

CHAPTER-III

STATE OF INDUSTRIAL RELATIONS IN BANGLADESH

Introduction

Though, Bangladesh is basically a country of agriculture, the industrial enterprises also play a very significant role in the national economy. Hence, harmonious relationship between workers and management is of utmost importance for the smooth operation of the industries. The pace of industrial development is largely dependent on the degree of success that the country could achieve in developing a sound industrial relations.¹ The situation of industrial relations of a country result from among others, the policies and legislations, government initiatives, employers and workers organisation, disputes and disputes settlement system.

The chapter aims at examining the Government policies and legislation in connection with industrial relations, nature of trade union, trends of industrial disputes, and also reviews the legal and institutional framework for settlement of industrial disputes and unrest.

3.1 Industrial Relations Policies and Legislations

The labour policies of the Government and legislations have an important bearing on industrial growth and labour welfare. The legislations and policies of industrial relations in Bangladesh owe their origin to the labour laws of British colonial and semi-colonial periods, which have been marginally revised subsequently.

This section examines the labour policies and legislations. In view to trace formation and operation of laws & policies the entire period of development may be divided into three phases, viz. (i) The period prior to 1947, (ii) The period between 1947 and 1971 and (iii) The period since 1971.

3.1.1 The period prior to 1947

In the initial stages of industrialisation in British India, the conditions of factory workers were very unsatisfactory.² There was no formal declared policy with regard to labour. The workers, being stimulated by the then nationalist political leaders. Mahatma Gandhi, stood up for their rights and tried to resist all exploitations by the employers. During 1920-29 the British Government passed the Trade Union Act, 1926 and the Trade Disputes Act, 1929. The former Act provided for registration of trade union and affords legal protection to the members of registered trade unions. The latter Act empowered the Government to intervene in trade disputes. It provided for adhoc Conciliation Board and Court of Enquiry for the settlement of trade disputes. In the crisis situation of post World War I, government appointed certain committees and commissions of inquiry. Among such commissions, the Royal Commission on Labour is mentionable, which was appointed in July 1929.³ Most of the period from 1919 to 1940, the labour laws and policies of the Government of British India was a passive regulator of labour in industry.⁴

The world War II brought chaos in industrial relations. Several reasons accounted for the industrial unrest and increased trade union activities. During the Second World War, the Government changed its policy on labour affairs and the Defence of India Rules (DIR), 1942 remained in force. Under Defence Rule 81A, the state could exercise power to prohibit strikes and lock-outs both in public utilities and other establishments. By this Rule, Government could refer any dispute for conciliation and adjudication to the respective state agencies.⁵ Labour Investigation Committee has established in 1944. The Investigation Committee articulated for the first time in official capacity, the need for a collective bargaining method to settle disputes between labour and management.

After the World War II, the Rule 81A of the Defence of India Rules was kept in operations pending the enactment of the Industrial Disputes Act, 1947 from April 1, 1947. The Act provided for conciliation, arbitration and adjudication for speedy settlement of industrial disputes. The Industrial Employment (Standing Orders) Act, 1946 was also enacted for drawing up standing orders governing the terms and conditions of employment of industrial workers. A number of important labour legislations were also enacted during the post world war period. These legislations set the stage for further amendments and enactment during the Pakistan and the Bangladesh periods.

3.1.2 The period between 1947 and 1971

In 1947, the Government of Pakistan adopted the "Indian Industrial Disputes Act" and a number of amendments were made to it. In 1955, the Pakistan Government declared its first labour policy and stressed on the conciliation and adjudication of disputes rather than on collective bargaining. In view of the demands of the workers the Labour Policy was revised in 1959.⁶ In 1959, the Industrial Disputes Act of 1947

was repealed by the Marshal Law authority and the Industrial Disputes Ordinance, 1959 was promulgated in its place. Further the Industrial Disputes Ordinance of 1959 was amended in 1961. This empowered the industrial court to dismiss any application for reasons of being frivolous and vexatious. The subsequent amendment in 1962 made a provision giving right to appeal to the High Court against the awards of the industrial court. In 1965, the Industrial Disputes Ordinance of 1959 was repealed and substituted by the East Pakistan Labour Disputes Act, 1965. The Employment of Labour (Standing Order) Act, 1965 was also passed during the Ayub regime. This Act provided certain rules and regulations related with terms and conditions of employment, leave and holidays, period of probation, lay-off, suspension, dismissal, discharge and the like.

Following the mass agitation combined with rising tendency of industrial unrest, the Pakistan Government announced the Labour Policy on 5th July, 1969.⁷ Based on the broad policy statement, the Industrial Relations Ordinance 1969 was promulgated as an amalgamation of "Trade Union Act, 1926" and "Industrial Disputes Act, 1965". The distinctive features of the Ordinance were freedom of association, providing the right to strike and strengthening the scope of collective bargaining. It was for the first time in the history of Pakistan that collective bargaining was incorporated as a method of dispute settlement along with other methods viz. conciliation, arbitration & adjudication.

3.1.3 The period since 1971

Bangladesh emerged as an independent nation in late 1971 with the declaration of a sovereign Peoples' Republic. A number of fundamental rights and other provisions were incorporated in the new constitution of the country, defining the major features of proposed socialist society. Though, it was proclaimed as a socialist state, the working class movement was far from being in control of the apparatus of the ruling party.

The state machinery was to a degree even distantly comparable with what achieved in socialist society.⁸ Immediately after independence, the Prime Minister Sheik Mujibar Rahman, who led the liberation movement made a press statement on 9th February 1972, as:

*"I assure our workers that the basic goal of the socialist economy, which we are committed to achieve, will be securing the rights of workers and ensuring their welfare. A Plan is being prepared where by measure of nationalisation would be combined with new arrangements to ensure workers' participation in the management of industries."*⁹

The Constitution of the country, adopted in 1972, provided as follows :

*"It shall be the fundamental responsibility of the state to emancipate the toiling masses, the peasants and workers - and backward sections of the people from all forms of exploitation."*¹⁰

The first labour policy of Bangladesh was announced in 1972¹¹ and a series of presidential orders were passed from time to time to keep pace with the changing situation. The Industrial Relations Ordinance, 1969 remained to be the main law governing formation of trade union and disputes settlement. This Ordinance was applicable to the private sector as well as in public sector industries with the limitation of collective bargaining in the public sector on wage and financial issues. In accordance with the declared labour policy an Industrial Workers' Wage Commission (IWWC) was constituted in 1973 to recommend uniform wage scales and fringe benefits for the workers employed in nationalised industries. Accordingly, the State Owned Manufacturing Industries Workers (Terms and Conditions of Services) Act, 1974 was passed. This act enabled the Government to implement the IWWC's recommendation in determining the wages, bonus, medical allowance, house rent allowance, conveyance allowance and leaves. The Government declared a state emergency in January, 1975¹²

and completely suspended the democratic rights of workers by prohibiting trade union activities such as strikes, lock-outs and collective bargaining.

In the meantime, there occurred a military coup in the country and the then Prime Minister, Sheik Mujibur Rahman was assassinated in August 1975 and the entire context of socio-political transformation of Bangladesh was changed.¹³ After the imposition of army rule, the ruling authority promulgated the Industrial Relations (Regulation) Ordinance, 1975 and the Industrial Relations (Amendment) Ordinance, 1977 as addition and amendment to the IRO, 1969. Under these ordinances, no new trade union was allowed to be registered¹⁴ nor an election for determining the CBA was held without Government permission.¹⁵ Government could, at any time, refer any industrial disputes or workers' grievances to conciliation or labour court for settlement of such disputes.¹⁶ There was another provision brought by the 1977 Amendment that the outside leadership of trade unions was prohibited at plant level. Under this Amendment trade union applying for registration was required to have at least thirty percent of total number of workers employed in the establishment or group of establishments in which it was formed.

