

Confronting gender inequality in Bangladesh's labour laws

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On this International Women's Day, it is both timely and necessary to reflect on how far Bangladesh has come in recognising women's contributions to the workforce, and how far we still need to go to ensure that the law truly protects them. At the outset, it must be remembered that labour laws in Bangladesh primarily cover the formal sector, which represents only around 15 per cent of the total workforce, according to various estimates. A large proportion of informal sector workers, many of whom are women, remain outside the effective protection of the law.

Workers' rights in Bangladesh are primarily governed by two key statutes: the Bangladesh Labour Act, 2006 and the Bangladesh EPZ Labour Act, 2019. The latter regulates workers employed in Export Processing Zones, which collectively employ more than 500,000 workers, the majority of whom are women. In this write-up, I primarily examine the provisions of the Bangladesh Labour Act, 2006, noting that, in many instances, the issues affecting EPZ workers closely resemble those found under the same framework. Many of these legal gaps are particularly significant in sectors where women form a large share of the workforce, including export-oriented manufacturing such as the ready-made garment industry.

The Bangladesh Labour Act, 2006, underwent a major amendment in November 2025, which introduced several progressive reforms. However, important gender gaps remain embedded in both the structure and implementation of the law. These gaps, whether in maternity protection, workplace safety, union representation, or wage equality, continue to disadvantage women workers in practice. Among the many issues that warrant attention, only a few are examined here.

Domestic workers: Partial recognition, partial protection

One notable development is the recognition of domestic workers, who are overwhelmingly women, as workers under the law, albeit for a limited purpose. The amendment

extends the application of Chapters XII, XIII, and XIV of the Act to domestic workers, thereby granting them rights relating to compensation for workplace injuries and the right to organise and bargain collectively.

This is undoubtedly a positive step. However, the non-application of other core protections under the Act significantly limits the practical benefit of this recognition. Domestic workers remain excluded from broader protections concerning working hours, leave, termination safeguards, and many welfare provisions. As a result, their recognition as workers remains incomplete, and so too does the protection available to them.

Disparity in maternity benefits
Maternity protection remains one of the most visible areas of gender disparity. Under the recent amendment, maternity leave for women workers has been increased from 112 days to 120 days. While this represents progress, it falls short of the 180 days demanded by workers' organisations. More importantly, it stands in stark contrast to the entitlement of government employees.

Female government officials are entitled to six months, or 180 days, of maternity leave under the Government Servants Leave Rules. In contrast, women workers in the private sector covered by the Bangladesh Labour Act receive only 120 days of leave. This creates an unequal standard of maternity protection between public and private sector employees, raising serious concerns under the constitutional guarantee of equality.

Beyond the difference in duration, the 2025 amendment introduced a new method for calculating maternity benefits under Section 48(2), which may reduce workers' monetary entitlements in many cases. Previously, maternity benefits were calculated on the basis of the average wages earned during the three months immediately preceding the notice of maternity leave. The total wages received during that period were divided by the actual number of working days, thereby reflecting the worker's real earnings pattern.

Under the new amendment, the daily average wage is calculated by dividing the last drawn total monthly gross wage by 26.

While this formula appears standardised and simpler, in practice it may reduce the total amount payable. Thus, although the duration of leave has been modestly increased, the change in the calculation method may effectively reduce the financial protection available to

operational mechanisms to ensure compliance, the provision risks remaining aspirational rather than transformative.

Equal pay for equal work: A principle without a roadmap

Section 345 enshrines the principle of equal pay for equal work, requiring equal wages for work of the same nature, value, or standard. While this is a strong normative



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women workers during maternity. For low-wage women workers, even a small percentage reduction can significantly affect their economic security at a critical time in their lives.

Violence and harassment at the workplace: Progress with gaps

The amendment has introduced important provisions addressing workplace violence and harassment. Three new definitions – violence and harassment, gender-based violence and harassment, and sexual harassment – have been incorporated into the Act, closely aligning with international standards, including ILO Convention No. 190.

The definition of sexual harassment reflects principles articulated in the landmark High Court decision in Writ Petition No. 5916 of 2008, which laid down binding guidelines for preventing sexual harassment at workplaces

and educational institutions. The new Section 332KA mandates the formation of a five-member Complaint Resolution Committee, with a majority of women, a woman chairperson, and external members with experience in gender issues.

This alignment represents a strong and modern legislative step. However, important procedural gaps remain. The amendment does not clearly specify what actions an employer

must take after the committee submits its findings. Without detailed procedural rules and clear enforcement guidelines, even strong definitions may fail to ensure effective protection.

