Bengali → English

Bangladesh Labor Act, 2006

(Act No. 42 of 2006)

[11 October 2006]

CHAPTER FOURTEEN

Dispute resolution, labor courts, labor appeal tribunals, legal proceedings, etc.

Industrial Dispute Resolution

210. (1) If at any time any employer or collective bargaining representative sees that there is a possibility of any dispute arising between the employer and the workers, the said employer or collective bargaining representative shall express his or her opinion and inform the other party in writing.

(2) Within fifteen days of the receipt of a letter under sub-section (1), the addressee shall, in consultation with the other party, arrange a meeting with him to commence joint negotiations with a view to arriving at an agreement through discussion on the matters raised in the letter, and such meeting may also be held between representatives of both parties authorised for the purpose.

(3) If the parties reach a settlement on the matter discussed after such discussion, a settlement agreement shall be drawn up and signed by both parties, and a copy thereof shall be sent by the employer to the Government, the Director of Labour and the arbitrator.

(4) If-

(a) If the recipient of any letter sent under sub-section (1) fails to arrange a meeting with the other party within the time specified in sub-section (2), then that other party, or

(b) If no settlement is reached within one month from the date of the first meeting held for the settlement of the dispute through mutual negotiations between the parties or within such extended period as may be agreed in writing by both parties, then either party may, within fifteen days after the expiry of the period referred to in sub-section (2) or, as the case may be, clause (b) of this sub-section, inform the appropriate conciliator referred to in sub-section (5) thereof and request him in writing to settle the dispute through conciliation.

(5) For the purposes of this Chapter, the Government shall, by notification in the Official Gazette, appoint such number of conciliators as may be necessary for any particular area or any particular institution or industry mentioned therein, and any request for conciliation under sub-section (4) shall be received by the conciliator appointed under this sub-section for the area or institution or industry concerned.

(6) The Conciliator shall commence his conciliation proceedings within ten days of receipt of such request and shall call a meeting of both parties to resolve the dispute.

(7) The parties to the dispute shall appear before the Conciliator in person or through a representative nominated by them and authorized to enter into a binding agreement between the parties, on the date and time fixed by him.

(8) If the dispute is settled as a result of conciliation, the conciliator shall submit a report to the Government thereon, and a copy of the settlement agreement signed by both parties shall also be sent therewith.

(9) If the dispute is not settled within thirty days of the receipt of the request for conciliation by the conciliator, the conciliation proceedings shall be deemed to have failed, or may be continued for a longer period with the written consent of both parties.

(10) If the conciliation process fails, the conciliator shall attempt to persuade both parties to refer the dispute to an arbitrator for settlement.

(11) If the parties do not agree to refer the dispute to an arbitrator for settlement, the conciliator shall, within three days of the failure of the conciliation proceedings, issue a certificate to the parties stating that the conciliation proceedings have failed.

(12) If the parties agree to refer the dispute to an arbitrator for settlement, they shall send a joint request for settlement of the dispute to an arbitrator recognized by all of them.

(13) The arbitrator referred to in sub-section (12) may be any person from the list of arbitrators prepared by the Government for this purpose, or may be any other person accepted by the parties.

(14) The arbitrator shall render his award within thirty days of receipt of the request for arbitration, or within such extended period as may be agreed to in writing by the parties.

(15) The arbitrator, after rendering his award, shall send a copy thereof to the parties and another copy to the Government.

(16) The award given by the Arbitrator shall be final and no appeal shall lie against it.

(17) Any award shall remain valid for a period not exceeding two years as determined by the Arbitrator.

(18) The Director of Labour may, at any time, if he thinks fit in the interest of settling any dispute, take over any conciliation proceedings from any conciliator and conduct them himself, or may transfer them to any other conciliator, and in such case the other provisions of this section shall apply.

(19) Notwithstanding anything contained in this section, in respect of any establishment in respect of which an employers' trade union or trade union federation has been registered, the collective bargaining representative of that establishment shall liaise with the said employers' trade union or federation in respect of industrial disputes, and any agreement for the settlement of industrial disputes entered into with such employers' trade

union or federation shall be binding on all the employers and workers of the establishment concerned.

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