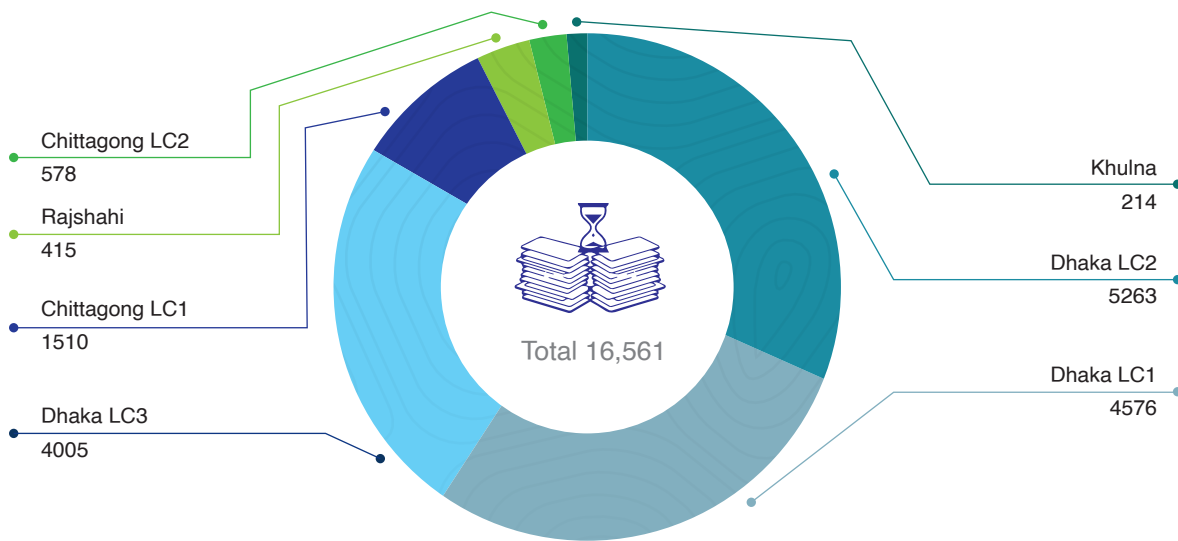
KIIs with lawyers revealed a number of common reasons for delays in compensation cases. For the most part, these are not necessarily specific to compensation cases but rather to the institutional

obstacles to accessing justice before Labour Courts and, more broadly, the formal court system.

4.7.2.1 Document challenges:

Firstly, it takes time to collect relevant documents from workers or their dependents, who may not be aware of what is needed. One respondent pointed to the issue of judges demanding certain documents at a very late stage in the trial, and delays being caused where the claimants did not have these documents in hand (which is often the case), thereby prolonging the trial period.

Figure 15: Total no. of pending cases in each Labour Court*



4.7.2.2 Too many cases, too few courts:

Secondly, there is a substantial case backlog, given the limited number of courts in comparison to the large number of pending cases. One respondent highlighted the illusory nature of the statutory time limit within which cases are to be concluded under the BLA:

“The law remains in its place [in theory] and the practice remains unchanged. Most of the time it takes 60 days for the trial to even start, let alone for it to be concluded within that time.”

This situation is made worse by the fact that case hearings are not necessarily conducted simultaneously in all the courts, even in certain districts where multiple Labour Courts were established to deal with the higher number of cases, such as Dhaka (which has three). Rather, they mostly operate one after the other to avoid potential clashes as many lawyers have cases in more than one Dhaka Labour Court. One respondent highlighted the systemic unresponsiveness to the issue of compensating a permanently disabled worker or the family of a deceased worker:

“The whole process is simply riddled with delays – there is absolutely no sense of urgency among the actors within the system to redress a victim who has been crippled by an industrial accident or a family who has been devastated by the loss of its breadwinner.”

According to a report by The Daily Star, a total of 16,561 cases were pending before the seven Labour Courts across the country as of April 2019.⁸² The largest backlog is in Dhaka Labour Court 2, while the lowest is in Khulna (Figure 15).

4.7.2.3 Distance and adjournments:

Thirdly, even when a hearing date had been fixed after much anticipation, sometimes claimants failed to show up – either without letting the lawyer know at all, or letting them know very late (a few hours before the hearing) when it was no longer possible to request a reschedule. At other times, the claimant, despite their best efforts and after making a painstaking journey from their village, would appear slightly after the scheduled hearing time, resulting in the hearing being adjourned. Either way, the absence of a claimant is viewed by the Court as a lack of interest (especially as defence lawyers pounce on the opportunity to present it as such). This has the effect of seeing the case de-prioritised, given the large number of pending cases the judge must manoeuvre through. It is worth recalling here that in 50 out of the 80 cases, the division in which the Court was located was different from the division in which the claimant resided, and, on average, the distance to the Court was 201 km.⁸³

4.7.2.4 Dilatory tactics of defence lawyers:

Most crucially, trials are prolonged due to calculated tactics employed by defence lawyers to use procedural technicalities to their advantage. According to the Labour Court lawyers interviewed as part of this study, many employers do not appear in court and the case is then completed ex parte. They then strategically appear on the day that the ex

parte judgment is meant to be pronounced by the Court and plead for an opportunity to be heard, citing lack of notice as their reason for non-appearance. Judges then restart the hearing, from the initial arguments stage, thereby doubling the trial period and frustrating claimants who have to go through a time-consuming and cumbersome process all over again – just as they thought it had finally come to an end. One respondent said quite poignantly:

“I will not blame the claimants for abandoning the case. They are tired. They are depressed. They are frustrated. They are compelled to think to themselves: ‘I will not get anything out of this claim, so better to just leave it’.”

As a result of this waiting game, and despite the insistence of their lawyers, claimants either abandon the case (which then leads to the case being dismissed for repeated non-appearance) or reach an out-of-court settlement with the employer for a smaller amount of money. This then leads the case to either be dismissed or withdrawn. One respondent explained this phenomenon quite clearly:

“The claimants strongly feel that it is better to receive something than nothing at all. Their employers make it clear to them that they can accept a lower amount of money offered as out-of-court compensation, which will also be paid immediately. However, if workers/claimants refuse and dare to continue pursuing the higher (statutory) amount of compensation through litigation, then their employers will do everything in their power to keep the case hanging for years and years to come, to tire them out. So, tell me, which option will they then choose?”

4.8 Employer’s liability for occupational diseases

In certain circumstances, an occupational disease is treated as an ‘injury’ for the purposes of claiming compensation under the BLA. There is a rebuttable presumption against the employer as being liable for a closed list of 33 occupational diseases considered to be ‘peculiar’ to certain types of employment as defined by the BLA.⁸⁴ These 33 diseases are assumed to have arisen out of the affected worker’s course of employment.⁸⁵

However, this list of occupational diseases is divided into two categories: Category A, which includes

eight diseases (e.g. anthrax, compressed air illness and pesticide poisoning etc.) and Category B, which includes the remaining 25 diseases (e.g. silicosis, asbestosis and phosphorus poisoning etc.).⁸⁶ For Category A diseases, the rebuttable presumption against the employer having caused the disease is automatic, but for Category B diseases, the presumption will only apply if the worker has been ‘in the service of an employer for a continuous period of not less than 6 (six) months’.⁸⁷

If a worker contracts any disease outside this list, such as Covid-19, the employer will generally not be liable to pay compensation unless it can be shown that ‘the disease is directly attributable to an injury by accident arising out of the course of his employment’.⁸⁸

4.8.1 Case study 2: The stonebreakers of Lalmonirhat

In the rural areas of Lalmonirhat district in Rajshahi, many workers are employed in the brickfields as stonebreakers. Out of the 80 cases studied, 23 involved stonebreakers from Lalmonirhat who had contracted silicosis during the course of their employment. Silicosis caused by ‘any employment involving exposure to the inhalation of dust containing silica’ is recognised as a category B disease in the BLA list of occupational diseases.

In these 23 cases, the workers were wholly unaware of the high risks of contracting silicosis from their prolonged exposure to the harmful dust. A lack of access to proper and timely diagnosis and treatment led to their contracting silicosis and continuing to work in the brickfields until their conditions worsened and they were incapacitated. Many of those who did seek treatment were misdiagnosed with tuberculosis and prescribed the wrong medication, which they continued to take to the detriment of their health.

When a certain number of stonebreakers in Lalmonirhat died or faced permanent disablement as a result of silicosis, the issue was covered in national newspapers – prompting SRS to investigate the situation. During their investigation, SRS traced a number of stonebreakers who had either died after prolonged suffering or faced permanent disablement and reached a perpetual state of dependency on other family members. SRS also found that the brickfield employers did not provide the stonebreakers with adequate safety

equipment, thereby increasing their risk of contracting silicosis and other harmful health effects.

After referrals by SRS, BLAST took legal action and filed compensation claims for 23 stonebreakers. Among these cases, eight were successfully disposed of and the Court ordered compensation awards in favour of the victims' dependents. On the other hand, 15 cases were dismissed by the Court for technical reasons. The grounds of dismissal included: the plaint contained wrong information which the Court did not allow for modification; the case was filed under a wrong section of the BLA, which does not allow the compensation order; dismissed for default; non-appearance of plaintiff; continuous absence of the plaintiff lawyer; and victim's absence due to long distance of the Court. The date of cause of actions in these cases were not strictly counted since the exact date of the disease infection cannot be found. Neither the Court nor the opposite parties raised the issue of limitation in any of the cases, which demonstrates the flexible attitude of the Court.