The second and latest labour policy of Bangladesh was announced by the then government in 1980.¹⁷ This policy recognised the need for consultation at the national level and provided for a Tripartite Consultative Committee to be constituted with the representatives from the Government, workers and employers to look into the matters of policy affecting labour management relations and legislative changes. The Industrial Relations (Regulation) Ordinance, 1975 was repealed and the Industrial Relations (Amendment) Act, 1980 was promulgated, incorporating some important aspects of the labour policy of 1980. The Amendment of 1980 also incorporated the provision of the Regulation of 1977 as to the complete prohibition of outside leadership at plant level.¹⁸ It also provided that no collective bargaining agent could serve any notice of strike unless three fourth (3/4) of its members have given their consent to it through a secret ballot specially held for the purpose.¹⁹ The Amendment of 1980 also provided

that each establishment of fifty or more workers was required to constitute a participation committee as an endeavour to preserve good relations between the employer and his workers.²⁰

The second military regime started on March 24, 1982 and The Industrial Relations (Regulation) Ordinance, 1982 was promulgated. The Ordinance curtailed the union activities, stopping registration of new union and election of the CBA, and excluded strikes and lockouts from the process of dispute settlement. According to the Regulation of 1982 the specific time limit of twenty days for collective bargaining and thirty days for conciliation was imposed. The Regulation also provided for that the government could, at any time, refer any dispute or worker's grievances to conciliation or labour court for settlement of such disputes or suggesting measures for redressal of such grievances. In 1985, the Government repealed the Regulation, 1982 and made some amendments in the IRO, 1969 and a new ordinance, named the Industrial Relations (Amendment) Ordinance, 1985 was passed. This Amendment allowed a dismissed worker to retain his position as an office bearer in the union or re-elected in the same establishment though he was not employed in that establishment. The government further amended IRO, 1969 and the Industrial Regulation (Amendment) Ordinance was passed in 1989, which provided that more than one establishment under the same employer, which was allied to, and connected with one another, in the same industry irrespective of their locations, should be deemed to be one establishment for the purpose of registration of trade union. The Amendment also provided for prohibiting employers to transfer union leaders from one establishment to another without the union leaders' consent.

On October 13, 1990 the Ershad Government again amended the IRO, 1969 and announced the new ordinance - Industrial Relations (Amendment) Ordinance, 1990. It provided that IRO, 1969 would not apply to any person employed in the security printing press owned by the Bangladesh Government. On June 29, 1992, the

Government constituted the National Labour Law Commission (NLCC)²¹ to help integrate the existing labour laws and ordinance relating to terms and conditions of employment, industrial relations and the like. Unfortunately the report of the said commission still remain under process.

During the whole Pakistan and Bangladesh period of 50 years, there were as many as five labour policies - each of which was full of hopeful pledges to the workers but very few of those pledges were in fact implemented. The relatively progressive and accommodative policies and laws which the workers secured at the end of the Pakistan era, after a series of bitter agitations and struggles, were again made restrictive after the emergence of Bangladesh as a sovereign state. In terms of economic benefits and labour welfare facilities, the position of workers at present is perhaps no better than the time of adopting the first labour policy.²²

In Bangladesh there are a number of state machineries assigned to administrate labour legislation, policy and industrial welfare, trade union, industrial disputes. The Department of Labour, a main state machinery for labour, has been working to supervise and implement the Industrial Relations Ordinance, 1969. The Department has been regulating trade unions and collective bargaining processes, handling labour disputes and unfair labour practices, conciliation services, conducting labour cases on behalf of the government. It has been informing to the Government on the day to day labour relations situation, maintaining the labour statistics. Labour courts as a part of state functionaries, adjudicate and determine industrial disputes which one referred to them. There is also a Labour Appellate Tribunal which takes hearing of the appeals against the awards of labour courts and interprets the different provisions of labour legislations. Owing to their non-implementation, all of the policies remain in the office of the Labour Ministry as "sleeping beauties" with little visible action on them.²³

3.2 Trade Unionism in Bangladesh

Industrial relations are basically the relations between labour and management. Like other developing countries, in Bangladesh three factors are involved in industrial processes : workers, employers/management and Government. The government plays a variety of roles i.e. state, employer, law and policy maker and political party in the formation, maintenance and direction of the pattern of industrial relations.²⁴ Trade union is a part and parcel of the modern industrial establishment and main determinants of industrial relations of a country. The success and failure of disputes settlement machineries in Bangladesh largely depend on the nature of trade unions. So, a brief analysis of trade unions in Bangladesh becomes imperative.

According to Sidney and Beatrice Webb "A trade union is a continuous association for wage earners for the purpose of maintaining and improving the conditions of their working lives".²⁵ In Bangladesh trade union means any combination of workmen or employers formed primarily for the purpose of regulating the relations between workmen and employers or workmen and workmen or employers and employers or for imposing restrictive conditions on the conduct of any trade or business and includes a federation of two or more trade union under the IRO, 1969 Act.²⁶ Trade unions have a certain positions in respect to law of conspiracy limited in application, immunity from civil suits in certain cases, enforceability of agreement, registration of federations of trade unions, submission of return and recognition of collective bargaining agent.²⁷ Any trade union can be formed with a minimum membership of 30% of the total number of workers employed in the establishment or group of establishments complying the requirements of registration.²⁸

In 1995, there were as many as 54.6 million hired labour force in various sector in Bangladesh, of which 34.9 million were in agriculture where there is no scope of trade union under the present framework of industrial relations system. In non-

agriculture sector about 19.7 million workers were engaged out of which 1.72 million³⁰ were members of trade unions. As it appears from the **Appendix A.4**, during the period 1972-95 the unionisation varies from year to year. There has been a cyclical trend of unionisation excepting the year 1976 and 1982. Due to imposition of Military law in these years membership of trade unions had decreased. A study revealed that of the total workers employed in various industries, 20% were in organised in 1974, 58% in 1981 and 11% in 1989.³⁰In 1995, this percentage was only 9. This situation indicates that the workers' participation in trade unions is declining in Bangladesh.

Trade unions in Bangladesh are mainly at plant level. There are several labour federations at national as well as at industrial level. About 95 labour federations at industry level have been working with .57 million members of 773 trade unions and 23 national federations have been working with .85 million members of 887 trade unions.³¹In 1995, 4,678 basic trade unions have been working with 1.72 million members where number of workers unions were 3,889 and employers unions were 789.³²Majority of the trade union in Bangladesh have links with labour federations who are affiliated to different political parties.³³A trend has been witnessed that the political parties in power try to manipulate newly formed trade unions to shift their affiliation towards their labour federations.³⁴In Bangladesh, outside leaders also play an important role in union leadership at various level. The involvement of outside leadership in trade union movement derives from pre-independence period. Majority of trade unions during the United Pakistan regim were used to be run by outside leader belonging mainly to professional trade unionists.³⁵From 1977 outside leaders are prohibited to become office-bearers of union at plant level.³⁶Multiplicity of trade unionism is a common feature in Bangladesh as it leads to rivalry among unions because of leaders' affiliation to different political parties, rigid regional feelings and lack of educational and social competence of general workers.³⁷The size of the trade unions in Bangladesh is very small.³⁸The model group of the union had membership ranging from 101 to 500 (about 32.16%) (**Table 3.1**). Average membership per union is about 359.³⁹

Table 3.1**Percentage Distribution of Trade Unions by Membership, 1974 - 92**

Year	Membership							Total
	upto 50	51-100	101-500	501-1000	1001 - 2000	2001 - 5000	5001 and above	
1974	43.58	17.39	29.33	6.80	1.78	.25	.37	100.00
1976	44.18	17.15	29.74	6.09	1.72	.73	.39	100.00
1978	43.23	17.41	30.16	6.27	1.46	.69	.38	100.00
1980	41.72	18.26	30.89	6.00	2.05	.72	.36	100.00
1982	34.88	13.95	44.18	2.33	4.66	00	00	100.00
1984	30.77	22.89	37.52	3.93	1.69	1.12	.18	100.00
1986	NA	NA	NA	NA	NA	NA	NA	NA
1988	42.40	25.44	28.95	1.75	.87	.29	.29	100.00
1990	35.37	19.61	32.15	4.18	2.57	.97	5.15	100.00
1992	43.28	24.26	26.56	4.26	1.64	00	00	100.00
1994	NA	NA	NA	NA	NA	NA	NA	NA
Period average (74-94)	39.93	19.60	32.16	4.62	2.05	0.53	0.79	100.00

Sources: Computed with data from Bangladesh Labour Journal, Directorate of Labour, Government of Bangladesh. Supplemented by unpublished data from the Dept. of Labour, GOB.

From the above discussion, it follows that - trade unions in Bangladesh is very small, fragmented and weak. Multiple unionism and consequently inter and intra union rivalries exist at plant, industry and national level. These weaknesses of trade unions have created a deadlock situation⁴⁰ over the functioning of disputes settlement machineries, specifically collective bargaining in Bangladesh.

