LAW VISION

From Law to Practice: Building Workplaces Free from Sexual Harassment

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Bangladesh has taken important steps towards addressing sexual harassment at work. The Labour Act has been strengthened, sexual harassment is now addressed in legislation, and Bangladesh has ratified ILO Convention №190 (C190) on Violence and Harassment. With the Labour Rules now under review, the opportunity before us is to turn these commitments into a system that works in practice.

The question is no longer whether sexual harassment should be addressed. It is how Bangladesh can create a framework that people in the world of work can trust, organisations can operate, and regulators can enforce.

This is first a matter of rights. No one should have to trade dignity, safety or equality for work. When harassment occurs, and there is no effective response, inaction can allow a rights violation to continue. C190 recognises the right to a world of work free from violence and harassment and calls for prevention, protection, enforcement, remedies and effective investigation.

It is worth noting that poorly handled complaints can turn workplace problems into prolonged disputes, loss of trust, reputational damage and organisational disruption. For organisations, prevention and effective response are therefore not simply compliance costs; they are part of good governance, risk management and institutional performance.

For government, this is fundamentally about giving practical effect to Bangladesh's international and national commitments. Bangladesh ratified C190 in November 2025, and the Convention enters into force for Bangladesh on 20 November 2026. C190 calls for an inclusive, integrated and gender-responsive approach to preventing and addressing violence and harassment, including prevention, enforcement, remedies, investigation, training and social dialogue.

The current reform of the Labour Rules therefore provides an important opportunity to ensure that Bangladesh's domestic framework can give practical effect to these commitments. The next stage should not simply be to add more requirements to the Rules. It should be to ensure that the Labour Act and the Rules operate as one coherent system.

First, the relationship between Sections 23, 24, 332 and 332A needs to be clarified. Sections 23 and 24 provide the misconduct and disciplinary framework, while Sections 332 and 332A address prevention of violence and harassment and establish the complaints committee. The legal framework should clearly explain how an investigation into sexual harassment connects with the disciplinary process when misconduct is established, who initiates disciplinary proceedings, who makes the final decision, and what safeguards apply to all parties.

The objective is not to prejudge a complaint or to make the complaints committee a substitute for disciplinary authority. It is to establish a clear pathway from complaint, investigation and findings to disciplinary decision-making and remedy. If the Act does not provide a sufficient legal basis for that pathway, the relevant provisions of the Act may need amendment; the Rules alone cannot create substantive legal duties or consequences that the Act does not support.

Second, Section 332 needs to be operationalised through the Rules. The amended provision places responsibilities on employers and authorities to prevent violence and harassment and to establish preventive measures. The Rules should translate these broad duties into practical requirements covering workplace policies, risk assessment, awareness and training, reporting, protection and prevention.

Third, Section 332A needs clear procedural and institutional rules. The Act establishes a five-member complaints committee, with a majority of women, a woman chair and two members from organisations working on gender and sexual violence. The committee is expressly responsible for investigating complaints. The Rules should clarify its mandate, competence, independence, timelines, confidentiality, reporting lines and safeguards against interference. They should also clarify how its investigation and findings connect with the formal disciplinary process and the authority responsible for the final decision.

Fourth, the Rules should establish a clear end-to-end process: how a concern is received; how immediate safety is assessed; when a matter proceeds to formal investigation; who investigates; how conflicts of interest are managed; how evidence is assessed; who initiates any disciplinary or other action; who makes the final decision; how the parties are informed; and what remedies and avenues for review are available.

The framework should also recognise that sexual harassment is not always worker-to-worker conduct. It may involve supervisors, managers, contractors, clients, service providers or others connected with the workplace. The system should therefore ensure that a complaint does not fall outside the protection of the framework simply because the complainant or respondent does not fit a narrow statutory category.

Fifth, there must be effective protection against retaliation and victimisation, alongside confidentiality and safe reporting. Protection should extend, where appropriate, to complainants, witnesses, committee members and others participating in a process. At the same time, confidentiality must be balanced with the requirements of a fair investigation and the respondent's right to know and respond to the relevant allegations.

Finally, the Rules need to be workable across different sectors and organisational sizes. A multinational, a large factory, an NGO and a smaller enterprise may require different operational arrangements, but all should be capable of meeting the same core principles of prevention, safe reporting, fair investigation, accountability and remedy.

This distinction between law and Rules matters. The Act should establish substantive rights, duties, misconduct and protections. The Rules should provide the practical machinery through which those rights and duties can be exercised and enforced. Rules can operationalise the law; they cannot substitute for substantive gaps in the Act.

Why does this matter?

For people in the world of work, a credible system means that speaking up does not have to mean risking their livelihood, dignity, safety or professional standing.

For organisations, it provides clarity, consistency and a defensible process for managing workplace risk. It also helps address problems before they become entrenched disputes, turnover, absenteeism or wider disruption.

For workers' organisations and trade unions, it provides greater confidence that workers can raise concerns and exercise their rights without retaliation. For employers' organisations and industry associations, a clear and workable framework provides a more level playing field and reduces uncertainty about how cases should be handled.

For government, it demonstrates that Bangladesh's international commitments are being translated into domestic practice rather than remaining commitments on paper. For the development sector, credible PSEAH and safeguarding systems are increasingly important to maintaining donor and partner confidence. For business, the issue extends beyond the workplace itself. Responsible-business expectations increasingly reach into supply chains. Buyers want evidence that labour rights, worker voice, grievance mechanisms, investigation and remedy are functioning in practice, not simply that a policy exists.