4.9 Supplementary sources of monetary relief under labour law

Aside from compensation through the employer's liability system under Chapter XII of the BLA, the law also prescribes for certain social protection mechanisms from which victims of industrial accidents may receive additional compensation or forms of monetary relief. These include the group insurance scheme, the Central Fund and the Bangladesh Labour Welfare Foundation Fund – the provision of and contribution to which are incumbent on establishments that meet certain criteria.⁸⁹

4.9.1 Group insurance

The BLA introduces a 'compulsory group insurance' scheme that must be implemented 'under the existing insurance laws' by any establishment where at least 100 permanent workers are employed.⁹⁰ It explicitly makes clear that the amount claimed through insurance is in 'addition to the other dues of a worker under this Act'.⁹¹ Arguably, this means that victims of industrial accidents can claim compensation under the group insurance scheme in addition to under Chapter XII of the BLA.⁹² The group insurance policy covers workers' deaths and permanent disabilities.⁹³ For workplace deaths,

payment of insurance to dependents is the employer's responsibility.⁹⁴ The insurance premiums are to be solely paid by the employer on an annual basis and cannot be deducted from workers' wages.⁹⁵ Additionally, all insurance claims are to be jointly 'settled' by the employer and insurer within 120 days of the claim. However, no specific consequences are mentioned if the employer and insurer fail to settle the claim within the stipulated timeline, or indeed if the employer fails to introduce a compulsory group insurance scheme to begin with.

The ILO has criticised the group insurance scheme in the 2006 Act as being 'silent on the monitoring of compliance with this requirement'.⁹⁶ However, Chapter XIX of the BLA, which deals with penalties, has a number of broadly worded provisions that may be applicable for non-compliance with Section 99. For instance, if any person 'willfully fails to implement any term of settlement' which they are obligated to implement under this Act they shall be punished with imprisonment for up to two years, or with a fine which may extend to 10,000 BDT, or both'.⁹⁷ Additionally, Section 307 is an all-encompassing provision which penalises those who fail to comply with 'any provisions of the Act' where a penalty for such failure is not otherwise prescribed.⁹⁸ It sets a punishment of imprisonment up to three months or a fine which may extend to 25,000 BDT, or both.⁹⁹

However, in the 80 analysed cases, there was no evidence to suggest that workers had received any compensation amount from a group insurance scheme. This could either mean that the workers belonged to establishments that did not have 100 permanent employees, or that they simply did not comply with the requirement of having a group insurance scheme in place. Either way, there is little to no reason to believe that the group insurance scheme has in fact been effective or widely complied with. One of the main audit findings in a study of Bangladesh by Fair Wear found that group insurance was either not being maintained for all workers, or not updated regularly.¹⁰⁰

4.9.2 Central Fund

In the aftermath of the Rana Plaza disaster, the BLA was amended extensively in an attempt to safeguard workers' rights.¹⁰¹ One amendment made in 2013 stated that the government 'shall' 'by rules' make provisions for the constitution of a fund specifically for 100 percent export-oriented or foreign exchange industrial sectors, which will be used for the benefit of those working in these sectors.¹⁰² In 2015, when the BLR was finally adopted, it labelled this fund the 'Central Fund' while extensively laying out its functions, formulation and administration.¹⁰³ While

Table 6: Amount of grants payable from the Central Fund by contingency

Contingency	Grant Payable
Workplace death or injury causing permanent disability ¹⁰⁹	300,000 BDT (3,540 USD)
Death or permanent disability for an accident outside the workplace or death from disease during the work period	200,000 BDT (2,360 USD)
Mutilation by workplace accident which does not cause permanent disability	Up to 100,000 BDT (1,180 USD)

the BLR stated that the Fund was to become operational within six months of its enactment (which would be 15 March 2016), reports suggest that in reality the decision was taken to make the Fund operational from the first day of the next financial year, i.e. 1 July 2016.¹⁰⁴

A tripartite framework, such as the one mandated by ILO Convention No. 121, was prescribed whereby the Fund was to be managed by a Board of Directors comprising representatives from the government, workers and employers.¹⁰⁵ The Fund is to be mainly sourced from a mandatory contribution of 0.03 percent of the total amount of any work order, along with any profit made from the investment of the Fund.¹⁰⁶ Given the method of financing and tripartite administration framework, the basic structure of the Central Fund is clearly analogous to that of an EII system under ILO Convention No. 121.

The Central Fund also has three (additional) sources of voluntary contributions: donations made by buyers, the government and foreign individuals or organisations.¹⁰⁷ This Fund is to be split equally across two accounts: the Beneficiaries' Welfare Account and the Emergency Account (Table 6).¹⁰⁸

Certain amounts are payable as grants from the Beneficiaries' Welfare Account to the worker or their heirs in the event of a workplace injury or death (Table 6).¹¹⁰ Interestingly, the amount of grant payable for workplace death or permanent disablement is higher than the compensation payable by the employer under Chapter XII of the BLA. Additionally, the BLR stated that the payment of annual premiums of group insurance could be made from the Emergencies Account of the Central Fund.¹¹¹ However, in the 2018 amendment to the BLA, the 100 percent export-oriented industrial sector and any industry investing 100 percent foreign exchange were exempted from the requirement to ensure group insurance under section 99. Instead, '50 (fifty) percent money of the Central Fund shall be used instead of group insurance and the rest 50 (fifty) percent money shall be used for workers welfare'.¹¹²

As with group insurance, there was no evidence of compensation being received by workers in any of the 80 analysed cases. However, this is understandable given that none worked in a 100 percent export-oriented sector and most of the cases predate the introduction of the Central Fund. Nevertheless, the KIIs made it clear that the Central Fund is largely non-functional and payments made from it are not entirely transparent. This sentiment is corroborated by press statements from the Ministry of Labour and Employment (MOLE), which reportedly state that the Central Fund received 33 percent (equivalent to 476,800,000 BDT) less than what it ought to have received in the first two financial years of operation (2016-17 and 2017-18).¹¹³ In response, the Director General of the Central Fund Board is reported to have stated that the annual deficit amount was 220,000,000 BDT because 'lien banks did not duly deduct the amounts and contribute the money to the fund'.¹¹⁴ A Bangladesh Bank report also noted the non-contribution to the Central Fund as per the BLR, as 'some of the banks are not following the directive properly'.¹¹⁵

In 2016, the then State Minister of Labour and Employment stated at a public event that the introduction of the Central Fund means that, in the case of accidental deaths, RMG workers (or their dependents, rather) would be entitled to 500,000 BDT from January 2017,¹¹⁶; 200,000 BDT would come from the insurance companies, while the remainder would be debited from the Beneficiaries' Welfare Account of the Central Fund.¹¹⁷ However, it is difficult to find instances where a sum of 500,000 BDT has in fact been paid to the dependents of RMG workers killed at work since January 2017.

Important evidence about the use of the Central Fund is available in two recent government reports. Firstly, MOLE's latest available Gender Budget report states that the Central Fund is used to provide financial aid to workers who are 'unable to work being sick or injured due to any accident at workplace' and that 'usually most of them are

women'.¹¹⁸ It further states that a total of 30,94,36,639 BDT was given to RMG workers from this Fund during the 2017-18 financial year. Secondly, the Annual Report of the Central Fund states that 992 people received 19,8400,000 BDT as financial assistance due to the death of workers in 2018-19.¹¹⁹ Assuming that the one family member who received the grant for a deceased worker is included in the total 992 figure, then the average amount of grant paid for each worker's death comes to 200,000 BDT. This would be the prescribed figure for death outside the workplace (Table 6).¹²⁰ If this is true, then by extension, it means no payment was made from the Central Fund for deaths within the workplace in the fiscal year 2018-19.

4.9.3 Bangladesh Labour Welfare Foundation Fund

About three months before the BLA was enacted, the Bangladesh Labour Welfare Foundation Act 2006 (BLWFA) was passed, to establish a foundation dedicated to promoting the welfare of workers in both the informal and formal sectors.

Section 14 of the BLWFA established a national fund to 'realise the purposes' of the BLWFA. Section 5 of the BLWFA lists nine statutory functions of the Foundation, four of which directly relate to workplace injuries and deaths. These are: providing financial assistance to 'disabled or unable' workers; arranging medical assistance for or providing financial aid to 'sick workers'; providing assistance to the family of workers killed by an 'accident'; and introducing a group insurance system for workers and paying the required premiums to the concerned life insurance companies from the Fund.¹²¹

The management and administration of the Fund is entrusted to a Management Board to be constituted according to a tripartite framework mandated by

ILO Conventions No. 102 and 121, including representatives from the government, employers and workers.¹²² The BLWFA was relatively vague as to precisely how and when the money is to be spent from the Fund, and deferred the matter to the forthcoming Rules.