3.3 Industrial Disputes in Bangladesh

Cooperation and conflict are the two faces of industrial relations system. Conflicts are the common phenomena in industrial setting and if conflicts are not resolved in time, they may lead to the industrial disputes in the shape of strikes and lock-outs. Disputes, the necessary concomitants of industrialisation⁴¹ arise out of difference among the actors. According to the Industrial Relations Ordinance, 1969 an industrial disputes means "any dispute or difference between employers and employers, or between workmen and workmen and between employers and workmen which is connected with the employment or non-employment or the terms of employment or the conditions of work of any person"⁴² Though most of the disputes are commonly equated with strike, the standard manifestations of industrial dispute are strike, lock-out, go -slow, hartal, picketing, absenteeism, labour turnover etc.

An understanding of the disputes and its trend over a period of time is imperative for many reasons. One of the important reasons is to developing certain feasible measure to attain responsible industrial peace and harmony.⁴³

3.3.1 Types of Industrial Disputes

As defined in the IRO, 1969, the word dispute has been used to mean difference or dispute between parties in plural sense. Based on the definition, disputes may broadly be classified into three types, viz.

- a) Dispute between employers and employers.
- b) Dispute between employers and workmen.
- c) Dispute between workmen and workmen.

Although, the definition covers three types of disputes, there is hardly any scope in the law to deal with the first category of disputes.⁴⁴ In the Industrial Relations Ordinance, 1969, mainly two kinds of disputes are contemplated, e.g. (1) Disputes matters of rights, and (2) Disputes matter of interests.

1. Rights disputes: Disputes arising out of matter of rights is called rights disputes. The rights of the workers and the employers which have been covered and given due protection under different laws are called matter of rights. Any party, whether workers or the employer, can go direct to the labour court for the enforcement of these rights.⁴⁵

2. Interest disputes: Disputes arising out of matter of interest is called interest dispute. Matter of interests are defined as matter which affect the conditions of work. As regards the interest disputes, only collective bargaining agent (CBA) is entitled to raise such disputes.⁴⁶ These disputes ordinarily cannot be settled in a court of law, for they involve the relative needs and bargaining strength of the disputant.

3.3.2 Trends in Industrial Disputes

The main indicators used for measuring the trends of industrial disputes are the number of disputes, the number of man-days lost and the number of workers involved in the disputes.⁴⁷ Disputes referred to the industrial relations machineries, also another important trends determination.⁴⁸ For the purpose of analysis, industrial disputes can be classified into four categories viz. (i) Disputes not involving stoppage of work; (ii) Disputes involving stoppage of work; (iii) Disputes taken to the labour court and (iv) Dispute filed with the Labour Appellate Tribunal (LAT).⁴⁹ **Table 3.2** shows the said classification of industrial dispute in Bangladesh for a period of 23 years(1972-94). The important feature of disputes is that no uniform and regular upward or downward trend is discernible. Even no correlation exists between the figures relating to the number of dispute, workers involved and man-days lost owing to these disputes.

Table 3.2
Trends of Industrial Disputes for Disposal in Bangladesh, 1972-1994.

Year	Total No. of disputes not involving stoppage of work	Total No. of disputes involving stoppage of work	Total No. of disputes referred to Labour Courts	Total No. of disputes referred to Labour Appellate Tribunal
1972	720	39	3377	42
1973	1645	58	4056	430
1974	883	32	4910	237
1975	469	02	4532	23
1976	311	05	4048	19
1977	276	22	4032	52
1978	408	89	4010	51
1979	361	96	3290	41
1980	570	104	3876	38
1981	673	80	4893	58
1982	408	55	6704	42
1983	420	16	6923	34
1984	837	142	5605	175
1985	872	95	4654	156
1986	522	46	5256	25
1987	343	18	5732	30
1988	573	09	5538	38
1989	2822	16	533	22
1990	564	05	5499	24
1991	1293	03	5264	31
1992	1204	11	4374	52
1993	272	11	4622	38
1994	218	02	4482	63

Sources : Bangladesh Labour Journal (several issues) and supplemented by unpublished data from the Department of Labour, Government of Bangladesh.

Break-down Rate:

Break-down rate is the percentage of industrial conflicts leading to work stoppage to the total number of cases referred to the disputes settlement machineries for

settlement. It indicates the working of the disputes settlement machineries. The situation as it existed in the country for the period 1972-94 for which the data are available, is presented in **Table 3.3**.

Table 3.3

**Break - down Rate (Percentage of Disputes Leading to work stoppage)
in Bangladesh, 1972 - 1994**

Year	No. of cases referred to dispute settlement machineries	Number of disputes	Break-down rate(%)
1	2	3	4 (3/2)
1972	720	39	05.42
1973	1645	58	03.53
1974	883	32	03.62
1975	469	02	00.43
1976	311	05	01.61
1977	276	22	07.97
1978	408	89	21.81
1979	361	96	26.59
1980	570	104	18.25
1981	673	80	11.89
1982	408	55	13.48
1983	420	16	03.81
1984	837	142	16.97
1985	872	95	10.89
1986	522	46	08.81
1987	343	18	05.25
1988	573	09	01.57
1989	2822	16	00.57
1990	564	05	00.89
1991	1293	03	00.23
1992	1204	11	00.91
1993	272	11	04.04
1994	218	02	00.92
Average for (1972-94)	724.52	41.57	05.74

Sources: Several issues of Bangladesh Labour Journal, Directorate of Labour, Government of Bangladesh, Dhaka.

The **Table 3.3**, reveals that on an average about 725 industrial disputes were reported and referred to dispute settlement machineries in the country per year, which works-out on an average to 6 percent of the total cases. The break-down rate has ranged between 0.23 percent to 26.59 percent. The year-wise analysis shows a non-linear trend with respect to both disputes and number of work stoppages. Whereas, the largest number of 2822 cases were referred to industrial relations machineries in 1989, largest number of 142 work stoppages occurred in 1994. In 1979, recorded the highest break-down rate of 26.59 percent followed by 21.81 percent in 1978. The lowest figure of break-down rate of 0.23% was reported in 1991.

Considering the overall magnitude of the industrial disputes referred to and handled by the disputes settlement machineries, the break-down rate has not been abnormally high, excepting 1978, 1979 and 1980. In fact, a declining trend is witnessed since 1985. The lower and diminishing tendency in the break-down rate showed however, not to be taken as the efficiency of disputes settlement machineries. The facts remain that due to weak trade unionism, lack of proper leadership and excessive government interference, the workers are unable to resort to direct actions, such as strikes. The low break-down rate in this country is also be partly due to the withdrawal of quite a substantial number of cases by the disputants. There were also a very low number of disputes involving stoppage of work since 1991 preceded by the process of democratic transition that started in December, 1990.⁵⁰

The Intensity of Industrial Disputes:

The intensity of industrial disputes is generally measured by three variables, such as the number of industrial disputes, the number of workers involved and the number of man-days lost. Industrial disputes are indicative of the incidence of strikes and lockouts, while as the workers involved are suggestive of the impact they have on the workers. The effect upon the economy can be measured by the figures of man-

days lost.⁵¹ An analysis of data on industrial disputes and the related matters pertaining to country are given in **Table 3.4**, which depicts the trends in the intensity of industrial disputes.

Table 3.4
Trends in Intensity of Industrial Disputes in Bangladesh, 1972 - 94

Years	No. of disputes (D)	No. of workers involved (W)	No. of mandays lost (L)	Index of No. of disputes (base 1972 = 100)	Index of workers involved (base 1972 = 100)	Index of mandays lost (base 1972 = 100)
1	2	3	4	5	6	7
1972	39	43615	126000	100	100	100
1973	58	35027	285177	148.72	80.31	226.33
1974	32	57387	231736	82.05	131.58	183.92
1975	02	28327	162000	05.13	64.95	128.57
1976	05	14517	256618	12.82	33.28	20.33
1977	22	76675	81715	56.41	175.80	64.85
1978	89	113209	662332	228.21	259.56	525.66
1979	96	114248	647629	246.15	261.95	513.99
1980	104	164032	1160436	266.67	376.09	920.48
1981	80	117031	1198460	205.13	268.33	268.33
1982	55	21788	238658	141.03	49.96	189.41
1983	16	175787	392616	41.03	403.04	311.60
1984	142	481004	1144817	364.10	1102.84	908.58
1985	95	198118	284920	243.59	454.24	226.13
1986	46	105977	2079671	117.95	242.98	1650.53
1987	18	88795	175278	46.15	203.59	140.11
1988	09	28874	49398	23.08	66.20	39.20
1989	16	60513	85395	41.03	138.74	67.77
1990	05	14554	28479	12.82	33.37	22.60
1991	03	454	29811	07.69	01.04	23.66
1992	11	6190	29741	28.21	14.19	23.60
1993	11	6101	16029	28.21	13.99	12.72
1994	02	5641	2421	05.13	12.93	01.92
Period average 1972-94	41.57	85128.48	407362.48	106.58	195.17	315.33

Standard deviation (D)= 40.77, (W)=104235.44, (L)=524196.79

Source: Compiled from Bangladesh Labour Journal (several issues), Directorate of Labour, Government of Bangladesh, Dhaka.

