

WORLD DAY FOR SAFETY AND HEALTH AT WORK

# Six requirements under Bangladesh labour law that can help prevent the spread of Covid-19



**'JUSTICE' IN PRACTICE**  
**TAQBIR HUDA**

AS we face an upsurge of Covid-19 cases, and with the national lockdown being lifted, the need to prioritise effective preventive measures has never been greater. One common place where Covid-19 transmissions occur

is the workplace, especially in industrial settings. Therefore, the World Day for Safety and Health at Work seems as good a day as any to recall six provisions of the Bangladesh Labour Act 2006 (BLA), which can play an immense role in preventing the spread of infectious diseases like Covid-19, but the existence of which seems largely unknown or conveniently forgotten.

First, Section 51 of the BLA requires every establishment to be kept clean and free from effluvia arising from any drain, privy or any other nuisance. In particular, dirt is to be removed by sweeping the floors, workrooms, staircases, and passages of the establishment on a daily basis. In washing the floor of workrooms, disinfectants must also be used if necessary (which they certainly are at the moment).

Secondly, Section 52 of the BLA requires every establishment to make arrangements for adequate ventilation to ensure circulation of fresh air in every workroom. As experts have said time and time again, ensuring adequate ventilation within indoor settings is essential to mitigate the risks of spreading Covid-19.

Thirdly, Section 56 of the BLA prohibits overcrowding and states that "no workroom in any establishment shall be overcrowded to an extent injurious to the health of the workers employed therein". In our current context, this should mean that workrooms should not be overcrowded to the point where maintaining a minimum distance of six feet between co-workers is no longer possible.

Fourthly, Section 59 of the BLA requires every establishment to have in place a



PHOTO: STAR

sufficient number of sanitary toilets and washrooms—which are suitably located—so that the workers employed therein at the time of work may use them easily. Furthermore, all toilets and washrooms must also be kept in a clean and sanitary condition at all times, with suitable detergents and disinfectants present at the cost of the employer.

Fifth, Section 91 of the BLA requires every establishment to have in place a sufficient number of bathrooms and washing facilities for workers to use. These facilities must be kept clean at all times and be easily accessible to workers. This is especially important so workers are able to wash their hands and any other part of their body.

Finally, under Section 116, all workers (except newspaper workers) are entitled to sick leave with full wages for 14 days in a calendar year. Coincidentally, two weeks is also usually the time taken to be able to detect whether someone has in fact

contracted Covid-19 and, in mild cases, the time taken for the infected person to become non-contagious. Newspaper workers are entitled to sick leave "with half wages for not less than one-eighteenth of the period of services". Perhaps to balance this distinction, Section 98 of the BLA specifically entitles newspaper workers and their dependents to medical care at the cost of the newspaper establishment, as determined by the Bangladesh Labour Rules 2015.

Like many of our laws, these six provisions in the BLA may seem very ambitious for industrial sectors, where non-compliance appears to be the norm. In theory, however, if any person contravenes any provisions of the BLA which results in loss of life, serious bodily injury, or any danger to workers or any other persons in an establishment, Section 309 of the BLA subjects them to varying penalties. For instance, if this contravention results in the loss of a life, the punishment can be up to four years of imprisonment and/or fine of up to Taka one lakh. Therefore, if any person fails to uphold the abovementioned safeguards—which causes workers to contract Covid-19—at least in theory, they would be liable to imprisonment and/or a fine, depending on

the level of harm that is caused. However, the key challenge here would be to prove that it was their breach that caused any given worker or person to contract Covid-19. Therefore, it is important for these six safeguards to be enforced proactively through spot inspections and on the basis of complaints received, rather than doing so reactively through the enforcement of penalties, after harm has already been caused to workers' health.

That is precisely why inspectors from the Department of Inspection for Factories and Establishments (DIFE), under the Ministry of Labour and Employment, must rise to the occasion. DIFE has been entrusted with enforcing all provisions of the BLA (except Chapters 13 and 14 of the BLA, which relate to trade unions and industrial relations, and Labour Court procedures, respectively). On January 15, 2014 the Ministry of Labour and Employment issued a government order which upgraded DIFE from a directorate into a department, with a headquarters and 23 district offices, and expanded it by tripling its workforce and creating 679 new posts (of which 575 were designated for inspectors). Previously, DIFE had only 314 staff members. In 2014, the government formed a high-level

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National Industry Health and Safety Council to accelerate efforts to boost occupational safety. This Council is chaired by MOLE, and has employers and trade unions as members.

