

Changes in Labour Rules will actually reduce maternity benefits



Taslima Yasmin
is associate professor at the
Department of Law of Dhaka
University.

TASLIMA YASMIN

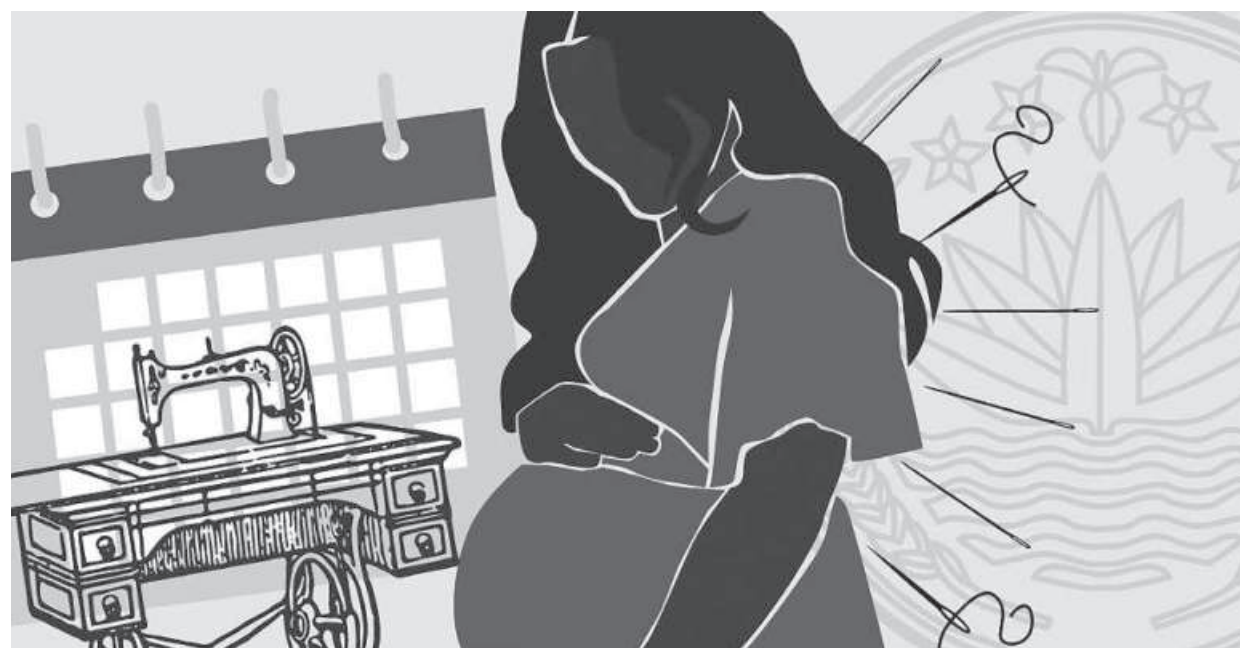
VERY recently, the Labour Rules, 2015 has been amended, introducing as many as 101 changes. The 2015 Rules are meant to supplement the Labour Act, 2006, which authorises the government to formulate rules in order to enable better implementation of the Act. By adopting the Rules, the relevant ministry mostly set out detailed procedural provisions to facilitate implementation of the substantive provisions of the parent Act, and as such, Rules cannot override any provisions or curtail any substantive right given in the Act. However, right after the amendment to the Labour Rules was published in an official gazette, several workers' rights groups and activists expressed dissatisfaction over a number of new inclusions. In particular, the changes brought to the provisions related to maternity benefits deserve careful scrutiny as they have potentially curtailed the substantive rights given in the Labour Act.

Over the past decades, poor implementation of provisions related to maternity benefits in the Labour Act has been emphasised in several forums. A number of studies highlighted complaints such as non-payment of maternity benefits, threat of dismissal, forced resignation on condition of joining again after

giving birth, etc against expectant workers. Lack of breastfeeding breaks, nursing facilities and antenatal medical care at workplaces has also been highlighted in several reports in the past. It was naturally expected that the new amendment would perhaps address these concerns in the Rules, so that the maternity benefits prescribed under the Act could be more effectively enforced. The amendment did, in fact, introduce a positive provision

The new Rules provide that wages of only the month immediately preceding maternity leave would be taken into account and that, too, would have to be divided by 26 days – not the actual days of work – to determine the average daily wage.

by allowing four weeks' leave in the event of miscarriage. However, to the surprise of many, the amendment has introduced a new method of calculating maternity benefits,



VISUAL: STAR

which in practice has the potential of effectively reducing the amount that the workers were otherwise entitled to under the Labour Act.