In view of the figure from **Table 3.4**, it can be stated that during the past 23 years (1972-94), there have been on an average about 42 industrial disputes involving around 85125 workers and resulting in a loss of more than 397319 man-days per annum. The year-wise study reveals that the year 1984 has the most disturbed year with the highest number of 142 dispute affecting 4,81,004 workers and causing a loss of 11,44,817 man-days, while 1994 appears to have been the least disturbed year with a minimum of 2 disputes involving 5641 workers and registering a lowest loss of 2421 man-days. Table 3.4, makes an interesting and important revelation. Due to the erratic nature of all the indicators of intensity of industrial disputes, no uniform and regular upward and downward trend is discernible. During the period under study, the index of industrial dispute varied from 5 to 364 with 1972 as the base year, while that of workers involved from 1 to 1103. The index of man-days lost also ranged interestingly between 2 and 1651 approximately. The year 1975, 1991 & 1994 experienced the lowest number of industrial disputes i.e. 2,3 and 2 respectively while the highest number of disputes recorded in 1984 i.e. 142.

Workers Participation in Disputes:

After analyses of the trends and intensity in the industrial disputes, it is important to assess the extent of workers' participation and involvement in these disputes to describe the right perspective of the industrial relations scenario in Bangladesh in terms of industrial disputes. For assessing the extent of workers participation and involvement in industrial disputes the following ratios may be helpful :

- (a) Dispute Duration Ratio (DDR)
- (b) Dispute Coverage Ratio (DCR)
- (c) Time Loss Ratio (TLR) , and
- (d) Membership Involvement Ratio (MIR)

This pattern of analysis is in line with Ross and Hartman.⁵²

(a) Dispute Duration Ratio (DDR):

Dispute Duration Ratio is the ratio of the number of man-days lost to the number of the workers involved per dispute. Table 3.5, shows that workers involved in industrial disputes, remained off the job for relatively shorter duration, averaging 7.38 days per year, during the period 1972-94. However, the data indicate an unsystematic behaviour. The average duration of the dispute in Bangladesh varies from as low as 0.43 days to a high of 65.66 days. The very low DDR in 1976 (1.7) and 1983 (2.24) were attributed to military rule as the then military government prohibited strikes and

Table 3.5
Extent of Workers' Participation in Industrial Disputes, 1972 - 94

Year	Dispute duration ratio(L/W)	Dispute coverage ratio(W/D)	Time loss ratio(L/D)	Membership in trade union (M)	Membership involvement ratio(in % W/M)
1	2	3	4	5	6
1972	02.89	1118.33	3230.77	682923	05.00
1973	08.14	6039.14	4916.85	859735	04.07
1974	04.03	1793.34	7241.75	946977	06.06
1975	05.72	14163.50	81002.00	921152	03.08
1976	01.77	2903.40	5123.60	895904	01.62
1977	01.06	3485.22	3714.32	873128	07.88
1978	05.85	1272.01	7441.73	1006516	11.24
1979	65.67	1190.08	6746.26	1041080	10.97
1980	07.07	1577.23	1158.03	1097707	14.94
1981	10.24	1462.89	14980.75	1127508	10.38
1982	10.96	396.15	4339.24	946048	02.30
1983	02.24	10980.69	24538.50	947281	18.55
1984	02.38	3387.35	8062.09	1075496	44.72
1985	01.43	2085.45	2999.16	1090338	18.17
1986	19.63	2303.84	45210.24	1164279	09.10
1987	01.97	4933.05	9737.67	1195704	07.40
1988	01.71	3208.22	5488.67	1421834	02.03
1989	01.41	3782.06	5337.19	1517567	03.98
1990	01.96	2910.80	5695.80	1619008	00.90
1991	65.66	151.33	9937.00	1642915	00.03
1992	04.80	562.73	2703.73	1648783	00.37
1993	02.63	554.64	1457.18	1674945	00.36
1994	00.43	2820.50	1210.50	1681694	00.34
Period average (72-94)	07.38	3177.48	11403.17	1139946.61	07.98

Source: Compiled from Table 3.4

lock-outs and on the part of the labourers there was fear of the loss of their earnings and so during the strikes period. The significant jump in DDR in 1978 (5.85) in 1986 (19.63) and in 1991(65.66) were mainly due to the lifting of military and autocratic rule.⁵³

(b) Dispute Coverage Ratio(DCR):

Dispute Coverage Ratio is the ratio of the number of workers involved in dispute to total number of disputes. The year-wise performance of workers' involvement in dispute shows an upward trend in the Dispute Coverage Ratio (DCR). Taking the period of 23 years (1972-94) as a whole, about 3,177 workers was involved per dispute per year. The year wise performance shows that the ratio has varied from a low of 151(in 1991) to a high of 14163(in 1975).⁵⁴The ratio has more or less increased in 1983-89 and declined since 1990.

(c) Time Loss Ratio(TLR):

The Time Loss Ratio i.e. the number of man-days lost per industrial disputes in an important criterion for measuring the extent of industrial unrest in an economy. It is evident from Table 3.5, that though on an average about 11,403 man-days have lost per dispute during 1972-94, but no regular trend is witnessed. The ratio ranges from as low as 1210 man-days in 1994 to as high as 45210 man-days reported in 1986.

(d) Membership Involvement Ratio (MIR):

It is a ratio of workers involved in industrial disputes to total union membership expressed as a percentage. As revealed from the Table 3.5, during 1972-94 around 8% of the workers involved in industrial disputes on an average have been union members. There have been a wide variation in the ratio over the period and no definite conclusion regarding the union members behaviours' towards industrial conflicts is discernible.

The MIR had ranged from as low as .03% in 1991 to as high as 44.72% in 1984.

3.3.3 Causes of Industrial Disputes in Bangladesh

The differences between two parties - the employers and employees, arise on account of a variety of causes. The root of industrial disputes under capitalism is the conflicting interests of employers and employees.⁵⁵ Employers always try to maximise profits by giving the workers less than what they produce. The workers create surplus value which helps the formation of capital of the employing class. The workers, through their union demand wage enhancement and other welfare amenities. This keeps the two parties always in the conflicting situation. In Bangladesh workers experience a constant fall in real wages during the years, which usually pushes them into disputes with their employers who seldom appreciate the growth of satisfied and efficient workforce.⁵⁶

The exploitation of workers and the conspicuous absence of their democratic rights often lead to industrial dispute in Bangladesh. Enhanced wages- beyond the prescribed norms has number one reason for dispute in the country.⁵⁷ The inflation rate in the country is one of the highest in the world which demands frequent revision of scale of pay and wages. A study⁵⁸ reveals that 58% of the total strikes of public sector industries in Bangladesh related to wage. Non-financial matters like leaves, holidays and personnel matters, viz. discharges, dismissal, promotion, transfers, etc. were involved in about 12% of the total number of strikes. Political causes were predominant during the mid-eighties⁵⁹ when several general strikes and hartals took place under the leadership of SKOP,⁶⁰ which had definite political links. The percentage of industrial disputes due to the political colouring increased from 17.6% in the 1970s to more than 80% in the late 1980s.⁶¹

Table 3.6, based on the Appendix A.3, summarises the various issues for industrial disputes in Bangladesh. Political matters seem to be the major issues for industrial disputes in Bangladesh. Such issues involved 45% of all the disputes that occurred during 1980-91, and 66% of the workers involved and 51% of man-days lost due to those disputes. About 46% (31.75 + 13.92) of the total number of dispute involving about 24% (18.44 + 05.33) of the total number of workers involved and 33% (29.25 + 04.14) of the total man-days lost related to financial causes e.g. wages, increment, dearness allowances, bonus, gratuity, provident fund etc. About 2% of the total number of strikes, involving about 3% of the total number of workers involved and 7% of the man-days lost related to non-financial personnel matters, viz. leave, holidays, promotion, dismissals, transfer, etc. The rest of the strikes happened on miscellaneous grounds.