Women's representation in trade union leadership

Section 176 provides that, where women constitute at least 20 per cent of an establishment's workforce, at least 10 per cent of the members of the union's Executive Committee must be women.

This provision reflects a positive effort to promote women's participation in trade union leadership. However, although women are present in the executive committees of several federations, very few occupy key decision-making positions such as president or general secretary at the national or sector level. In the absence of clear

commitment, the law provides no guidance on how work of equal value should be assessed, how wage comparisons are to be conducted, or how discrimination claims should be investigated and remedied. Without clear criteria, monitoring mechanisms, and effective remedies, the principle risks remaining largely declaratory.

The tea industry: A sector requiring urgent reform

Immediate and focused attention must also be given to the tea industry, where the majority of tea garden workers are women. A careful review of the Bangladesh Labour Act, 2006, reveals ambiguities and inconsistencies in provisions relating to housing, gratuity or pension, casual leave, and annual leave that disproportionately affect tea workers. In particular, given the unique and generational nature of tea garden

employment, where employer-provided housing is inseparable from livelihood, stronger safeguards are essential to protect tea workers from eviction upon termination of service. For many tea worker families, loss of employment effectively means loss of shelter and social security. Tea workers are also excluded from the ten days of paid casual leave granted to other workers under Section 115. Furthermore, while most workers earn one day of annual leave after 18 days of work, tea workers must work 22 days to earn a single day of annual leave.

These long-standing disparities are not merely technical inconsistencies. Addressing them requires urgent legislative reform to ensure fair and equal treatment of tea workers, consistent with the broader principles of equity and non-discrimination reflected in the labour law framework.

Formal equality is not enough

Bangladesh has made important progress in reforming its labour law. Yet gender gaps persist not only in the law's text but also in its structure and implementation. From unequal maternity standards and reduced benefit calculations to procedural ambiguities in harassment cases, weak enforcement of union representation provisions, and structural discrimination in certain sectors, significant challenges remain.

True gender justice in labour law requires more than progressive language. It requires coherent procedures, enforceable standards, and a genuine commitment to substantive equality. On this Women's Day, the call is not merely for celebration, but for continued reform so that women workers across the country are protected not only in principle, but in practice.

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Public lands, patriarchal rules

Why marginalised women still struggle for public resources



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Land is more than soil. It is security in old age, collateral at the bank, and a buffer against poverty. While religion-based inheritance laws and other discriminatory land policies continue to deny women equal ownership within families, inequality does not end there. Rural and marginalised women face another layer of exclusion: restrictive systems governing public lands and wetlands that continue to privilege the male "head of household", effectively shutting women out of state-managed resources as well.

"Even under laws such as the State Acquisition and Tenancy Act 1950, access to khas land, jalmohals (waterbodies), and forests is heavily influenced by local power dynamics. Local elites often control these resources, sidelining genuine beneficiaries," mentioned Fariha Jesmin, Programme Manager at Badabon Sangho, a women's rights organisation that works closely with rural and marginalised women. "Beneficiary lists may be decided based on political connections rather than need, and bureaucratic processes are lengthy, opaque, and complex, which are often inaccessible to rural women."

Across rural Bangladesh, thousands of women contribute daily to farming, fishing, and resource

management. They cultivate crops, rear livestock, mend nets, process fish, and manage household economies. But when it comes to formal access to public land, wetlands, and agricultural credit, they remain largely invisible. "While inheritance rights remain a crucial issue, women's access to public land is a broader concern, with over 60 per cent of the population landless. Bangladesh's vast khas land remains ineffectively distributed," emphasised Rowshan Jahan Moni, Deputy Executive

similar pattern is visible in fisheries: in the coastal and haor regions, an estimated 12 to 14 lakh women are directly or indirectly involved in fishing, according to the Department of Fisheries. Despite their central role in production, these women are discriminated against even in law and policy—recognised as labourers in practice, but rarely acknowledged as rights holders on paper.

Recognition as a barrier
Recognition, in the context of women involved in the rural economy, is not



They might be doing hard labour and earning for their family, but women aren't granted the title of fisherfolk.
PHOTO: LIPI RAHMAN

Director, ALRD (Association for Land Reform and Development).