Under Section 48 of the Labour Act, to determine the amount of maternity benefit, the daily average wage has to be calculated by dividing the total wages earned by a worker during the preceding three months from the date on which she gives notice of pregnancy, by the number of actual days of work during that period. As such, all days of leave that a worker was entitled to get in the three-month period under the Act would be excluded from the actual days of work, while the wages paid for those days of leave would be added to the total wage count. In addition, payment for overtime in

the past three months would also be added to the total wages of the previous three months. The new Rules, however, provide that wages of only the month immediately preceding the maternity leave would be taken into account and that, too, would have to be divided by 26 days – not the actual days of work – to determine the average daily wage.

As such, under the new Rules, on the one hand, in calculating the average daily wage, the days of paid leave are not counted as the total days of work are fixed at 26. Additionally, in the month immediately preceding the leave, chances of working overtime is also less as the worker is in her last trimester. Thus, applying the new method, the average daily wage would be naturally much less

than what it would be previously.

Under the Act, workers on maternity leave are entitled to get maternity benefits for a period of eight weeks preceding the expected day of her delivery, and eight weeks immediately following the day of her delivery. The Act further provides that an employer shall not knowingly employ a woman during the eight weeks immediately following the day of her delivery. The new Rules, however, added another provision stating that if any worker on maternity leave delivers her child later than the specified date in the preceding eight weeks, those additional days would be adjusted with the following eight weeks of the maternity leave. The provision does not clearly state the purpose

or method of such adjustments, and this ambiguity may create scope for the employers to reduce the mandatory two-month post-delivery maternity leave in breach of the clear provision in the Act.

Some prominent workers' leaders expressed that the workers were not aware of such changes before they were published in the official gazette, and that the workers' written demands of specific changes to be brought into the Rules were also mostly ignored. Lack of unbiased and inclusive procedures in forming the drafting committees for amending the laws was also pointed out by a number of worker associations' representatives. What is particularly odd is the absence of female representation in the amendment of Rules, especially when such important decisions have serious impacts on female workers' participation. A larger level consultation beyond the drafting committees is also warranted when such significant changes are proposed.

It is crucial that the laws and policy frameworks are sensitive towards the rights of maternity protection, and there is effective implementation of the laws. It is essential that this new amendment is reviewed, taking into account the voices of the workers, to ensure a congenial work environment for women so that they do not have to quit employment for child-bearing. Instead of stepping backwards, we need to explore avenues where the existing challenges in ensuring maternity protection can be more effectively addressed, implemented and monitored.

#Challenging Times ahead for AL?



Mohammad Al-Masum Molla
is deputy chief reporter at The
Daily Star.

MOHAMMAD AL-MASUM MOLLA

When you think of a strong, organised political party, the first image that would come to mind is that of a rally with hundreds of thousands of supporters hoisting the party flags and chanting slogans at the top of their voices, wearing T-shirts and headbands containing the party emblem, and an influential leader speaking into a microphone on the stage. These political rallies take place more frequently ahead of a national level election, because rallies are one of the best ways of cheering up the ranks of the party, especially the grassroots workers, in order to ensure a lively vote-seeking campaign. The more organised and enthused the grassroots workers are, the more powerful the party is.

However, a few months after elections, grassroots workers start to lose a bit of their importance. The party that wins the election reduces the number of rallies, obviously because they don't need them anymore, at least for a while, as they

have won the polls. The party that loses also shuts itself down for a bit in order to deal with the defeat and let their grassroots workers recover from the loss. In Bangladesh, this cycle usually repeats every five years – the regulation interval between national elections.

The last 13 years, however, have been quite different. The Awami League has been in power throughout these years, and its main political opposition, the BNP, never quite managed to come out of their slumber after the massive defeat in the 2008 election. They tried a few things during this time, such as violent street protests and peaceful negotiations, but nothing really worked. At the same time, grassroots workers had a tough time on the ground, facing hundreds of political cases and police actions. Also, BNP's decision-makers focused more on getting back to power, rather than keeping its organisational base strong.

The ruling Awami League's grassroots workers, on the other hand, enjoyed a free run because of the opposition's organisational weaknesses. As a result, they indulged themselves in other matters (including money-making), because there was hardly anyone from the opposition to challenge them in the field. That is probably why Awami League General Secretary Obaidul Quader recently asked party leaders and workers to "save the party" by stopping "exchange of money for positions in local level committees."

Make no mistake: elections in Bangladesh are still an expensive affair, despite there not being a truly competitive election in nearly a decade and a half (partly due to the opposition boycotting the polls). It's just that money is being spent by the ruling party leaders in other avenues instead of funding typical pre-election public relations campaigns. When there is no strong force in place to oppose you in the field, all you need to ensure is that you have the party nomination. And once you have that, you are almost as good as elected.

With just a little over a year to go before the next parliamentary election, why is Quader issuing a strict warning against the "money game"? Shouldn't he be saying encouraging things to his party members at this crucial time?