Table 3.6

Percentage Summary of the Total Disputes by Causes in Bangladesh ,1980 - 1991.

Casuses	Number of disputes	Workers involved	Mandays lost
1. Wages, increment & dearness allowances	31.75	18.44	29.25
2. Bonus, gratuity, provident fund.	13.92	05.33	04.14
3. Promotion & other personnel matter.	01.87	03.15	07.15
4. Pay scale, grade benefit	03.74	03.01	06.12
5. Political issues	45.50	66.12	50.66
6. Miscellaneous issues	03.22	03.75	02.68
Total	100.00	100.00	100.00

Source : Appendix A. 3

In the scheduled questionnaire, trade union leaders and management personnel was requested to identify five major causes of dispute rank-wise, which they feel strain their relationship with each other.

Table 3.7
Causes of Disputes as Prescribed by Trade Union Leaders and Management Personnel.

Ranks	Trade union leaders (n=50)		Management personnel (n=30)	
	Causes of disputes	Percent. of possible scores obtained.	Causes of disputes	Percent. of possible scores obtained.
I	Wages, bonus, cost of living issues.	88.00 (220)	Wages, bonus, cost of living issues.	90.67 (136)
II	Suspension, dismissals, lay off etc.	87.00 (218)	Promotion, seniority claim.	66.67 (100)
III	Poor working conditions, welfare amenities.	42.40 (106)	Suspension, dismissal, lay off etc.	60.00 (90)
IV	Discriminatory policies regarding working hour, shifts, overtime.	28.80 (72)	Non implementation of laws, Grievance not settled.	33.33 (50)
V	Aggressive, rude and irresponsible management / supervising behaviour.	26.40 (66)	Poor working condition welfare amenities.	25.33 (38)
VI	Promotion, seniority claim.	17.60 (44)	Discriminatory policies regarding working hour, shifts, overtime.	12.00 (18)
VII	Non implementation of laws, Grievance not settled.	16.00 (40)	Aggressive, rude and irresponsible behaviour. of trade union leaders.	10.67 (16)
VIII	Political consideration, sympathy calls.	13.60 (34)	Political consideration, sympathy calls.	6.67 (10)

- Notes: 1. Overall ranking is done on the basis of the percentage of maximum possible scores.
2. Maximum possible scores = n X 5
3. The following scale of scoring is adopted - 1st rank = 5, 2nd = 4, 3rd = 3, 4th = 2 and 5th = 1.

Table 3.7 summarises the causes of dispute as perceived by trade union leaders and management personnel. In order of importance - (i) inadequate wages, bonus issues, workers' demand for higher cost of living allowances; (ii) suspensions, dismissals and lay off; (iii) poor working conditions, inadequate welfare facilities; (iv) discriminatory policy of management, working hours and shift timing and (v) aggressive and irresponsible management/supervisory behaviours are the main five causes of dispute enlisted by the trade union leaders. The first five causes as viewed by the management personnel, according to their rank are -(i) inadequate wages, bonus, cost of living issues; (ii) promotion and seniority claim; (iii) Suspension, dismissals & lay off; (iv) non-implementation of labour laws, non-redressal of grievances in time and (v) poor working condition, welfare amenities. It is interesting to note that inadequate wage, bonus issues, workers demand for higher cost of living allowances i.e. financial causes accounting for the highest percentage of maximum possible scores, is the main causes of dispute as expressed both by trade union leaders and management personnel. Both of them expressed " political considerations and sympathy calls given by various political and social organisation" as an important bearing on industrial unrest in Bangladesh.

The information contained in Appendix A.3, Table 3.6 & Table 3.7, on the whole, draws attention to the fact that wage discontent, poor working and living condition, aggressive responses of the parties, political involvement of trade union, continue to be major considerations in industrial dispute in Bangladesh. Unless these basic causes are removed, no amount of other improvements will help in establishing harmonious labour-management relations in this country.

3.3.4 Impact of Industrial Disputes

The impact of disputes can be analysed from the perspective of the workers, the organisation, the public and the economy, finally measuring the impact on GDP

growth.⁶²In the case of developing countries like Bangladesh, a one percent loss in GDP per annum out of an average of 3 to 5% growth⁶³ would mean a substantial loss in development and may have a direct impact on human well being in the whole country unlike the developed one. The direct cost of disputes to workers is by way of loss of wage, and indirect cost is psychological/motivational. During the last 12 years (1980-91) in Bangladesh on the average the annual wage loss due to industrial disputes was TK. 39.37 million.⁶⁴

There exists an inverse relationship between industrial investment and frequency of dispute. A study⁶⁵ mentioned that there are some problems such as indiscipline among workers, politicization and political division of workers and too many work stoppages, etc. bugging the industrial arena of Bangladesh which ultimately lead to industrial and economic stagnation. One of the major causes of industrial sickness in this country is adverse industrial situation, like industrial disputes.⁶⁶Due to industrial dispute here, on an average TK. 105.58 million loss (per annum) of production occurred during 1980-91.⁶⁷ Another study on entrepreneurship and small enterprise development in Bangladesh reveal that one of the important factors responsible for closure of many industrial units or reasons for failure is the labour problems.⁶⁸ In many cases potential investors become hesitant to put their money in the industrial sector due to unfavourable industrial relations system. One of the factors responsible for low level of labour productivity in some of the large scale industries is the upward tendency of labour disputes.⁶⁹

3.4 Institutional and Legal Framework of Resolving Industrial Disputes in Bangladesh

Having analysed the trends, causes and impact of industrial dispute, it would now be worthwhile to cast a glance over the existing mechanism of management of industrial dispute. The Industrial Relations Ordinance, 1969 (IRO, 69), applicable to

both the private and public sector industries, provides the basic framework governing the dispute resolution system in Bangladesh. The government policy towards settlement of dispute in Bangladesh is characterised by a complex mix of differentiated mechanism for private and public sectors. Compulsory regulations, emphasis on bipartite negotiation and tripartite conciliation, adjudication in the event of prohibition of strikes by government, direct wage regulations of the public sector, tripartite wage boards and two tier adjudication system. This section attempts to present this legal framework in a logical sequence by relating the provision of all the relevant laws in a consistent form.

The legal procedure to be followed in the settlement of dispute have been designed according to the nature of the dispute i.e. whether the dispute in question of a 'right' dispute or an "interest" dispute, or whether it is an individual or a collective dispute. It, however, happens that the individual dispute usually relate to "right" dispute, while collective disputes to both "interest" and "right" dispute. The law prescribe two different path for the resolution of the two types of disputes. The institutions involved in each path have been shown in **Figure 3.1**.

3.4.1 Settlement of Right Disputes

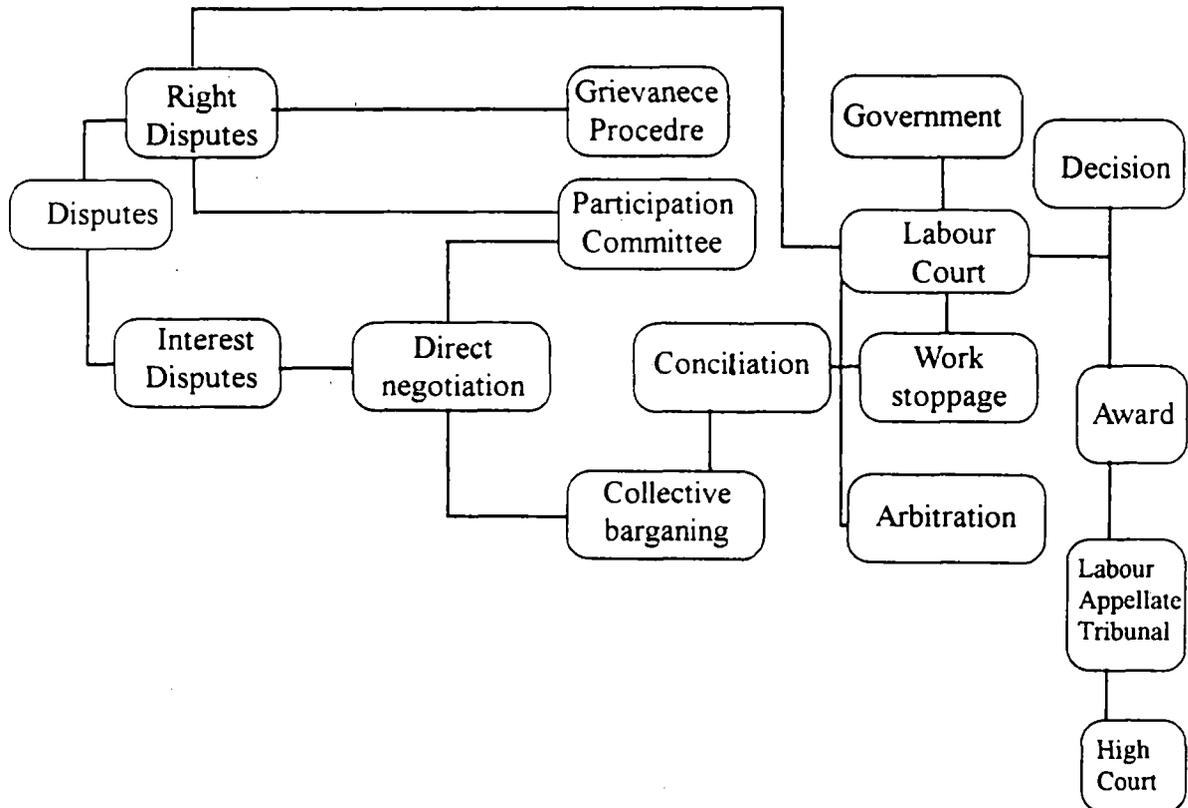
The following three machineries are available for the settlement of right disputes.