Chapter XV of the BLA mandates 0.5 percent of annual net profit to be deposited to the BLWFA Fund for those companies or establishments that meet either of two criteria: the amount of its paid-up capital exceeds one crore (ten million) BDT or the value of its permanent assets exceeds two crore (twenty million) BDT.¹²³

In 2010, The Bangladesh Labour Welfare Foundation Rules 2010 (BLWFR) were formulated and provided further clarification on how and when money from the Fund is to be spent. Rule 4 of the BLWFR specified the amount of grants payable from the Fund in eight circumstances, five of which are relevant to workplace injuries and deaths. These are: payment of premium for group insurance; medical assistance; burial or funeral; assistance to 'disabled and unable' workers and assistance to the family members of a worker killed by an 'accident'.¹²⁴ For 'urgent matters', workers, or in their absence, their family members, can be granted up to 20,000 BDT from the Fund. Crucially, application for grants in the case of workplace injuries and deaths must be made within 30 days of the 'accident, illness or death' by the worker or their legal successor.¹²⁵ MOLE's latest available annual report states that 126 deceased workers' families received 7.11 million BDT as 'financial assistance' from the BLWFA Fund in the financial year 2018-2019, while 3,422 workers received 13,46,30,000 BDT for treatment.¹²⁶ On average that comes to around 56,428 BDT per worker for death and 39,342 per worker for treatment.

5. Recommendations: Improving Workers' Access to Justice

Careful analysis of these 80 cases, combined with a review of international and local legislation and interviews with key experts reveal a number of shortcomings in the current system. Injured workers and bereaved families will continue to be failed dismally unless action is taken by Government and the organisations representing workers and the legal fraternity.

Recommendations are presented for consideration by various stakeholder, as follows.

Government of Bangladesh

Legal Reform



- Ratify ILO Conventions No. 102 and 121.
- Pursuant to ratification, establish the EII scheme in place of the group insurance system, while preserving workers' rights to sue employers in cases of negligence.
- Amend the Fifth Schedule to the BLA, so the existing statutorily capped lump sum amounts, which are extremely inadequate and arbitrary, are treated as the minimum amount of compensation payable in the event of death or permanent disablement.
- Introduce a provision in Chapter XII of the BLA that obliges Labour Courts to follow basic principles of damages assessment in tort law (e.g. factoring in the age and loss of earnings of the worker, number of dependents etc.) when adjudicating compensation cases under the BLA.
- Amend Section 2(3) of the BLA (definition of dependents) to introduce a factual test of dependency, rather than the closed list of dependents that currently excludes close relatives who may have been dependent on the deceased worker's earnings.

Institutional Reform



- Issue a circular to all Labour Courts, which specifically:
 - recognises the locus standi of labour rights organisations to file compensation claims on behalf of victims of industrial accidents, so this is no longer used as a reason to dismiss compensation cases.
 - requires Labour Courts to order interest to accrue in cases of late payment of a compensation award to incentivise timely compliance.
- Introduce a strict monitoring mechanism to ensure timely disposal of Labour Court cases in line with the statutory limit and stipulate

disciplinary consequences if the limit is breached, so it is more likely to have a binding effect in practice.

- Increase the number of Labour Courts and introduce training programmes for Labour Court judges, focusing on the basic principles of employer liability for workplace injuries and deaths.
- Ensure that all Labour Courts operate full time and, in divisions with more than one court, they operate simultaneously to alleviate case backlogs.

Ministry of Labour and Employment



- Introduce a national repository on workplace deaths and injuries to ensure transparency and fill the gap in official data. The repository should list the total number of workplace injuries and deaths in any given year alongside the total number of compensation claims filed in all Labour Courts. It should also contain information about payments made from the Central Fund, group insurance scheme and the Labour Welfare Foundation Fund.

Workers' rights organisations



- Legal awareness campaigns should focus on informing workers of the need to obtain and preserve copies of documents (e.g. employment contracts and ID cards) with their family members, so they are able to establish proof of employment in case of compensation claims. They should also highlight the two-year limitation period for filing compensation cases under the BLA. These campaigns should target family members of workers living in rural and hard-to-reach areas.

Lawyers and legal aid organisations



- The plaint should be drafted to include the statutorily prescribed amount of compensation and the additional heads of recovery permissible, such as litigation costs, excess for delay in payment and medical bills, to maximise the compensation award.
- A criminal case under Section 293 should always be filed against the defendant employer if they fail to comply with the Labour Court order of compensation, in order to compel speedy payment to the claimant(s).

Appendix: List of analysed cases and case-specific data

Abbreviations and Explanations

A	Age of injured or deceased worker
BLL	Bangladesh Labour Law (as abbreviated in official court records)
CA	Amount of compensation awarded by the Court
CR	Amount of compensation paid by the employer in the pre-award settlement
CS	Contingency suffered by the injured or deceased worker
D	Number of dependents of injured or deceased worker
G	Gender of the injured or deceased worker
F	Female
LC	Labour Court
M	Male
N/Ap	Not applicable
N/Av	Data not available
O	Occupation of the injured or deceased worker
PD	Permanent total disablement
TC	Time taken for the Court to deliver judgment from the date of filing the compensation case ¹
TR	Time taken to recover compensation from the date of judgment ²

¹ The figures have been rounded to the nearest completed whole day.

² Ibid.

A. List of Cases, by Category

Awarded Cases¹

FSI	Case Name	Case No.	CS	G	A	Occupation	Cause of harm	D	CA	TC	Status	TR
<i>Chittagong Labour Court</i>												
01	<i>BLAST vs. Narayan Chandra Somoddar and another</i>	B.L.L. (Compensation) Case No. 03/2010, Second Labour Court, Chittagong	Death	M	24	Construction worker	Electrocution	2	100,000	687	Paid (pre-deposited)	6
02	<i>BLAST vs. Narayan Chandra Somoddar and another</i>	B.L.L. (Compensation) Case No. 04/2010, Second Labour Court, Chittagong	Death	M	25	Construction worker	Electrocution	4	100,000	687	Paid (pre-deposited)	6
03	<i>BLAST vs. Narayan Chandra Somoddar and another</i>	B.L.L. (Compensation) Case No. 05/2010, Second Labour Court, Chittagong	Death	M	24	Construction worker	Electrocution	2	100,000	687	Paid (pre-deposited)	0
04	<i>BLAST vs. Md. Abul Kashem Chowdhury</i>	B.L.L. (Compensation) Case No. 04/2012, Second Labour Court, Chittagong	Death	M	25	Construction worker	Collapse of sunshade	9	100,000	2170	Unpaid	N/Ap
05	<i>BLAST vs. Md. Abul Kashem Chowdhury</i>	B.L.L. (Compensation) Case No. 05/2012, Second Labour Court, Chittagong	Death	M	30	Construction worker	Collapse of sunshade	4	100,000	2170	Unpaid	N/Ap
<i>Dhaka Labour Court</i>												
06	<i>BLAST vs. The Managing Director, M/s. Sun Steel Mills</i>	B.L.L. (Compensation) Case No. 151/2008, Second Labour Court, Dhaka	Death	M	22	Mill worker (steel mill factory)	Boiler explosion	1	100,000	253	Paid (after criminal case filed)	525
07	<i>BLAST vs. Manager, M/S Akbar Re-rolling Mills</i>	B.L.L. (Compensation) Case No. 152/2008, Second Labour Court, Dhaka	Death	M	30	Construction worker	Boiler explosion	5	30,000	389	Paid	208
08	<i>BLAST vs. Managing Director, Rupayan Housing Estate Ltd.</i>	B.L.L. (Compensation) Case No. 08/2008, First Labour Court, Dhaka	Death	M	26	Construction worker	Fall from building	4	70,000	131	Paid	191
09	<i>BLAST vs. Motiur Rahman Dulal, Three Star Fan Factory</i>	B.L.L. (Compensation) Case No. 231/2008, Second Labour Court, Dhaka	Death	M	15	Factory worker (fan factory)	Fire (short circuit)	1	90,000	749	Paid (out of court settlement for 60,000, after criminal case filed)	677
10	<i>BLAST vs. Motiur Rahman Dulal, Three Star Fan Factory</i>	B.L.L. (Compensation) Case No. 233/2008, Second Labour Court, Dhaka	Death	F	16	Factory worker (fan factory)	Fire (short circuit)	1	90,500	749	Paid (out of court settlement for 60,000, after criminal case filed)	320
11	<i>BLAST vs. Motiur Rahman Dulal, Three Star Fan Factory</i>	B.L.L. (Compensation) Case No. 234/2008, Second Labour Court, Dhaka	Death	F	14	Factory worker (fan factory)	Fire (short circuit)	1	90,000	749	Paid (out of court, after criminal case filed)	320
12	<i>BLAST vs. Md. Daudul Alam</i>	B.L.L. (Compensation) Case No. 03/2009, First Labour Court, Dhaka	Death	M	18	Construction worker	Electrocution	N/Av	100,000	627	Unpaid (criminal case pending)	N/Ap
13	<i>BLAST vs. Md. Daudul Alam</i>	B.L.L. (Compensation) Case No. 04/2009, First Labour Court, Dhaka	Death	M	28	Construction worker	Electrocution	4	100,000	627	Unpaid (criminal case pending)	N/Ap
14	<i>BLAST vs. Khalilur Rahman Talukder</i>	B.L.L. (Compensation) Case No. 18/2009, Second Labour Court, Dhaka	Death	M	19	Factory worker (fan factory)	Fire (explosion)	1	50,000	708	Unpaid (criminal case filed; appeal before LAT pending)	N/Ap
15	<i>BLAST vs. Khalilur Rahman Talukder</i>	B.L.L. (Compensation) Case No. 21/2009, Second Labour Court, Dhaka	Death	M	24	Factory worker (fan factory)	Fire (explosion)	2	50,000	708	Unpaid (criminal case filed; appeal before LAT pending)	N/Ap
16	<i>BLAST vs. Khalilur Rahman Talukder</i>	B.L.L. (Compensation) Case No. 23/2009, Second Labour Court, Dhaka	Death	M	18	Factory worker (fan factory)	Fire (explosion)	2	70,000	736	Unpaid (criminal case filed; appeal before LAT pending)	N/Ap
17	<i>Md. Motiur Rahman Dulal and others vs. Md. Motiur Rahman Dulal, Three Star Fan Factory</i>	B.L.L. (Compensation) Case No. 23/2010, Second Labour Court, Dhaka	Death	F	18	Factory worker (fan factory)	Fire (short circuit)	4	100,000	1079	Paid (out of court settlement for 70,000)	1709
18	<i>Proshonno Utta, Director, Vidyut Bangladesh Private Ltd. vs. Sanjoy Kar and others</i>	B.L.L. (Compensation) Case No. 264/2009, Third Labour Court, Dhaka	Death	M	24	Factory worker (electricity factory)	Fire (short circuit)	4	100,000	0	Paid (pre-deposited)	0
19	<i>BLAST vs. Executive Director, The Bengal Glass Works Ltd and another</i>	B.L.L. (Compensation) Case No. 90/2010, Second Labour Court, Dhaka	Death	M	34	Factory worker (glass factory)	Wrapped in operating machine	2	50,000	2467	Paid	238
20	<i>Urban Design and Development Limited vs. Late Roshidul Islam</i>	B.L.L. (Compensation) Case No. 01/2011, First Labour Court, Dhaka	Death	M	20	Construction worker	Fall from building	4	100,000	6	Paid (pre-deposited)	0
21	<i>Jewel vs. Hazi Liakat Ali</i>	B.L.L. (Compensation) Case No. 12/2014, First Labour Court, Dhaka	PD	M	25	Construction worker	Fall from ladder	1	205,000	1325	Unpaid (criminal case pending)	N/Ap