It appears as though allowing the

practice of "buying" nominations for too long may have hurt the party's internal democracy. Now that their main political opposition has managed to rise from slumber, the ruling party is suddenly beginning to feel that they are not going to get a free run anymore, which they have been enjoying for nearly one and a half decades. It also means that if someone has the money, they can easily throw off the dedicated leaders at the upazila and union

levels in the race for nominations. The fact that a staggering 62 percent of current parliament members are businessmen bears testimony. All of these may have created pockets of dissent among the leaders and workers, which the senior leadership of the ruling party is beginning to realise may prove to be counterproductive.

The influence of senior leaders depends to a large extent on the number of local-level leaders they

have as followers. During door-to-door campaigns, senior leaders who run for parliamentary seats can only reach a limited number of voters. It is the field workers, controlled by the local-level leaders, who carry out the tedious work of making sure that they engage on a personal level with every voter. So, if there is growing frustration at that level, eventually the party's popularity is going to suffer, and it might be eventually reflected in election outcomes.



Rallies are one of the best ways of cheering up the grassroots workers of a party for a lively vote-seeking campaign.

FILE PHOTO: RASHED SHUMON

Government of the People's Republic of Bangladesh Office of the Executive Engineer Public Works Division, Munshiganj.			
Invitation for Tenders (IFT)			
1	Ministry/Division	Ministry of Housing & Public Works.	
2	Executing Agency	Public Works Department	
3	Name of Procuring Entity	Executive Engineer, Public Works Division, Munshiganj	
4	Procuring Entity Code	Not used at present	
5	Procuring Entity District	Munshiganj	
6	Invitation for	Procurement of Physical Services	
7	Invitation Reference No.	Munsi/2022-22/REV/Service-OTM-01	
8	Date	01/11/2022	
KEY INFORMATION			
9	Procurement Method	Open Tendering Method (OTM)	
FUNDING INFORMATION			
10	Budget and Source of fund	Revenue Budget, Government of Bangladesh	
11	Development Partners (if applicable)	None	
PARTICULAR INFORMATION			
12	Project / Programme Code (if applicable)	Not available.	
13	Project / Programme Name (if applicable)	Not Applicable	
14	Tender Package No.	Munsi/2022-23/REV/Service-OTM-01	
15	Tender Package Name	Supplying of 2 nos. of Driver for the inspection vehicles under Public Works Division, Munshiganj	
16	Tender No	Munsi/2022-23/REV/Service-OTM-01	
17	Tender Publication Date	01/11/2022	
18	Tender Last Selling Date	14/11/2022 Up to 16.00 Hours	
19	Tender Closing Date and Time	15/11/2022, Time 12.00 Hours	
20	Tender Opening Date and Time	15/11/2022, Time 12.00 Hours	
Name & Address of the office (s)			
Selling Tender Document (Principal)		Office of the Executive Engineer, Public Works Division, Munshiganj	
Selling Tender Document (Others)		Azimpur PW Division, Dhaka/Motijheel PW Division, Dhaka/Resource PW Division, Dhaka / Narayanganj PW Division, Narayanganj	
Receiving Tender Document		Office of the Executive Engineer, Public Works Division, Munshiganj	
Opening Tender Document		Office of the Executive Engineer, Public Works Division, Munshiganj	
22	Place/Date/Time of Pre-Tender meeting	Not Applicable	
INFORMATION FOR TENDERER			
23	Brief Eligibility and Qualification of Tenderer	a. The minimum number of years of general experience of the Tenderer in contracting industries in public sector as Prime Contractor/Sub Contractor/Management Contractor shall be 3 (three) years. b. The minimum specific experience as a Prime Contractor in providing manpower as drivers completed over a period of three (3) years with a value of at least of BDT 300000 (Three lac) shall be required. c. The required average annual turnover of the Tenderer shall be at least of the amount of BDT 500000 (Five lac) over the last three years. d. The minimum amount of liquid assets i.e. working capital or credit line(s) of the Tenderer shall be BDT 200000 (Two Lac). The full eligibility and qualification criteria will be available in details in the Tender Data Sheet (TDS, section 2) of Tender Document.	
25	Price of Tender Document (BDT)	BDT 1000 (One thousand) only.	
26	Lot no.	Location	Tender Security amount (BDT)
	1	Munshiganj	20,000/- (Twenty thousand)
			8 (Eight) Months
PROCURING ENTITY DETAILS			
27	Name of official inviting tender	Md. Khairuzzaman	
28	Designation of official inviting tender	Executive Engineer	
29	Address of official inviting tender	Office of the Executive Engineer, Public Works Division, Munshiganj	
30	Contact details or official inviting tender	Tel:7612177; Mobile 01882115125 Email: ee_munsi@pwd.gov.bd	
31	The Procuring Entity may extend the contract period if it needs necessary.		
32	The Procuring Entity reserves the right to reject all the Tenders or annul the Tender proceedings		

(Md. Khairuzzaman)
Executive Engineer
Public Works Division, Munshiganj

GD-1998