1. Participation Committee:

In Bangladesh, for every enterprise employing 50 or more workers, there is a participation committee consisting of equal representatives of workers and employers.⁷⁰ Workers representatives being nominated by their collective bargaining agent. The participation committee is to promote mutual trust, understanding and cooperation

between management and workers through ensuring the application of various labour laws and other prescribed measures.

Fig. 3.1 The Legal Framework of Disputes Settlement.



Source: Directorate of Labour, Dhaka

In fact, participation committee have not proved effective in most cases for the reason that their functions have gradually been taken over by the collective bargaining agents⁷¹ which now hold direct consultation with the management on any issue concerning workers' interests and service conditions. Moreover, IRO, 69 does not provide any procedure as to how this committee is to be approached and how to dispose of the cases referred to it.

2. Grievance Procedure:

The Employment of Labour(Standing Order)Act, 1965 the law, specifies that any individual worker who has a grievance in respect of any matter covered by the law⁷² may seek redress under the following grievance procedure.⁷³

(a) The worker concerned is to bring his grievance in writing to the notice of the management, within 15 days of the occurrence of the causes of such a grievance.

(b) The management after receiving such a grievance, enquires into the matter and give the worker concerned an opportunity of being heard. Its decision must be communicated within 30 days of the receipt of such grievance.

An individual dispute is not taken cognisance of as an industrial dispute under law, unless it raised by the CBA. Grievance procedures dealing with the disputes which are individual in nature, not taken up by the CBA. A vast majority of the individual disputes related to personnel and disciplinary matters as covered by the Employment of Labour (Standing Order) Act, 1965 occurred in Bangladesh. If the CBA does not take up such individual disputes, the worker(s) concerned then approach their management through the grievance procedure in their individual capacity.

3. Labour Court:

A labour court is the original adjudication authority set up under the law.⁷⁴ A labour court adjudicates and determines an industrial dispute which has been referred to or brought before it. If the management fails to give its decision under the above grievance procedure, or if the worker is dissatisfied with such decision, he may lodge a complaint to the appropriate labour court⁷⁵ within 30 days from the last date of the grievance procedure. On receipt of any such complaint, the labour court has to decide the case in such a way as it deems proper.⁷⁶ Any CBA or any individual (management or workers) may also apply to labour court for enforcement of any right guaranteed or of any award or settlement.⁷⁷

3.4.2 Settlement of Interest Disputes:

The resolution of interest disputes in Bangladesh is mainly governed by the IRO, 1969, as amended up-to-date.⁷⁸ In the public sector, however, the framework provided by the IRO, 1969 is subject to two other special legislation - the State Owned Manufacturing Industries Workers (Terms and Conditions of Services) Act, 1974 and the Essential Services(Second)Ordinance, 1958. The following machineries are available for the settlement of interest dispute which are provided by the laws.

1. Bipartite Negotiation

As prescribed by the law, dispute involving interest is first required to be settled through bipartite negotiation between the disputant parties. The IRO, 1969 provides for two methods of bipartite negotiation :

a) **Participation Committee:** Participation committee is a joint forum which facilitates the disputant parties to produce their complain. This committee is available for settlement of disputes through bilateral consultation. As the law does not provide for any detailed procedure regarding this machinery for resolving disputes and use of this committee is not compulsory, in practice the parties generally by-pass it.

b) **Collective Bargaining :** In case of failure of participation committee to settle a dispute or of its by-passing, collective bargaining between the parties may taken place. The IRO, 1969 provides collective bargaining as a dispute settlement machinery before referring disputes to conciliation, voluntary arbitration and adjudication. For collective bargaining purposes the affected parties - an employer or CBA, as the case may be, raised dispute in writing, to the other party.⁷⁹ It is to be noted that an industrial dispute can be raised only by an employer or CBA.⁸⁰ In relation to an establishment or industry, the CBA means a trade union of workmen declared by the Registrar of Trade Unions under prescribed procedure to be an exclusive bargaining agent for the workmen in that establishment or industry, as the case may be.⁸¹ Negotiation takes place and settlements are arrived between the CBA and management.

Twenty one days are allowed with a view to reaching an agreement at this stage.⁸² The agreement arrived at is equally applicable to members and non-members of a trade union. A collective bargaining agreement in Bangladesh, has the enforceability by law and it is recognised by government and by the courts. Once an agreement is arrived at it remains valid for one year or such period as is agreed upon between the parties and continues to be binding unless a two months notice in writing is given by any of the parties in the agreement to terminate the same.⁸³

2. Conciliation

If the decision of bipartite negotiation is not acceptable to any of the disputing parties or if collective bargaining fails, any of the parties concerned may request the conciliator in writing, to conciliate the dispute⁸⁴ within 14 days from the date of failure of collective bargaining.⁸⁵ In this case the conciliator is appointed by the government.⁸⁶ After receiving such request it becomes obligatory on the part of the conciliator to start conciliation process. Initially he is given 10 days within which he has to call the parties involved to a meeting for the purpose of bringing about a settlement.⁸⁷ The representative of the parties are under a legal obligation to attend the meeting called by the conciliator.⁸⁸ In the conciliation proceedings/ meetings, the conciliator may suggest such modifications or concessions to either party as, in his opinion, are likely to promote such settlement.⁸⁹

If the conciliator fails to settle the dispute within 10 days the party may serve on the other party of 21 days notice of strike or lock-out, as the case may be.⁹⁰ However, the CBA, before serving any such notice, has to obtain the consent of the three-fourth of its members through secret ballot specifically held for the purpose of obtaining their consent over the strike action.⁹¹ When a party serves a notice of strike or lock-out, it has to simultaneously deliver a copy thereof to the conciliator and the conciliator after receiving of the notice, proceeds again to conciliate in the disputes.⁹² If no settlement is arrived at within the period of the notice of strike or lock-out, the conciliation

proceeding may be continued for a further period as may be agreed upon by the parties concerned.⁹³

If a full or partial settlement of a dispute is arrived at in the course of the conciliation proceedings, a memorandum of settlement is to be signed by the parties and the conciliator is to send a report about the settlement together with a copy of the agreement to the Government.⁹⁴ In the event of a failure of the conciliation efforts, the conciliator is to issue a "failure certificate" to the parties.⁹⁵ After the failure of conciliation, conciliation officer is intended to persuade the disputant parties to agree to refer the dispute to an arbitrator.⁹⁶ There are three alternative ways after failure of conciliation - voluntary arbitration, direct industrial action and adjudication through labour courts. The practice of conciliation is compulsory in Bangladesh in the sense that the parties cannot go for direct industrial action without first going through conciliation. The conciliator, however, cannot impose any settlement on the parties.