¹ The case lists are arranged by district (alphabetically): Chittagong, Dhaka, Khulna then Rajshahi. Within each district, the cases are arranged chronologically by date of filing case (oldest to newest)

22	<i>Md. Jony Miah vs. Managing Director, Color Max (BD) Ltd.</i>	B.L.L. (Compensation) Case No. 10/16, First Labour Court, Dhaka	Death	F	18	Factory worker (gas lighter factory)	Fire (explosion)	2	100,000	0	Paid (pre-deposited)	0
<i>Khulna Labour Court</i>												
23	<i>Abu Bakkar Sardar and others vs. General Manager, Jessore Polli Vidyut Somity and another</i>	B.L.L. (Compensation) Case No. 03/2018, Labour Court, Khulna	Death	M	N/Av	Electrician	Electrocution	3	100,000	303	Paid	5
<i>Rajshahi Labour Court</i>												
24	<i>Md. Sobur Ali vs. Alhaj Md. Saiful Islam</i>	B.L.L. (Compensation) Case No. 37/2010, Labour Court, Rajshahi	PD	M	32	Mill worker (rice mill)	Falling of paddy sacks	1	161,250	637	Paid	N/Ap
25	<i>Md. Afaz Sheikh represented by BLAST vs. Hashem Professor</i>	B.L.L. (Compensation) Case No. 55/2010, Labour Court, Rajshahi	PD	M	35	Day labourer	Fall from tree	1	176,250	1027	Paid	N/Ap
26	<i>Mst. Nargis Akter vs. Amicus Properties and Developments Ltd. and another</i>	B.L.L. (Compensation) Case No. 135/2012, Labour Court, Rajshahi	Death	M	40	Construction worker	Fall from building	3	125,000	246	Paid	N/Ap
27	<i>Rabi Bala and others vs. Alhaj Md. Shafiqul Islam</i>	B.L.L. (Compensation) Case No. 22/2013, Labour Court, Rajshahi	Death	M	45	Construction worker	Electrocution	4	105,000	412	Paid (after criminal case filed)	582
28	<i>Md. Raju Ahmed vs. Rofikul Islam Sentu</i>	B.L.L. (Compensation) Case No. 24/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	3	125,000	285	Unpaid (criminal case pending)	N/Ap
29	<i>Md. Abu Salek vs. Rofikul Islam Sentu</i>	B.L.L. (Compensation) Case No. 28/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	3	125,000	224	Unpaid (criminal case pending)	N/Ap
30	<i>Md. Momin Ali vs. Rofikul Islam Sentu</i>	B.L.L. (Compensation) Case No. 32/2015, Labour Court, Rajshahi	PD	M	M/Av	Stonebreaker	Silicosis	3	125,000	214	Unpaid (criminal case pending)	N/Ap
31	<i>Md. Ayub Ali vs. Rofikul Islam Sentu</i>	B.L.L. (Compensation) Case No. 39/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	7	125,000	285	Unpaid (criminal case pending)	N/Ap
32	<i>Md. Sabu Hossain vs. Rofikul Islam Sentu</i>	B.L.L. (Compensation) Case No. 40/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	5	125,000	285	Unpaid (criminal case pending)	N/Ap
33	<i>Md. Rahim Badsha vs. Mahbubur Rahman</i>	B.L.L. (Compensation) Case No. 42/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	6	125,000	215	Unpaid (criminal case pending)	N/Ap
34	<i>Md. Abdul Malek vs. Mahbubur Rahman</i>	B.L.L. (Compensation) Case No. 45/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	6	125,000	123	Unpaid (criminal case pending)	N/Ap
35	<i>Md. Rashid-ul-Karim vs. Md. Rizwan Sheikh</i>	B.L.L. (Compensation) Case No. 46/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	7	125,000	123	Unpaid (criminal case pending)	N/Ap
36	<i>Md. Rashid-ul-Karim vs. Md. Rizwan Sheikh</i>	B.L.L. (Compensation) Case No. 46/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	7	125,000	123	Unpaid (criminal case pending)	N/Ap

Pre-award Settled Cases

FSI	Case Name	Case No.	CS	G	A	O	Cause of death	D	CR	T
<i>Dhaka Labour Court</i>										
1	<i>BLAST vs. Managing Director, M/S. City Group of Industries Ltd.</i>	B.L.L. (Compensation) Case No. 153/2008, Second Labour Court, Dhaka	Death	M	25	Mill worker (sugar mill)	Cut by iron prongs of a crane	1	30,000 (out of court settlement)	255
2	<i>BLAST vs. Managing Director, Century Realty Limited and others</i>	B.L.L. (Compensation) Case No. 09/2008, First Labour Court, Dhaka	Death	M	25	Construction worker	Electrocution	8	100,000	1162
3	<i>BLAST vs. Managing Director, S. F. Denim Garments</i>	B.L.L. (Compensation) Case No. 06/2009, First Labour Court, Dhaka	Death	F	40	Construction worker	Fall from building	4	100,000 (deposited in court so case withdrawn by claimant)	302
4	<i>Khairul Islam vs. DPDC and others</i>	B.L.L. (Compensation) Case No. 228/2011, Second Labour Court, Dhaka	PD	M	22	Electrician	Electrocution, fall from pole	2	125,000 (deposited in court so case withdrawn by claimant)	168
5	<i>Matin vs. Chandan Shil</i>	B.L.L. (Compensation) Case No. 02/2015, First Labour Court, Dhaka	PD	M	35	Day labourer	Fall from shade	5	Undisclosed amount (out of court settlement so case withdrawn by claimant)	265

Khulna Labour Court										
6	<i>BLAST vs. Banglalink and others</i>	B.L.L. (Compensation) Case No. 247/2010, Labour Court, Khulna	Death	M	32	Construction worker	Fall from tower	2	100,000 (deposited in court so cas disposed by court)	160
7	<i>BLAST vs. Dr. Sirajul Islam and Another</i>	B.L.L. (Compensation) Case No. 292/2010, Labour Court, Khulna	Death	M	25	Construction worker	Electrocution	4	100,000 (out of court settlement)	946
8	<i>BLAST vs. Md. Mohsin Ali and another</i>	B.L.L. (Compensation) Case No. 11/2012, Labour Court, Khulna	Death	M	39	Construction worker	Fall from building	4	100,000 (out of court settlement)	43
Rajshahi Labour Court										
9	<i>Khairul Islam vs. Alhaj Md. Erfan Ali</i>	B.L.L. (Compensation) Case No. 85/2014, Labour Court, Rajshahi	PD	M		Mill worker (rice mill)	Falling of paddy sacks	6	100,000 (out of court settlement)	95