In January 2019, DIFE introduced a five-digit helpline number (16357) for receiving complaints. Therefore, it may be worthwhile to disseminate this number widely among workers through electronic, print, and telephonic means so they may report violations occurring in establishments that increase the spread of Covid-19. These complaints should be met with immediate spot inspections and necessary disciplinary action.

In October 2020, DIFE issued a national Occupational Safety and Health (OSH) guideline on creating safe and effective return-to-work conditions during the Covid-19 pandemic, with technical support from the OSH Council and ILO. The guideline reiterates national labour standards and includes recommendations based on international best practices. Appendix 9 to the OSH guideline lists "notable initiatives taken by DIFE to prevent Covid-19 infection" since March 2020, such as provision of telemedicine services and dissemination of information materials to raise health awareness. However, there is no mention of the number of inspections undertaken during the pandemic to assess compliance with occupational safety and health requirements under the BLA, or any examples of disciplinary action being taken against non-compliant factories (of which I am sure there were many). While the initiatives listed are indeed notable and this guideline is certainly significant, it is just as important to enforce legal obligations of industrial employers on ensuring occupational safety and health under the BLA, since guidelines are merely advisory while laws are binding. These six safeguards can go a long way in mitigating the spread of a deadly disease in a country where it has been seemingly decided that "business must go on".

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# The G7 countries need to step up on climate finance



**'POLITICS OF CLIMATE CHANGE'**  
**SALEEMUL HUQ**

ONE of the positive outcomes of the Paris Agreement on Climate Change back in 2015 was a pledge from the rich countries to provide USD 100 billion a year, starting from 2020, to help the poorer countries tackle climate change

through both mitigation and adaptation actions.

However, the year 2020 has come and gone, but this pledge was not delivered. It is difficult to even know how much was actually delivered, but the estimate is that perhaps USD 70 to 80 billion might have been delivered in 2020. Delivering the deficit for 2020 as well as another USD 100 billion for 2021 will be the test for the developed countries at the upcoming COP26 to be held in Glasgow, Scotland in November, hosted by the United Kingdom.

However, it is important to note that it will be too late if we wait until November to deliver, and also that the decision makers are not the Environment Ministers who go the COPs, but rather their respective Finance Ministers and even their Prime Ministers and Presidents.

On April 22, US President Biden hosted a leaders' Climate Summit where 40 heads of government from all over the world met virtually, and the wealthy countries again pledged to provide the funds they had promised.

The leaders from the vulnerable developing countries, including Prime Minister Sheikh Hasina of Bangladesh who spoke on behalf of the Climate Vulnerable

*This particular issue of finance for loss and damage from climate change has been a very politically contentious one, as the developed countries do not like to accept any sense of liability or claims of compensation and have refused to provide finance for loss and damage.*

Forum (CVF), as well as Bhutan, which spoke for the Least Developed Countries (LDC), emphasised the need to fulfil the pledges for providing the climate finance which had been promised but not delivered.

As the leaders of the G7 countries will be meeting soon in June, hosted by the United Kingdom, and as the UK will be the host of COP26 and has promised to lobby the developed countries (including the G7 and the bigger group of G20) later in the year to deliver on their pledges, I would like to

discuss some tests these countries will have to pass to show their commitment to meeting their climate finance promises.

The first test is to provide transparent information on how much each country is providing developing countries with to tackle climate change, and through which channels. Only the funds provided through the Green Climate Fund (GCF), Adaptation Fund (AF) and Global Environment Facility (GEF) are unequivocally for tackling climate change. However, many developed countries also count their contributions to multilateral banks like the World Bank, as well as through the United Nations, and even their own bilateral development funding agencies. This money is very often double counted as both development and climate finance, which goes against the spirit of providing new and additional finance to tackle climate change.

The second test is for each of the G7 as well as G20 countries, which is to allocate 50 percent of their climate change funds to support adaptation actions in the most vulnerable developing countries. This has been a major demand from the vulnerable developing countries for a long time, but in practice, only 20 percent of climate finance provided has gone to support adaptation. This is now an essential test for each developed country—to allocate half of their climate finance towards adaptation in the most vulnerable developing countries.

The third test, which is associated with the second test, is that they must ensure that (and report on how much of) their adaptation funds are actually reaching the most vulnerable communities in the vulnerable developing countries. The track record of

providing this information is absolutely abysmal—so far, only 10 percent of the money provided for adaptation could be tracked to the most vulnerable communities. One could argue that the reason the people of the rich countries are providing the finance in the first place is to help the poorest and most vulnerable communities in the poorest and most vulnerable countries, so it would seem prudent to monitor and report on whether or not that is being achieved.