3. Voluntary Arbitration

Voluntary arbitration is a process of settling a dispute by asking a third party chosen by the parties to the dispute to render a binding decision. The practice of arbitration in Bangladesh is voluntary in the sense that the parties are not legally obliged to refer their dispute to an arbitrator, but once they agree to refer to him, his decision is binding on the parties as final.⁹⁷ It is primarily intended to offer the parties an alternative to referring the disputes to labour courts. An arbitrator may be a person borne on a panel to be maintained by the Government or any other person agreed upon by the disputant parties.⁹⁸ The arbitrator is to give his award within a period of 30 days from the date of reference or within such an extended period as may be agreed upon by the parties. An award of arbitration is to remain valid for not more than two years or such period as arbitrator prescribed.⁹⁹

4. Adjudication

Adjudication is the final stage in the settlement of industrial disputes in Bangladesh. The disputes, which could not be settled either through collective bargaining or through the good offices of the conciliation machinery or through voluntary arbitration, is transferred to a statutory authority, for adjudication. Disputes are generally referred to adjudication on the recommendation of the conciliation officer who had dealt with it earlier. Adjudication machinery in Bangladesh consists of two tiers viz. Labour Courts and Labour Appellate Tribunal. At present there are seven permanent labour courts and one tribunal operating in Bangladesh.

(a) Adjudication by Labour Court:

After the stages of collective bargaining and conciliation are exhausted, the disputant parties may at any time either before and after the commencement of a strike or lock out make application to the labour court for adjudication of the dispute.¹⁰⁰ The Government may also, at any time refer any industrial dispute to a labour court for adjudication.¹⁰¹ A labour court is constituted with a chairman and two members - one to represent the employers and the other to represent the workers, all to be appointed by the Government in prescribed manner.¹⁰² The chairman of the labour court is to be a Judge or an Additional Judge of a High Court or of a District Court.¹⁰³ The stipulated time for the disposal of a case in labour court is 60 days¹⁰⁴ and an award of the court is to remain valid for not more than two years.¹⁰⁵

b) Adjudication by Labour Appellate Tribunal:

The verdict of a labour court in interest dispute is termed as an "award", while that in a right dispute as a "decision". All decision of a labour court are final and cannot be called in question in any manner by or before any other court or authority. An award of a labour court is, however, appealable to a labour appellate tribunal. A tribunal

consists of one member appointed by Government. The member is a person who is or has been a Judge or an Additional Judge of a High Court.¹⁰⁶ If either party is not satisfied with the award of the labour court it can prefer an appeal to the tribunal within 30 days of the delivery of such an award.¹⁰⁷ The decision of the tribunal is to be given within a period of 60 days following the date of filing the appeal.¹⁰⁸ The decision of a tribunal in appeal cases are final. The tribunal can also award punishment for contempt of its authority as well as of the labour courts, as if it was a High Court. Any person convicted and sentenced by the tribunal for such contempt may, however, prefer, an appeal to the High Court.¹⁰⁹

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78. The IRO, 1969, latest amended on October 13, 1990, the new ordinance was named Industrial Relations (Amendment) Ordinance, 1990.
79. Section 26(1) of the IRO, 1969, op.cit.
80. Section 43, Ibid.
81. Section 2(V) and 22, Ibid.
82. The Industrial Relations (Regulation) Ordinance, 1982.
83. Section 40(2) , IRO 1969, op.cit.
84. Section 27(A), Ibid.
85. Section 9(2) the IR(Regulation)O, 1975, op.cit.
86. Section 2(7), the IRO 1969, op.cit.
87. Section 30(1), Ibid.
88. Section 30(2), Ibid.
89. Section 30(3), Ibid.
90. Section 28, Ibid.
91. Section 8, of the Industrial Relations (Appendment) Act., 1980, op.cit.
92. Section 29, the IRO, 1969, op.cit.
93. Section 30(5), Ibid.
94. Section 30(4), Ibid.
95. Section 9(3) of the IR(Regulation)O, 1975, op.cit
96. Section 31(1), the IRO, 1969, op.cit.
97. Section 31(5), Ibid.
98. Section 31(2), Ibid.

99. Section 31(5) Ibid.
100. Section 32(1A) Ibid.
101. Section 32(2) Ibid.
102. Section 35(2) Ibid.
103. Section 35(3) Ibid.
104. Section 32(4) Ibid.
105. Section 32(5) Ibid.
106. Section 38(2) Ibid.
107. Section 37(3) Ibid.
108. Section 38(3) Ibid.
109. Section 38(5-6), Ibid.

APPENDIX A: TABLES RELATING TO INDUSTRIAL DISPUTES**APPENDIX A.1****Industrial Disputes by Causes, 1973 - 92**

Year	Economic causes		Political causes	
	Number	Percentage	Number	Percentage
1973	51	87.93	07	12.07
1974	32	100.00	-	-
1975	02	100.00	-	-
1976	04	80.00	01	20.00
1977	15	68.18	07	31.82
1978	67	75.28	22	24.72
1979	75	93.75	21	21.88
1980	95	91.35	09	08.65
1981	75	93.75	05	06.25
1982	55	100.00	-	-
1983	02	12.50	14	87.50
1984	15	10.56	127	89.44
1985	18	18.95	77	81.05
1986	21	45.65	25	54.35
1987	01	12.50	07	87.50
1988	04	44.44	05	55.56
1989	06	37.50	10	62.50
1990	02	40.00	03	60.00
1991	03	100.00	--	--
1992	11	100.00	--	--
1973 - 82	472	86.76	72	13.24
1983 - 92	83	23.65	268	76.35

Sources : Bangladesh Labour Journal (various issues), Directorate of Labour, Government of Bangladesh.

APPENDIX A.2**Wages and Productio Losses in Industry Due to Industrial Disputes, 1980 - 91.**

Year	Wage losses (TK. in million)		Production losses (TK. in million)	
	At current price	At 1988 price	At current price	At 1988 price
1980	09	20	106	236
1981	178	359	143	288
1982	15	27	51	91
1983	04	07	15	26
1984	21	31	159	223
1985	13	17	75	96
1986	84	101	544	656
1987	11	12	93	100
1988	11	11	13	13
1989	04	04	29	27
1990	02	02	24	21
1991	04	04	15	13
Total	352.40	591.40	1267	1800
Annual average	29.37	49.28	105.58	150

Source : Md. Abu Taher, " State and Industrial Relations - Bangladesh as a Case in the Post- Colonial Third World Context", unpublished Ph. D. Thesis, Chittagong University, 1994, Table - 5.7 ; p. 141.

APPENDIX A.3
Dispute Data by Causes in Bangladesh, 1980 - 91

Causes	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	TOTAL
Wages, Increment & Dearness Allowance:													
Number of disputes	93	45	12	02	07	17	02	--	03	04	--	02	187
Workers involved	1,24,728	24,684	21,577	46,493	24,702	5,433	1,459	--	185	19,085	--	312	2,68,658
Mandays lost	10,07,301	3,30,159	2,34,195	2,16,228	87,052	42,734	40,903	--	6,845	22,589	--	20,723	20,08,729
Bonuses, Gratuity, Provident fund :													
Number of disputes	02	12	34	--	03	01	19	--	--	01	01	--	82
Workers involved	16,989	8,840	211	--	6,856	3,715	42,500	--	--	1,450	70	--	80,631
Mandays lost	22,566	44,997	4,463	--	31,896	18,575	1,46,648	--	--	2,900	12,320	--	2,84,365
Pormotion and other personnel matter :													
Number of disputes	03	04	--	01	01	--	--	01	--	01	--	--	11
Workers involved	4,984	35,158	--	891	3,758	--	--	625	--	354	--	--	45,770
Mandays lost	56,253	3,90,168	--	5,346	3,992	--	--	15,625	--	19,470	--	--	4,90,854
Pay scale, Grade benefit :													
Number of disputes	--	17	--	--	05	--	--	--	--	--	--	--	22
Workers involved	--	42,254	--	--	1,589	--	--	--	--	--	--	--	43,843
Mandays lost	--	4,15,514	--	--	4,767	--	--	--	--	--	--	--	4,20,281
Political issues :													
Number of disputes	--	--	--	12	120	76	26	17	05	10	03	--	268
Workers involved	--	--	--	1,10,972	4,30,683	1,88,845	62,018	88,170	28,603	39,624	14,417	--	9,63,332
Mandays lost	--	--	--	1,53,611	9,63,604	2,17,861	18,92,120	1,59,653	37,823	40,436	14,417	--	34,79,525
Miscellaneous :													
Number of disputes	06	02	--	01	06	01	--	--	01	--	01	01	19
Workers involved	17,331	6,095	--	17,431	13,416	125	--	--	86	--	67	142	54,693
Mandays lost	74,316	17,622	--	17,431	53,506	5,750	--	--	4,730	--	1,742	9,088	1,84,185
All cases :													
Number of disputes	104	80	55	16	142	95	46	18	09	16	05	03	589
Workers involved	1,64,032	1,17,031	21,788	1,75,787	4,81,004	1,98,118	1,05,977	88,795	28,874	60,513	14,554	454	14,56,927
Mandays lost	11,60,436	11,98,460	2,38,658	3,92,616	11,44,817	2,84,920	20,79,671	1,75,278	49,398	85,395	28,479	29,811	68,67,93

Source : Various issues of the Bangladesh Labour Journal, published by the Department of Labour, Govt. of Bangladesh.