Dismissed Cases

FSI	Case Name	Case No.	CS	G	A	O	Cause of death	D	Reason for Dismissal	T
Chittagong Labour Court										
1	<i>BLAST vs. Md. Abdul Khalik and another</i>	B.L.L. (Compensation) Case No. 03/2012, Second Labour Court, Chittagong	Death	M	20	Construction worker	Fall from building	1	Non-appearance of claimants during hearing	N/Av
Dhaka Labour Court										
2	<i>BLAST vs. Managing Director, Multiplan Ltd.</i>	B.L.L. (Compensation) Case No. 04/2008, First Labour Court, Dhaka	Death	M	N/Av	Construction worker	Failure to submit proper documents to court	N/Av	Failure to submit proper documents to court	420
3	<i>BLAST vs. Fazlur Rahman</i>	B.L.L. (Compensation) Case No. 150/2008, Second Labour Court, Dhaka	Death	M	50	Construction worker	Fall from scaffold	4	Non-appearance of claimants during hearing	188
4	<i>BLAST vs. Khalilur Rahman Talukder</i>	B.L.L. (Compensation) Case No. 19/2009, Second Labour Court, Dhaka	Death	M	10	Factory worker (fan factory)	Fire (explosion)	1	No locus standi	N/Av
5	<i>BLAST vs. Khalilur Rahman Talukder</i>	B.L.L. (Compensation) Case No. 20/2009, Second Labour Court, Dhaka	Death	M	23	Factory worker (fan factory)	Fire (explosion)	1	No locus standi	N/Av
6	<i>BLAST vs. Khalilur Rahman Talukder</i>	B.L.L. (Compensation) Case No. 24/2009, Second Labour Court, Dhaka	Death	M	17	Factory worker (fan factory)	Fire (explosion)	1	Non-appearance of claimants during hearing	854
Khulna Labour Court										
7	<i>BLAST vs. Abdur Rajjak Peshkar</i>	B.L.L. (Compensation) Case No. 09/2012, Labour Court, Khulna	Death	M	32	Construction worker	Inhaling poisonous gas	3	Failure to prove industrial employment relationship	427
8	<i>BLAST vs. Abdur Rajjak Peshkar</i>	B.L.L. (Compensation) Case No. 10/2012, Labour Court, Khulna	Death	M	30	Construction worker	Inhaling poisonous gas	5	Failure to prove industrial employment relationship	427
Rajshahi Labour Court										
9	<i>BLAST vs. Md. Saiful Islam</i>	B.L.L. (Compensation) Case No. 10/2010, Labour Court, Rajshahi	Death	M	19	Construction worker	Electrocution	4	No locus standi	755
10	<i>BLAST vs. Md. Akbar Ali and another</i>	B.L.L. (Compensation) Case No. 38/2010, Labour Court, Rajshahi	Death	M	N/Av	Mill worker (rice mill)	Falling of rice sacks	5	No locus standi	698
11	<i>BLAST vs. Md. Mojibor Rahman</i>	B.L.L. (Compensation) Case No. 94/2010, Labour Court, Rajshahi	Death	M	22	Construction worker	Collapse of earth chunk	4	Non-appearance of claimants during hearing	491
12	<i>BLAST vs. Md. Akbar Ali</i>	B.L.L. (Compensation) Case No. 95/2010, Labour Court, Rajshahi	Death	M	55	Construction worker	Fall from building	4	No locus standi	534
13	<i>BLAST vs. Amicus Properties and Developments Ltd. and another</i>	B.L.L. (Compensation) Case No. 59/2011, Labour Court, Rajshahi	Death	M	40	Construction worker	Fall from building	3	No locus standi	399
14	<i>BLAST vs. Md. Tamijuddin</i>	B.L.L. (Compensation) Case No. 60/2011, Labour Court, Rajshahi	Death	M	33	Mill worker (rice mill)	Boiler explosion	5	No locus standi	394
15	<i>Md. Nejam vs. Md. Akbar Ali and another</i>	B.L.L. (Compensation) Case No. 132/2012, Labour Court, Rajshahi	Death	M	N/Av	Weight loader	Falling of rice sacks	5	Non-appearance of claimants during hearing	1256
16	<i>Md. Ajahar Ali @ Raja Pramanik vs. Md. Anifur Rahman Bablu</i>	B.L.L. (Compensation) Case No. 136/2012, Labour Court, Rajshahi	Death	M	N/Av	Construction worker	Collapse of rooftop	5	Non-appearance of claimants during hearing	1048

17	<i>Md. Kayem Pramanik vs. Md. Abdul Jabbar Sarkar</i>	B.L.L. (Compensation) Case No. 147/2012, Labour Court, Rajshahi	Death	F	N/Av	Factory worker (hand-loom factory)	Electrocution	2	Non-appearance of claimants during hearing	636
18	<i>Mst. Jotsna Begum vs. Alhaj Md. Shofikul Islam</i>	B.L.L. (Compensation) Case No. 21/2013, Labour Court, Rajshahi	Death	M	55	Construction worker	Electrocution	1	Non-appearance of claimants during hearing	540
19	<i>Md. Sohel Rana vs. Alhaj Rejaul Islam and others</i>	B.L.L. (Compensation) Case No. 24/2014, Labour Court, Rajshahi	PD	M	N/Av	Mill worker (juteMill)	Carrying overweight jute sacks	3	Non-appearance of claimants during hearing	697
20	<i>Md. Ashrafur Islam vs. Md. Jahirul Islam</i>	B.L.L. (Compensation) Case No. 87/2014, Labour Court, Rajshahi	PD	M	32	Mill worker (sawmill-weight loader)	Carrying overweight timbers	5	Non-appearance of claimant's counsel during hearing	487
21	<i>Md. Afsarul Haque vs. Mohsin Chowdhury</i>	B.L.L. (Compensation) Case No. 22/2015, Labour Court, Rajshahi	PD	M	25	Weight loader (potato sacks)	Falling of potato sacks	5	Non-appearance of claimants during hearing	358
22	<i>Md. Faridul Islam vs. Rafikul Islam Sentu</i>	B.L.L. (Compensation) Case No. 23/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	6	Case filed under wrong section of BLA	336
23	<i>Md. Roshidul Islam vs. Rezwan Sheikh</i>	B.L.L. (Compensation) Case No. 25/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	5	Non-appearance of claimants during hearing	399
24	<i>Md. Osman Gani vs. Md. Rezwan Sheikh</i>	B.L.L. (Compensation) Case No. 26/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	6	Case filed under wrong section of BLA	334
25	<i>Md. Jahedul Islam vs. Md. Joynal</i>	B.L.L. (Compensation) Case No. 29/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	6	Case filed under wrong section of BLA	334
26	<i>Md. Bulbul vs. Yunus Ali</i>	B.L.L. (Compensation) Case No. 30/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	6	Case filed under wrong section of BLA	334
27	<i>Md. Ajanur Rahman vs. Md. Rezwan Sheikh</i>	B.L.L. (Compensation) Case No. 33/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	5	Case filed under wrong section of BLA	336
28	<i>Md. Motiul Islam vs. Rofikul Islam Sentu</i>	B.L.L. (Compensation) Case No. 34/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	5	Factual mistakes in the plaint	336
29	<i>Md. Kamal Hossain vs. Rafikul Islam Sentu</i>	B.L.L. (Compensation) Case No. 38/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	6	Case filed under wrong section of BLA	333
30	<i>Md. Mon Mia vs. Md. Rezwan Sheikh</i>	B.L.L. (Compensation) Case No. 47/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	6	Non-appearance of claimants during hearing	327
31	<i>BLAST vs. Rezwan Sheikh</i>	B.L.L. (Compensation) Case No. 60/2015, Labour Court, Rajshahi	Death	M	28	Stonebreaker	Silicosis	4	Non-appearance of claimant's counsel during hearing	1302
32	<i>BLAST vs. Rafikul Islam Sentu</i>	B.L.L. (Compensation) Case No. 61/2015, Labour Court, Rajshahi	Death	M	35	Stonebreaker	Silicosis	5	Non-appearance of claimant's counsel during hearing	271
33	<i>BLAST vs. Rafikul Islam Sentu</i>	B.L.L. (Compensation) Case No. 62/2015, Labour Court, Rajshahi	Death	M	29	Stonebreaker	Silicosis	3	Non-appearance of claimant's counsel during hearing	271
34	<i>Md. Rejaul Haque vs. Md. Rezwan Sheikh</i>	B.L.L. (Compensation) Case No. 82/2015, Labour Court, Rajshahi	PD	M	N/Av	Stonebreaker	Silicosis	1	Non-appearance of claimants during hearing	1115
35	<i>BLAST vs. Rezwan Sheikh</i>	B.L.L. (Compensation) Case No. 97/2015, Labour Court, Rajshahi	Death	M	N/Av	Stonebreaker	Silicosis	2	Non-appearance of claimant's counsel during hearing	1100
36	<i>BLAST vs. Rezwan Sheikh</i>	B.L.L. (Compensation) Case No. 100/2015, Labour Court, Rajshahi	Death	M	31	Stonebreaker	Silicosis	3	Non-appearance of claimant's counsel during hearing	1114

B. Case-specific data on location, distance and dependents

SL	CS	LC	Location of accident		Location of claimant's residence			Distance	Party to case	Dependents	
			District	Division	Upazila	District	Division			Relation	Category
<i>Awarded cases</i>											
1	Death	Ctg LC2	Comilla	Ctg	Karimganj	Kishoreganj	Dhaka	319	BLAST	1. Father 2. Mother	B
2	Death	Ctg LC2	Comilla	Ctg	Karimganj	Kishoreganj	Dhaka	319	BLAST	1. Father 2. Mother 3. Minor brother 4. Minor sister	B
3	Death	Ctg LC2	Comilla	Ctg	Karimganj	Kishoreganj	Dhaka	319	BLAST	1. Father 2. Mother	B