There is also a wider market-access dimension. The European Union is Bangladesh's largest trading partner, and textiles account for the overwhelming majority of EU imports from Bangladesh. Bangladesh currently benefits from the EU's Everything but Arms arrangement. Following LDC graduation, Bangladesh will continue to receive EBA preferences for at least three years and has the possibility of seeking GSP+, subject to its conditions. The EU's revised GSP framework, applying from 1 January 2027, places continued emphasis on human rights, labour rights, sustainable development and good governance.

The supply-chain implications are also becoming more significant. From 14 December 2027, the EU Forced Labour Regulation will prohibit products made with forced labour from being placed on, made available on, or exported from the EU market. Sexual harassment should not be equated with forced labour. However, violence, intimidation, abuse of vulnerability and other coercive practices can be relevant to wider labour-rights and forced-labour risks. For businesses and supply chains, credible worker voice, grievance, investigation and remedy mechanisms are therefore increasingly part of responsible risk management.

This matters for Bangladesh's export-oriented economy. Market access is no longer determined only by price, quality and delivery. Increasingly, buyers, regulators and consumers want confidence that labour rights and responsible-business commitments are implemented in practice.

The case is therefore not simply about compliance. It is about good governance and good business. A credible system can protect rights, reduce avoidable productivity losses, strengthen trust across the workplace, support responsible supply chains, meet Bangladesh's international commitments, strengthen donor confidence and contribute to continued access to important markets. These are not competing interests. People in the world of work need protection and remedy. Organisations need clarity and workable processes. Government needs an enforceable framework. Trade unions need confidence in workers' rights. Development partners need credible safeguarding systems. Industry needs a level playing field. Buyers need confidence in responsible supply chains.

They all point towards the same objective: a workplace system that works in practice.



Poorly handled complaints can turn workplace problems into prolonged disputes, loss of trust, reputational damage and organisational disruption. For organisations, prevention and effective response are therefore not simply compliance costs; they are part of good governance, risk management and institutional performance.

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YOUR ADVOCATE

When does non-payment amount to cheating?

*This week, Your Advocate is **Barrister Omar H. Khan**, Advocate of the Supreme Court of Bangladesh. He heads the chambers of the renowned law firm 'Legal Counsel,' a full-service corporate practice in Bangladesh with extensive expertise in commercial, family, labour, land, constitutional and criminal law, as well as dispute resolution.*

Query

Hello, I run a small business in Bangladesh. A few months ago, another company approached me to purchase goods on credit. Before supplying the goods, they assured me they could pay within the agreed time and provided various business documents and information to support their claims. We agreed that they would pay within 30 days of delivery. Relying on these assurances, I supplied the goods.

However, after receiving the goods, they failed to make payment despite repeated reminders. On top of that, I have now come across information suggesting that some of the statements and documents provided by them may not have been genuine. I suspect that they may have misled me from the beginning to obtain goods without any intention of paying.

I believe I have been cheated. Can I file a criminal case against them? What legal steps should I take, and where should I file a complaint?

Sefina Hossian

Response

Thank you for your query. When a buyer fails to pay, a business owner may wonder whether the matter is a civil dispute or a criminal offence. I understand that such situations can affect a business financially and leave business owners uncertain and concerned about what steps to take next.

The answer depends on the facts of each case. Not every failure to pay amounts to a criminal offence. For instance, if a buyer intended to pay but later became unable to do so because of financial difficulties or business losses, the matter will only be a civil dispute.

However, the situation is different when a person never intended to pay from the beginning and used false information, misleading representations, or fake documents to persuade another person to deliver goods. In such circumstances, the conduct may amount to the criminal offence of cheating.

Section 415 of the Penal Code, 1860 defines cheating. It defines it as deceiving a person to dishonestly or fraudulently induce them to deliver property, or to consent that any person shall retain any property, or intentionally induce a person to do or omit to do something they would not otherwise have done. The conduct must cause, or be likely to cause, harm to the person's body, mind, reputation or property. Under section 417, cheating is punishable with imprisonment for up to one year, a fine, or both. Where such deception results in the delivery of property, section 420 of the Penal Code 1860 may apply. A person convicted under section 420 may be punished with imprisonment for up to seven years and shall also be liable to a fine.

The key question, therefore, is whether the other party intended to deceive you from the very beginning. An honestly made promise that is later broken is not necessarily cheating. However, if the promise to pay was made only to convince you to supply goods when there was no intention of making payment, criminal liability can arise.

Since cheating can be cognisable or non-cognisable depending on the section that applies, the first step varies. You may approach the police station having jurisdiction over the place where the alleged offence occurred. If the information you provide discloses a cognisable offence, section 154 of the Code of Criminal Procedure, 1898 requires the police to record your complaint in writing (if it is made orally), read it back to you, obtain your signature and enter it in the prescribed register.

After receiving the information, the police may investigate the matter. During the investigation, they may collect relevant evidence, examine witnesses and take other steps permitted by law. Once the investigation is completed, the police may submit a report before the court under section 173 of the Code of Criminal Procedure, 1898. If the offence is non-cognisable or if the police do not take action despite the complaint disclosing a cognizable offence, you can approach the Magistrate. Under section 190 of the Code of Criminal Procedure, 1898, a Magistrate may take cognisance of an offence upon receiving a complaint and proceed in accordance with the law.

It is also important to assess whether the amount justifies filing a case. A criminal case does not deal with recovery of money; rather, it is concerned with punishment for a crime. However, practically, it is sometimes seen that the perpetrator comes forward to pay the amount in order to settle the case. I would advise you to formally write to them and demand payment. If they do not pay, you may decide to serve a legal notice to them through a lawyer. Only after that should you consider filing a case.



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