APPENDIX A.4**Growth of Trade Union in Bangladesh, 1972-95**

Year	No. of registered trade unions	No. of average members of trade union	Average member per union (3/2)	% Change in No. of trade unions	Change of No. of members of trade union
1	2	3	4	5	6
1972	2523	682923	270.68	--	--
1973	3096	859735	277.70	22.71	25.89
1974	3320	946977	285.23	07.24	10.14
1975	3161	921152	291.41	-4.79	-2.73
1976	3037	895904	295.00	-3.92	-2.54
1977	3005	873128	290.56	-1.05	-2.74
1978	3178	1006516	316.71	5.76	15.27
1979	3357	1041080	310.12	5.63	3.32
1980	3613	1097707	304.66	7.63	5.16
1981	3533	1127508	319.14	-2.21	2.64
1982	2156	946048	438.80	-38.98	-19.18
1983	2216	947281	445.57	-1.39	0.13
1984	2488	1075496	432.27	17.03	13.54
1985	2593	1090338	420.49	4.22	1.38
1986	3132	1164279	371.74	20.79	6.35
1987	3387	1195704	353.03	8.14	2.70
1988	3625	1421834	419.82	7.03	18.91
1989	3908	1517567	388.32	7.81	6.31
1990	3789	1619008	427.29	-3.05	6.68
1991	3956	1642915	415.30	4.41	1.48
1992	4065	1648783	405.60	2.75	0.36
1993	4238	1674945	395.22	4.26	1.59
1994	4484	1681694	375.04	5.80	0.40
1995	4678	1720679	367.82	4.33	2.32
Period average (1972-95)	3355.75	1199966.7	359.06	3.34	04.05

- Source: 1. From 1972-1991: Compiled from various issues of Bangladesh Labour Journal, Directorate of Labour, Government of Bangladesh.
2. From 1992-94: Official documents of the Directorate of Labour, Govt. of Bangladesh.

APPENDIX A.5**State of Trade Union and Federation of Trade Unions in Bangladesh (1995)**

Types of union	No. of union	No. of member	No. of affiliated union	No. of member
1. Basic union :				
a. Workers union	3,889	16,34,176		
b. Employers union	789	86,503		
Total	4,678	17,20,679		
2. Industria Federation :				
a. Worker federation	92		757	5,64,505
b. Employer federation	03		16	4,381
Total	95		773	5,68,886
3. National federation	23		887	8,52,532

Source : Collected from the Directorate of Labour, Government of Bangladesh, Dhaka.

APPENDIX A.6**Statement of the National Federation of Trade Union in Bangladesh (1995)**

No. Name of the federation	No. of affiliated union	No. of member of affiliated	Political affiliation Union	Inter-national affiliation
1. Bangladesh Jatiya Sramik League	90	50,693	Non-political	ICFTU
2. Jatiya Sramik Federation	19	18,300	Samiya Badi Dal (Dlip Baura)	---
3. Bangladesh Trade Union Centre	60	36,881	Communist party of Bangladesh (CPB)	WFTU
4. Bangladesh Sangukta Sramik Federation	45	21,272	Non-political	WCL
5. Bangladesh Trade Union Sangha	12	19,903	Non-political	--
6. Jatiya Sramik Jote	12	2,260	Gano - Forum Bangladesh	WFTU
7. Bangladesh Jatiyatabadi Sramik Dal	218	2,09,748	Nationalist Party (BNP)	ICFTU
8. Bangladesh Sramik Kallyan Federation	20	9,570	Jammat-e-Islami Bangladesh	--
9. Bangladesh Ganatantrik Sramik Federation	03	5,937	Workers Party of Bangladesh	WFTU
10. Bangladesh Sramik Federation	03	298	Non-Political	--
11. Jatiya Sramik League	144	1,46,972	Bangladesh Awami league	WFTU
12. Bangladesh Trade Union Federation	04	1648	Non-political	--
13. Bangladesh Free Trade Union Congress	19	60,196	Non-political	ICFTU
14. Bangladesh Sramik Federation	05	3,639	Saimya Badi Dal (TooHa)	--
15. Jateya Sramik Party	142	1,17,844	Jatiya Party	ICFTU
16. Bangladesh Jatiya Sramik Forum	11	4,205	Freedom Party	--
17. Bangladesh Jatiya Sramik Federation	05	2,235	Non-political	ICFTU
18. Samajtrantrik Sramik Front	21	2,671	BSD(Khalequzzaman)	--
19. Jatiya Sramik Jote, Bangladeshh	06	1,671	BSD(Inu)	WFTU
20. Jatiya Sramik Karmachari Jote	26	5,019	Gano-forum	--
21. National Trade Union Federation BTC	05	1,799	Non-political	--
22. National Workers Federation	10	10,467	NDP	--
23. Bangladesh Workers Federation	07	1,19,324	Non-political	--

Source: Collected form office records, Department of Labour, Govt. of Bangladesh.

APPENDIX A.7

Percentage Distribution of the Management Personall and Trade Union Leader According to Their Veivs on the Adequacy of the Statutory Time Limits Provided for the dispiute Settlement Machinery.

Extent of adequacy	Collective bargaining			Conciliation			Arbitration			Labour Court			Labours Appeltate Tribunal		
	MP	TUL	Total	MP	TUL	Total	MP	TUL	Total	MP	TUL	Total	MP	TUL	Total
More than adequate	--	16.00	10.00	13.33	34.00	26.25	06.67	18.00	13.75	10.00	18.00	15.00	13.33	20.00	17.50
Reasonably adeqiate	63.33	58.00	60.00	36.67	42.00	47.50	36.67	26.00	30.00	63.33	40.00	48.75	70.00	44.00	53.75
Less than adequeate	30.00	20.00	23.75	26.67	20.00	22.50	10.00	4.00	06.25	26.67	38.00	33.75	10.00	36.00	26.25
Don's Know	06.67	06.00	06.25	03.33	04.00	03.75	46.67	52.00	50.00	--	4.00	02.50	06.67	--	02..5
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Total respondents	30	50	80	30	50	80	30	50	80	30	50	80	30	50	80

Notes : (a) MP = Management Personel, TUL = Trade Union Leaders. B) Total number of respondents (n) = 80, MP = 30, TUL = 50

APPENDIX A.8**Percentage Distribution of the Industrial disputes Involving Storage of Work
Classified According to Method of Settlement, Bangladesh, 1973 - 1994**

Year	No. of disputes	Methods of settlement					Total
		Collective bargaining	Conciliation	Arbitration	Unconditional return to work	Others	
1973	58	51.72	22.41	--	25.86	--	100.00
1974	32	25.00	28.12	--	46.87	--	100.00
1975	02	50.00	--	--	50.0	--	100.00
1976	05	20.00	40.00	--	40.00	--	100.00
1977	22	09.09	18.18	--	72.73	--	100.00
1978	89	35.95	59.55	--	04.49	--	100.00
1979	96	20.83	38.54	--	34.37	06.25	100.00
1980	104	18.27	13.46	0.96	--	67.31	100.00
1981	80	40.00	22.50	--	31.25	06.25	100.00
1982	55	60.00	21.82	--	01.82	16.36	100.00
1983	16	25.00	--	--	62.50	12.50	100.00
1984	142	07.04	10.56	--	72.53	09.87	100.00
1985	95	10.53	--	--	88.42	01.05	100.00
1986	46	06.52	10.87	--	65.22	17.39	100.00
1987	18	--	05.55	--	88.89	05.56	100.00
1988	09	33.33	--	--	66.67	--	100.00
1989	16	06.25	06.25	--	81.25	06.25	100.00
1990	05	40.00	--	--	60.00	--	100.00
1991	03	66.67	33.33	--	--	--	100.00
1992	11	09.09	--	--	81.82	09.09	100.00
1993	11	09.09	09.09	--	81.82	--	100.00
1994	02	--	--	--	100.00	--	100.00
Total	917	23.45	20.28	.12	43.62	12.64	100.00

Source: Bangladesh Labour Journal (several issues), Department of Labour, Government of Bangladesh.