4	Death	Ctg LC2	Chattogram	Ctg	Banshkali	Ctg	Ctg	44.6	BLAST	1. Father 2. Mother 3. Minor brother 4. Minor brother 5. Minor brother 6. Minor brother 7. Minor brother 8. Minor brother 9. Minor brother	B
5	Death	Ctg LC2	Chattogram	Ctg	Badalgachi	Naogaon	Rajshahi	503	BLAST	1. Widow 2. Minor Son 3. Minor Son 4. Minor daughter	A
6	Death	Dhaka LC2	Dhaka	Dhaka	Monohorganj	Comilla	Ctg	132	BLAST	1. Father	B
7	Death	Dhaka LC2	Dhaka	Dhaka	Sribordi	Sherpur	Mymensingh	207.3	BLAST	1. Widow 2. Minor son 3. Minor son 4. Minor son 5. Minor daughter	A
8	Death	Dhaka LC2	Dhaka	Dhaka	Pabna Sadar	Pabna	Rajshahi	153.0	BLAST	1. Father 2. Mother 3. Widow 4. Minor daughter	A
9	Death	Dhaka LC2	Dhaka	Dhaka	Pirganj	Thakurgaon	Rangpur	426	BLAST	1. Mother	A
10	Death	Dhaka LC2	Dhaka	Dhaka	Noria	Shariatpur	Dhaka	78.7	BLAST	1. Mother	A
11	Death	Dhaka LC2	Dhaka	Dhaka	Jatrabari	Dhaka	Dhaka	6.5	BLAST	1. Mother	A
12	Death	Dhaka LC2	Dhaka	Dhaka	Kumarkhali	Kushtia	Khulna	155	BLAST	N/Av	N/Av
13	Death	Dhaka LC2	Dhaka	Dhaka	Kumarkhali	Kushtia	Khulna	155	BLAST	1. Father 2. Mother 3. Widow 4. Minor son	A and B
14	Death	Dhaka LC2	Dhaka	Dhaka	Palong	Shariatpur	Dhaka	80.7	BLAST	1. Father	B
15	Death	Dhaka LC2	Dhaka	Dhaka	Palong	Shariatpur	Dhaka	80.7	BLAST	1. Father 2. Mother	B
16	Death	Dhaka LC2	Dhaka	Dhaka	Kathalia	Jhalokathi	Barisal	238	BLAST	1. Maternal grandfather 2. Maternal uncle	Uncategorised
17	Death	Dhaka LC2	Dhaka	Dhaka	Jatrabari	Dhaka	Dhaka	6.5	Father	1. Father 2. Mother 3. Unmarried sister 4. Unmarried sister	B
18	Death	Dhaka LC3	Gazipur	Mongla	Bagerhat	Khulna	Dhaka	217	Father	1. Father 2. Mother 3. Dependent brother 4. Dependent sister	B
19	Death	Dhaka LC2	Dhaka	Dhaka	Demra	Dhaka	Dhaka	9.9	BLAST	1. Widow 2. Mother	A
20	Death	Dhaka LC1	N/Av	N/Av	Nageswari	Kurigram	Rangpur	369	BLAST	1. Father 2. Mother 3. Dependent brother 4. Dependent sister	B
21	PD	Dhaka LC2	Dhaka	Dhaka	Khilgaon	Dhaka	Dhaka	7.8	Worker	None mentioned	N/Ap
22	Death	Dhaka LC1	Dhaka	Dhaka	Gabtolli	Bogra	Rajshahi	209	Adult (dependent) brother	1. Adult (dependent) brother 2. Mother	A and Uncategorised
23	Death	Khulna LC	Jessore	Khulna	Monirampur	Jessore	Khulna	50.3	Father	1. Father 2. Mother 3. Minor son	B
24	PD	Rajshahi LC	Chapainawabganj	Rajshahi	Chapainawabganj	Chapainawabganj	Rajshahi	67.6	Worker	None mentioned	N/Ap
25	PD	Rajshahi LC	Pabna	Rajshahi	Ishwardi	Pabna	Rajshahi	76.7	Worker	None mentioned	N/Ap
26	Death	Rajshahi LC	Bogra	Rajshahi	Shahjahanpur	Bogra	Rajshahi	103	Widow	1. Widow 2. Father 3. Minor daughter	A and B
27	Death	Rajshahi LC	Bogra	Rajshahi	Bogra Sadar	Bogra	Rajshahi	116	Mother	1. Mother 2. Widow 3. Minor daughter 4. Minor son	A
28	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	Worker	1. Father 2. Mother	N/Ap
29	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	Worker	1. Father 2. Mother	N/Ap
30	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	Worker	1. Father 2. Mother	N/Ap
31	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	Worker	1. Wife 2. Father 3. Mother 4. Minor Daughter 5. Minor daughter 6. Minor son	N/Ap

32	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	Worker	1. Wife 2. Minor daughter 3. Minor son 4. Minor son	N/Ap
33	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	Worker	1. Father 2. Mother 3. Wife 4. Minor daughter 5. Minor daughter	N/Ap
34	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	Worker	1. Wife 2. Father 3. Mother 4. Minor son 5. Minor son	N/Ap
35	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	Worker	1. Wife 2. Father 3. Mother 4. Minor daughter 5. Minor daughter 6. Minor son	N/Ap
<i>Pre-award settled cases</i>											
01	Death	Dhaka LC2	Dhaka	Dhaka	N/Av	N/Av	N/Av	N/Av	BLAST	1. Father 2. Widow	A and B
02	Death	Dhaka LC2	Dhaka	Dhaka	Haimchar	Chandpur	Ctg	139	BLAST	1. Father 2. Mother 3. Widow 4. Minor daughter	A and B
03	Death	Dhaka LC2	Dhaka	Dhaka	Nangalkot	Comilla	Ctg	130	BLAST	1. Husband 2. Minor Son 3. Minor son 4. Unmarried daughter	A
04	PD	Dhaka LC2	Dhaka	Dhaka	Bheramara	Kushtia	Khulna	190	Worker	1. Father	N/Ap
05	PD	Dhaka LC1	Manikganj	Dhaka	Shibaloy	Manikganj	Dhaka	67.3	Worker	1. Mother 2. Wife 3. Minor son 4. Minor daughter	N/Ap
06	Death	Khulna LC	Pirojpur	Barisal	Haluaghat	Mymensingh	Mymensingh	395	BLAST	1. Father 2. Mother	B
07	Death	Khulna LC	Khulna	Khulna	Khalishpur	Khulna	Khulna	4.4	BLAST	1. Father 2. Mother 3. Minor brother 4. Unmarried sister	B
08	Death	Khulna LC	Kushtia	Khulna	Bheramara	Kushtia	Khulna	175	BLAST	1. Mother 2. Widow 3. Minor daughter 4. Minor daughter	A
09	PD	Rajshahi LC	Chapainaw-abganj	Rajshahi	Chapainaw-abganj Sadar	Chapainaw-abganj	Rajshahi	67.6	Worker	1. Wife 2. Minor son 3. Minor daughter 4. Minor daughter 5. Minor daughter	N/Ap
<i>Dismissed cases</i>											
01	Death	Ctg LC2	Sylhet	Sylhet	Sylhet Sadar	Sylhet	Sylhet	393	BLAST	1. Mother	A
02	Death	Dhaka LC1	Dhaka	Dhaka		Dhaka	Dhaka	16	BLAST	N/Av	N/Av
03	Death	Dhaka LC2	Dhaka	Dhaka	Bhola Sadar	Bhola	Barisal	182	BLAST	1. Widow 2. Minor daughter 3. Minor daughter 4. Minor son	A
04	Death	Dhaka LC2	Dhaka	Dhaka	Jajira	Shariatpur	Dhaka	66.2	BLAST	1. Father	B
05	Death	Dhaka LC2	Dhaka	Dhaka	Pirganj	Natore	Rajshahi	220	BLAST	1. Father	B
06	Death	Dhaka LC2	Dhaka	Dhaka	Bakerganj	Barisal	Barisal	224	BLAST	1. Mother	A
07	Death	Khulna LC	Barguna	Barisal	Barguna	Barguna	Barisal	131	BLAST	1. Widowed mother 2. Widow 3. Minor daughter	A
08	Death	Khulna LC	Barguna	Barisal	Barguna	Barguna	Barisal	131	BLAST	1. Father 2. Mother 3. Widow 4. Minor son 5. Minor son	A and B
09	Death	Rajshahi LC	Bogra	Rajshahi	Kahalu	Bogra	Rajshahi	120	BLAST	1. Father 2. Mother 3. Minor brother 4. Minor brother	B
10	Death	Rajshahi LC	Chapainaw-abganj	Rajshahi	Saidpur	Nilphamari	Rangpur	202	BLAST	1. Father 2. Mother 3. Minor brother 4. Unmarried sister 5. Unmarried sister	B
11	Death	Rajshahi LC	Sirajganj	Rajshahi	Ullapara	Sirajganj	Rajshahi	126	BLAST	1. Father 2. Mother 3. Minor brother 4. Unmarried sister	B