The fourth and final test with regard to climate finance is to support the victims of climate change who are now suffering from loss and damage that is scientifically attributable to the fact that global temperature has risen over one degree Centigrade due to emissions of greenhouse gases over the last few decades. Human induced climate change impacts are now a reality and people are losing their lives, homes, livelihoods and crops all over the world, but mostly in the poorer developing countries. These victims of climate change impacts are amongst the least responsible for causing climate change, so those who are responsible must accept that responsibility and provide financial support.

This particular issue of finance for loss and damage from climate change has been

a very politically contentious one, as the developed countries do not like to accept any sense of liability or claims of compensation and have refused to provide finance for loss and damage, with the notable exception of supporting some insurance schemes.

However, although COP26 was postponed from November 2020 to November 2021, climate change did not take the year off and in fact, made a major jump forwards in terms of more severe wildfires, floods, cyclones, hurricanes, typhoons and heatwaves in every continent of the world. Even if the developed countries do not wish to provide funds for the victims of loss and damage as compensation, they can still provide these funds as a gesture of solidarity with those same victims of natural disasters.

Indeed, I would argue that the issue of providing finance for loss and damage is too important to leave only to governments—the funds should also be contributed by companies, city mayors and even citizens of the rich countries, as they are all responsible for the climate change impacts that are causing the loss and damage.

Finally, the world's ability to tackle the climate emergency depends on the leaders of the G7 and G20 countries not only taking the issue of climate finance seriously, but on making their own Covid-19 recovery plans, which will be in the many trillions of US Dollars, and focusing on greener and more equitable investments going forward.

The G7 leaders' meeting of 2021 may be the last time that the world's leaders can take concrete steps forward in tackling climate change before it is too late, but it will require far-sighted leadership. I remain hopeful that they can indeed deliver.

Dr Saleemul Huq is Director of the International Centre for Climate Change and Development and Professor at the Independent University, Bangladesh.



PHOTO: COLLECTED

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**QUOTABLE Quote**

**ELVIS PRESLEY**  
 (1935-1977)  
 American singer

*Truth is like the sun. You can shut it out for a time, but it ain't goin' away.*

**CROSSWORD BY THOMAS JOSEPH**

**ACROSS**

- 1 Genesis name
- 5 Iberian nation
- 10 Country singer
- 10 McCann
- 11 Indivisible numbers
- 13 Stratford's river
- 14 Tuba sound
- 15 "Mandy" singer
- 17 Had lunch
- 18 Amoeba
- 19 Hawaiian makeup
- 19 Hawaiian souvenir
- 20 Battleship letters
- 21 Mardi Gras wear
- 22 Mixes up
- 25 Ship staffs
- 26 Employ
- 27 Racket
- 28 Spanish gold
- 29 Wild ones
- 33 Mover's truck
- 34 Monogram unit
- 35 Poet Spenser
- 37 Killer whale
- 38 Spooky gathering
- 39 Roof support
- 40 Snide expression
- 41 Commotions

**DOWN**

- 1 Texas landmark
- 2 Backless sofa
- 3 Without others
- 4 Nails treatment
- 5 Thread holders
- 6 Move with stealth
- 7 Objective
- 8 African antelopes
- 9 Most tidy
- 12 Arab bigwigs
- 16 Minus
- 21 Ontario neighbor
- 22 Pushes rudely
- 23 Rants
- 24 Tony Stark's alter ego
- 25 Short skirt
- 27 Anger, informally
- 29 Chop finely
- 30 Ventilated
- 31 Bean-bearing tree
- 32 Closes with a bang
- 36 French article

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**YESTERDAY'S ANSWERS**

C	A	R	O	L	S	A	L	U	M
A	V	E	N	U	E	P	E	R	U
P	I	N	A	T	A	S	T	A	G
E	L	A	T	E	B	E	I	N	G
D	A	L	E	P	A	S	T	I	E
J	E	R	U	S	A	L	E	M	
C	A	R	D	E	L	I			
A	M	U	S	E	D	Q	U	A	D
T	A	P	E	S	B	U	R	R	O
N	I	T	E	S	A	I	G	O	N
I	C	E	D	O	L	D	E	S	T
P	A	D	S	Y	E	S	S	E	S

**BEETLE BAILEY** BY MORT WALKER

OVERALL, IT'S NOT BAD BEING SARGE'S DOG...

BUT IT WOULD BE BETTER IF HE MOVED MY BED

**BABY BLUES** BY KIRKMAN & SCOTT

WHAT DO YOU WANT, HANDALORIAN? WE HAVE BEEN SUMMONED.

LEAD THE WAY TO THE ONE KNOWN AS "MOTHER."

NO PROBLEM.

OH, AND WATCH YOUR STEP.

THE HANDALORIAN WISHES HE HAD HIS BLASTER HANDY.