This exclusion is especially stark given women's overwhelming presence in the rural economy. According to the BBS Survey (2022), women account for 58 per cent of agricultural workers, and nearly 74 per cent of all working women are engaged in agriculture. Yet ownership and control tell a different story. Data from SAJIDA Foundation show that only about 13 per cent of women in rural land-owning households hold formal title deeds, and a mere four to five per cent exercise effective control over agricultural land. A

merely symbolic—it determines who can lease public wetlands, access credit, secure social protection, or claim compensation after disasters. The Jalmohal Management Policy 2009 prioritises 'genuine' fishers organised into cooperatives. Yet despite women's extensive involvement in fisheries, they are rarely recognised as fishers. Cooperatives are typically male-dominated, limiting women's membership and decision-making power. Without cooperative membership and official recognition, women cannot apply for wetland leases.

"Male domination in cooperatives

often limits women's participation in decision-making and access to leases. The leasing process itself is complicated, requiring applications, verification, and bidding through government offices that are often inaccessible to rural women," said Jesmin from Badabon Sangho.

The government issues fisher ID cards under the National Fisheries Policy 1998 to recognise legitimate fishers and grant benefits, including access to jalmohals. In practice, however, women are rarely issued these cards because fishing is socially viewed as men's work. Without an ID, women cannot form eligible groups or apply for leases, leaving many active fisherwomen practically invisible.

"We are asked for our identification card every time we go to the Sundarbans and are often mistaken for pirates. An ID card would not only help us access support but also serve as recognition of our hard work," said Selina Begum, a fisher from Chila-Mongla, Bagerhat.

Yet even ID cards may not be enough. The current legal definition of fisherfolk fails to recognise the full range of tasks women perform. As a result, they remain excluded from schemes such as Vulnerable Group Feeding (VGF), which is restricted to those engaged in Hilsa harvesting, a role dominated by men. "An ID card alone is not the solution. Policy reforms are required, with plans to introduce a new Motshojibi Card that better reflects women's contributions," noted an official from the Department of Fisheries.

Similar patterns of exclusion persist in agriculture. Although women constitute a large share of the farming workforce, the absence of land titles and official farmer status deprives them of access to government programmes. While khas land policies identify landless

families, widows, and divorced women as priority beneficiaries, implementation often excludes their names from allocation documents. Joint ownership between spouses remains rare, and beneficiary lists are frequently shaped by political influence rather than need, sidelining marginalised women with little social capital.

The Khas Land Management and Distribution Policy of 1997 further entrenches discrimination by prioritising households with an "able-bodied son" when assessing applications from widows or women abandoned by their husbands. This preference for male-headed households disregards women's own agency and capacity to farm, effectively penalising those without male members in the family.

Rafiqul Islam, Program Officer (Advocacy) at ALRD, raised another concern: "While the government's agricultural khas land distribution was a positive initiative, it has been informally suspended since 2014. Influential individuals continue to occupy khas land." This leaves marginalised women in a state of perpetual waiting, while politically connected elites continue to illegally occupy and exploit these public lands.

Moreover, land ownership is closely tied to financial inclusion. Banks typically require land documents as collateral for agricultural loans. Although the Bangladesh Bank has provisions supporting women borrowers under agricultural and CMSME programmes, implementation remains uneven. Because land is rarely registered in women's names, they struggle to meet collateral requirements. "Even when women are actively farming, they are often seen as 'helpers' rather than independent farmers, which reduces their eligibility for loans.

Although policies allow for collateral-free or small loans for women, many local bank officials are hesitant to implement these provisions," said Jesmin from Badabon Sangho. Women's limited mobility, smaller professional networks, "land illiteracy", and lack of access to financial information compound the problem.

What must change now

- Formally recognise women as producers and workers in all land, fisheries, and agricultural policies and databases.
- Issue fisher and farmer ID cards to women and reform eligibility guidelines to ensure transparent, inclusive identification processes.
- Amend the Jalmohal Management Policy 2009 to recognise women's roles in pre- and post-harvest fisheries work and introduce mandatory quotas for women-led cooperatives.
- Promote women-friendly cooperatives and producer groups to strengthen collective bargaining and access to leases.
- Reform khas land distribution policies to allow joint spousal ownership or direct allocation to women, and digitise land records to reduce manipulation.
- Expand legal aid and community support services to help women navigate bureaucratic systems.
- Improve inter-ministerial coordination among fisheries, land, agriculture, and finance authorities to ensure inclusive and effective policy implementation.

Public lands are meant to serve the public good. Yet when patriarchal norms govern access, they cease to function as equalising tools. Until women's names appear on land titles, lease agreements, ID cards, and loan documents, the gap between policy and practice will continue to persist.