12	Death	Rajshahi LC	Chapainaw-abganj	Rajshahi	Chapainaw-abganj Sadar	Chapainaw-abganj	Rajshahi	67.6	BLAST	1. Father 2. Mother 3. Minor brother 4. Unmarried sister	B
13	Death	Rajshahi LC	Bogra	Rajshahi	Shahjahanpur	Bogra	Rajshahi	103	BLAST	1. Father 2. Widow 3. Minor daughter	A and B
14	Death	Rajshahi LC	Bogra	Rajshahi	Kahalu	Bogra	Rajshahi	120	BLAST	1. Widow 2. Minor son 3. Minor son 4. Father 5. Mother	A and B
15	Death	Rajshahi LC	Chapainaw-abganj	Rajshahi	Saidpur	Nilphamari	Rangpur	202	Father	1. Father 2. Mother 3. Minor brother 4. Minor sister 5. Minor sister	B
16	Death	Rajshahi LC	Bogra	Rajshahi	Gaboli	Bogra	Rajshahi	124	Father	1. Father 2. Mother	B
17	Death	Rajshahi LC	Pabna	Rajshahi	Shujanagar	Pabna	Rajshahi	123	Father	1. Father 2. Mother	B
18	Death	Rajshahi LC	Bogra	Rajshahi	Bogra Sadar	Bogra	Rajshahi	116	Widow	1. Widow	
19	PD	Rajshahi LC	Chapainaw-abganj	Rajshahi	Nachol	Chapainaw-abganj	Rajshahi	56.9	Worker	1. Wife 2. Minor son	N/Ap
20	PD	Rajshahi LC	Panchagarh	Rangpur	Atwari	Panchagarh	Rangpur	288	Worker	1. Wife 2. Minor daughter 3. Minor daughter 4. Minor son	N/Ap
21	PD	Rajshahi LC	Rangpur	Rangpur	Birol	Dinajpur	Rangpur	216	Worker	1. Wife 2. Minor son 3. Father 4. Mother	N/Ap
22	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	Worker	1. Wife 2. Minor son 3. Minor daughter 4. Father 5. Mother	N/Ap
23	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	Worker	1. Wife 2. Minor son 3. Minor daughter 4. Father 5. Mother	N/Ap
24	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	Worker	1. Wife 2. Minor daughter 3. Minor daughter 4. Minor son 5. Minor son	N/Ap
25	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	Worker	1. Wife 2. Minor daughter 3. Minor son 4. Father 5. Mother	N/Ap
26	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	Worker	1. Wife 2. Minor son 3. Minor son 4. Father 5. Mother	N/Ap
27	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	Worker	1. Wife 2. Minor daughter 3. Father 4. Mother	N/Ap
28	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	Worker	1. Wife 2. Minor son 3. Minor son 4. Minor son	N/Ap
29	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	Worker	1. Wife 2. Minor son 3. Minor son 4. Father 5. Mother	N/Ap
30	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	Worker	1. Wife 2. Minor son 3. Minor son 4. Father 5. Mother	N/Ap
31	Death	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	BLAST	1. Father 2. Mother 3. Minor daughter 4. Minor daughter	A and B
32	Death	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	BLAST	1. Widow 2. Minor son 3. Minor daughter 4. Minor daughter 5. Minor daughter	A
33	Death	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	BLAST	1. Widow 2. Minor son 3. Minor son	A
34	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	BLAST	None mentioned	N/Ap
35	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	BLAST	1. Widow 2. Minor daughter	A
36	PD	Rajshahi LC	Lalmonirhat	Rangpur	Patgram	Lalmonirhat	Rangpur	308	BLAST	1. Father 2. Mother 3. Minor daughter	A and B

Notes

- ¹ European Commission, Implementation of the Bangladesh Compact- Technical Status Report (2018), 27, https://trade.ec.europa.eu/doclib/docs/2018/september/tradoc_157426.pdf.
- ² “Letter of Intent between the Ministry of Labour and Employment, Government of the People’s Republic of Bangladesh and the ILO and the Federal Ministry of Economic Cooperation and Development, Federal Republic of Germany,” (ILO, 27 September 2018), https://www.ilo.org/global/topics/geip/publications/W-CMS_651256/lang-en/index.htm
- ³ Ibid.
- ⁴ “Employment Injury Scheme Soon for Workers: Prime Minister,” The Daily Star, 12 May 2017, <https://www.thedailystar.net/country/sustainable-employment-injury-scheme-soon-for-workers-pm-sheikh-hasina-says-1404124>.
- ⁵ Ibid.
- ⁶ Some of the major law reports in Bangladesh include but are not limited to: Dhaka Law Reports (DLR), Bangladesh Legal Decisions (BLD), Bangladesh Law Times (BLT) and Bangladesh Law Chronicles (BLC).
- ⁷ As there is extensive literature detailing the compensation framework under Convention No. 121, this analysis is kept intentionally rudimentary.
- ⁸ In addition to the cases referred by SRS and OSHE, during this time period, BLAST also provided legal representation to claimants seeking compensation under the BLA who directly approached BLAST offices. So, while the vast majority of the 80 cases analysed relate to referrals by OSHE and SRS, a few fall into the latter description.
- ⁹ See: Section 4.7.1 of this report.
- ¹⁰ However, this loss of earning capacity must be in excess of that covered by Article 13 of ILO Convention No. 121.
- ¹¹ ILO, World Social Protection Report 2017–19: Universal social protection to achieve the Sustainable Development Goals (2017), 58, https://www.ilo.org/global/publications/books/W-CMS_604882/lang-en/index.html.
- ¹² ILO Convention No. 121, Article 4.
- ¹³ Ibid. Article 6. ILO Convention No. 121 also recognises ‘morbid condition’ as a contingency but the only benefit due to a worker facing a morbid condition is adequate medical care as opposed to the periodical cash benefits for the five main contingencies listed in Table 1.
- ¹⁴ ILO, Social Security and the Rule of Law (2011), (ILC.100/III/1B), 38, https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---soc_sec/documents/publication/wcms_sec_soc_21980.pdf.
- ¹⁵ Ibid., 234.
- ¹⁶ Preamble to BLA.
- ¹⁷ Preamble to BLA. For a list of the industrial establishments to which the Act applies, see: BLA, Section 2(61).
- ¹⁸ BLA, Section 150(1).
- ¹⁹ The general definition is provided in Sections 2(65) of the BLA while the Section 150(8) of the BLA provides the definition specifically applicable for Chapter XII.
- ²⁰ BLA, Section 2(65). See also: BLA, Section 2(31) (definition of establishment) and 2(60) (definition of industry).
- ²¹ BLA, Section 150(8) read with Fourth Schedule to the BLA.
- ²² Ibid.
- ²³ Ten were employed in a fan factory, one in a handloom factory, one in a glass factory, one in a gas lighter factory and one in an electricity factory.
- ²⁴ Four were employed in a rice mill, one in a sugar mill, one in a jute mill, one in a steel mill and one in a sawmill.
- ²⁵ BLA, Section 2(49).
- ²⁶ Ibid.
- ²⁷ BLA, Section 161(3).
- ²⁸ BLA, Section 150(8).
- ²⁹ BLA, Section 2(3)(a).
- ³⁰ BLA, Section 2(3)(b).
- ³¹ It is unclear whether ‘widowed’ acts as a qualifier only for mother or both mother and father.
- ³² Where their father is not alive.
- ³³ Where no parent of the deceased worker is alive.
- ³⁴ B.L.L. (Compensation) Case No. 10/16, First Labour Court, Dhaka.
- ³⁵ B.L.L. (Compensation) Case No. 23/2009, Second Labour Court, Dhaka
- ³⁶ Khalilur Rahman Talukder vs. BLAST and others, Appeal Case No. 24/2011, Labour Appellate Tribunal, Dhaka.
- ³⁷ BLA, Section 155(1).
- ³⁸ BLA, Section 155(6).
- ³⁹ BLA, Section 155(10). The BLA does not define the term ‘legal disability’.
- ⁴⁰ BLA, Section 157.
- ⁴¹ BLA, Section 158.
- ⁴² BLA, Section 158(4).
- ⁴³ BLA, Section 150(7). The worker may also file a compensation claim in a civil court, in which case their right to compensation as per the BLA framework is barred, as is apparent under Section 150(7) when read with Section 150(6).
- ⁴⁵ BLA, Section 170 lays down the procedure for registering agreements with the court.
- ⁴⁶ BLA, Section 170(c).
- ⁴⁷ BLA, Section 171.
- ⁴⁸ BLA, Section 165.
- ⁴⁹ The payment is to be made for the period of disablement or a year, whichever is shorter.
- ⁵⁰ BLA, Fifth Schedule, Columns 2 and 3.
- ⁵¹ BLA, Section 19.
- ⁵² Ibid.
- ⁵³ Ibid.
- ⁵⁴ First Schedule to BLA lists 54 types of permanent partial disablement and the percentage of loss of earning capacity.

- ⁵⁵ BLA, First Schedule.
- ⁵⁶ Ibid.
- ⁵⁷ BLA, Section 151(d) read with column 4 of the Fifth Schedule to the BLA, the latter of which states 'Such compensation shall be paid at the rate of full monthly wages for the first two months, at the rate of two-thirds of the monthly wages for the next two months and at the rate of half of monthly wages for the subsequent months.'
- ⁵⁸ BLA, Schedule 5.
- ⁵⁹ Urban Design and Development Limited vs. Late Roshidul Islam BLA (Compensation) Case No. 01/2011, First Labour Court, Dhaka.
- ⁶⁰ BLAST vs. Managing Director, S. F. Denim Garments, BLA (Compensation) Case No. 06/2009, First Labour Court, Dhaka.
- ⁶¹ The compulsory age of retirement is 60 as stipulated in Section 28 of the BLA.
- ⁶² See for example: W.E. Peel and J Goudkamp, Winfield and Jolowicz on Tort, 19th ed. (London: Sweet and Maxwell, 2014), Chapter 23F. (Damages in Personal Injury Actions), para. 23-076.
- ⁶³ BLA, Section 155(3).
- ⁶⁴ Ibid.
- ⁶⁵ B.L.L. (Compensation) Case No. 37/2010, Labour Court, Rajshahi.
- ⁶⁶ B.L.L. (Compensation) Case No. 55/2010, Labour Court, Rajshahi.
- ⁶⁷ B.L.L. (Compensation) Case No. 12/2014, First Labour Court, Dhaka.
- ⁶⁸ B.L.L. (Compensation) Case No. 135/2012, Labour Court, Rajshahi.
- ⁶⁹ B.L.L. (Compensation) Case No. 22/2013, Labour Court, Rajshahi.
- ⁷⁰ See: Cases numbered 17, 28, 29, 30, 31, 32, 33, 34 and 35 in the list of awarded cases in the Appendix.
- ⁷¹ Jewel vs. Hazi Liakat Ali B.L.L. (Compensation) Case No. 12/2014, First Labour Court, Dhaka.
- ⁷² B.L.L. (Criminal) Case No. 437/18, First Labour Court, Dhaka.
- ⁷³ BLA, Section 150(2)(a).
- ⁷⁴ BLA, Section 150(2)(b).
- ⁷⁵ BLA, Section 167.
- ⁷⁶ The average distance figures have been rounded to the nearest whole number.
- ⁷⁷ The average distance figures have been rounded to the nearest whole number.
- ⁷⁸ A Labour Court in Rangpur has recently been established.
- ⁷⁹ Rezaul Karim, "Labour Court fails to ensure labourers rights," The Business Standard, 1 May 2020, <https://tbsnews.net/bangladesh/labour-court-fails-ensure-labourers-rights-75853>.
- ⁸⁰ The date of judgment was unobtainable for 3 dismissed cases (2 from Dhaka, 1 from Chittagong), which is why the total number of cases is 31 in this table, instead of 36.
- ⁸¹ Rounded to the nearest whole day from 601.367647.
- ⁸² In eight remaining cases, compensation was eventually paid by the employer without a criminal case being filed.
- ⁸³ Mohiuddin Alamgir, "Labour Courts: Justice Delayed," The Daily Star, May 01, 2019, <https://www.thedailystar.net/frontpage/news/labour-courts-justice-delayed-1737418>
- ⁸⁴ See: Section 4.6 of this report.
- ⁸⁵ BLA, Section 150(3) and the Third Schedule to BLA (List of Occupational Diseases).
- ⁸⁶ Ibid.
- ⁸⁷ BLA, Section 150(3) read with the Third Schedule to BLA (List of Occupational Diseases).
- ⁸⁸ BLA, Section 150(5).
- ⁸⁹ BLA, Section 99 and 232 respectively. There also exists a Workers Welfare Fund established by the Bangladesh Labour Welfare Foundation Act 2006, which the BLA reiterates.
- ⁹⁰ BLA, Section 99.
- ⁹¹ Ibid.
- ⁹² Ibid, Section 99(2).
- ⁹³ BLR, Rule 98(2).
- ⁹⁴ BLA, Section 99(2).
- ⁹⁵ BLR, Rule 98(4).
- ⁹⁶ ILO, Bangladesh Technical Note- Comparison between Employment Injury Provisions in the Labour Act and Standard Provisions of an Employment Injury Insurance Scheme (2015), 3, https://www.ilo.org/secsoc/information-resources/publications-and-tools/TCreports/WCMS_431808/lang-en/index.html.
- ⁹⁷ BLA, Section 293.
- ⁹⁸ BLA, Section 307.
- ⁹⁹ Ibid.
- ¹⁰⁰ Fair Wear, Bangladesh country study 2018 (2019), 40, <https://api.fairwear.org/wp-content/uploads/2019/03/-Fair-Wear-country-study-Bangladesh-2018-new.pdf>.
- ¹⁰¹ Bangladesh Labour (Amendment) Act, 2013.
- ¹⁰² BLA, Section 232(3), as amended by Bangladesh Labour (Amendment) Act, 2013, Section 63.
- ¹⁰³ BLR, Rules 212-226.
- ¹⁰⁴ Monira Munni, "RMG workers' welfare fund mobilisation score poor," The Financial Express, 20 July 20 2018.
- ¹⁰⁵ BLR, Rule 212(2).
- ¹⁰⁶ BLR, Rule 214.
- ¹⁰⁷ Ibid.
- ¹⁰⁸ BLR, Rule 215.
- ¹⁰⁹ Either caused by an accident at work or occupational disease.
- ¹¹⁰ BLR, Rule 215(7).
- ¹¹¹ Ibid., Rule 215(8)(B).
- ¹¹² BLA, Section 99(3) as inserted by Section 11 of the Bangladesh Labour (Amendment) Act 2018.
- ¹¹³ Monira Munni, "RMG workers' welfare fund mobilisation score poor," The Financial Express, 20 July 2018, <https://www.thefinancialexpress.com.bd/trade/rmg-workers-welfare-fund-mobilisation-score-poor-1532070742>.
- ¹¹⁴ Ibid.
- ¹¹⁵ Bangladesh Bank (External Economics Division), Quarterly Review on RMG: July-September FY20 (2020), 10-11, <https://bb.org.bd/pub/quarterly/rmg/apr-jun2020.pdf>
- ¹¹⁶ "Bangladesh RMG workers to get BDT 5 lakh compensation for accidental death," Apparel Resources, 13 December 2016, <https://apparelresources.com/business-news/trade/bangladesh-rmg-workers-to-get-bdt-5-lakh-compensation-for-accidental-death/>.
- ¹¹⁷ Ibid.
- ¹¹⁸ Ministry of Finance, Government of Bangladesh, Gender Budget Report (2019/20) (2020), 139, <https://mof.gov.bd/sites/default/files/files/mof->

portal.gov-
.bd/budget_mof/761b26ea_30ab_4d4f_8ef9_86440f2754d6/G-2_02_13
1_Labour_English.pdf.

¹¹⁹ Ministry of Labour and Employment, Government of Bangladesh, Annual Report (2018-19 Fiscal Year): Central Fund (RMG Sector) (2019), 4, <http://centralfund.gov.bd/site/page/bdf-baa32-36a4-4999-bd57-9f0740e61995/>.

¹²⁰ BLR, Rule 215(7).

¹²¹ BLWFA, Section 2(c), (d), (e) and (g) respectively.

¹²² BLWFA, Sections 6-7.

¹²³ BLA, Section 232. Previously, this used to also be applicable to companies which had 100 or more employees but this criterion was replaced by Section 63 of the Bangladesh Labour (Amendment) Act, 2013, which brought the two existing criteria in its place.

¹²⁴ BLWFR, Rule 4(1)(b), (c), (d), (e) and (f) respectively, read with Rule 4(4).

¹²⁵ BLWFR, Rule 6(1).

¹²⁶ Ministry of Labour and Employment, Government of Bangladesh, Annual Report 2018-2019 (2019), 78, [https://mole.gov.bd/sites/default/files/files/mole.portal.gov.bd/annual_reports/180344f8_c3bc_45dd_9d59_4da0d0c67c6a/Annual_Report_2018-2019%20\(1\).pdf](https://mole.gov.bd/sites/default/files/files/mole.portal.gov.bd/annual_reports/180344f8_c3bc_45dd_9d59_4da0d0c67c6a/Annual_Report_2018-2019%20(1).pdf)

For years, Bangladesh labour law has come under national and international criticism for the inadequate compensation and cumbersome process to redress facing many injured workers and families of those who die or are injured because of workplace accidents and illness. While the current system is widely understood to be inefficient, there is little empirical data and analysis available to assess how it has functioned in practice. This research report aims to fill this gap and unearth the common hurdles facing injured workers and bereaved families as they navigate the challenges of litigation.

The report presents findings from 80 compensation cases under the Bangladesh Labour Act 2006, where BLAST has represented claimants or sued on their behalf before the country's Labour Courts since 2008. Combined with Key Informant Interviews (KIIs), discussions with legal professionals and an extensive review of local labour laws, it highlights the drawbacks of the current system and makes a number of recommendations for legal and institutional reform to the government, workers' rights organisations and the legal fraternity. The findings and recommendations of this report can help inform ongoing advocacy on labour law reform and development of the proposed Employment Injury Insurance (EII) scheme in Bangladesh.



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